

86-A1-2

BUSINESS USES

C-58C-93



THREE CHOPT DISTRICT

HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

January 18, 1994

Re: Conditional Rezoning Case C-58C-93

Duma Associates
7113 Three Chopt Rd., Suite 103
Richmond, Virginia 23226

Gentlemen:

The Board of Supervisors at its meeting on January 12, granted your request to conditionally rezone property from A-1 Agricultural District to B-2C Business District (Conditional), Parcel 86-A1-2, described as follows:

Beginning at a point on the N. line of West Broad Street 2213.80' from the intersection of the N. line of West Broad Street and the E. line of Innsbrook Road; thence leaving West Broad Street N. $26^{\circ} 21' 00''$ E., 877.86' to a point; thence N. $63^{\circ} 58' 23''$ W., 507.59' to a point; thence S. $26^{\circ} 21' 00''$ W. 877.87' to a point on the N. line of West Broad Street; thence with the north line of West Broad Street N. $63^{\circ} 37' 43''$ W., 412.86' to a point; thence along a curve to the left with a radius of 1472.39' and a length of 94.79' to the point of beginning, and containing originally 10.214 acres; 8.92 acres net of West Broad Street widening.

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. Landscaped Buffers. A natural and/or landscaped buffer will be provided thirty (30) feet in width adjacent to the right-of-way line of Broad Street and twenty (20) feet along the western boundary of the Property and thirty (30) feet along the northern boundary of the Property for so long as the property adjacent on the north is used or zoned for residential purposes, except to the extent necessary or allowed for sidewalks, utility easements, grading, drainage, signage and access driveways and other purposes requested and specifically permitted, or if required, by the Planning Commission at the time of Plan of Development review, or by any other governmental body. Any utility easement or use permitted within the aforesaid buffer areas shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically permitted, or if required, by the county at the time of Plan of Development review and where permitted, areas disturbed for utility installations shall be restored to the extent reasonably practical.
2. Building Setback - Broad Street. No building shall be constructed on the Property within fifty (50) feet of the right-of-way of Broad Street.
3. Vehicular Access Points. There shall be no more than one (1) vehicular access drive

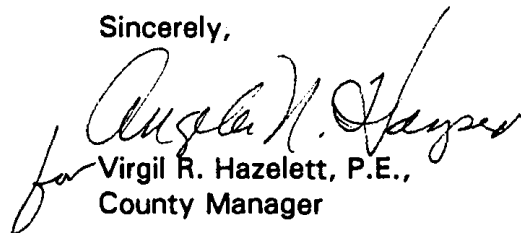
to or from the Property directly to or from Broad Street.

4. **Architectural Treatment.** The exposed portion of each exterior wall surface (front, rear and sides) of any building to be constructed on the Property (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. The buildings to be constructed on the Property shall have exposed exterior walls (above finished grade) predominantly of either, or a combination of, face brick, natural stone, split-face block or glass unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. Any building constructed predominantly of split-face block shall incorporate other approved materials as trim, architectural decoration or design elements. Drivert or stucco, if applied to a masonry surface, may be used as a material accessory to those predominant materials referenced above. No building on the Property shall be covered with, or have exposed to view, any sheet or corrugated aluminum or metal, exposed aggregate concrete, unpainted or unfinished concrete masonry units or asbestos, unless otherwise specifically requested and approved by the Planning Commission at the time of Plan of Development review. The architectural design of all buildings to be constructed on the Property shall be complementary to the other buildings to be constructed on the Property as determined by the Planning Commission at the time of Plan of Development review.
5. **Parking Lot Lighting.** Parking lot lighting standards shall not exceed twenty-five (25) feet in height above grade level. All parking lot lighting fixtures shall be of low intensity and shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property. Light fixtures shall be of the type that conceals the direct source of light (such as "shoe box" type fixtures). Exterior lighting shall be reduced to security levels after hours of operation.
6. **Use Restrictions.** The following uses shall not be permitted on the property:
 - a. A facility for the sale or display of pornographic material (as determined by community standards for the area in which the Property is located);
 - b. Flea market;
 - c. Gun shop, sales and repair;
 - d. Massage parlors;
 - e. Automotive filling and service stations;
 - f. Automotive service and repair facilities; and
 - g. Freestanding "fast food" restaurants. For these purposes, a "fast food" restaurant is hereby defined as an establishment whose principal business is the sale of beef, ham, pork, chicken, fish or pizza foods and beverages to consumers in a ready-to-consume state and in which such foods and beverages are usually served in paper, plastic or other disposable containers or wrappers for immediate consumption either within the restaurant building or off the premises.
7. **Conceptual Master Plan.** A Conceptual Master Plan for the entire project to be

- constructed on the Property shall be submitted with the first request for Plan of Development approval and shall be updated with each subsequent request for Plan of Development approval.
8. HVAC. Rooftop heating and air conditioning equipment shall be screened from public view at ground level at the property lines by means of parapets or other architectural features, in a manner approved by the Planning Commission at the time of Plan of Development review.
 9. Central Trash Receptacles. Central trash receptacles, not including convenience cans, shall be screened from public view at ground level, in a manner approved by the Planning Commission at the time of Plan of Development review.
 10. Building Heights. No building constructed on the Property shall exceed the lesser or two (2) stories or thirty-five (35) feet in height, exclusive of chimneys or other architectural design features on any building.
 11. Signs. Any detached sign on the property shall be groundmounted and shall not exceed fifteen (15) feet in height above grade and, if lighted, internally lit. The detached signs on the property shall be compatible in type and appearance with other detached signs on the property. The non-detached signs on the property shall be compatible in type and appearance with other non-detached signs on the property and, if lighted, shall be internally lit.
 12. Outparcels. There shall be a maximum of one (1) outparcel permitted on the Property.
 13. 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. James W. Theobald, Esquire
Ms. Libbie T. Crane
Mr. Harry F. Thompson, Jr.