

SHOPPING CENTER, MULTI-FAMILY UNITS,
SINGLE FAMILY RESIDENTIAL

C-54C-95



Pt. of 94-B2-18 &
Pt. of 95A-A2-3
THREE CHOPT DISTRICT

HENRICO COUNTY PLANNING OFFICE

November 14, 1995

Re: Conditional Rezoning Case C-54C-95

Ref: C-94C-96

C. F. Sauer Co., Inc.
2000 W. Broad Street
Richmond, Virginia 23220

Stinson-Robertson Custom Builders
8501 Patterson Avenue
Richmond, Virginia 23229

Gentlemen:

The Board of Supervisors at its meeting on November 8, 1995, granted your request to conditionally rezone property from B-1 Business District, B-2 Business District, O-2 Office District, R-3 One Family Residence District, and R-5 General Residence District to B-2C Business District (Conditional), B-3C Business District (Conditional), R-4C One Family Residence District (Conditional), and R-5C General Residence District (Conditional), part of Parcels 94-B2-18 and 95A-A2-3, Shenandoah Place, Block H, part of lot 6 and lots 7-19, Block I, Lots 7-18 and part of 19, Monumental Floral Gardens, Block A, Lots 1-8, Block B, Lots 1-9 and 2-10, Block C (Reserved), Block D, Lots 11, 15, 17, 19 and 23, Block E, Lots 25, 27 and part of 29, Block I (Reserved), Block J, Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24,; Block L, Lots 26, 28, 45, part of 30 and part of 35, described as follows:

Parcel A:

Beginning at a point on the E. line of Libbie Avenue said point being 202.04' south of the intersection of the E. line of Libbie Avenue with the S. line of Broad Street (U.S. Route 250); thence from said point of beginning S. 44° 26' 53" E., 682.15' to a point; thence S. 44° 58' 53" E., 264.51' to a point; thence N. 45° 01' 07" E., 200.00' to a point in the S. line of Broad Street; thence along the S. line of Broad Street S. 44° 58' 53" E., 190.85' to a point; thence continuing along Broad Street S. 44° 21' 53" E., 667.09' to a point; thence leaving Broad Street with a bearing of S. 45° 44' 38" W., 133.28' to a point thence S. 44° 15' 22" E., 16.00' to a point; thence S. 45° 44' 38" W., 416.00' to a point; thence N. 44° 15' 22" W., 146.00' to a point in the E. line of Shenandoah Avenue; thence N. 66° 07' 15" W., 53.87' to a point in the W. line of Shenandoah Avenue; thence N. 44° 15' 30" W., 744.67' to a point; thence N. 36° 51' 20" E., 37.44' to a point; thence N. 0° 38' 07" E., 68.80' to a point; thence N. 44° 09' 04" W., 282.72' to a point; thence N. 36° 51' 20" E., 203.34' to a point; thence along a curve in a northwesterly direction curving to the right having a radius of 1414.00', a length of 399.87' to a point; thence N. 44° 26' 53" W., 42.94' to a point; thence along a curve to the left having a radius of 101.00' and a length of 14.46' to a point; thence N. 52° 39' 02" W., 37.26' to

a point in the E. line of Libbie Avenue; thence along the E. line of Libbie Avenue N. $37^{\circ} 24' 07''$ E., 138.72' to the point and place of beginning, containing 15.47 acres.

Parcel B:

Beginning at a point said point being N. $53^{\circ} 11' 35''$ W., 141.72' from a point where the W. line of Shenandoah Avenue intersects the N. line of Old Richmond Avenue; thence N. $45^{\circ} 44' 38''$ E., 274.32' to a point; thence N. $44^{\circ} 15' 30''$ W., 604.67' to a point; said point being the point of beginning; thence from said point of beginning, N. $36^{\circ} 51' 20''$ E., 37.44' to a point; thence N. $0^{\circ} 38' 07''$ E., 68.80' to a point; thence N. $44^{\circ} 09' 04''$ W., 282.72' to a point; thence N. $36^{\circ} 51' 20''$ E., 203.34' to a point; thence along a curve in a northwesterly direction to the right having a radius of 1414', a length of 89.13' to a point; thence S. $44^{\circ} 26' 53''$ E., 79.58' to a point; thence S. $36^{\circ} 51' 20''$ W., 414.62' to a point; thence S. $53^{\circ} 08' 40''$ E., 329.10' to a point; thence N. $36^{\circ} 51' 20''$ E., 95.03' to a point and place of beginning, containing 1.613 acres.

Parcel C:

Beginning at a point in the N. line of Old Richmond Avenue said point being 141.72' west of the W. line of Shenandoah Avenue; thence from said point of beginning along the N. line of Old Richmond Avenue N. $53^{\circ} 11' 35''$ W., 97.05' to a point; thence N. $36^{\circ} 52' 05''$ E., 128.00' to a point; thence N. $53^{\circ} 11' 35''$ W., 125.82' to a point; thence N. $36^{\circ} 51' 20''$ E., 6.89' to a point; thence N. $53^{\circ} 08' 40''$ W., 341.00' to a point; thence N. $36^{\circ} 51' 20''$ E., 134.69' to a point; thence S. $53^{\circ} 08' 40''$ E., 8.00' to a point; thence N. $36^{\circ} 51' 20''$ E., 95.3' to a point; thence S. $44^{\circ} 15' 30''$ E., 604.67' to a point; thence S. $45^{\circ} 44' 38''$ W., 274.32' to the point and place of beginning, containing 2.856 acres.

Parcel E:

Beginning at a point in the S. line of W. Broad Street (U.S. Route 250) said point being 150' east of the E. line of Libbie Avenue; thence from said point of beginning along the S. line of W. Broad Street S. $44^{\circ} 26' 53''$ E., 324.62' to a point; thence S. $28^{\circ} 30' 10''$ E., 36.40' to a point; thence S. $62^{\circ} 53' 00''$ E., 31.62' to a point; thence S. $44^{\circ} 26' 53''$ E., 95.46' to a point; thence S. $44^{\circ} 22' 05''$ E., 65' to a point; thence S. $44^{\circ} 58' 53''$ E., 80.00' to a point; thence S. $26^{\circ} 32' 45''$ E., 15.81' to a point; thence S. $33^{\circ} 40' 15''$ E., 25.50' to a point; thence S. $60^{\circ} 55' 35''$ E., 36.40' to a point; thence S. $44^{\circ} 58' 53''$ E., 118.35' to a point; thence leaving the S. line of W. Broad Street S. $45^{\circ} 01' 07''$ W., 200.00' to a point; thence N. $44^{\circ} 58' 53''$ W., 264.51' to a point; thence N. $44^{\circ} 26' 53''$ W., 682.15' to a point in the E. line of Libbie Avenue; thence along the E. line of Libbie Avenue N. $37^{\circ} 24' 07''$ E., 50.51' to a point; thence leaving the E. line of Libbie Avenue S. $44^{\circ} 26' 53''$ E., 150' to a point; thence N. $37^{\circ} 24' 07''$ E., 151.53' to a point in the S. line of W. Broad Street and the place and point of beginning, containing 3.875 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):

I. Shopping Center Proffers (B-2 and B-3)

The following Proffered Conditions shall be applicable to the property described as Parcels "A" (B-2) and "E" (B-3) (hereinafter referred to in the aggregate as the "Shopping Center Parcel") on that certain plat prepared by E. D. Lewis & Associates, dated July 25, 1995 (revised October 4, 1995) entitled "Libbie Place Zoning Plat" (the "Zoning Plat"):

I.(A) Uses: The following uses shall be prohibited

- (1) Open air flea markets.
- (2) Parking or storage garages or facilities.
- (3) Hotels, motels, motor lodges or tourist homes.
- (4) Radio and television stations.
- (5) Bowling alley, skating rink, ice or roller skating hall, swimming pool, tennis court, model race track, electronic video game hall, bingo hall, archery range, public dance hall or similar recreational activities.
- (6) Adult book and adult video store.
- (7) Massage parlor.
- (8) Automobile, truck, trailer, motorcycle or bus sales, service, rental and repair, including towing service and automotive body and paint shops, auto salvage or junk operations.
- (9) Automobile, truck or recreational vehicle storage lot for new or used cars or other vehicles including storage or sale of junk or inoperative vehicles.
- (10) Boat and boat trailer sales, service and storage.
- (11) Car wash, automatic or otherwise.
- (12) Exterminating establishment.
- (13) Fortune teller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader or similar activity.
- (14) Janitorial service establishment.
- (15) Landscape contracting and tree service.
- (16) Manufactured home sales, display and storage, or sales, rental display and storage of travel trailers, travel vans, campers and truck camper tops.
- (17) Rifle or pistol range.
- (18) Sheet metal shop or roofing company.
- (19) Shell houses or display houses.
- (20) Sale of gasoline.
- (21) Permanent on-site recycling collection or processing facility.
- (22) Animal hospital or kennel containing open pens or enclosures for animals.

- (23) Business devoted to automobile or truck tire or parts sales, wholesale or retail, service and/or installation.
- (24) Business devoted to wholesale building materials sales.
- (25) Lumber yard.
- (26) Business devoted to farm supply or service, implement sales, rental or service, and/or feed and seed.
- (27) Single office warehouse exceeding fifteen thousand (15,000) square feet.
- (28) Gun shop.
- (29) Use of searchlights or fireworks for any purpose.
- (30) Temporary outdoor sales lots and stands including livestock; provided, however, sales of Christmas trees, holly, wreaths and plants shall be permitted in season.
- (31) Self-service storage facility.
- (32) Private clubs, lodges or meeting halls.
- (33) Outdoor dining or dancing.
- (34) Permanent outdoor garden centers.
- (35) Gambling or wagering establishments, including without limitation off-track betting parlors.
- (36) Grocery stores or supermarkets in excess of 30,000 square feet and convenience stores (such as a 7-11, Hop-In, U-Totem or FasMart by way of example) for a period of twenty (20) years after November 8, 1995.

I.(B) Restaurants: The following conditions shall apply to any restaurants operated on the Shopping Center Parcel:

- (1) No restaurant with a direct exterior entrance for its customers shall be located within three hundred feet (300') of a single-family residential dwelling.
- (2) No restaurant shall sell food by means of a drive through window.
- (3) No more than one (1) restaurant exceeding 1,500 square feet of floor space with a direct exterior entrance for its customers shall be located on the Shopping Center Parcel, and said restaurant shall be located in Parcel E (the B-3 parcel).
- (4) No more than two (2) restaurants utilizing less than 1,500 square feet of floor space with a direct exterior entrance for its customers ("Small Restaurants") shall be located on the Shopping Center Parcel. No alcoholic beverages shall be served or sold in any Small Restaurant. No Small Restaurant shall be equipped with a full kitchen. A "full kitchen" shall be defined for purposes of this proffer as a food preparation area equipped with both a convection oven and multiple cooking surfaces.

I.(C) Buffer Areas: The following landscaped buffers shall be provided:

1. Along the frontage of W. Broad Street as described in paragraph I(L) of these proffers. A sidewalk shall be constructed along the entire frontage of Broad Street.
2. Along the eastern line of Parcel 'A', a minimum of ten feet (10') in width.
3. Along the southern line of Parcel 'A' adjoining all property used for single-family residential purposes, east of Shenandoah Avenue a minimum of fifty feet (50') in width and west of Shenandoah Avenue a minimum of eighty feet (80') in width (the "Southern Buffer"). Within the Southern Buffer, a solid fence (the "Fence") at least 8 feet in height shall be constructed prior to the issuance of a certificate of occupancy for any building constructed on the Shopping Center Parcel. The Fence shall be constructed of "tongue-and-groove" cedar or steel reinforced PVC plastic fencing material as may be approved by the Planning Commission at the time of Plan of Development review. The Fence shall have brick posts at intervals of no more than sixteen (16) feet, which posts shall be at least two (2) feet wide on all sides. Within the Southern Buffer, existing trees shall be retained to the extent possible except that diseased or dead vegetation and undergrowth may be removed. A continuous evergreen hedge shall be planted and maintained along the southern side of the Fence, each shrub being no more than five feet (5') on center with a projected height at maturity of at least ten feet (10'). Landscaping shall be established and maintained in the Southern Buffer substantially as shown on that certain Planting Plan prepared by Higgins Associates dated October 18, 1995, a copy of which is filed with the papers in this zoning case in the Henrico Planning Office, unless otherwise permitted or required by the Planning Commission at the time of Plan of Development review.

Utility easements, sidewalks, grading, underground drainage facilities, signage, access drives, retention ponds, Best Management Practice areas and other uses which may be required or permitted at the time of Plan of Development review shall be permitted within all buffer areas, provided that any access drives shall be generally perpendicular to the buffer areas. Where permitted, areas disturbed for utility installation or other permitted purposes within the buffer areas shall be restored to the extent reasonably practicable. There shall be no direct vehicular or pedestrian access to the Shopping Center Parcel via Shenandoah Avenue, Trebov Avenue (extended), Peachtree Boulevard or Lake Avenue.

All landscaped areas along West Broad Street and Libbie Avenue and all landscaped areas within entrance medians from Libbie Avenue and West Broad Street shall be irrigated. All parking lot islands shall be landscaped.

- I.(D) Architecture and Building Materials: The exterior materials and architectural design of all buildings constructed on Parcels 'A' and 'E' shall be coordinated in style and

harmonious with each other through the utilization of architectural and development features. The exposed portion of each exterior wall surface (front, rear and sides) of each building shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and material. All buildings shall have exposed exterior walls (above finished grade) of either, or a combination of brick, split face block, architectural precast, natural stone, glass, drivit or stucco (if applied to a masonry surface) or an equivalent permanent architecturally finished material (collectively referred to herein as "Permitted Materials"), 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.

- I.(E) HVAC: Roof top heating and air conditioning equipment shall be screened from public view at ground level at all property lines by means of parapets or other architectural techniques deemed appropriate by the Planning Commission at the time of Plan of Development review.
- I.(F) Refuse: Trash pick up shall be limited to the hours of 8:00 a.m. to 5:00 p.m. Monday through Saturday. All outside dumpsters, trash compactors and trash containers shall be screened on three sides from view at ground level. At least three sides of said screen shall be constructed of a Permitted Material. No outside trash receptacle shall be located within one hundred twenty-five (125) feet of any single-family residential dwelling, and no dumpster shall be located within 300 feet of any single-family residential dwelling.
- I.(G) Site Lighting: No parking lot lighting standards located within one hundred twenty-five feet (125') of any property used for single-family residential purposes shall exceed twenty-five (25) feet in height above finished grade. Parking lot lighting standards in the remaining portions of the Shopping Center Parcel shall not exceed thirty (30) feet in height above finished grade. Parking lot lighting shall be produced from concealed sources of light and shall be reduced to no more than a security level following the close of business operations. The parking lot lighting shall generate no more than one-half (.5) foot candle beyond the common boundary between Parcel 'A' and any single-family residential property.
- I. (H) Signs:
1. General:
All exterior signs on the Shopping Center Parcel shall conform to the development standards of B-2 Districts except as further restricted herein. No outside attention-getting devices or balloons shall be permitted which exceed twenty-five (25) feet in height.

2. **Attached Signs:** Attached signs shall be subject to uniform sign criteria designed to create harmonious treatment throughout the Shopping Center Parcel.
3. **Detached Signs:**
 - (a) Detached signs shall be harmonious in architectural treatment and design as approved by the Planning Commission at the time of Plan of Development approval.
 - (b) Detached signs shall be ground mounted, monument style signs.
 - (c) There shall be no more than one detached sign along the frontage of the Shopping Center Parcel on West Broad Street. Said sign shall not exceed one hundred (100) square feet nor exceed twenty-five (25) feet in height.
 - (d) There shall be no more than one (1) detached sign along the frontage of the Shopping Center Parcel on Libbie Avenue. Said sign shall not exceed fifty (50) square feet nor exceed twenty (20) feet in height.
- I.(I) **Outside Storage:** No merchandise shall be stored or displayed outside of any building except for Christmas trees, holly, wreaths and plants in season. Seasonal plant sales shall be permitted only in designated areas which may be approved by the Planning Commission at the time of Plan of Development review.
- I.(J) **Outside Speakers:** No outside loud speakers or paging systems shall be permitted.
- I.(K) **Building Height:** No building shall exceed two stories nor shall any building exceed thirty feet (30') in height, exclusive of chimneys, gables or other architectural design features.
- I.(L) **West Broad Street Setback:** No building or paved parking area shall be located within eighty feet (80') of the existing centerline of West Broad Street (based on a 100' right-of-way width). The southern thirty-two feet (32') of said setback shall be maintained as a landscaped buffer, subject to the provisions of Proffer I(C) above, except that a portion of said landscaped buffer adjacent to turning and taper lanes shall be a minimum of twenty feet (20') in width.
- I.(M) **Conceptual Master Plan:** A conceptual master plan showing the coordinated planned development scheme including buildings, entranceways, utilities, parking areas and buffers for all of Parcels 'A' and 'E' shall be filed with the Planning Commission at the time of the review of the first Plan of Development for any undeveloped portion of Parcels 'A' or 'E'. Said master plan may be modified, however, upon the filing of subsequent plans of development for portions of Parcel 'A' or 'E'.
- I.(N) **Outparcels:** No more than three (3) freestanding buildings containing less than 20,000 square feet of floor space shall be constructed on the Shopping Center Parcel.

- I.(O) Open Space: No more than seventy-five percent of the Shopping Center Parcel shall be covered by buildings, driveways and parking areas.
- I.(P) Loading Docks: No loading dock shall be located within one hundred and twenty-five feet (125') of any single family residential dwelling. All loading docks within three hundred (300) feet of a single-family residential dwelling shall be screened on three (3) sides (including the side adjacent to the nearest single-family residential dwelling) by a wall constructed of a Permitted Material at least eight (8) feet in height as measured from the grade level of the loading dock entrance drive.
- I.(Q) Hours of Operation: No business conducted in a building constructed on Parcel 'E' (the B-3 Parcel) shall begin service to the public or any outside activity before 6:00 a.m. nor extend any outside activity or hours of service after 12:00 midnight, except that any retail photocopying and office service facility (such as Kinko's) may operate twenty-four (24) hours per day. No mechanical street sweeping equipment shall be operated within the Shopping Center Parcel except between the hours of 6:00 a.m. and 9:00 p.m. Monday through Saturday.

II. Multi-Family Proffers (R-5)

The following proffered conditions shall be applicable to the property described as Parcel "B" on the Zoning Plat:

- II.(A) Use: No buildings shall be constructed on Parcel "B" other than a maximum of two (2) residential buildings to be used for no purpose other than the "housing of older persons," as defined in the Virginia Fair Housing Law, Sections 36-96.1 - 36-96.23 of the Code of Virginia of 1950, as amended. Such facilities shall not be used as a rooming or boarding house. The facilities shall be designed to accommodate a maximum of 32 residents. Said buildings shall be a maximum of two (2) stories in height, each containing a maximum of eight (8) dwelling units. Said buildings shall be oriented so as to be on opposite sides of and facing Lake Avenue extended, and shall be located no closer to the respective extended lines of Lake Avenue than the existing residences on Lake Avenue adjoining Parcel "B". The maximum floor area per story of each building structure shall be 3,600 square feet. There shall be no direct vehicular or pedestrian access from Lake Avenue.
- II.(B) Architectural Design and Building Materials: All buildings constructed on Parcel "B" shall be of traditional style architecture with the visible portion of the exterior front, side and rear walls being predominately (at least 75% of wall surfaces) constructed of brick. Said building structures shall have the general appearance of large private residences. The front of each building shall have no more than one (1) entrance.

- II.(C) Fencing and Landscaping: All areas of Parcel "B" not covered by buildings, sidewalks, parking areas or access drives shall be landscaped with grass, shrubbery and/or trees or shall be left as a natural area as may be approved by the Planning Commission at the time of plan of development review. Those areas to be left in a natural state may be cleared of undergrowth as well as dead or diseased vegetation. Subject to Planning Commission approval of an alternate fence height at the time of Plan of Development approval, an eight foot high fence (the "Fence") of tongue-and-grove cedar or steel reinforced PVC plastic fencing material (as approved by the Planning Commission at the time of Plan of Development review) shall be constructed along the portions of the eastern and southern boundary lines of Parcel B which adjoin any residential (R) district; provided, however, that along the portion of the southern property line of said Parcel B which adjoins the proposed cul-de-sac of Lake Avenue an eight foot high solid brick wall (the "Wall") shall be constructed. The Fence shall have brick posts at intervals of no more than sixteen (16) feet, which posts shall be at least two (2) feet wide on all sides. A continuous hedge of large evergreen shrubs, (at least 10' high at maturity) shall be installed and maintained a minimum of 5' on center along the southern side of the Fence and Wall, and a row of large evergreen trees (at least 25' high at maturity) shall be installed and maintained a minimum of 15', on center on the north side of the Wall. Existing trees on Parcel B shall be retained to the extent possible. The Fence, Wall and landscaping described in this paragraph shall be constructed and installed prior to the issuance of a certificate of occupancy for any building on the Shopping Center Parcel and shall conform substantially to the Planting Plan prepared by Higgins Associates dated September 25, 1995, a copy of which is filed with the papers in this zoning case in the Henrico County Planning Office, unless otherwise permitted or required by the Planning Commission at the time of Plan of Development review.
- II.(D) Parking Areas: All parking areas shall be paved and shall have no direct vehicular access to Lake Avenue unless otherwise required by the Planning Commission at the time of Plan of Development review, or by any other applicable governmental authority. Lighting in the parking area shall be designed and installed in such a manner so that no direct light shall shine on neighboring residential property, shall not exceed one-half (.5) foot candle at the property line and shall be maintained only at such a level as shall be necessary for security and safety purposes. Lighting shall be of a residential scale and style, and parking lot lighting standards shall not exceed twelve (12') feet in height above grade level.
- II.(E) Trash Receptacles and HVAC: All trash receptacles shall be kept in the rear of the buildings and shall be screened so as not to be visible from adjoining residential parcels. All ground-mounted HVAC equipment shall be screened from view of any adjoining single-family residential property.

C. F. Sauer Co., Inc
Stinson-Robertson Custom Builders
November 14, 1995
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III. Single Family Proffers (R-4)


The following proffered conditions shall be applicable to the property described as Parcel "C" on the Zoning Plat:

- III.(A) Uses: Parcel "C" shall be used solely for single family homes and accessory uses thereto as defined in the Henrico County Code, and for public rights-of-way.
- III.(B) Building Materials: The exposed exterior portions of the foundations and chimneys of all new residences constructed on Parcel "C" shall be constructed of brick. No chimneys or gas vent units shall be cantilevered.
- III.(C) Building Site: All residential dwellings constructed on Parcel "C" shall be a minimum of two stories and shall contain a minimum of 1,800 square feet of finished floor space, exclusive of garages.
- III.(D) Restrictive Covenants: Prior to or concurrent with the recordation of a subdivision plat approved by the County of Henrico, there shall be recorded a document in the Clerk's Office of the Circuit Court in the County of Henrico, Virginia, setting forth controls on the development and maintenance of said subdivided lots. Said restrictions shall provide, among other things, that no trees having trunks greater than four inches (4") in diameter and located within ten feet (10') of the northern line of Parcel C may be cut or removed except as may be required for utility and drainage easements. Any dead or diseased trees, however, may be removed.

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

 H:jt
cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. Philip deB. Rome, Esquire

February 18, 1997

Re: Conditional Rezoning Case C-94C-96

Sauer Properties, Inc.
2000 W. Broad St.
Richmond, VA 23220

Executive L.C. & Byrd Avenue, L.C.
1910 Byrd Avenue, Suite 12
Richmond, VA 23230

Gentlemen:

The Board of Supervisors at its meeting on February 12, 1997, granted your request to amend proffered conditions on Conditional Rezoning Case C-54C-95, being Parcels 103-A-35A, 35B, 35C, and part of Parcels 103-A-35D, 109-9-1-26, 109-9-1-31, and 103-8-D-12.

The following substitute proffered conditions accepted by the Board of Supervisors, further regulate the use of your property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. The introductory paragraph of Proffer 1 of Case C-54C-95 shall be deleted in its entirety and replaced, amended and restated with the following:

The following Proffered Conditions shall be applicable to the property described as Parcels "A" (15.220 Acres) (B-2) and "E" (3.844 Acres) (B-3) (hereinafter referred to in the aggregate as the "Shopping Center Parcel") on that certain plat prepared by E. D. Lewis & Associates, dated July 25, 1995, and last revised November 26, 1996, entitled "Libbie Place Zoning Plat" and a copy of which is on file with the Henrico County Planning Office (the "November, 1996 Zoning Plat").

All references contained in Case C-54C-95 to the "Zoning Plat" shall mean and refer to that certain plat prepared by E. D. Lewis & Associates, dated July 25, 1995 (revised October 4, 1996) entitled "Libbie Place Zoning Plat", which was a part of Case C-54C-95.

2. Proffer I(B) of Case C-54C-95 shall be deleted in its entirety and replaced, amended and restated with the following:

I(B) Restaurants: The following conditions shall apply to any restaurants operated on the Shopping Center Parcel:

- (1) No restaurant with a direct exterior entrance for its customers shall be located on Parcel A (the B-2 Parcel).
 - (2) No restaurant shall sell food by means of a drive-through window.
 - (3) No more than three restaurants shall be permitted in Parcel E (the B-3 Parcel). No more than (1) restaurant in Parcel E shall serve alcoholic beverages.
3. Proffer I(C)2 of Case C-54C-95 shall be deleted in its entirety and replaced, amended and restated with the following:
- I(C) Buffer Areas: The following landscaped buffers shall be provided:
2. A minimum of ten (10) feet in width generally in the area designated as "10' Buffer" on the November, 1996 Zoning Plat.
4. All of the proffers contained in Case C-54C-95 that were otherwise applicable to that certain property designated as Parcels "G" (0.076 Acres) and "I" (0.153 Acres) on the November, 1996 Zoning Plat shall no longer be applicable to Parcels G and I and hereinafter, Parcels G and I shall be released from any such proffers.

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 condition in the Conditional Zoning Index.

Sincerely,

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


cc:

Director, Real Estate Assessment
Conditional Zoning Index
Messrs. Phillip deB. Rome &
Andrew M. Condlin, Esquires