

A-1

HAGEN DRIVE  
(PRIVATE)

BROAD

B-2C

STREET

B-3

R-5C

A-1 to B-2C  
1.000 Ac

R-5C

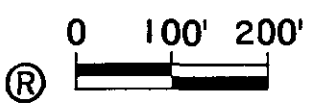
B-2C

PT. OF 36-A-51

THREE CHOPT DISTRICT

CONVENIENCE STORE, GAS STATION  
AND RESTAURANT

C-74C-96



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

December 18, 1996

Virgil R. Hazelett, P.E.  
County Manager

Re: Conditional Rezoning Case C-74C-96

Mr. Richard K. Perkins  
The Snyder-Hunt Corp.  
100 Concourse Blvd., Ste. 100  
Glen Allen, Va. 23060

Dear Mr. Perkins:

The Board of Supervisors at its meeting on December 11, 1996, granted your request to conditionally rezone property from A-1 Agricultural District to B-2C Business District (Conditional), Part of Parcel 36-A-51, described as follows:

Beginning at the southwest intersection of Broad Street Road (Route 250) and Spring Oak Drive, which point is the True Point of Beginning; thence S. 38° 23' 22" E., 42.55' to a point; thence along a curve to the left having a radius of 566.50' for a length of 26.97' to a point; thence along a curve to the left having a radius of 202.00' for a length of 22.50' to a point; thence along a curve to the right having a radius of 253.38' for a length of 76.28' to a point; thence along a curve to the right having a radius of 575.00' for a length of 32.94' to a point; thence S. 30° 21' 31" W., 47.80' to a point; thence along a curve to the right having a radius of 40.00' for a length of 44.41' to a point; thence along a curve to the left having a radius of 50.00' for a length of 37.92' to a point; thence N. 62° 51' 45" W., 127.32' to a point; thence N. 31° 18' 12" E., 258.57' to a point; thence S. 76° 23' 06" E., 104.01' to the True Point of Beginning, containing 1.0 acre.

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

1. **Exterior Materials.** The exposed portion of each exterior 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. Any building constructed on the Property shall have exposed exterior walls (above finished grade) of face brick, excluding architectural design features, and shall be in substantial conformance with the architectural appearance of the elevations labeled Exhibit "A" attached hereto and filed herewith (see case file) 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. Notwithstanding the appearance of the canopy fascia on said elevations, signage or logo colors shall not occupy more than fifty percent (50%) of each canopy-side fascia and the balance of the canopy fascia shall be a solid, neutral color.
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. Private club, lodge, meeting hall and fraternal organization;
  - f. Christmas tree sales;
  - g. Automotive repair, storage or towing services;
  - h. Recreation facilities, indoor, including theaters, bowling alleys, skating rinks (ice skating and roller skating), swimming pools, tennis, model racing tracks, electronic video game rooms, bingo halls, archery ranges and similar activities;
  - i. Permanent on-site recycling collection facility; and
  - j. Outdoor dining.
3. **Landscaped Buffer.** A landscaped buffer will be provided thirty-five (35) feet in width adjacent to the ultimate right-of-way line of Broad Street Road, except to the extent necessary or allowed for sidewalks, utility easements, grading and signage 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. Stormwater detention/BMP facilities shall not be permitted within said buffer unless located underground.
4. **Vehicular Access Points.** There shall be no direct access to or from the Property to or from Broad Street Road. Vehicular access drives from public streets shall be located on Spring Oak Drive.
5. **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 positioned in such a manner as to minimize the impact of such lighting on any adjacent property. Light fixtures shall be of the type that conceals the direct source of light (such as "shoe box" type fixtures).
6. **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.
7. **Phasing Plan.** No certificate of occupancy shall be issued for any building on the Property until such time as W. Broad Street has been widened and opened to a minimum of six (6) lanes of traffic adjacent to the Property or December 31, 1997, whichever shall first occur.

8. Canopy Lighting. Canopy lighting over fuel pumps shall be recessed. Light fixtures shall be of the type that conceals the direct source of light (such as "shoe box" type fixtures).
9. Sidewalks. Sidewalks will be provided adjacent to the Broad Street Road and Spring Oak Drive frontage in a manner approved by the Planning Commission at the time of Plan of Development review.
10. Detached Signage. Any detached sign on the Property (other than permitted directional signage) shall be a ground mounted, monumental-type sign and, if lighted, internally lit.
11. Attention-Getting Devices. Pennants, banners, streamers, propellers, disks, cold air balloons and all other fluttering, spinning at similar type signs and advertising devices shall not be permitted on or outside of any building constructed on the Property.
12. Drive Through. Any drive through window on the Property shall be used for food and beverage service only.
13. Conceptual Site Plan. The Property shall be developed in substantial conformance with the conceptual site plan labeled Exhibit "B", which is attached hereto (see case file) and filed herewith, unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development review.
14. Irrigation. Any landscaped areas along Broad Street Road and Spring Oak Drive shall be irrigated.
15. Trash Removal. Trash pick up from the Property shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Saturday. No trash pick-up shall occur on Sundays.
16. Alcoholic Beverages. The sale of alcoholic beverages shall be limited to that for off-premises consumption only.
17. 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.
18. Outdoor Speakers. No outside pagers or loudspeakers shall be permitted on the Property. The use of intercom-type systems commonly associated with drive-through and gasoline dispensing facilities shall be permitted, but shall not be audible beyond the boundary lines of the Property.
19. Underground Utilities. Except for existing overhead utility lines, if any, all utility lines shall be underground.

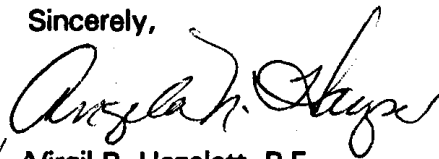
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20. Perimeter Landscaping. Perimeter landscaping for the entire Property shall be installed with the initial development of any portion of the Property.
21. Mature Trees. Mature trees shall be maintained where reasonably feasible consistent with the development of the Property in accordance with the conceptual site plan referenced herein.
22. Maintenance of Trees and Shrubbery. The appearance of all trees and shrubbery located on the Property shall be maintained in a neat and orderly manner after development of the Property.
23. Gravel. Gravel shall not be used as a primary landscaping material.
24. Street Address. The street address for the Property shall be displayed within the buffer area along W. Broad Street.
25. Chain Link Fence. No chain link fencing shall be permitted on the Property unless otherwise requested and specifically permitted, or if required, by the Planning Commission at the time at Plan of Development review.
26. 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,

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

cc: Director, Real Estate Assessment  
Conditional Zoning Index  
Messrs James W. Theobald and Charles H. Rothenberg