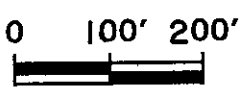


PT.83-A2-1
95A-B1-1

SHOPPING CENTER EXPANSION

C-48C-94



TUCKAHOE DISTRICT

c. z.

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO



Virgil R. Hazelett, P.E.
County Manager

Ref. C-510-95

October 4, 1994

Re: Conditional Rezoning Case C-48C-94

River Road Shopping Center, Inc.
c/o Spotts & Carneal, Inc.
P. O. Box 14529
Richmond, Virginia 23221

Gentlemen:

The Board of Supervisors at its meeting on September 28, granted your request to conditionally rezone property from R-1 One Family Residence District to B-1C Business District (Conditional), Part of Parcels 83-A2-1, and 95A-B1-1, Westham, Section 6, Block F, part of Lot 18, described as follows:

Beginning at a point on the northern line of Huguenot Road (State Route 147), said point being 233.81' east of the intersection of the eastern line of Kanawha Drive and the northern line of Huguenot Road; thence extending N. 20° 39' 11" W., 103.40'; thence extending N. 26° 14' 40" E., 245.00' to a point; thence extending N. 37° 53' 41" E., 99.04' to a point; thence extending N. 26° 14' 40" E., 155.00' to the southern line of River Road; thence extending along the southern line of River Road S. 63° 45' 20" E., 110.00' to a point; thence extending S. 26° 14' 40" W., 80.00' to a point; thence extending N. 63° 45' 20" W., 20.00' to a point; thence extending S. 26° 14' 40" W., 172.00' to a point; thence extending S. 63° 45' 20" E., 43.00' to a point; thence extending S. 26° 14' 40" W., 90.60' to a point; thence extending S. 70° 38' 00" W., 20.00' to a point; thence extending S. 19° 22' 00" E., 118.88' to a point on the northern line of Huguenot Road; thence extending westwardly along the northern line of Huguenot Road, as it curves to the left, said curve having a radius of 3711.21', 195.79' to the point and place of beginning; containing 1.66 acres; all as more particularly shown on "Rezoning Plat for River Road Shopping Center, Inc.", dated June 23, 1994, prepared by Jordan Consulting Engineers.

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. Buffer Areas
 - a. That portion of Parcel 95A-B1-1, west of the proposed rezoning site and shown as Buffer Area 1 on the attached plat, (see case file) and by this reference made a part hereof, entitled "Rezoning Plat for River Road Shopping Center, Inc." prepared by Jordan Consulting Engineers and dated June 23, 1994, (Exhibit A) shall be maintained in its natural state and shall be supplemented if existing trees and/or shrubbery die. The minimum width of this buffer area

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shall be approximately 60 feet.

- b. That portion of Parcel 83-A2-1, west of the proposed rezoning site and shown as Buffer Area 2 on the attached plat, (see case file) entitled "Rezoning Plat for River Road Shopping Center, Inc." prepared by Jordan Consulting Engineers and dated June 23, 1994, (Exhibit A) (see case file) shall be maintained in its natural state and shall be supplemented if existing trees and/or shrubbery die. Any supplemental plantings shall be made in a manner so as to achieve a reasonably comparable screening effect. If residential uses are developed on this parcel, the owner shall maintain a buffer with a minimum width of 25 feet in Buffer Area 2.
- c. That portion of Parcel 83-A2-1, parallel to Route 147 and shown as Buffer Area 3 on the attached plat, (see case file) entitled "Rezoning Plat for River Road Shopping Center, Inc." prepared by Jordan Consulting Engineers and dated June 23, 1994, (Exhibit A) (see case file) shall be supplemented with additional plantings, as determined by the Planning Commission, at the time of landscape plan approval, and shall not be less than 20 feet in width.

2. Tree Protection Plan

Prior to any clearing or land disturbing activity on the property, a tree protection plan shall be submitted which shows the existing trees on the property which are within the 35' transitional landscaped area, along the rezoning site's western border, and the minimum 25' buffer area in the Buffer Area #2 as shown on Exhibit A (see case file) and which are in excess of eight (8) inches in caliper. The plan shall identify each such tree, its location and approximate height, and shall identify those trees proposed for retention. The tree protection plan shall be submitted at the time of Plan of Development review.

3. Landscaping

- a. A landscaping plan shall be submitted at Plan of Development review.
- b. The landscaping of the existing shopping center shall be supplemented to meet the landscape requirements of the Henrico County Zoning Ordinance in effect at the time of this proffer except where necessary to preserve existing parking spaces. Supplemental landscaping on the existing shopping center site shall be installed prior to application for Certificate of Occupancy for the proposed shopping center addition.
- c. The landscaping for the proposed rezoning site and the shopping center expansion area shall be supplemented beyond current landscaping requirements of the Henrico County Zoning Ordinance in order to further buffer the expansion area from residential development to the west. A landscape area of 35 feet shall be provided along the site's western border and a landscape area of 20 feet shall be provided along the site's northern property line, parallel to River Road. Within the 35' landscaped area, a graded slope of no greater than 2.5:1 shall be utilized. Appropriate retaining walls shall be used in order to maintain

this slope. For any retaining wall from Route 147 to the rear entrance of the addition, a brick facade compatible with the style of the addition shall be used.

4. Size Limitations

The proposed addition shall be limited to two floors with no more than 26,000 square feet, of which no more than 15,000 square feet shall be developed for retail use. Retail uses shall be permitted on the first floor only. The height of the addition shall not exceed the 159.5 elevation at the roof ridge line at the major portion of the addition and shall not exceed 161 elevation at the portion of the addition immediately adjacent to the present Montaldo's (point 1 on Exhibit B) (see case file) and shall be approximately three (3) feet less than the existing cupola at the Francis Kahn building, at the top of the cupola on the addition (point 2 on Exhibit B), all as shown on Exhibit B. The chimney of the addition will not be the highest point of the shopping center.

5. Access

- a. The site shall be accessed in accordance with the plan entitled "Addition to River Road Shopping Center" prepared by Carneal & Johnston, Architects and Engineers, dated August 19, 1994. (Exhibit C) (See case file) In accordance with this plan, no new entrances are permitted for the proposed addition. Improvements to the existing shopping center's entrances and the closure of the shopping center's eastern most entrance on Route 147 shall be completed prior to the granting of Certificate of Occupancy for the proposed shopping center addition. Any new access from River Road to the proposed shopping center expansion area shall be prohibited. The owner shall not apply for a stop light at the entrances to the shopping center on River Road and Huguenot Road, but may apply for a marked crosswalk or pedestrian way.
- b. Any driveway for any additional dwelling on the residential property owned by River Road Shopping Center, Inc. shall extend only from the existing driveway, Westham Station Road, or Huguenot Road, subject to the regulations of Henrico County.

6. Architecture

The proposed shopping center addition and associated signage shall reflect Colonial Williamsburg architectural style consistent with existing shopping center in quality and residential character. The exterior shall be constructed primarily of brick materials, with wood siding and trim and roofing tiles to match the existing shopping center in appearance and quality.

7. Screening

- a. All HVAC equipment shall be screened consistent with the existing building. All rooftop heating and air conditioning equipment installed on the addition shall be screened from public view at ground level at the western curb line of the parking lot for the shopping center addition. All such equipment shall be screened from view of the adjoining residence known as 6301 river Road. All such equipment shall be screened by architectural features and a screening plan shall be submitted at Plan of Development review.

- b. The dumpster shall be screened by a wooden or brick enclosure and landscaping.

8. Lighting

A lighting plan shall be submitted at Plan of Development review. Exterior lighting shall be of low intensity and shall be positioned in such a manner as to minimize the impact of such lighting on adjacent residential areas. Parking lot lighting shall be reduced to the minimum level necessary for security purposes within one hour following the close of business conducted on the property. Lights from the parking lot of the addition shall be shielded to prevent visibility to the residential area to the west. The maximum amount of light from the addition at the property line shall not exceed 1/2 foot candle.

9. Uses Permitted

The following uses shall not be permitted by the owner: bicycle repair shop; clinic and laboratories; funeral home, mortuary, or undertaking establishment; hospital or clinic for small animals (veterinarian center); laundromat or dry cleaning establishment (except for a pick-up location on site), commercial parking lot; pet shop, dog beauty parlor or obedience school; auto parts, accessories, service or installation; gun stores; permanent outside storage or installation of merchandise or stock (except for refrigerated or containerized storage units); billiard, bagatelle, video games or bingo parlor; convenience food store except for upscale specialty or gourmet convenience store; massage parlor; facility for the sale or display of pornographic material; skating rink; banquet hall, auditorium, or other place of public assembly; a theater of any kind; gymnasium, sport or health club or spa; miniature or putt-putt golf course; radio or television broadcasting station; outside loudspeakers; outside dining area for any restaurant or delicatessen at the rear of the current location of the shopping center, no outside service of any food or beverage except for the area shown on Exhibit D (see case file). Subject to further zoning approval, only liquid, non-alcoholic beverages may be consumed outside except for the above described area. The Shopping Center may apply for outdoor seating.

10. Location of Addition

The location of the proposed shopping center addition shall be substantially as shown on "Addition to River Road Shopping Center" prepared by Carneal & Johnston, Architects and Engineers, dated August 19, 1994. (Exhibit C) (See case file).

11. Hours of Operation

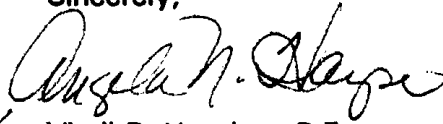
Retail hours of operation for the addition, excluding restaurant and/or coffeehouse, shall be between 9:00 a.m. and 9:00 p.m., except during holidays and special events. Except for no more than three deliveries a month, deliveries shall be limited to between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday. Trash pickups shall be limited to between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

Earl Thompson, Inc.
October 4, 1994

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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. Miles Cary, Jr., Esquire
Mr. Courtland Spotts