

OFFICE AND ACCESSORY USES

C-49C-99

Pt. of 57-A-66
THREE CHOPT DISTRICT



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

September 23, 1999

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-49C-99

Mr. and Mrs. R. Earl Johnson
Rainbow Station
10950 Three Chopt Rd.
Richmond, VA 23233

Dear Mr. and Mrs. Johnson:

The Board of Supervisors at its meeting on September 14, 1999, granted your request to conditionally rezone property from A-1 Agricultural District to O-1C Office District (Conditional), Parcel 57-A-66, described as follows:

Beginning at a point south of the intersection of Church Road and Three Chopt Road, said point of beginning being S. 40° 45' 52" W., 195.19' from the W. line of Three Chopt Road; thence from said point of beginning, S. 39° 56' 38" E., 325.16' to a point; thence S. 40° 30' 30" W., 94.43' to a point; thence S. 40° 08' 10" W., 187.44' to a point; thence N. 49° 02' 20" W., 317.18' to a point; thence N. 39° 30' 52" E., 284.00' to a point, thence N. 40° 45' 52" E., 99.34' to the point of beginning, containing 2.252 acres.

The Board of Supervisors accepted the following proffered conditions, dated September 13, 1999, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Permitted Uses. Only the following uses shall be permitted on the Property:
 - a. Offices and office buildings for business, professional, medical and administrative offices.
 - b. Studios for artists, designers, writers, photographer, sculptor or musician.
 - c. Child care centers, so long as the daily enrollment of any such center(s) (as licensed by the Department of Social Services of the Commonwealth of Virginia, or its successors) shall not exceed 375 children.
 - d. Accessory uses allowed in the O-1 Office zoning district.

2. Buffers. A natural and landscaped buffer at least twenty-five (25) feet in width will be provided on the Property adjacent to any property that is zoned residential and adjoining the Property along (a) the north-western boundary line of the Property (adjacent to Tax Map Parcels 0057-0A-0000-0056C and 0057-0A-0000-0055); (b) the

southern boundary line of the Property (adjacent to lots within Coles Way Subdivision (including any common area in Coles Way Subdivision) that are adjacent to the Property); and (c) the south-eastern boundary line of the Property (adjacent to lots 8 and 9 of the Deep Run Manor Subdivision). A natural and landscaped buffer at least fifteen (15) feet in width will be provided adjacent to any other property that is zoned residential and adjoining the Property, including that portion of Tax Map parcel 0057-0A-0000-0065 adjacent to the Property.

A six foot wooden opaque fence shall be located within or along any such buffer of twenty-five (25) feet in width. Any such fence shall be located at least twenty-five (25) feet from the southern boundary line of the Property (adjacent to lots within the Coles Way Subdivision (including any common area in Coles Way Subdivision) that are adjacent to the Property) and the south-eastern boundary line of the Property (adjacent to lots 8 and 9 of the Deep Run Manor Subdivision).

Underbrush, fallen, diseased or dead trees and plant growth may be removed from any buffer area; if such underbrush, trees and plant growth are removed, additional supplemental plantings shall be added to such buffer.

Utility easements, driveways, roads and signage may be permitted in any such buffer. Any such road or utility easement shall be extended generally perpendicular to such buffer, unless otherwise specifically allowed at the time of Plan of Development review and except as may currently exist.

No Best Management Practice structures shall be placed within any such buffer area unless otherwise specifically allowed at the time of Plan of Development review.

The south-west corner of the above referenced twenty-five (25) foot buffer shall be supplemented with up to twenty-five (25) Leyland Cyprus at least six (6) feet in height, unless otherwise approved at the time of Plan of Development review.

3. Building Setback. Any building on the Property shall be set back at least (a) twenty-five (25) feet from the south-eastern boundary line of the Property adjoining any property within the Deep Run Manor Subdivision, and (b) one hundred fifty (150) feet from the southwestern property line as it adjoins any property within the Coles Way Subdivision.
4. Drainage Facilities. Any Best Management Practices or other detention facility on the Property shall be underground.
5. Exterior Materials; Exterior Appearance. The exposed portions of each exterior wall surface (front, rear and sides) of each building constructed on the property (excluding

rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such buildings in architectural treatment and materials. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) of brick, glass and/or Exterior Insulating Finishing System (E.I.F.S.), unless different architectural treatment and/or materials are specifically requested and approved with respect to the exposed portion of any such wall at the time of Plan of Development review.

No building shall be covered with or have exposed to view any painted or unfinished concrete masonry units, sheet or corrugated aluminum, asbestos or metal unless otherwise specifically requested and approved by the Planning Commission at the time of Plan of Development review.

6. HVAC Screening. Any heating, ventilating and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property.
7. Exterior Lighting. Exterior lighting fixtures shall not exceed twenty feet in height as measured from the grade of the base of the lighting standard or from the finished grade of the building directly below such lighting fixture, as the case may be. Exterior light fixtures, other than low intensity decorative ornamental fixtures such as gas style lamps, 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 each day. At no time shall any lighting exceed one-half (1/2) foot-candle at the boundary lines of the Property adjoining any residential property.

All lighting shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property. No free-standing light fixtures shall be located within any rear-yard or side-yard building set-back areas on the Property.

8. Utility Lines. Except for junction and access boxes, meters and existing overhead utility lines, all utility lines, including, without limitation, electric, telephone, CATV or other similar lines, shall be installed underground. All junction and access boxes and meters shall be screened from view at the perimeter of the Property to the greatest extent practical.
9. Security Alarms. Outside speakers shall be prohibited. No external alarm bells or external warning devices that are audible beyond the boundary lines of the Property shall be permitted on the Property.
10. Trash and Recycling Receptacle Areas. All dumpsters, trash and recycling receptacles, (not including convenience cans), shall be screened from view at the boundary line of the Property in a manner approved at the time of Plan of Development review. No

Mr. and Mrs. R. Earl Johnson
Rainbow Station
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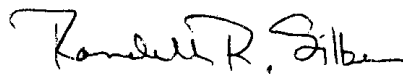
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trash pick up shall occur before 7:00 a.m. or after 7:00 p.m. Monday through Friday or before 9:00 a.m. or after 7:00 p.m. on Saturdays. No trash pick up shall occur on Sundays or national holidays.

11. Parking Lot Cleaning & Leaf Blowing. No parking lot cleaning or leaf blowing shall occur before 7:00 a.m. or after 7:00 p.m. Monday through Friday or before 9:00 a.m. or after 7:00 p.m. on Saturdays. No parking lot cleaning or leaf blowing shall occur on Sundays or national holidays.
12. Conceptual Sketch. The Property shall be developed in substantial conformance with the attached layout plan prepared by Potts, Minter, and Associates, entitled "SITE PLAN, RAINBOW STATION, THREE CHOPT DISTRICT, HENRICO COUNTY, VIRGINIA," dated September 7, 1999, and attached as Exhibit A (see case file), which layout plan is conceptual in nature and may vary in detail as requested and approved at Plan of Development review or required by any government entity having jurisdiction. Any portion of the property shown on Exhibit A which is not a part of the Property rezoned by this case C-49C-99 shall not be bound by this proffer and any requirements, conditions or limitations herein.
13. Severance. The unenforceability, elimination, revision or amendment or any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of any 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: Director, Real Estate Assessment
Conditional Zoning Index
Mr. Andrew M. Conclin, Esquire
Wachovia Bank