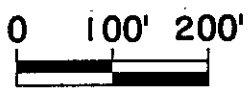


103-4-28-10 & 103-A-1
 THREE CHOPT DISTRICT

RETAIL SHOPPING

C-85C-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-85C-96**

**Earl E. Bird Properties, L.C.
4 Berkshire Road
Richmond, Va. 23229**

Gentlemen:

The Board of Supervisors at its meeting on December 11, 1996, granted your request to conditionally rezone property from B-1 Business District and B-3C Business District (Conditional) to B-2C Business District (Conditional), Parcel 103-4-28-10 and part of Parcel 103-A-1 described as follows:

Beginning at a point of intersection of the southern boundary of the right of way line of Horsepen Road and the eastern boundary of the right of way line of Millhiser Avenue, said point being the Point of Beginning for Parcel A; thence continuing along the southern boundary of the right of way line of Horsepen Road in an easterly direction N. 80° 59' 45" E., 253.08' to a point on the western boundary of the right of way line of Broad Street; thence continuing along the southwestern boundary of the right of way line of Broad Street in a southeasterly direction S. 56° 07' 06" E., 79.61' to a point; thence S. 44° 21' 07" E., 150.53' to a point on the northern boundary of the right-of-way line of Morningside Drive; thence continuing along the northern boundary of the right of way line of Morningside Drive S. 45° 40' 20" W., 237.99' to a point; thence leaving the northern boundary of the right of way line of Morningside Drive in a northwesterly direction the following three (3) courses and distances: thence N. 45° 31' 52" W., 158.73' to a point; thence S. 37° 02' 41" W., 2.90' to a point; thence N. 75° 09' 40" W., 147.66' to a point on the eastern boundary of the right of way line of Millhiser Avenue; thence continuing along the eastern boundary of the right of way line of Millhiser Avenue in a northerly direction with a curve to the left having a radius of 320.00' and a length of 133.14' to a point, said point being the Point of Beginning for Parcel A, and containing 1.821 acres more or less.

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. A six foot high opaque evergreen screening hedge or other materials as approved by the Planning Commission at the time of Plan of Development review will be placed along the southern border of the property adjacent to the existing residential property. The hedge or other materials will be placed on the Shopping Center level of the property.

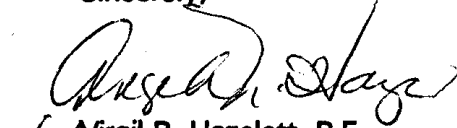
2. A landscape strip a minimum of ten (10) feet in width will be provided along the property frontage of W. Broad Street and Morningside Drive.
3. Rooftop HVAC Equipment on any new buildings shall be screened from public view at ground level at the property lines by means of parapet or other architectural features as approved by the Planning Commission at the time of Plan of Development Review.
4. Trash receptacles excluding convenience cans shall be screened from public view at ground level and enclosed with the same materials as the new buildings.
5. Freestanding signs shall be ground mounted monument style and shall not exceed 20 feet in height.
6. New buildings shall be constructed of a combination of brick, split-faced block, EIFS (synthetic stucco) and glass. At least fifty percent (50%) of the exposed wall surface area excluding windows and doors, of each wall of the new buildings shall be brick.
7. Existing building to remain shall be renovated to be architecturally complementary in materials, color and signage with new buildings. The renovation shall be approved by the Planning Commission at the time of the Plan of Development review.
8. The rear of the existing building to remain will be painted. Paint color shall be approved by the Planning Commission at the time of Plan of Development review.
9. Parking lot lighting shall be provided by concealed source shoebox type lighting fixtures. Fixture height shall not exceed twenty (20) feet in height above grade level. Parking lot lighting levels shall be reduced to no more than one (1.0) foot candle at the property lines following close of business.
10. The following uses shall not be permitted on any portion of the property:
 - a. Hotels or motels;
 - b. Funeral homes or mortuaries;
 - c. Gun Shop sales or repair;
 - d. Animal clinic or Hospital;
 - e. Bars and Taverns, and Dance halls;
 - f. Flea Market;
 - g. Private Clubs and Lodges.

Earl E. Bird Properties, L.C.
December 18, 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
Sigma Development of Virginia, Inc.