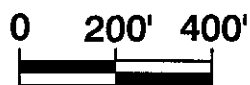


103-A-35A, 35B & 35C / PTS. 103-A-35D
 PTS. 109-9-1-26 & 31 & 103-8-D-12

AMEND PROFFERED CONDITIONS

THREE CHOPT DISTRICT

C-94C-96



HENRICO COUNTY PLANNING OFFICE

February 18, 1997

Re: Conditional Rezoning Case C-94C-96

Sauer Properties, Inc.
2000 W. Broad St.
Richmond, VA 23220

Executive L.C. & Byrd Avenue, L.C.
1910 Byrd Avenue, Suite 12
Richmond, VA 23230

Gentlemen:

The Board of Supervisors at its meeting on February 12, 1997, granted your request to amend proffered conditions on Conditional Rezoning Case C-54C-95, being Parcels 103-A-35A, 35B, 35C, and part of Parcels 103-A-35D, 109-9-1-26, 109-9-1-31, and 103-8-D-12.

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

1. The introductory paragraph of Proffer 1 of Case C-54C-95 shall be deleted in its entirety and replaced, amended and restated with the following:

The following Proffered Conditions shall be applicable to the property described as Parcels "A" (15.220 Acres) (B-2) and "E" (3.844 Acres) (B-3) (hereinafter referred to in the aggregate as the "Shopping Center Parcel") on that certain plat prepared by E. D. Lewis & Associates, dated July 25, 1995, and last revised November 26, 1996, entitled "Libbie Place Zoning Plat" and a copy of which is on file with the Henrico County Planning Office (the "November, 1996 Zoning Plat").

All references contained in Case C-54C-95 to the "Zoning Plat" shall mean and refer to that certain plat prepared by E. D. Lewis & Associates, dated July 25, 1995 (revised October 4, 1996) entitled "Libbie Place Zoning Plat", which was a part of Case C-54C-95.

2. Proffer I(B) of Case C-54C-95 shall be deleted in its entirety and replaced, amended and restated with the following:

I(B) Restaurants: The following conditions shall apply to any restaurants operated on the Shopping Center Parcel:

February 18, 1997

- (1) No restaurant with a direct exterior entrance for its customers shall be located on Parcel A (the B-2 Parcel).
 - (2) No restaurant shall sell food by means of a drive-through window.
 - (3) No more than three restaurants shall be permitted in Parcel E (the B-3 Parcel). No more than (1) restaurant in Parcel E shall serve alcoholic beverages.
3. Proffer I(C)2 of Case C-54C-95 shall be deleted in its entirety and replaced, amended and restated with the following:
- I(C) Buffer Areas: The following landscaped buffers shall be provided:
2. A minimum of ten (10) feet in width generally in the area designated as "10' Buffer" on the November, 1996 Zoning Plat.
4. All of the proffers contained in Case C-54C-95 that were otherwise applicable to that certain property designated as Parcels "G" (0.076 Acres) and "I" (0.153 Acres) on the November, 1996 Zoning Plat shall no longer be applicable to Parcels G and I and hereinafter, Parcels G and I shall be released from any such proffers.

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 condition in the Conditional Zoning Index.

Sincerely,

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

H:jt
cc:

Director, Real Estate Assessment
Conditional Zoning Index
Messrs. Phillip deB. Rome &
Andrew M. Condlin, Esquires