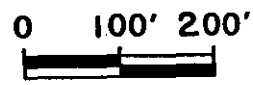


86-A1-16

THREE CHOPT DISTRICT

BOOK / MUSIC STORE

C-31C-94



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

June 14, 1994

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-31C-94

The Richmond Group, Inc.
3961-C Stillman Pkwy.
Glen Allen, Virginia 23060

Gentlemen:

The Board of Supervisors at its meeting on June 8, 1994, granted your request to conditionally rezone property from A-1 Agricultural District to B-2C Business District (Conditional), Parcel 86-A1-16, described as follows:

Commencing on a point in the N. line of Broad Street, said point being the E. line of Stillman Parkway extended, and the N. line of Broad Street extended; thence along the N. line of Broad Street, 175.98' to the point of beginning; thence N. 32° 35' 30" E., 370.40' to a point; thence N. 75° 27' 05" E., 514.55' to a point; thence S. 32° 35' 30" W., 747.57' to a point on the N. line of Broad Street; thence along the N. line of Broad Street N. 57° 24' 30" W., 350.00' to the point of beginning; said property being 4.49 acres more or less, and being on Henrico County tax map Parcel 86-A1-16, together with and subject to all covenants, easements, and restrictions of record.

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 twenty-five (25) feet in width adjacent to the right-of-way line of Broad Street except to the extent necessary or allowed for sidewalks, utility easements, grading, drainage, storm water management, 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 easements 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 replanted to the extent reasonably practical.
2. Lighting. Parking lot lighting standards shall not exceed twenty-five (25) feet in height above grade level. Parking lot lighting shall be produced from a concealed source of light such as shoebox type and shall be reduced to no more than one-half (1/2) foot candle at the property lines following the close of business operations.
3. 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

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features in a manner approved by the Planning Commission at the time of Plan of Development review.

4. 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 and trash pickup from the site shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday. There shall be no trash pickup on Sundays.
5. Building Height. No building constructed on the southern half of the Property shall exceed the lesser of two (2) stories or forty-five (45) feet in height exclusive of architectural design features on any building and no building constructed on the northern half of the Property shall exceed the lesser of two (2) stories or thirty-five (35) feet in height exclusive of architectural design features on any building.
6. Use Restrictions. The following uses shall not be permitted on any portion of the Property:
 - a. Automobile filling or repair stations;
 - b. Flea markets;
 - c. Gun shop sales and repair;
 - d. Fast food restaurants;
 - e. Convenience food stores; or
 - f. Private clubs and lodges.

For the purposes hereof, "fast food" restaurant is defined as an establishment, the principal business of which is the sale of foods and beverages already prepared at the time of ordering to consumers in a ready to consume state, and which foods and beverages are usually wrapped in paper, plastic, or other disposable containers or wrappers for immediate consumption either within the restaurant building or off the premises.

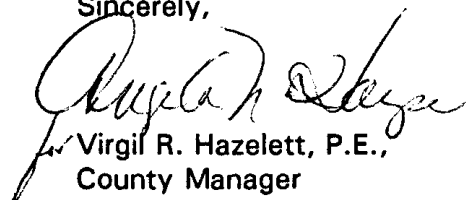
7. Architectural Treatment. The exposed portion of each exterior wall surface (front, rear and sides) of buildings constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior wall surfaces of such building in architectural treatment and materials. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) of either or combination of face brick, split faced block, natural stone, or glass and an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall surface at the time of Plan of Development review. 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.
8. Sidewalks. Subject to obtaining all required governmental approvals, a standard-sized

pedestrian sidewalk shall be installed in the state's right-of-way along the West Broad Street frontage of the Property.

9. Tree Protection Areas. Except to the extent necessary for the installation of utility and drainage easements, drainage structures, access drives and any other improvements required at the time of Plan of Development approval, all healthy and well-formed mature trees with a diameter of eight (8) inches or more which are located within the buffer areas along the eastern, western and northern boundaries of the Property and within the northernmost triangle of the Property formed by the northernmost leg which is one hundred ten (110) feet and the easternmost leg which is eighty (80) feet shall be preserved and maintained to the extent reasonably practical, except to the extent required for grading. A fence will be constructed along the southern side of the aforesaid triangle before any construction occurs on the northern one-half (1/2) of the Property.
10. Loudspeakers. No outside loudspeakers, which can be heard beyond the boundaries of the Property, shall be permitted on the Property.
11. 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.
12. Site Coverage. No more than seventy-five percent (75%) of the Property may be covered by buildings, driveways and parking areas, exclusive of sidewalks.

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: Director, Real Estate Assessment
Conditional Zoning Index
Mr. Jay M. Weinberg, Esquire
Mr. Fred L. Williams

**HIRSCHLER, FLEISCHER, WEINBERG,
COX & ALLEN**

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

FILE C-31C-94
CONDITIONAL ZONING
INDEX

REPLY TO:

Richmond
(804) 771-9533

THE FEDERAL RESERVE BANK BUILDING
701 EAST BYRD STREET
RICHMOND, VIRGINIA 23219
P.O. BOX 500
RICHMOND, VIRGINIA 23204-0500
TELEPHONE: (804) 771-9500
FACSIMILE: (804) 644-0957

617 AIR PARK ROAD, SUITE 1
P.O. BOX 6248
ASHLAND, VIRGINIA 23005-6248
TELEPHONE: (804) 771-9570
FACSIMILE: (804) 798-6415

608 WILLIAM STREET
FREDERICKSBURG, VIRGINIA 22401
TELEPHONE: (703) 372-5515

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CHARLES P. WITTHORVTT
BARRY A. HACKNEY
MARLON O. FUME, JR.
GLENN E. MOORE
JAMES W. THEOBALD
PETER L. TRIBLE
JOHN E. WALK
JOHN W. VAUGHAN, JR.
WILLIAM E. BALDWIN, III
MICHAEL H. TERRY
MICHAEL P. FALZONE
HENRY T. TUCKER, JR.
DAVID F. BELKOWITZ
ROBERT T. BILLINGSLEY
ANITA G. VAUGHN
JOHN C. IVINS, JR.
JOSEPH H. GARRINGTON

JOHN W. STEELE
C. THOMAS GREEN III
PAUL H. DAVENPORT
JEROME L. LONNES
LOUIS J. ROGERS
PAMELA E. BECKNER
R. WEBB MOORE
PAUL A. SIMPSON
CHARLES H. ROTHENBERG
BRIAN E. JACKSON
DAVID W. ROBINSON
SHARON A. LOHAN
THOMAS J. DILLON, III
IAN J. WILSON
ROBERT L. HARRIS, JR.
EVERETTE G. ALLEN, III
JAMES L. WEINBERG

OF COUNSEL
EDWARD S. HIRSCHLER
ALAN G. FLEISCHER
JETER M. WATSON

July 21, 1994

VIA FACSIMILE - 672-4379
AND VIA REGULAR MAIL

Mr. Allen D. Webb
Planning Department
County of Henrico
Post Office Box 27032
Richmond, Virginia 23273

RE: Zoning Case C-31C-94 - The Richmond Group, Inc.

Dear Allen:

In accordance with our conference of this morning, I wish to confirm that immediately prior to the Board of Supervisors' hearing on the case for a Borders Book Store for the property fronting 350 feet on the north line of West Broad Street beginning 150.98 feet from the east line of Stillman Parkway, I reached agreement with Supervisor David Kaechele that there would be a single sign on this property advertising two (2) users substantially similiar to the Rock-Ola Cafe/Tripps sign further east on Broad Street. I made this representation during the hearing on this case before the Board of Supervisors and enclosed is a copy of the sign design exhibited at that hearing. I had also discussed this a few days earlier with Commissioner Mary Wade and she was in agreement with the use of this type of sign.

If after reviewing the foregoing and the enclosed you have any questions, please do not hesitate to call me.

HIRSCHLER, FLEISCHER, WEINBERG,
COX & ALLEN

July 21, 1994
Page 2

With sincere appreciation for your courtesies in this matter
and with highest respect, I remain

Sincerely yours,



Jay M. Weinberg

JMW/sbp
Enclosure
cc: Mr. Russell B. Harper

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