

COUNTY OF HENRICO PLANNING OFFICE

OFFICE / WAREHOUSE

PT. 103-AI-20
FAIRFIELD DISTRICT

C-19C-92



JAS



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

July 14, 1992

Re: Conditional Rezoning Case C-19C-92

Mr. Darrell A. Young, President
Virginia Center, Inc.
1049 Technology Park Dr.
Glen Allen, Virginia 23060

Dear Mr. Young:

The Board of Supervisors at its meeting on July 8, granted your request to conditionally rezone property from O-3C Office District (Conditional) to M-1C Light Industrial District (Conditional), Part of Parcel 103-A1-20, described as follows:

Beginning at a point on the W. line of Ethelwood Road extended and the S. line of J.E.B. Stuart Parkway extended; thence along said S. line of J.E.B. Stuart Parkway N. $73^{\circ} 40' 44''$ E., 82.82' to a point; thence continuing along said S. line of J.E.B. Stuart Parkway along a curve to the right having a radius of 900.10' and a length of 1122.24' to the true point and place of beginning; thence continuing along the (now considered) W. line of J.E.B. Stuart Parkway along a curve to the right having a radius of 900.10' and a length of 706.66' to a point; thence leaving said W. line of J.E.B. Stuart Parkway S. $71^{\circ} 35' 15''$ W., 456.66' to a point; thence N. $21^{\circ} 54' 45''$ W., 684.31' to a point; thence N. $71^{\circ} 35' 15''$ E., 586.17' to a point on the W. line of J.E.B. Stuart Parkway, being the true point and place of beginning and containing 8.903 acres.

The Board of Supervisors accepted the following proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance):

1. Use Restrictions. The only uses permitted on the Property shall be as follows:
 - (a) Those uses first permitted as principal uses in an M-1 Light Industrial District;
 - (b) Those uses permitted in an O-3 Office District or O/S Office/Service District;
 - (c) Data processing centers;
 - (d) Repair facilities within enclosed buildings;
 - (e) Wholesaling;

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- (f) Showroom sales and service areas;
 - (g) Distribution facilities;
 - (h) Cafeterias or restaurants in association with and in support of and incidental to other permitted uses;
 - (i) Such other accessory uses not otherwise prohibited as are customarily accessory and incidental to any permitted uses; and such other uses specifically approved by the Planning Commission at the time of Plan of Development review.
2. Buffers. A buffer consisting of natural areas, berms or landscaping or any combination thereof for purposes of lessening the visual impact of the development of the Property on adjacent land of a minimum of twenty-five (25) feet in width along J.E.B. Stuart Parkway will be provided and maintained, except to the extent necessary for vehicular and pedestrian accessways, utility and drainage easements, signage or other purposes specifically approved by the Planning Commission at the time of Plan of Development review.
 3. Architectural Treatment. The exterior wall surfaces (front, rear and sides) of each individual building shall be similar in architectural treatment and material. No portion of an exterior wall surface visible from any adjoining property shall contain painted or untreated concrete masonry units, concrete walls, or asbestos.
 4. Screening. Heating or air-conditioning equipment placed on the roof of any building, loading docks and loading areas and refuse containers shall be screened from public view from residential properties and public streets.
 5. Parking Lot Lighting. Parking lot lighting shall not exceed twenty-five (25) feet in height as measured from the grade of the base of the lighting standard. Parking lot lighting shall be produced from concealed sources of light and shall be reduced to no more than a security level following the close of business operations.
 6. Open Space. At least twenty percent (20%) of the site within the Property shall be used for permanent open space. This area shall be used for landscaping, lawns, screening and/or buffer areas and may include bodies of water, works of art and outdoor recreation areas. The area devoted to the project perimeter buffering shall be counted toward this requirement.
 7. Sign Restrictions. Signage for the Property shall be controlled by the standards applicable to O-3, Office District, unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review or by any other governmental body.

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8. Traffic Studies. (a) In connection with Rezoning Case C-115C-88, the applicant submitted a comprehensive traffic study dated November 1990, prepared by Burton, Adams, Kemp & King, Inc. analyzing the traffic impact of the full development of the land owned by Virginia Center, Inc., including the Property, and land which is now the site of the Virginia Center Commons Mall (the "Master Traffic Study"). The Master Traffic Study shall be used to coordinate the overall development program for the Property.

(b) In conjunction with any Plan of Development approval process for any portion of the Property, a traffic study shall be submitted which describes the traffic impact of such proposed development. If such development is contemplated to occur in phases, such traffic study shall indicate the traffic impact of each phase. Should any proposed development not warrant a traffic study in the opinion of the Henrico County Traffic Engineer, such study may be waived. No such Plan of Development will be approved until such time as the County of Henrico has agreed to (i) the improvements in roads and intersections which are necessitated by such development, (ii) when and, if the proposed development is to be phased, with which phase such improvements are to be completed and (iii) who will complete or cause the completion of such improvements. Where portions of the Property will be developed in phases, any roadway improvements required for any portion of the Property shall be assigned to the applicable phase of the development in the Plan of Development approval process and shall be constructed in connection with the development of such phase. Any right of way required for the construction of such roadway improvements shall be dedicated to Henrico County or VDOT, as applicable. Once such roadway improvements have been determined and assigned to individual phases of such portion of the Property in connection with the Plan of Development approval process described above, development of such portion of the Property may proceed in phases in accordance with the approved Plan of Development without submittal of additional traffic studies and without additional road improvements being required.
9. Outside Speakers. No outside speaker system shall be used on the Property.
10. Hours of Operation. Truck delivery of merchandise to and distribution from the warehouse shall not commence before 6:00 a.m. in the morning nor extend beyond 7:00 p.m. in the evening, provided that no truck delivery service shall be permitted on Sundays, except in case of public emergencies.
11. Loading. Truck loading and unloading operations shall take place under weather sealed shrouds and/or entirely within enclosed buildings and shall be located on the south side of the building on the Property.

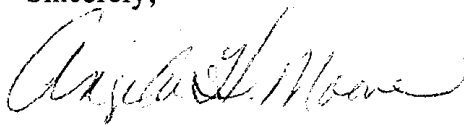
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12. Severance. The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,


for Virgil R. Hazelett, P.E.,
County Manager

cc: Clerk, Board of Supervisors
Director, Real Estate Assessment
Conditional Zoning Index
Mr. Jay M. Weinberg, Esquire