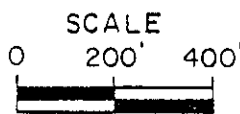


C-78C-78



79-BI-3
TUCKAHOE DISTRICT
RWC



FRANK A. FAISON
County Manager

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

April 2, 1979

Re: Zoning Case C-78C-78

Ivystone Properties, Inc.
P. O. Box 29910
Richmond, Virginia 23229

Gentlemen:

The Board of Supervisors at its meeting on March 28, 1979, rezoned your property as requested and in accordance with the recommendation of the Planning Commission. In so doing, the Board of Supervisors also accepted your proffered conditions for the B-1 and RTH portions of the request. Set forth below are the descriptions and classifications of the rezoned property and conditions affecting the land rezoned.

A 6.68 acre site conditionally rezoned to B-1 is described as follows:

Beginning at a point at the end of Kennedy Road approximately 2750' south of the intersection of Kennedy Road and Church Road and continuing S. $38^{\circ} 03' 30''$ E., 1578.99' to a point which is the northeast corner and beginning point of the herein described parcel, shown as Point B. Beginning at Point B; thence S. $38^{\circ} 03' 30''$ E., 195.56' to a point; thence S. $83^{\circ} 44' 00''$ W., 300' to a point; thence S. $37^{\circ} 52' 33''$ W., 466.63' to a point; thence along a curve of a radius 1350.27' for a length of 691.50' to a point; thence along a curve of a radius 390.94' for a length of 173.06'; thence N. $27^{\circ} 23' 47''$ E., 8.35' to a point; thence S. $62^{\circ} 36' 13''$ E., 633.03' to the beginning point and shown as Point B, containing 6.68 acres, more or less, as shown on a certain plat by Bremner, Youngblood & King, Inc., Consulting Engineers, Mechanicsville, Virginia dated November 1, 1978.

The following proffered conditions relating to use and operation are applicable to the above described B-1 property:

The uses allowed in the B-1 Neighborhood Business District will be limited to those set forth in Article 8-B-1 of the zoning ordinance in effect this date, with the following additional conditions:

1. No automobile service stations (Section 8.16).

2. No "fast food" restaurant operations defined as follows: For purposes of this proffer, a "fast food restaurant operation" shall be defined as food service retail business whose primary sales are intended for customer consumption outside the confines of the restaurant structure. This limiting condition would not include family style restaurants designed and operated to provide the public with inside seating food service.

3. In addition to the permitted and regulated uses for signs as defined in Section 17.95 of the zoning ordinance in effect this date, the following limitations shall be added:

(a) One (1) each free standing sign whose purpose is to identify the center shall be permitted at each entrance with a maximum of twenty-five (25) square feet of sign face area and not to exceed fifteen (15) feet in height from ground level.

(b) Business identification signs shall be attached to the building structure and shall not exceed one (1) square foot of sign face area per one (1) foot of building frontage and shall not exceed the height of the building.

4. Free standing lighting for illumination of signs or parking shall not exceed fifteen (15) feet in height above ground level and shall be shielded or directed in a manner so as not to become offensive to adjacent area.

A 19.52 acre site conditionally rezoned to RTH is described as follows:

A-1 Agricultural and R-5 General Residence to RTH Residential Townhouse District (Conditional)

Beginning at the end of Kennedy Road approximately 2750' south of the intersection of Kennedy Road and Church Road and continuing S. $38^{\circ} 03' 30''$ E., 1224.54' to a point; shown as Point A; thence N. $87^{\circ} 58' 00''$ W., 343.74' to a point which is the beginning point of the herein described parcel shown as Point D. Beginning at Point D; thence S. $27^{\circ} 23' 47''$ W., 8.35' to a point; thence along a curve of a radius 390.94' for a length of 173.06' to a point; thence along a curve of a radius of 1350.27' for a length of 390.19'; thence S. $79^{\circ} 53' 00''$ W., 393.97' to a point; thence S. $46^{\circ} 07' 00''$ W., 534.65' to a point; thence N. $30^{\circ} 00' 00''$ W., 89.36' to a point; thence N. $00^{\circ} 00' 00''$ W., 90.0' to a point; thence N. $20^{\circ} 00' 00''$ W., 280.0' to a point; thence N. $65^{\circ} 00' 00''$ W., 240.0' to a point; thence N. $10^{\circ} 00' 00''$ E., 132.12' to a point; thence N. $57^{\circ} 52' 10''$ E., 383.55' to a point; thence N. $39^{\circ} 03' 10''$ W., 505.70' to a point; thence along a curve of a radius 1909.85' for a length of 1046.47' to a point; thence S. $62^{\circ} 36' 13''$ E., 107.35' to the beginning point and shown as Point D, containing 19.52 acres, more or less, as shown on a certain plat by Bremner, Youngblood, & King, Inc., Consulting Engineers, Mechanicsville, Virginia dated November 1, 1978.

April 2, 1979

The following proffered conditions are applicable to the described 19.52 acre site conditionally rezoned to RTH:

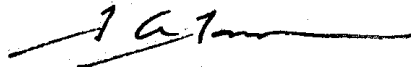
The development of the property zoned RTH Residential Townhouse shall be limited to 58 dwelling units until such time as a second means of ingress and egress, other than Falconbridge Drive is provided, or planned, recorded and improved concurrently with the development of the 59th unit.

The following site was rezoned from B-2 Community Business to R-5 General Residence District (no conditions applicable).

Beginning at a point at the end of Kennedy Road approximately 2750' south of the intersection of Kennedy Road and Church Road and continuing S. 38° 03' 30" E., 1224.54' to a point which is the northeast corner and beginning point of the herein described parcel, shown as Point A. Beginning at Point A; thence S. 38° 03' 30" E., 354.45' to a point; thence N. 62° 36' 13" W., 633.03' to a point; thence S. 87° 58' 00" E., 343.74' to the beginning point and shown as Point A, containing 1.07 acres, more or less, as shown on a certain plat by Bremner, Youngblood, & King, Inc., Consulting Engineers, Mechanicsville, Virginia dated November 1, 1978.

The Planning Office has been advised of the action by the Board of Supervisors and requested to revise its records accordingly and to file the accepted and applicable conditions in the Conditional Zoning Index.

Sincerely,



Frank A. Faison,
County Manager

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
Mr. Richard Youngblood
Conditional Zoning Index

C-28C-78
PROFFERED
APPLICABLE
DEFINITION

2.105 Automobile Service Station. Any place of business with pumps and underground storage tanks, having as its purpose the servicing, at retail, of motor vehicles with fuels and lubricants, and including minor repairs and inspections incidental thereto but not including a general repair shop, paint or body shop, machine shop, vulcanizing shop, or any operation requiring the removal or installation of radiator, engine, cylinder head, crankcase, transmission, differential, fenders, doors, bumpers, grills, glass or other body parts, or any body repairing or painting.

2.106 Block. That property fronting on one side of a street and lying between two intersecting streets or otherwise limited by a railroad right-of-way, a live stream, an unsubdivided tract, or other physical barrier of such nature as to interrupt the continuity of development.

2.107 Board. The Board of Zoning Appeals of Henrico County.

2.108 Boarding or Lodging House. A building other than a hotel, motel, or tourist home where meals or lodging are provided for compensation for three or more, but not exceeding nine, guests not transients.

2.109 Building. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter, housing, or enclosure of persons, animals, or chattels, including tents, cabins, house trailers, and carports. Where divided by party walls from the ground to the ceiling, each portion of a structure shall be deemed to be a separate building.

2.110 Building, height of. The vertical distance from the average established curb grade, or from the average finished grade at the front building line if higher, to the highest point of the roof of a flat roof, or the deck line of a mansard roof, or the mean height level between eaves and ridge for a gable, hip, or gambrel roof.

2.111 Cemetery. A place for burial of the human dead, where lots are sold.

2.112 Conditional Use. A use that may be permitted in a district under certain conditions, to be determined in each case by the Board of Appeals as provided for in Section 19.43.

2.112 (a) Conditional Zoning or Zone: A zoning district or portion thereof, which has been established pursuant to provisions of Article 20 and which is subject to reasonable conditions proffered in writing by the owner of the subject property and agreed to by the Board of Supervisors in a zoning action to which such conditions are applicable in addition to those regulations provided for that particular zoning district, or portion thereof, by the overall Zoning Ordinance.

2.113 Court. An open, unoccupied space other than a yard on the same lot with a building.

2.114 Court, Outer. A court enclosed on three sides by the walls of a building, but open on the fourth side.