



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

July 14, 1998

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-38C-98

Mr. C. Faller, III
Faller Management
5307 Randolph Road
Rockville, MD 20852

Dear Mr. Faller:

The Board of Supervisors at its meeting on July 8, 1998, granted your request to conditionally rezone property from R-2 One Family Residence District to B-2C Business District (Conditional), Parcel 50-5-F-52, described as follows:

Commencing at a point found at the intersection of the E. line of Staples Mill Road with the S. line of Hungary Road, the point of beginning; thence along the S. line of Hungary Road S. 73° 33' 50" E., 395.06' to a point; thence N. 68° 55' 13" E., 43.89' to a point; thence along Hungary Spring Road S. 80° 21' 59" E., 71.94' to a point; thence S. 06° 30' W., 520.00' to a point; thence along Anderson Road N. 83° 30' W., 235.46' to a point; thence N. 34° 57' W., 47.60' to a point; thence along the Staples Mill Road (Route 33), N. 12° 44' 40" W., 410.94' to a point; thence N. 11° 07' 10" E., 165.05' to a point found at the intersection of the E. line of Staples Mill Road with the S. line of Hungary Road, the point of beginning.

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. Conceptual Plan. The Property shall be developed generally consistent with the attached conceptual plan entitled Illustrative Conceptual Plan by McKinney and Company, dated March 26, 1998 (the "Plan"), which Plan is conceptual by nature and may vary in detail as approved at the time of Plan of Development review or as required by any governmental body.
2. Natural Buffer A - Hungary and Hungary Spring Road; Supplemental Landscaping. That portion of the Property east of the access driveway off Hungary Road and north of the access driveway off Hungary Spring Road and designated as Natural Buffer A on the Plan shall remain in its natural state. Dead, diseased and fallen trees and shrubbery may be removed. Supplemental landscaping may be required in this buffer at the time of Plan of Development review.
3. Landscaped Buffer B - Hungary Road. A landscaped buffer will be provided at least fifty (50) feet in width adjacent to the right-of-way line of Hungary Road west of the access driveway off Hungary Road as determined appropriate at the time of Plan of Development review, which landscaped buffer is designated as Landscaped Buffer B on the Plan. Landscaping in this buffer shall meet or exceed the landscaping requirements

and design standards for streetscape buffers under the West Broad Street Overlay District.

4. Landscaped Buffer C - Staples Mill Road. A landscaped buffer will be provided at least thirty (30) feet in width adjacent to the right-of-way line of Staples Mill Road as determined appropriate at the time of Plan of Development review, which landscaped buffer is designated as Landscaped Buffer C on the Plan.
5. Landscaped Buffer - Anderson Road. A landscaped buffer will be provided at least thirty (30) feet in width adjacent to the right-of-way line of Anderson Road as determined appropriate at the time of Plan of Development Review, which landscaped buffer is designated as Landscaped Buffer C on the Plan.
6. Natural and Landscaped Buffer D - Hungary Spring Road. A natural and landscaped buffer will be provided at least fifty (50) feet in width adjacent to the right-of-way line of Hungary Spring Road for that portion of the Property south of the access driveway off Hungary Spring Road and north of Anderson Road as determined appropriate at the time of Plan of Development review, which property is designated on the Plan as Natural and Landscaped Buffer D. Dead, diseased and fallen trees and shrubbery may be removed.
7. Access Driveways, Utilities and Signs. Access driveways, utility easements and signs may be located in any buffers on the Property; any access driveways and utility easements shall be generally perpendicular to the adjoining road except as otherwise permitted at the time of Plan of Development review.
8. Outdoor Lighting. Outdoor lighting shall not exceed twenty (20) feet in height as measured from the grade of the base of the lighting standard to the top of any fixture. All lighting from such parking lot fixtures shall be produced from concealed sources of light which shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property, and shall be reduced to no more than a security level following the close of business operations.
9. HVAC. Heating and air conditioning equipment shall be screened from public view at ground level at the property lines as approved at the time of Plan of Development review.
10. Trash Receptacles. Trash receptacles shall be screened from public view at ground level in a manner approved at the time of Plan of Development review. With the exception of any necessary gate, the screening material shall be the same as the adjacent building. No trash pickup shall occur before 7:00 a.m. or after 7:00 p.m. or on the weekend or any holiday.
11. Open Space. At least 45% of the Property in the aggregate shall be provided as permanent open space exclusive of buildings, driveways and parking spaces.
12. Exterior Materials and Treatment. The exposed portions of each exterior wall surface (front, rear and sides) of each 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 buildings in architectural treatment and materials.

All buildings constructed on the Property shall have exposed exterior walls (above finished grade) of face brick, glass, drivit or stucco if applied to a masonry surface, unless different architectural treatment and/or materials are specifically requested and approved with respect to the exposed portion of any such wall at the time of Plan of Development review. No building shall be covered with or have exposed to view any painted or unfinished concrete masonry unites, sheet or corrugated aluminum, asbestos, vinyl or metal unless otherwise specifically requested and approved at the time of Plan of Development review.

13. **Building Elevations.** The initial building on the Property shall be constructed generally consistent with the attached building elevation by McKinney and Company, dated April 12, 1998 (the "Eckerds Architectural Elevations"), which Eckerds Architectural Elevations is conceptual in nature and may vary in detail as approved at the time of Plan of Development review or as required by any governmental body.

Any other building constructed on the Property shall be compatible in architectural material and treatment with the Eckerds Architectural Elevations.

14. **Building Height.** No building constructed on the Property shall exceed the less of two (2) stories or thirty-five (35) feet in height, exclusive of architectural design features.

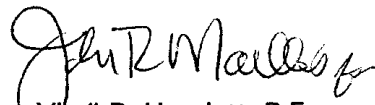
15. **Use Restrictions.** The following uses shall not be permitted on the Property:

- (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) Private club, lodge, meeting hall and fraternal organization;
- (c) Service stations and automotive filling stations consisting of an attendant sales office and/or convenience food store or similar use with fuel pumps, including towing service;
- (d) Flea market and antique auctions;
- (e) Garage, parking or storage;
- (f) Garden center;
- (g) Gun shop, sales and repair;
- (h) Hotel, motel, motor lodge and tourist homes;
- (i) Radio and television stations and studios including recording studios;
- (j) Recreation facilities, including theaters, bowling alleys, skating rinks, swimming pools, tennis, model racing tracks, electronic video game rooms, bingo halls, archery ranges and similar activities;
- (k) Restaurants with drive-thru windows and fast food restaurants;
- (l) Massage parlors;
- (m) Permanent or temporary on-site recycling collections facility subject to Section 24-106;
- (n) Self-service storage facility;
- (o) Auto parts sales, service and/or installation;
- (p) Dance halls;
- (q) Automobile repair and body shops;

- (r) Lawnmower, yard and garden equipment, rental, sales and services;
 - (s) Fortune-teller, palmist, astrologer, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader or similar activities; and
 - (t) Child care centers, babysitting services and adult day care centers.
16. Hours of Operation. The hours of operation on the Property shall not be before 7:00 AM or after 11:00 PM.
17. Detached Signs. There shall be no detached sign on the Property adjacent to Hungary Road. Any detached sign on the Property adjacent to Staples Mill Road shall be a monolithic-style sign with a brick base and with such sign not being more than ten (10) feet in height. Any detached sign on the Property adjacent to Hungary Spring Road shall be a monolithic-style sign with a brick base and with such sign not being more than six (6) feet in height. Except for the letters of the word "Eckerd", the lighting of any detached sign on the Property shall not be internally lighted.
18. 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 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. Ralph L. Axselle & Andrew M. Condlin, Esquires
Mission Investment Fund