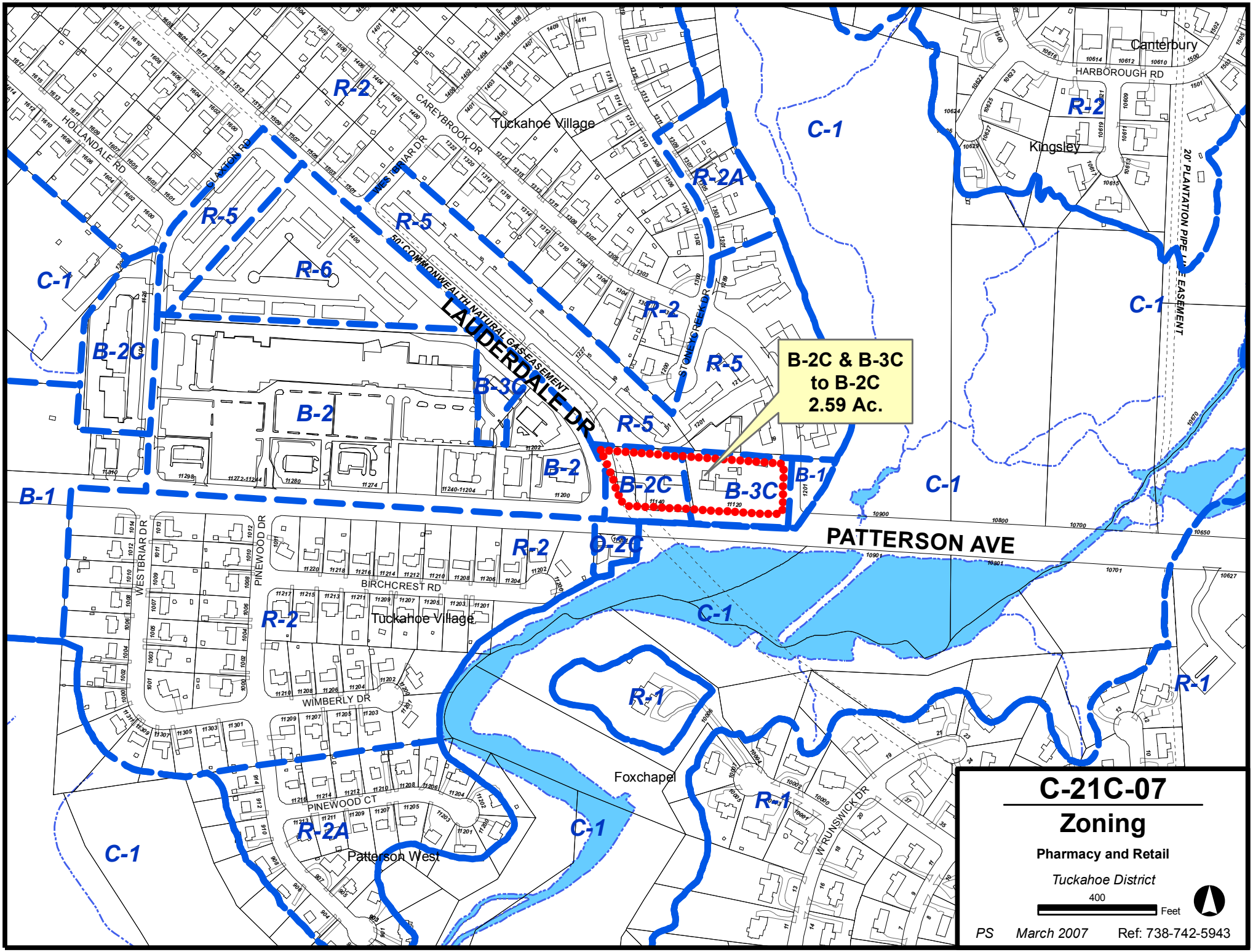


C-21C-07

Zoning

Pharmacy and Retail

Tuckahoe District

400 Feet

PS *March 2007* Ref: 738-742-5943

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

October 16, 2007

The Rebkee Company
Attn: Christina A. Willis
1020 Old Bon Air Road
Richmond, VA 23235

Re: Conditional Rezoning Case C-21C-07

Dear Ms. Willis:

The Board of Supervisors at its meeting on October 9, 2007, granted your request to conditionally rezone from B-2C and B-3C Business Districts (Conditional) to B-2C Business District (Conditional), Parcels 738-742-5943, 738-742-6844 and 738-742-9542, described as follows:

PARCEL A

Beginning at a point, being the intersection of the north line of Patterson Avenue and the east line of Lauderdale Drive, marked P.O.B.; thence along the said east line of Lauderdale Drive the following two courses: along a curve to the right having a radius of 50.00', a length of 74.07', a chord bearing of N 44°17'40" W and a chord of 67.48' to a point; thence along a curve to the left having a radius of 508.59', a length of 159.95', a chord bearing of N 10°51'58" W and a chord of 159.29' to a point; thence leaving the said east line of Lauderdale Drive S 86°43'58" E, 54.25' to a point; thence along a curve to the right having a radius of 352.02', a length of 177.42', a chord bearing of S 11°10'18" E and a chord of 175.55' to a point; thence along a curve to the left having a radius of 30.00', a length of 47.12', a chord bearing of S 41°43'45" E and a chord of 42.42' to a point on the north line of Patterson Avenue; thence along the said north line of Patterson Avenue N 86°43'58" W, 39.32' to the point and place of beginning containing 0.262 acre, 11,413 square feet.

PARCEL B

Beginning at a point, being the intersection of the north line of Patterson Avenue and the east line of Lauderdale Drive, marked P.O.B.; thence along the said north line of Patterson

Avenue S 86°43'58" E, 39.32' to the true point and place of beginning; thence leaving the said north line of Patterson Avenue along a curve to the right having a radius of 30.00', E length of 47.12', a chord bearing of N 41°43'45" W and a chord of 42.42'; thence along a curve to the left having a radius of 352.02', a length of 177.41', a chord bearing of N 11°10'18" W and a chord of 175.55' to a point; thence S 86°43'58" E, 200.00' to a point; thence S 09°04'38" E, 204.74' to a point on the north line of Patterson Avenue; thence along the said north line of Patterson Avenue N 86°43'58" W, 170.00' to the true point and place of beginning containing 0.869 acre, 37,845 square feet.

PARCEL C

Beginning at a point, being the intersection of the north line of Patterson Avenue and the east line of Lauderdale Drive, marked P.O.B., thence along the said north line of Patterson Avenue S 86°43'58" E, 209.32' to the true point and place of beginning; thence leaving the said north line of Patterson Avenue N 09°04'38" W, 204.74' to a point; thence S 86°43'58" E, 335.24' to a point on the west line of Careybrook Drive; thence along the said west line of Careybrook Drive the following two courses; S 00°16'02" W, 182.65' to a point; thence along a curve to the right having a radius of 16.73', a length of 27.16', a chord bearing of S 46°46'02" W and a chord of 24.27' to a point on the north line of Patterson Avenue; thence along the said north line of Patterson Avenue N 86°43'58" W, 284.32' to the true point and place of beginning containing 1.461 acres, 63,650 square feet.

The Board of Supervisors accepted the following proffered conditions, dated, October 3, 2007, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Concept Plan and Elevations.** Any drug store developed on the Property shall be developed in general conformance with the Concept Plan entitled "CVS/pharmacy 13,013 S.F. Prototype" dated June 20, 2007 and revised July 20, 2007, prepared by Kimley Horn filed herewith (the "Concept Plan") (see case file), and in general conformance with the elevations entitled "CVS/pharmacy" dated July 17, 2007 prepared by Carter & Burgess Consultants (the "Elevations") (see case file), subject, however, to such traffic, engineering and other changes as may be requested and approved at the time of Plan of Development. If another structure is constructed on the Property instead of a drug store, it shall be similar to the Concept Plan and shall have a similar appearance to the Elevations unless and except as otherwise requested and approved at the time of Plan of Development.

2. **Exterior Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade and exclusive of trim, windows and doors) of brick, E.I.F.S., stone, split face block, or a combination of the foregoing, of which seventy-five percent (75%) shall be brick or stone or both, unless different architectural treatment and/or materials are specifically requested and approved at

the time of Plan of Development. No building shall be covered with or have exposed to view any painted or unfinished concrete block.

3. **Prohibited Uses.** The following uses shall be prohibited:
   a. billiard, bagatelle, video game or a bingo parlor;
   b. flea markets or antique auctions;
   c. billboards;
   d. recycling facilities;
   e. funeral homes, mortuaries, crematories and/or undertaking establishments;
   f. dance halls;
   g. truck stops;
   h. gun shop, sales and repair;
   i. parking garages or commercial parking lots;
   j. sign painting shops;
   k. communication towers;
   l. general hospitals, sanitoriums and charitable institutions for human care;
   m. adult business as defined in the Henrico County Zoning Ordinance;
   n. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
   o. bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control;
   p. restaurants with drive-thru windows, not to exclude, however, restaurants with dedicated parking spaces for the pick-up of carry-out food nor restaurants whose primary business is the sale of specialty coffees or other non-alcoholic beverages, unless otherwise requested and specifically permitted at the time of Plan of Development;
   q. automotive repair shops, except that automotive repairs shall be permitted on the Property from the date of the rezoning until six (6) months after: (a) a building permit for new improvements on the Property is issued by the Department of Building Construction and Inspections for Henrico County; and (b) the Virginia Department of Environmental Quality has issued a "no action" letter relating to any environmental condition of the Property;
   r. child care facilities;
   s. veterinary clinics;
   t. laundromats and self-service dry cleaning establishments;
   u. hotels or motels;
   v. radio and television stations and studios or recording studios;
   w. recreation facilities, indoor, to include theaters, bowling alleys, skating rinks (ice skating and roller skating), swimming pools, tennis courts, model racing tracks, archery ranges, rifle or pistol ranges, and similar activities; and

x. automotive filling and service stations and convenience stores with fuel pumps, except that the existing automotive filling and service station shall be permitted to remain and operate for automotive repairs only, fueling being prohibited, on the Property from the date of rezoning until six (6) months after: (a) a building permit for new improvements on the Property is issued by the Department of Building Construction and Inspections for Henrico County; and (b) the Virginia Department of Environmental Quality has issued a "no action" letter relating to any environmental condition of the Property.

4. **Wall.** A screening wall consisting of masonry or a textured precast concrete product which simulates masonry, a minimum of six (6) feet in height, shall be provided along or near that portion of the rear (northern) property line as shown on the Concept Plan. Both sides of such wall are to be of a color and brick pattern texture similar to the main building to be constructed, unless otherwise requested and specifically approved at the time of Plan of Development. Landscaping shall be provided on both sides of the screening wall in a manner to be determined at the time of landscape review.

5. **Trash Receptacles/Recycling Activities.** Dumpsters, trash receptacles, not including convenience cans, and recycling receptacles shall be screened from public view with masonry enclosures compatible with the architectural design of the retail building at ground level at the property lines as approved at the time of Plan of Development. Convenience cans shall be within or part of a decorative container.

6. **Refuse Containers.** The gates and doors on the masonry refuse screens shall be of a substantial and durable material as determined at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined at the time of Plan of Development.

7. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the property lines as approved at the time of Plan of Development.

8. **Hours of Trash Pickup.** Trash pickup from the Property shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between 9:00 a.m. and 8:00 p.m. on Saturday. There shall be no trash pickup on Sundays.

9. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard and such lighting shall be produced from concealed sources, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Lighting shall be directed to minimize glare on public roads and adjacent properties and shall be reduced to a security level during the close of business operations.

10. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.

11. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall only be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections that cannot be interrupted. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted and maintained at all entrances to the Property prior to any land disturbance activities thereon.

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.

13. **Signage: Attention-Getting Devices.** No more than two (2) detached signs shall be permitted on the property. No pole signs, changeable message signs, or inflatable or other attention-getting devices shall be permitted unless specifically requested and approved at the time of Plan of Development. Detached signs shall be monument-style. One detached sign shall not exceed eight (8) feet in height, and the other detached sign shall not exceed six (6) feet in height, unless and except as otherwise requested and approved at the time of Plan of Development. Detached signs shall contain materials that complement the exterior materials used on any retail buildings as determined at the time of Plan of Development.

14. **Sidewalks.** Subject to obtaining all required governmental approvals and permits, a sidewalk shall be provided along Patterson Avenue, Lauderdale Drive, and Careybrook Road and shall be constructed to current County road standards and specifications for sidewalks.

15. **BMP.**

    a. Any wet BMP shall be aerated. Any BMP on the property shall (i) meet the minimum setback requirements set forth in the County's General Design Guidelines for above-ground BMPs; or (ii) be an underground BMP.

    b. The boundaries of any above-ground BMP shall (i) include a retaining wall constructed of split face block (around the northern and western sides of the BMP only) and a commercial grade aluminum fence in substantial compliance with the wall and fence shown in the "BMP Exhibit" attached hereto (see case file); and (ii) shall be planted to a Transitional Buffer 35, unless as otherwise requested and approved at the time of Plan of Development.

16. **Buffers and Landscaping:**

a. Buffers. Buffer areas shall be maintained along Patterson Avenue and Lauderdale Drive that shall be landscaped with a continuous evergreen hedge and four (4) trees per every one-hundred (100) feet having a minimum of two and one-half (2 ½) inch caliper at the time of installation. Roads, sidewalks, utility easements, fencing/walls adjacent to any roads or drives, and signage shall be permitted within such buffer area. The buffer along the northern property line shall be planted to a Transitional Buffer 25, unless as otherwise requested and approved at the time of Plan of Development.

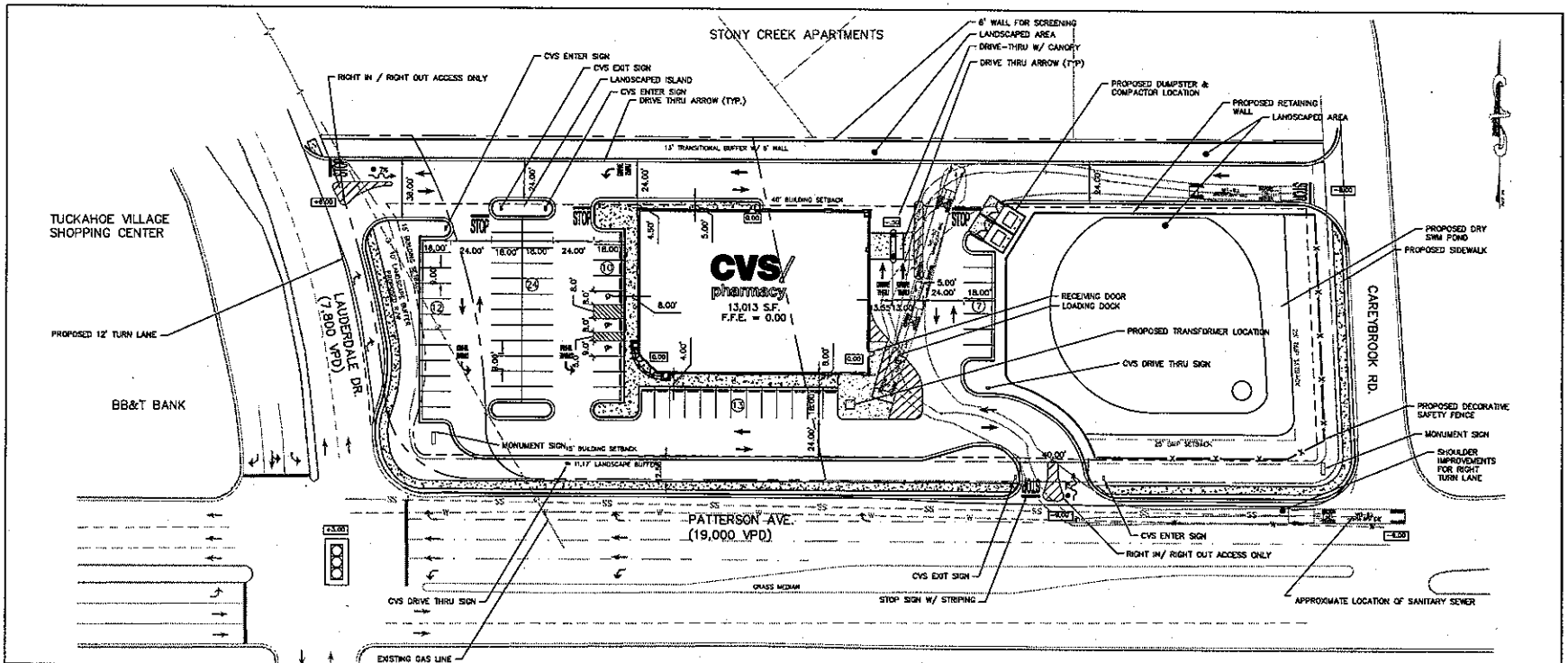
b. Sod and Irrigation. Grass areas approved at the time of Plan of Development review shall be sodded. Irrigation shall be provided for all yard areas as required at the time of Plan of Development review. No decorative rock or gravel shall be permitted in the buffer areas.

The Planning Department 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,

Virgil R. Hazelett, P.E.
County Manager

pc: Richard S. Johnson
W. H. Abbott
Caroline L. Nadal, Esq.
Director, Real Estate Assessment
Conditional Zoning Index



SITE CRITERIA CHECKLIST

PROJECT DATA	
TOTAL SITE AREA	2.33 ACRES
RETAIL BUILDING	13,013 S.F.
TOTAL PARKING REQUIRED	1 SPACE / 200 SF. GFA = 66 SPACES
TOTAL PARKING PROVIDED	68 SPACES PROVIDED
TOT. LOADING REQ'D	1 BERTH (10' X 25')
TOT. LOADING PROVIDED	1 BERTH
LAND INFORMATION	
LAND LOT	
PARCEL NUMBER	ENTER PARCEL#
BOUNDARY SURVEY	ACQUIRED FROM SURVEY BY JENNING STEPHENSON
TOPOGRAPHICAL SURVEY	ACQUIRED FROM SURVEY BY JENNING STEPHENSON
OFF SITE IMPROVEMENTS	TURN LANES WILL BE REQUIRED
TRAFFIC STUDY	N/A
OVERLAY DISTRICTS	N/A
ZONING INFORMATION	
EXISTING ZONING	B-2/B-3 COMMUNITY BUSINESS W/ EX. PROFFERS
PROPOSED ZONING	B-2 COMMUNITY BUSINESS
BUILDING HEIGHT LIMIT	45'
DOT INFORMATION	
CURB CUT PERMIT	HENRICO COUNTY, VDOT
MAJOR ROAD JURISDICTION	HENRICO COUNTY, VDOT
MINOR ROAD JURISDICTION	HENRICO COUNTY, VDOT
LANDSCAPE INFORMATION	
SITE LANDSCAPING	☒ YES ☐ NO ☐ SHOWN ON PLAN
UTILITY INFORMATION	
GAS AVAILABILITY	☒ YES ☐ NO ☐ SHOWN ON PLAN
ELECTRIC AVAILABILITY	☒ YES ☐ NO ☐ SHOWN ON PLAN
TELEPHONE AVAILABILITY	☒ YES ☐ NO ☐ SHOWN ON PLAN
CABLE AVAILABILITY	☒ YES ☐ NO ☐ SHOWN ON PLAN
WATER AVAILABILITY	☒ YES ☐ NO ☐ SHOWN ON PLAN
SEWER AVAILABILITY	☒ YES ☐ NO ☐ SHOWN ON PLAN
STORM AVAILABILITY	☒ YES ☐ NO ☐ SHOWN ON PLAN

SITE RISK ASSESSMENT

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

ESTIMATING INFORMATION

PROJECT DATA	
LANDSCAPE/ SCREENING/ IRRIGATION	14,327 SQ.FT.
WALKS, PADS & 5' PER OF BLDG.	4,000 SQ.FT.
CURBS AND GUTTER	2,900 LIN.FT.
PARKING LOT (HEAVY & MED. PAVING)	HD = 4,004 SQ.YDS. , LD = 1,111 SQ.YDS.
RETAINING WALLS	500 LIN.FT.
EXCAVATION / CUT AND FILL	100 SQ.YDS.

HENRICO, VA
CVS STORE # 1991

PRELIMINARY
NOT FOR CONSTR[illegible]

C-21C-07

072307

Kimley-Horn and Associates, Inc.
© 2007
1500 FOREST AVENUE, SUITE 115
RICHMOND, VIRGINIA 23229

CONSULTANT:
KIMLEY-HORN AND ASSOC.
1500 FOREST AVENUE
TEL (804) 673-3882
FAX (804) 673-3980

SEAL:

CVS/ pharmacy
13,013 S.F. PROTOTYPE
STORE NUMBER: # 1991
INTERSECTION OF
PATTERSON AVE. & LAUDERDALE RD.
HENRICO, VIRGINIA

OWNER/DEVELOPER:
THE REBKEE COMPANY
1020 OLD BON AIR ROAD
RICHMOND, VA 23235
PHONE: (804) 560-0500
FAX: (804) 560-0778

REVISIONS:
07/20/07 REVISED POND SETBACK

LAYOUT COORD:	RRP
PLANNING MGR.	DBE
DRAWING BY:	DHL
DATE:	6/28/07
JOB NUMBER:	113001128
TITLE:	

SHEET NUMBER:
SK-1

1 VIEW FROM LAUDERDALE DRIVE

2 VIEW FROM BMP/CAREYBROOK ROAD

3 VIEW FROM STONY CREEK APARTMENTS

4 VIEW FROM PATTERSON AVENUE

LIMESTONE BASE
ROCKCAST
'BUFFSTONE'

STO PREMIER
SYSTEM
'31437'

PINE HALL BRICK
CLASSIC SERIES
PLANTATION BLEND

ICI DULUX
PAINT TO MATCH
LIMESTONE BASE

ICI DELUX
PAINT TO MATCH
'31437'

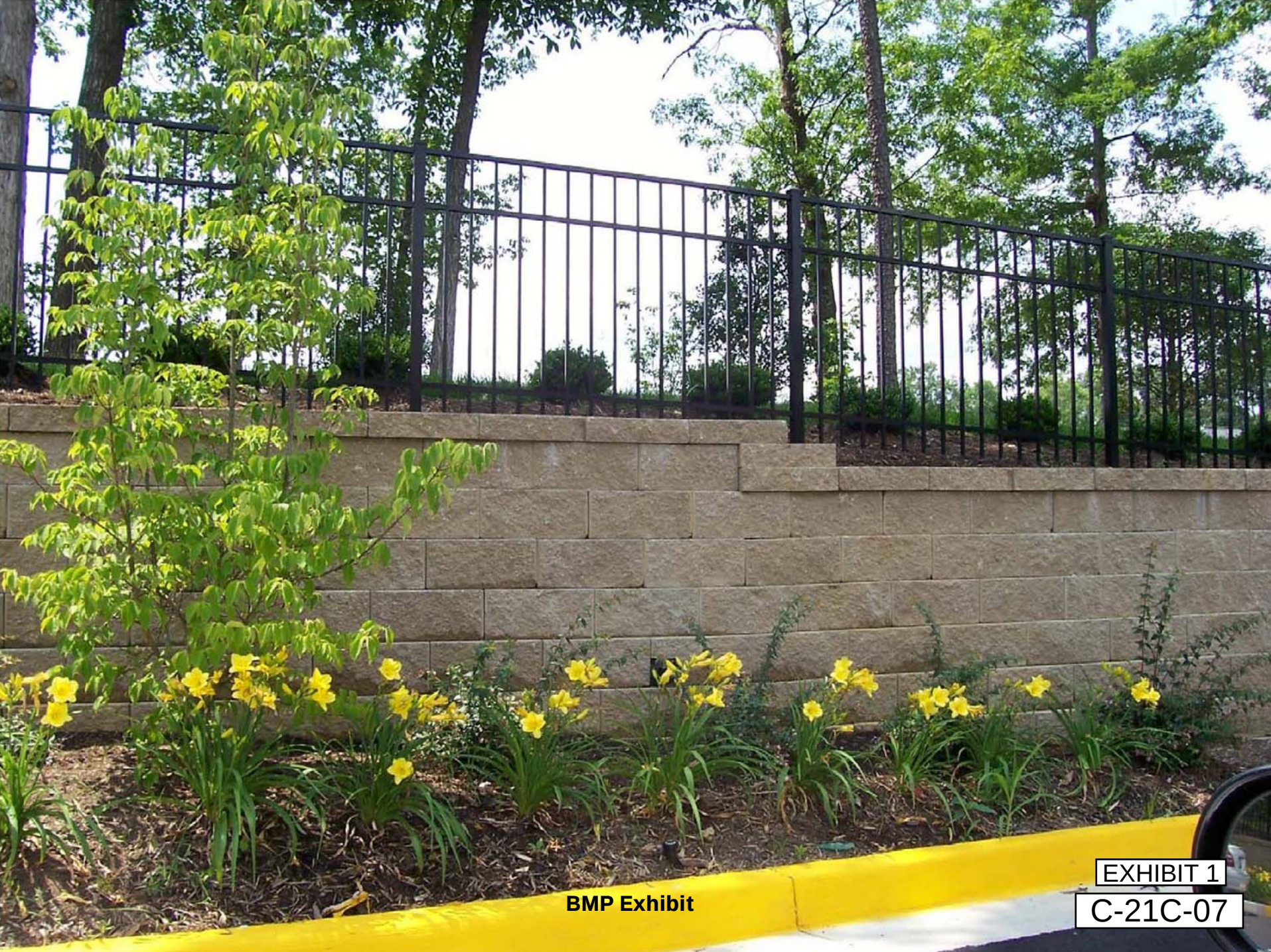
ICI DULUX
PAINT TO MATCH
"PINE HALL BRICK"

CVS/pharmacy

CVS STORE #1991
RICHMOND, VA

C-21C-07
072307

Carter Burgess
17 JULY 2007



BMP Exhibit

EXHIBIT 1

C-21C-07