

48 - A - 33A & 34

THREE CHOPT DISTRICT

RETAIL SALES

C-51C-96



HENRICO COUNTY PLANNING OFFICE

COUNTY OF HENRICO

September 18, 1996

Re: Conditional Rezoning Case C-51C-96

Virgil R. Hazelett, P.E.
County Manager



Buckley Shuler Properties, Inc.
4244 International Pkwy., Suite 134
Atlanta, GA. 30354

Gentlemen:

The Board of Supervisors at its meeting on September 11, 1996, granted your request to conditionally rezone property from A-1 Agricultural District to B-2C Business District (Conditional), Parcel 48-A-33A and 34, described as follows:

Beginning at a point on the N. line of Broad Street 226.22' from the W. line extended of Gaskins Road; thence along the N. line of Broad Street; N. 57° 33' 22" W., 195.00' to a point; thence N. 32° 21' 40" E., 1103.04' to a point; thence S. 57° 37' 00" E., 210.00' to a point; thence S. 32° 29' 53" W., 419.88' to a point; thence N. 58° 07' 35" W., 13.32' to a point; thence S. 32° 25' 13" W., 683.25' to a point being the point of beginning to include 5.084 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):

1. **Landscaped Buffers.** A natural and/or landscaped buffer will be provided thirty (30) feet in width adjacent to the right-of-way line of Broad Street and forty (40) feet in width along the northern boundary of the Property and the northernmost four hundred (400) feet of the eastern boundary of the Property except to the extent necessary or allowed for sidewalks, utility easements, grading, draining, 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 future 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. **Tree Protection.** All healthy, mature trees within the buffer area adjoining the northern boundary of the Property and the northernmost three hundred (300) feet of the eastern boundary of the Property shall, to the extent reasonably practical, be saved. To the extent any trees are removed due to grading, they shall be replaced and such buffer areas shall be supplemented as required by the Planning Commission at the time of Plan of Development review.

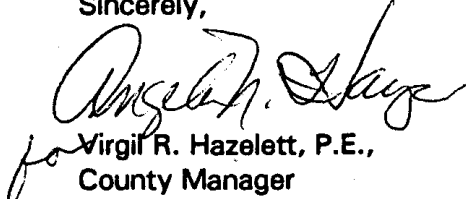
3. **Parking.** Employee parking shall be located on the rear or northernmost portion of the Property, provided, however, that no parking shall be located within one hundred (100) feet of the northern property line or forty (40) feet of that portion of the eastern property line adjoining Parcel 48-A-33A.
4. **Building Setback - Broad Street.** No building shall be constructed on the Property within fifty (50) feet of the right-of-way of Broad Street or within three hundred (300) feet of the northern boundary line of the Property.
5. **Vehicular Access Points.** There shall be no more than one (1) vehicular access drive to or from the Property directly to or from Broad Street.
6. **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.
7. **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 features in a manner approved by the Planning Commission at the time of Plan of Development review.
8. **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 the 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 a combination of face brick, split faced block, natural stone, dryvit, stucco if attached to a masonry surface 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.
9. **Use Restrictions.** The following uses shall not be permitted on the Property:
 - a. A facility for the sale or display of pornographic material (as determined by community standards for the area in which the Property is located);
 - b. Flea market;
 - c. Gun shop, sales and repair;
 - d. Massage parlors;
 - e. Automotive filling and service stations;
 - f. Automotive service and repair facilities; and
 - g. Freestanding "fast food" restaurants. For these purposes, a "fast food" restaurant is hereby defined as an establishment whose principal business is the sale of beef, ham, pork, chicken, fish or pizza foods and beverages to consumers in a ready-to-consume state and in which foods and beverages are usually served in paper, plastic or other disposable containers or wrappers for immediate consumption either within the restaurant building or off the premises.
10. **Conceptual Master Plan.** A Conceptual Master Plan for the entire project to be constructed on the Property shall be submitted with the first request for Plan of

Development approval and shall be updated with each subsequent request for Plan of Development approval.

11. 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 pickup on Sundays.
12. Building Heights. No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-seven (37) feet in height exclusive of chimneys or other architectural design features on any building.
13. Signs. Any detached sign on the Property shall be ground mounted and shall not exceed fifteen (15) feet in height above grade and, if lighted, internally lit. The detached signs on the Property shall be compatible in type and appearance with other detached signs on the Property. The non-detached signs on the Property shall be compatible in type and appearance with other non-detached signs on the Property and, if lighted, shall be internally lit.
14. Sidewalks. Subject to obtaining all required governmental approvals, a standardized pedestrian sidewalk shall be installed in the state's right-of-way along the W. Broad Street frontage of the Property.
15. Loudspeakers. No outside loudspeakers, which can be heard beyond the boundaries of the Property shall be permitted on the Property.
16. Outparcels. There shall be no outparcel on the Property.
17. 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.
18. The applicant agrees to construct a 6-foot tall opaque board fence along the northern boundary of the property and the northernmost 300' of the eastern boundary of the property and request that this condition be part of its Plan of Development.

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. W. Niles Freeman, Jr.