



PT. 78-A2-87

THREE CHOPT DISTRICT

BUSINESS USES

C-59C-93



HENRICO COUNTY PLANNING OFFICE

COUNTY OF HENRICO

March 7, 1994

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-59C-93

Duma Associates
7113 Three Chopt Road, Suite 103
Richmond, Virginia 23226

Gentlemen:

It was just discovered that this letter had not been sent due to the file being misplaced. We hope this has not caused you any inconvenience.

The Board of Supervisors at its meeting on February 9, granted your request to conditionally rezone property from B-1C Business District (Conditional) to B-2C Business District (Conditional), Part of Parcel 78-A2-87, described as follows:

Beginning at a rod set along the northern right-of-way line of West Broad Street (U.S. Route 250) west of its intersection of Fort McHenry Parkway; thence continuing along the northern right-of-way line of West Broad Street N. $81^{\circ} 32' 43''$ W., 299.25' to a rod set; thence leaving West Broad Street in a northerly direction, N. $36^{\circ} 10' 39''$ E., 440.54' to a point along the southern boundary line of Parcel "F"; thence along a curve to the left having a chord bearing of N. $69^{\circ} 21' 05''$ W., a radius of 94.03' and a length of 36.64' to a point; thence along a curve to the left having a chord bearing of N. $80^{\circ} 31' 16''$ W., 85.01' to a point along the western right-of-way line of Fort McHenry Parkway; thence continuing along the western right-of-way line of Fort McHenry Parkway along a curve to the left having a chord bearing of S. $09^{\circ} 48' 35''$ W., a radius of 1055.51' and a length of 50.10' to a rod found in concrete; thence S. $08^{\circ} 28' 10''$ W., 305.67' to a rod set; thence along a curve to the right having a chord bearing of S. $53^{\circ} 27' 43''$ W., a radius of 25' and a length of 39.28' to the point and place of beginning, containing 1.9630 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. Architectural Treatment. The exposed portion of each exterior wall surface (front, rear and sides) of the 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 building 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, 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. Split-face block, drivit or stucco, if applied to a masonry surface, may be used as materials 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 plain 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 the building to be constructed on the Property shall be complementary to the building known as Lexington Commons, Phase I as determined by the Planning Commission at the time of Plan of Development review and be similar in appearance to the building shown on the rendering prepared by Perretz and Young Architects P.C. entitled "Lexington Commons II", a copy of which is attached as Exhibit "A" (See case file), unless otherwise specifically requested and approved by the Planning Commission at the time of Plan of Development review.

2. 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.
3. Parking Lot Lighting. Parking lot lighting standards shall not exceed twenty (20) 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 residentially zoned area and Broad Street. 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.
4. Use Restrictions. The only uses permitted on the Property shall be as follows:
 - a. Those uses permitted in a B-1 Business District, excluding, however, use for a facility for the sale or display of pornographic material (as determined by community standards for the area in which the Property is located), massage parlors and private clubs, lodges, meeting halls and fraternal organizations;
 - b. Restaurants (without drive-thrus), take-out and meal delivery service, delicatessens or ice cream parlors; and
 - c. Provisional use for extension of hours of service as permitted in a B-2 Business District if subsequently approved by the Board of Supervisors.
5. Outside Speakers. No outside loudspeakers which can be heard beyond the boundaries of the Property where adjacent to residentially zoned property shall be permitted on the Property.
6. Signage. Signage on the Property shall be controlled by the standards applicable to signage in a B-1 zoning district. Detached signs on the Property shall be compatible in style and design with other detached signs on the Property. The non-detached signs on the Property shall be compatible in style and design with other non-detached signs on the Property and, if lighted, shall be internally lit.
7. Landscape Buffer. A natural and/or landscaped buffer will be provided fifteen (15) feet in width adjacent to the right-of-way line of Broad Street, and fourteen (14) feet in

width adjacent to the right-of-way line of Fort McHenry Parkway 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 (other than existing utility easements) 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.

8. Building Setback - Broad Street. No building shall be constructed on the Property within seventy (70) feet of the right-of-way of Broad Street.
9. 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.
10. Trash Removal. Trash pick up from the Property shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday.
11. Deliveries. Deliveries to the rear of the building adjacent to residentially-zoned property shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday.
12. Free-Standing Buildings. All uses shall be contained within a single building 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 or 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,


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

cc: Director, Real Estate Assessment
 Conditional Zoning Index
Mr. James W. Theobald, Esquire
Mobile One Partners