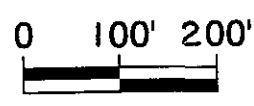


FURNITURE SHOWROOM

THREE CHOPT DISTRICT

C-67C-96



HENRICO COUNTY PLANNING OFFICE

48-A-5



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

October 16, 1996

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-67C-96

Mr. David F. Morgan
1431 Wind Pointe Way
Knoxville, TN 37931

Dear Mr. Morgan:

The Board of Supervisors at its meeting on October 9, 1996, granted your request to conditionally rezone property from A-1 Agricultural District to B-2C Business District (Conditional), Parcel 48-A-5, described as follows:

Beginning at a point on the N. line of Broad Street Road (Route No. 250), which point is 575.59' east of the E. line of Innsbrook Drive projected, which point is the true point of beginning; thence along a curve to the right having a radius of 15.00' for a length of 23.56' to a point; thence along a curve to the right having a radius of 101.78' for a length of 49.03' to a point; thence N. 41° 38' 50" E., 215.00' to a point; thence S. 48° 21' 10" E., 206.84' to a point; thence S. 41° 38' 50" W., 177.00' to a point on the N. line of Broad Street Road; thence N. 75° 57' 13" W., 197.49' to the true point of beginning, containing 1.08 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 (above finished grade) wall surface (front, rear and sides) of any building constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Except as provided below, any building constructed on the Property shall have exposed exterior walls (above finished grade) of face brick, natural stone, split-face block, glass, stucco and/or drivit or a combination of the foregoing, 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. Except for windows, doors, and exterior trim, no building shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, asbestos or metal, unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review.
2. **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;
 - g. Restaurants, including take out and meal delivery service, delicatessens or ice cream parlors;

- h. Garden center;
 - i. Auto parts sales, service and/or installation;
 - j. Self-service storage facilities;
 - k. Indoor recreation facilities;
 - l. Communication towers;
 - m. Private club, lodge, meeting hall and fraternal organization;
 - n. Grocery or convenience food store; and
 - o. Drive-thrus associated with an otherwise approved use.
3. **Free-Standing Buildings.** All uses shall be contained within a single building on the Property.
4. **Landscape Buffer.** A landscaped buffer will be provided twenty (20) feet in width adjacent to the right-of-way line of Broad Street except to the extent necessary or allowed for sidewalks, utility easements, grading, drainage, 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 utility easement (other than existing utility easements) or use permitted within the aforesaid buffer areas shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically permitted, or if required, by the Planning Commission at the time of Plan of Development review and where permitted, areas disturbed for utility installations shall be restored to the extent reasonably practical.
5. **Building Setback - Broad Street.** No building shall be constructed on the Property within sixty (60) feet of the right-of-way of Broad Street.
6. **Parking Lot Lighting.** Parking lot lighting standards shall not exceed twenty (20) feet in height above grade level. All parking lot lighting fixtures shall be of low intensity and shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent residentially zoned area and Broad Street. Light fixtures shall be of the type that conceals the direct source of light (such as "shoe box" type fixtures). Exterior lighting shall be reduced to security levels after hours of operation.
7. **Building Height.** No building constructed on the Property shall exceed the lesser of two (2) stories or thirty (30) feet in height, exclusive of chimneys or other architectural design features on any building.
8. **Signage.**
- a. Any detached sign on the Property shall be a ground mounted monumental-type sign or be substantially similar to that depicted on a photograph labeled Exhibit "A" filed herewith, and shall not exceed fifteen (15) feet in height above grade and, if lighted, internally lit.
 - b. At such time as the Property is no longer used for an Ethan Allen Furniture Gallery, signage shall be regulated as provided for in the B-1 Business District.
9. **Outside Speakers.** No outside loudspeakers which can be heard beyond the boundaries of the Property shall be permitted on the Property.
10. **Trash Removal.** Trash pick up from the Property shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday.

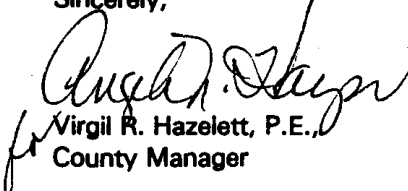
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11. HVAC. Rooftop heating and air conditioning equipment shall be screened from public view at ground level at the Property lines by means of parapets or other architectural features, in a manner approved by the Planning Commission at the time of Plan of Development review.
12. Conceptual Layout and Exterior Appearance. The Property shall be developed in substantial conformance with the conceptual layout dated June 10, 1996, entitled "Conceptual Layout, Ethan Allen, Three Chopt District, Henrico County, Virginia prepared by Foster & Miller, P.C., (see case file) and the rendering of the building exterior labeled Exhibit "B" (see case file), both of which are filed herewith unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development review.
13. 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.

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
Messrs. James W. Theobald &
Charles H. Rothenberg, Esquires
Mr. and Mrs. Douglas W. Conner