

49-A-35N,36N

BUSINESS USES

BROOKLAND DISTRICT

C-35C-96



HENRICO COUNTY PLANNING OFFICE

CZ



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

July 16, 1996

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-35C-96

Mr. Robert J. Grimsley, Jr.
Lowe's Home Centers
LCI Funding Inc.
Lowe's Home Centers, Inc.
Box 1111
N. Wilkesboro, N.C. 28656

Dear Mr. Grimsley:

The Board of Supervisors at its meeting on July 10, 1996, granted your request to conditionally rezone property from B-2 Business District to B-3C Business District (Conditional), Parcels 49-A-35N & 36N, described as follows:

Beginning at a point on the E. line of Old Springfield Road 277.59' north of the intersection of the E. line of Old Springfield Road and the N. line of Broad Street Road; thence along the E. line of Old Springfield Road N. 06° 44' 09" W., 380.00' to a point; thence along a curve to the right with a radius of 40.00' and a length of 44.41' to a point; thence along a curve to the left with a radius of 50.00' and a length of 134.05' to a point; thence N. 06° 44' 09" W., 192.48' to a point; thence leaving Old Springfield Road S. 85° 58' 38" E., 374.53' to a point; thence N. 07° 14' 16" W., 65.23' to a point; thence S. 57° 45' 28" E., 622.13' to a point; thence S. 32° 14' 32" W., 739.43' to a point; thence N. 57° 45' 28" W., 425.65' to a point; thence S. 83° 15' 51" W., 55.00' to the point of beginning, containing 11.931 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. Architectural Treatment. The exposed portion of each exterior wall surface (front, rear and sides) of each building constructed on the Property shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials, unless different architectural treatment and/or materials are specifically approved by the Planning Commission at the time of Plan of Development review.
2. Parking Lot Lighting. Parking lot lighting shall be provided by directional fixtures, which shall be positioned in such a manner as to minimize the impact of such lighting off-site on adjacent residential uses and which produce a lighting intensity

- of a maximum of one half (1/2) foot candle at the boundaries of the Property adjacent to the property used or residential uses. Parking lot lighting shall be reduced to no more than a security level following the close of business operations on the Property.
3. HVAC. Heating and air conditioning equipment shall be screened from public view at ground level at the property lines in a manner approved by the Planning Commission at the time of Plan of Development review.
 4. Trash Receptacles. Trash receptacles 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. No trash pickup shall occur before 7:00 a.m. or after 7:00 p.m. or on the weekend or any holiday.
 5. Use Restrictions. The following uses shall not be permitted on the Property:
 - a. Billiard parlors.
 - b. Dyeing and cleaning works.
 - c. Adult book stores.
 - d. Fortune teller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologists, card reader, spiritual reader or similar activity.
 - e. Public dance hall.
 - f. Sheet metal shop or roofing company.
 - g. Recycling collection facility.
 - h. Automobile filling and service stations, including towing service.
 - i. Automotive repair facility.
 - j. A facility for the sale or display of pornographic material (as determined by community standards for the area in which the Property is located).
 - k. Gun shop, or sales and repair.
 - l. Massage parlors.
 - m. Skating rinks and establishments operated primarily as amusement or video game parlors.
 - n. Mortuaries, etc.
 - o. Automotive sales, repair, service and body shops.
 6. Signage. Signage on the Property shall be regulated as provided for in a B-2 district in the Henrico County Zoning Ordinance. There shall be no portable or mobile signs on the Property.
 7. Hours of Operation. The hours of operation on the Property shall be those permitted in a B-2 district in the Henrico County Zoning Ordinance.
 8. Outdoor Speakers. Outdoor public address, paging or speaker systems, audible outside any building, shall not be permitted on the Property.

9. Garden Center. The rear of the garden center shall not be extended to the rear (north) beyond that part of the building serving the garden center which was built in 1992 and as at the time of this zoning. The garden center shall have an opaque rear surface so that the lighting within such garden center is not visible beyond the rear (northern) property line.
10. Garden Center Loud Speaker System. No loud speaker system shall be operational within the garden center.
11. Truck Access to Rear. Except as set forth in 14 below, trucks shall be prohibited from accessing the area to the rear before 7:00 a.m. or after 6:00 p.m. by barricades to be installed blocking the access to such area before 7:00 a.m. or after 6:00 p.m.
12. Cleaning in Rear Area. No cleaning of the area to the rear of the store shall take place before 7:00 a.m. or after 6:00 p.m.
13. Rear Delivery Door. At the rear delivery door area there shall be strips installed that remain in place while the door is open to assist in the partial blocking of the door area when the door is open.
14. Deliveries or Movements in Rear Area. No deliveries or movements of materials of any nature shall take place in the rear of the store before 7:00 a.m. or after 6:00 p.m., except Lowe's trucks making deliveries or pickups from customers when the time for such service specified by the customer requires those trucks to operate past 6:00 p.m.
15. Masonry Wall. Any and all portions of the masonry wall running generally along the rear of the store shall be at least ten (10) feet in height at all points measured from the ground level on the north side of the wall at that point. The security lights along this masonry wall shall be on from dusk until dawn.
16. Rear Outside Storage. No outside storage in the rear of the store shall be permitted on racks or any other devices attached to the rear of the store. Any outside storage at the rear of the store shall be stacked no higher than eight (8) feet tall.

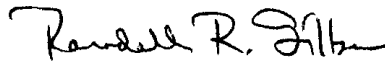
No outside storage at the rear of the store shall be adjacent to the store; all outside storage at the rear of the store shall be in that portion of the area at the rear of such store near the masonry wall.
17. Access Barricades. At the close of business of the store, barricades shall be put in place near the front of the store to block access to the travel lanes and parking areas on the sides of the store.

Mr. Robert J. Grimsley, Jr.
Lowe's Home Centers
July 16, 1996

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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. Ralph L. Axselle, Jr.