

COUNTY OF HENRICO



Virgil R. Hazelett, P.E.
County Manager

April 20, 1993

Re: Conditional Rezoning Case C-6C-93

Acme Commercial
c/o Mr. Mark Mueller
9950 Mayland Dr.
Richmond, Va. 23233

Gentlemen:

The Board of Supervisors at its meeting on April 14, granted your request to conditionally rezone property from B-2C Business District (Conditional) and O-3C Office District (Conditional) to B-3C Business District (Conditional), Parcel 77-B1-15, 27, and 78-A2-86, described as follows:

Beginning at a point marking the intersection of the W. line of Old Sadler Road with the N. line of W. Broad Street; thence N. $81^{\circ} 17' 55''$ W., 495.70' to a point; thence N. $28^{\circ} 40' 23''$ W., 90.59' to a point; thence N. $5^{\circ} 52' 31''$ E., 131.33' to a point; thence N. $18^{\circ} 39' 22''$ W., 154.74' to a point; thence N. $48^{\circ} 04' 52''$ W., 183.77' to a point; thence N. $74^{\circ} 26' 04''$ W., 531.30' to a point; thence N. $51^{\circ} 10' 11''$ W., 167.05' to a point; thence along the arc of a curve having a radius of 5,835.58', 373.73' to a point; thence S. $77^{\circ} 13' 20''$ E., 1,024.61' to a point; thence S. $68^{\circ} 32' 57''$ E., 371.18' to a point; thence S. $22^{\circ} 03' 05''$ E., 100.00' to a point; thence N. $88^{\circ} 40' 55''$ E., 250.00' to a point on the western line of Sadler Road; thence S. $04^{\circ} 07' 20''$ W., 642.41' to the point of beginning, containing 15.43 +- 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 the principal building constructed on the Property shall be substantially similar in architectural appearance and materials to the building shown on the rendering entitled "Auto World" prototype, dated February 23, 1993, a copy of which, marked Exhibit A, has been filed with this case, unless otherwise specifically requested and approved by the Planning Commission at the time of Plan of Development review. Any other buildings constructed on the Property shall be constructed of materials which are substantially similar to those contained in the principal building and shall be compatible therewith.
2. **Use Restrictions.** The Property may only be used for one or more of the following uses: the sale, rental and repair of automobiles, vans, sport utility vehicles and trucks (provided trucks do not exceed an empty weight of 10,000 pounds) and uses incidental or accessory thereto as permitted in the B-3 zoning district and uses permitted in a B-2 zoning district, except that no outparcels nor any of the following

uses shall be permitted on any portion of the Property:

- (a) adult bookstores;
- (b) a billiard, bagatelle, video game or a bingo parlor;
- (c) mortuaries;
- (d) flea markets;
- (e) boat, boat trailer and motorcycle sales, service and storage;
- (f) rifle or pistol range;
- (g) sales or service of guns and firearms;
- (h) convenience food stores;
- (i) general hospitals, sanitoriums and charitable institutions of human care;
- (j) radio or television broadcasting studios or offices;
- (k) trade or business schools;
- (l) helistops;
- (m) private clubs;
- (n) a printing shop that emits sound or odors that are detectable at the property line or has outside storage;
- (o) a freestanding communications tower;
- (p) a freestanding printing shop;
- (q) towing operations for the general public;
- (r) body shop;
- (s) public gasoline service station; or
- (t) fast food restaurants.

3. Landscaped Buffers.

- (a) Broad Street and Sadler Road. A natural and/or landscaped buffer of shrubs and other low plantings will be provided thirty (30) feet in width adjacent to the right-of-way line of Broad Street and twenty-five (25) feet adjacent to the right-of-way line of Sadler Road, except to the extent necessary or allowed for utility easements, grading, 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 area 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 installation shall be restored to the extent reasonably practicable.
- (b) Northern Property Line. No buildings or parking shall be constructed or permitted in the area shown cross-hatched abutting the northern boundary of the Property and designated "No Build Zone", "120' Buffer" and "80' Buffer" on the plat made by Foster & Miller, P.C., entitled "Overall Site Layout", last revised February 25, 1993, a copy of which is attached hereto as Exhibit B (see case file) and by this reference made a part hereof. A natural and/or landscaped buffer area, a landscaped berm or a combination thereof will be provided for a minimum width of forty (40) feet along the balance of the northern boundary of the Property, except to the extent necessary or allowed

for utility easements, grading and such other purposes as may be 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 or public utility. All healthy, mature trees within said buffer area shall, to the extent reasonably practicable, be saved and such buffer area shall be landscaped as required by the Planning Commission at the time of Plan of Development review. Any utility easements or uses permitted within the aforesaid buffer area shall be generally perpendicular to the buffer area unless otherwise requested and specifically permitted or if required by the Planning Commission at the time of Plan of Development review and where permitted areas disturbed for utility installations shall be restored to the extent reasonably practicable.

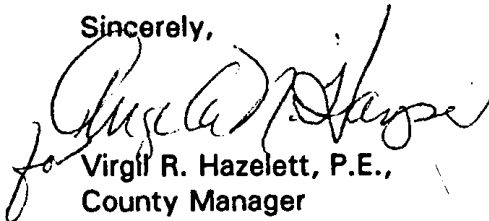
- (c) The aforesaid buffers shall be provided and maintained by the owner of the Property and no vehicles shall be parked or displayed in any of the aforesaid buffer areas.
4. **Building Height.** No building constructed on the Property shall exceed the greater of two (2) stories or thirty-nine (39) feet in height.
 5. **Lighting.** Parking lot lighting standards shall not exceed twenty-five (25) feet in height above grade level. Parking lot lighting shall be produced from concealed sources of light (such as shoebox type) and shall not exceed one and one-half (1-1/2) foot candles at the northern property line during normal business hours and shall be reduced to no more than a one-half (1/2) foot candle at the northern property line and one and one-half (1-1/2) foot candle at all other property lines following the close of business operations.
 6. **HVAC.** Roof-top 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.
 7. **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.
 8. **Trash Pickup.** Trash pickup from the Property shall be limited to the hours of 7:00 a.m. to 8:00 p.m., Monday through Saturday.
 9. **Hours of Operation.** Business hours of service to the public and unloading of vehicles shall not commence before 9:00 a.m. or extend beyond 9:00 p.m. Monday through Saturday nor commence before 12:00 noon or extend beyond 6:00 p.m. on Sunday, except that sales may occur beyond the aforesaid hourly restrictions a maximum of four (4) days per calendar year, none of which shall extend beyond 12:00 o'clock midnight, and the service department may commence operations as early as 7:30 a.m. Monday through Saturday but may not extend their hours of operation beyond 9:00 p.m.

10. Outside Speakers. No outside loud speakers shall be permitted on the Property.
11. Signage. Signage on the Property shall be restricted by the standards provided for in the B-2 Business District in the Henrico County Zoning Ordinance. There shall be no signs on the Property which are prohibited by Section 22.104(b)(7) of the Zoning Ordinance.
12. Vehicular Access. There shall be no vehicular access to or from the Property to or from Broad Street Road and a maximum of two (2) vehicular access drives to or from the Property to or from Sadler Road and one (1) egress only drive for inventory vehicles exiting the Property via Sadler Road which shall be constructed so as to require these vehicles to make a right turn only towards Broad Street Road, unless otherwise required by any governmental body having jurisdiction with respect thereto.
13. Vehicle Storage. No disabled or wrecked vehicles shall be parked or left out of doors, nor shall any vehicles be repaired (including changing of tires) out of doors. No automobile transport carriers shall remain parked or stored on the Property beyond the time reasonably necessary to load or unload vehicles therefrom.
14. Site Coverage. No more than seventy-five percent (75%) of the Property shall be covered by buildings, driveways and parking areas. The percentage of space being developed shall be certified by the owner's surveyor or engineer at each Plan of Development review.
15. Traffic Restrictions. The Property shall not be developed with uses that would generate more trips per day nor more peak hour trips than would be generated from 201,600 square feet of general office space as determined by the Department of Public Works unless otherwise requested and specifically permitted by the Planning Commission at the time of Plan of Development approval.
16. Building Setbacks.
 - (a) No building or parking facilities shall be constructed within four hundred twenty-five (425) feet of the westernmost point of the northern property line of the Property and this portion of the Property shall remain in its natural state, unless otherwise requested and specifically approved by the Planning Commission or if required by the Planning Commission at the time of Plan of Development review.
 - (b) No building shall be located within one hundred (100) feet of any portion of the northern property line that lies within four hundred twenty-five (425) feet of the right-of-way of Sadler Road so long as the property adjacent to and north of that portion of the northern property line is used for residential purposes.
 - (c) No building shall be constructed on the Property within fifty (50) feet of the remainder of the northern property line so long as the property adjacent to the north of that portion of the northern property line is used for residential purposes.

- (d) No building shall be constructed on the Property within fifty (50) feet of the right-of-way of Sadler Road.
17. Utilities. All utilities outside the building on the Property shall be underground.
18. Storm Water Management. All improvements and storm water management facilities on the Property shall be designed to the greatest extent practical from an engineering standpoint at the time of Plan of Development review so that the septic tanks and private well water systems of adjacent residential properties in existence at the time of Plan of Development approval are not adversely affected by the improvements on this Property.
19. 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,



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

cc: Clerk, Board of Supervisors
Director, Real Estate Assessment
Conditional Zoning Index
Mr. Jay M. Weinberg, Esquire
3M2S Associates & S&H Associates,
General Partner