

R-3

R-3 To B-2C
3.84 AC.

R-3

R-3

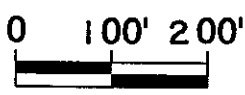
R-3

61-A-38,42,43

PHARMACY AND OTHER RETAIL USES

BROOKLAND DISTRICT

C-82C-96



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

VIRGIL R. HAZELETT, P.E.
County Manager

November 20, 1996

Re: Conditional Rezoning Case C-82C-96

Mr. Garry Gallagher
Sigma National, Inc.
7400 Beaufont Springs Dr., Suite 510
Richmond, Va. 23225

Dear Mr. Gallagher:

The Board of Supervisors at its meeting on November 13, 1996, granted your request to conditionally rezone property from R-3 One Family Residence District to B-2C Business District (Conditional), Parcels 61-A-38, 42, and 43, described as follows:

Beginning at a point on the eastern right-of-way line of line of Dixon Powers Drive at its intersection with the southern right-of-way line of Parham Road; which is the True Point of Beginning; thence N. 58° 20' 55" E., 429.44' to a point; thence along a curve to the right having a radius of 1859.86' for a length of 137.49' to a point; thence along a curve to the right having a radius of 1859.86' for a length of 20.00' to a point; thence S. 27° 28' 59" E., 8.00' to a point; thence along a curve to the right having a radius of 1851.86' for a length of 129.69' to a point; thence N. 66° 30' 28" E., 100.72' to a point; thence S. 23° 00' 59" E., 7.00' to a point; thence N. 66° 59' 01" E., 5.00' to a point; thence N. 23° 00' 59" W., 5.00' to a point; thence N. 66° 30' 52" E., 15.42' to a point; thence along a curve to the right having a radius of 80.00' for a length of 65.54' to a point; thence S. 22° 47' 56" W., 10.03' to a point; thence S. 58° 37' 05" E., 20.02' to a point; thence N. 38° 13' 22" E., 10.12' to a point; thence along a curve to the right having a radius of 80.00' for a length of 41.85' to a point; thence S. 20° 38' 34" E., 57.55' to a point; thence S. 69° 48' 10" W., 5.00' to a point; thence S. 20° 50' 18" E., 4.93' to a point; thence N. 69° 40' 37" E., 5.00' to a point; thence S. 20° 33' 15" E., 18.58' to a point; thence S. 19° 05' 25" E., 74.89' to a point; thence S. 22° 04' 26" E., 38.39' to a point; thence S. 22° 07' 54" E., 64.79' to a point; thence S. 21° 34' 24" W., 32.61' to a point; thence S. 69° 21' 18" W., 338.50' to a point; thence N. 19° 28' 39" W., 74.83' to a point; thence N. 20° 01' 54" W., 154.79' to a point; thence S. 69° 02' 42" W., 522.01' to a point; thence N. 48° 45' 12" W., 30.02' to the True Point of Beginning, containing 3.84 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 24, Code of Henrico (Zoning Ordinance):

1. Landscaped Buffers.
 - a. A natural and/or landscaped buffer of a minimum of twenty-five (25) feet in width will be provided adjacent to the southern right-of-way line of Parham Road, the western right-of-way line of Staples Mill Road, the northern right-of-way line of Hooper Road and the western boundary of the Property adjoining Parcel 61-A-41, except to the extent necessary or allowed for utility easements, grading, drainage, stormwater 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 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 practicable.
 - b. The trees and vegetation which currently exist on that portion of the Property which is adjacent to Parcels 61-A-39, 61-A-40 and 61-A-41 shall remain until such time as said Parcels are no longer used or zoned for residential purposes.
2. Lighting. Parking lot lighting standards shall not exceed twenty (20) 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 (1.0) foot candle at the property lines following the close of business operations.
3. 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.
4. Central Trash Receptacles. Central trash receptacles not including convenience cans shall be screened from public view at ground level and enclosed with the same materials as used on the principal building 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 trash pickup on Sundays.
5. Building Height. No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-five (35) feet in height exclusive of architectural design features on any building.

6. Use Restrictions. The following uses shall not be permitted on any portion of the Property:

- a. Hotels or motels;
- b. Flea markets;
- c. Gun shop sales and repair;
- d. Private clubs and lodges;
- e. Dancing and recreational use;
- f. Automotive body shops and repair facilities;
- g. Billiard parlors;
- h. Bars and taverns; and
- i. Freestanding "fast food" restaurants so long as any property adjoining the Property on its western or southern boundary (i.e. southern line of Hooper Road) is zoned or used for residential purposes. 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.

7. Architecture Treatment. The exposed portion of each exterior wall surface (front, rear and sides) of buildings constructed on the Property (excluding rooftop screening materials of mechanical equipment) shall be similar to the exposed portions of other 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 and glass 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 walls 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. All principal buildings on the Property shall be complementary in materials and color and exterior wall surfaces (above finished grade) shall contain a minimum of fifty percent (50%) brick on all sides, exclusive of windows and doors. The elevation of the pharmacy building shall be in substantial conformance with the RiteAid Proposed Elevation drawing dated September 30, 1966, by architects, Dayton & Thompson, P.C., a copy of which is attached hereto as Exhibit A, (see case file) subject to such changes as may be requested by the County or Owner and approved by the Planning Commission at the time of Plan of Development review.

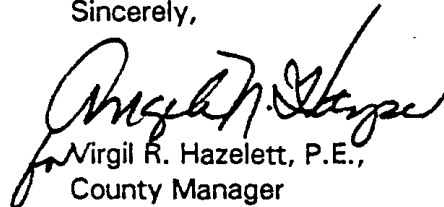
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8. Layout Plan. The Property shall be developed in substantial conformance with the RiteAid Conceptual Master Plan dated October 7, 1996, by architects, Dayton & Thompson, P.C., a copy of which is attached hereto as Exhibit B, (see case file) subject, however, to such traffic and engineering changes as may be requested by the County or Owner and approved by the Planning Commission at the time of Plan of Development review.
9. Signage. Freestanding signs on the Property shall comply with the B-1 District signage requirements.
10. Loudspeakers. No outside pagers or loudspeakers, which can be heard beyond the boundaries of the Property, shall be permitted on the Property.
11. 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 any 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
Mr. Jay M. Weinberg, Esquire
Mr. William C. Voorhees
Ms. Jeanette G. Kinton
Mr. William P. Darnell