

146-A-47, 48 & PT. OF 46

VARINA DISTRICT

MANUFACTURING AND RECYCLING
WOOD PRODUCTS

C-26C-96



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

ANGELA N. HARPER, AICP
DIRECTOR OF PLANNING
(804) 672-4602

June 19, 1996

Re: Conditional Rezoning Case C-26C-96

Mr. Stephen C. Sykes
P. O. Box 9162
Richmond, Virginia 23227

Dear Mr. Sykes:

The Board of Supervisors at its meeting on June 12, 1996, granted your request to conditionally rezone property from A-1 Agricultural District to M-2C General Industrial District (Conditional), Parcels 146-A-47 & 48 and Part of Parcel 146-A-46, described as follows:

Beginning at a point on the W. line of Evergreen Road 320.60' south of the intersection of the W. line of Evergreen Road with the S. line of Nine Mile Road; thence along the W. line of Evergreen Road S. 18° 58' 26" W., 345.87' to a point; thence S. 18° 54' 52" W., 232.08' to a point; thence N. 71° 05' 08" W., 5.76' to a point; thence along a curve to the right with a radius of 89.96' and an arc of 90.52' to a point; thence S. 86° 08' 00" W., 237.91' to a point; thence N. 63° 28' 06" W., 78.20' to a point; thence leaving Evergreen Road N. 18° 56' 06" E., 643.92' to a point; thence S. 72° 55' 34" E., 210.80' to a point; thence N. 18° 41' 46" E., 51.82' to a point; thence S. 81° 01' 34" E., 147.90' to the point of beginning and containing 5.200 acres of land.

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. **Phasing.** The Property which is referenced as 'Parcel "A" 5.200 Acres' on the plat entitled "Compiled plat showing the consolidation of tax parcels 146-A-47, 146-A-48 and a Part of 146-A-46 standing in the name of Stephen Sykes, Varina District, Henrico County, Virginia," dated August 28, 1995, prepared by Balzer and Associates, referenced as Job No. 295077 (the "Plat") and attached hereto, (see case file) shall be developed in two (2) phases. The first phase of development of the portion of the Property referenced as "Phase I" on the Plat ("Phase I") may begin at any time after Plan of Development approval is obtained for Phase I of the property, subject to the terms hereof. The second phase of development of the portion of the property referenced as "Phase II" on the plat ("Phase II") may begin only after the residential dwellings located on Phase II of the property are no longer used for residential purposes, such

dwellings are removed and Plan of Development approval for Phase II of the property is obtained, subject to the terms hereof.

2. Phase I Development. During Phase I and until such time as Plan of Development approval for Phase II of the Property is obtained, the following proffers shall apply to the Property:

- a. Industrial Use. The principal uses on Phase I of the Property shall be limited to the following:
 - i. the manufacturing, assembling, compounding, processing, recycling, refurbishment, packaging, repairing, storage and distribution of wood products, platforms and pallets, and such other uses that are incidental or directly related thereto; and
 - ii. such uses as are permitted and regulated in an M-1 zoning district, and such other uses that are incidental or directly related thereto.
- b. Residential Use. Phase II of the Property may only be used for residential purposes for such residential dwellings existing on the Property at the time of this rezoning. Until such residential dwellings are removed, such dwellings shall be maintained in a good and habitable condition and repair.
- c. Industrial Access. There shall be no access to Phase I of the Property from Evergreen Road except for such emergency access as may currently exist or that may otherwise be required by the Planning Commission at the time of Plan of Development review. Otherwise, access to and from Phase I of the Property shall be from the property adjacent to the Property and identified as Tax Parcel 146-A-45A, which is currently zoned M-2 (the "Adjacent Parcel").
- d. Residential Access. There shall be no access to Phase II of the Property from Phase I of the Property, except as may otherwise be required by the Planning Commission at the time of Plan of Development review. Otherwise, access to and from Phase II of the Property shall be from Evergreen Road.
- e. Buffer. There shall be a seven foot tall opaque fence separating Phase I of the Property from Phase II of the Property, except as may be permitted or required by the Planning Commission at the time of Plan of Development review. In addition, other buffering around Phase I of the Property shall be provided as required by the Planning Commission at the time of Plan of Development review.
- f. Hours. The hours of operation of any use within Phase I of the property shall be limited to the hours of 7:00 a.m. through 7:00 p.m. on the weekdays and 7:00 a.m. to 5:00 p.m. on Saturdays.

g. Facility. Neither the wood recycling machine and facility currently located on the adjacent parcel nor any machine or facility equivalent in purpose thereto shall be located on Phase I of the Property.

3. Phase II Development. Upon development of Phase II of the Property, the following proffers shall apply to the Property:

a. Use. The principal uses on the Property shall be limited to the following:

i. the manufacturing, assembling, compounding, processing, recycling, refurbishment, packaging, repairing, storage and distribution of wood products, platforms and pallets, and such other uses that are incidental or directly related thereto; and

ii. such uses as are permitted and regulated in an M-1 zoning district, and such other uses that are incidental or directly related thereto.

b. Setback. There shall be no buildings constructed on Phase II of the Property within seventy-five (75) feet of the western right-of-way line of Evergreen Road.

c. Building. No building constructed within Phase II of the Property shall exceed the lesser of two (2) stories or thirty-five (35) feet in height. Any such building shall only have its operations in and out of such building on the west side of such building.

d. Access. There shall be no access to the property from Evergreen Road, except for such emergency access to the Property that may be required by the Planning Commission at the time of Plan of Development review. Otherwise, access to the property shall be from the adjacent parcel.

e. Buffer. There shall be a berm or a seven foot tall opaque fence, as determined by the Planning Commission at the time of Plan of Development review, and such berm or fence shall run generally between the eastern and southern boundaries of Phase II of the Property and the western boundary line of Evergreen Road except as may be permitted or required by the Planning Commission at the time of Plan of Development review. In addition, other buffering around Phase II of the Property shall be provided as required by the Planning Commission at the time of Plan of Development review.

f. Hours. The hours of operation of any use within the Property shall be limited to the hours of 7:00 a.m. through 7:00 p.m. on the weekdays and 7:00 a.m. through 5:00 p.m. on Saturdays.

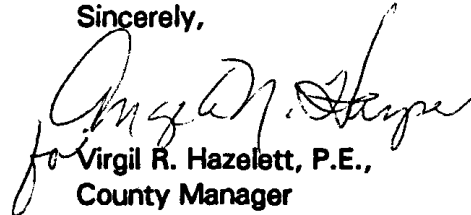
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- g. Facility. Neither the wood recycling machine and facility currently located on the adjacent parcel nor any machine and facility equivalent in purpose thereto shall be located on the Property.

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. Ralph L. Axselle, Jr., Esquire