

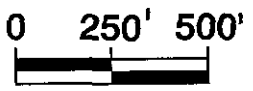
**PARCEL 1A**  
A-1 to B-3C  
6.30 Ac.

**PARCEL 1B**  
A-1 to B-3C  
18.5 Ac.

**NOTE:**  
This Rezoning Case Lies Within The Airport Safety Overlay District as Adopted by the Board of Supervisors June 12, 1991, in Accordance with Chapter 24, Addendum 58 (Zoning Ordinance Amendment)

RESTAURANTS, HOTELS & GAS / CONVENIENCE

**C-43C-98**



PT. OF 249-A-51  
VARINA DISTRICT

HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

July 14, 1998

Virgil R. Hazelett, P.E.  
County Manager

Re: Conditional Rezoning Case C-43C-98

Mr. Ree R. Ellis  
Essex Properties of Virginia, Inc.  
11008 south Richardson Rd.  
Richmond, VA 23005

Dear Mr. Ellis:

The Board of Supervisors at its meeting on July 8, 1998, granted your request to conditionally rezone property from A-1 Agricultural District to B-3C Business District (Conditional), Part of Parcel 249-A-51, described as follows:

Parcel 1A:

Beginning at a the intersection of the S. line of State Route 5 and the W. line of frontage road "F" (Deed Book 1920, Page 1975); thence with the W. line of frontage road "F" S. 40° 44' 20" W., 200.28' to a point; thence S. 34° 31' 09" W., 165.09' to a point; thence S. 81° 54' 03" W., 24.14' to a point; thence N. 54° 26' 19" W., 345.63' to a point; thence N. 45° 03' 32" W., 101.35' to a point; thence N. 66° 06' 50" W., 44.23' to a point; thence leaving Frontage Road "F" N. 70° 35' 35" W., 213.28' to a point; thence N. 40° 28' 55" E., 295.04' to a point E. line of Interstate 295; thence with the E. line of Interstate 295; N. 89° 22' 19" E., 7.69' to a point; thence N. 66° 24' 39" E., 111.19' to a point; thence S. 89° 38' 49" E., 118.68' to a point on the S. line of State Route 5; thence with the S. line of State Route 5, S. 55° 04' 10" E., 138.97' to a point; thence S. 48° 15' 33" E., 107.48' to a point; thence S. 56° 26' 57" E., 200.52' to a point; thence S. 38° 50' 31" E., 98.23' to the point of beginning, containing 6.30 acres of land.

Parcel 1B:

Beginning at the intersection of the south line of State Route 5 and the east line of frontage road "F" (Deed Book 1920, Page 1975); thence with the west line of frontage road "F" S. 35° 33' 58" W, 364.98 feet to a point; thence along a curve to the right with a radius of 92.00 feet and a length of 144.79 feet to a point; thence N. 53° 36' 04" W., 466.04 feet to a point; thence leaving frontage road "F" S. 19° 32' 26" W., 488.15 feet to a point; thence S. 28° 23' 42" E., 408 ± feet to a point in a creek; thence along the creek as it meanders in an easterly direction 1335 ± feet to a point; thence leaving said creek N. 08° 10' 29" E., 335 ± feet to a point on the south line of State Route 5; thence with the south line of State Route 5 along a curve to the right with a radius of 2939.79 feet and a length of 689.13 feet to a point; thence N. 71° 49' 29" W., 77.52 feet to the point of beginning, containing ± 18.5 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. Architectural Design and Elevation

All principal buildings, including canopies, on the Property shall be of colonial design including Southern Colonial, New England Colonial, Dutch Colonial and Georgian styles. Examples of colonial design include the Citizens and Farmers Bank at Route 5 and Strath Road and the Signet Bank at 1320 New Market Road. The intent of this condition is to promote a consistent colonial architectural theme for the principal buildings on the Property.

2. Site Design Guidelines

To promote the colonial design theme, businesses containing 12,000 square feet or more of interior floor space, exclusive of storage areas, shall be contained in an independent building.

3. Building Setback Restriction

All principal buildings constructed on the Property shall observe a fifty (50) foot setback from the ultimate right of way line of Route 5 as determined at the time of Plan of Development review.

1. Building Materials

A. The exposed portions of all exterior wall surfaces (front, rear and sides) of each building on the Property (excluding rooftop screening materials for mechanical equipment) shall be designed and constructed of similar materials. This proffer shall not preclude the use of a design that alternates a combination of permitted materials for architectural effect.

B. Exposed portions of the buildings shall be constructed with the following materials:

- (1) Foundation Walls. Foundation walls shall be constructed of brick, stone or dryvit.
- (2) Chimneys (if used). Chimneys shall be constructed of brick, stone, or dryvit.
- (3) Exterior Walls. Exterior walls shall be constructed of horizontal siding of wood or vinyl; brick; brick veneer; hardiplank; or other materials deemed acceptable at the time of Plan of Development review and approval. The use of dryvit as an exterior wall cover shall be as a secondary material. This proffer shall not include windows, doors, trim, vents and other devices normally employed in the exterior walls of buildings.
- (4) Exterior Trim. Exterior trim shall be typical in design and detail as that normally used on colonial structures.
- (5) (Roof Materials. Roofs shall be constructed of slate, simulated slate, standing seam metal, textured fiberglass shingles of 300 pound weight capacity per square or more, cedar shakes, concrete or composition shingles. Other materials may be used on portions of the roof not visible from the Property line as approved at Plan of

Development review.

5. Site Lighting

Lighting in the parking lot shall be produced from a concealed source and shall be positioned in such a manner as to minimize the impact of such lighting on adjacent property. Freestanding parking lot lighting fixtures shall not exceed thirty (30) feet in height.

6. Screening

- A. Mechanical equipment shall be screened from public view at the Property line on Route 5 in a reasonable manner as approved at the time of Plan of Development review. Any non-vegetative screening materials shall be composed of the same materials as those on the exterior walls of the principal building served by the mechanical equipment.
- B. All dumpsters shall be screened from public view and enclosed to keep debris from blowing onto adjacent properties. Enclosure material shall be the same as the material on the exterior wall of the closest principal building.

7. Underground Utilities

All new utility lines (electric, telephone, cable television etc.) located on the property shall be installed underground.

8. Prohibited Uses

The following uses shall be prohibited:

- A. Fortune teller;
- B. Palmist;
- C. Astrologist;
- D. Flea markets or antique auctions;
- E. Truck stop and service facilities principally servicing large trucks, tractor trailers, semi-trailers and amenities for their drivers;
- F. Automobile, truck, trailer, motorcycle or bus sales, rental and repair, including towing service and automotive body and paint shops, auto salvage or junk operation;
- G. Automobile or truck tires or parts sales, wholesale or retail, service and/or installation;
- H. Indoor or outdoor rifle or pistol shooting range;
- I. Sheet metal shop or roofing company;
- J. Billboards;
- K. Recycling facilities;
- L. Dance halls;
- M. Boat and boat trailer sales service and storage;
- N. Farm supply and service establishment, implement sales, rental and service, feed and seed store;
- O. Manufactured home sales, display and storage or sales, rental display and storage of trailer, travel vans, campers and truck camper tops;
- P. Shell houses or display houses; and

Q. Billiard parlors.

9. Outside Display Storage and Sales

No ice, soda, candy or snack machines shall be permitted on the side of the buildings facing Route 5. The outside display of merchandise is restricted to store operation hours, except in conjunction with special promotions, ceremonies, seasonal activities or inclement weather conditions. No outside storage shall be permitted unless screened in a manner acceptable at the time of Plan of Development review.

10. Signs

Identification signs located within the landscaped fifty (50) foot buffer shall be of a monument type design and shall not exceed fifteen (15) feet in height. The Planning Commission shall approve the location of any freestanding signs in excess of fifteen (15) feet in height and located within 400' of Route 5. Freestanding signs greater than fifteen (15) feet in height and located farther than four hundred (400) feet of Route 5 shall be in those portions of the site close to the western boundary line of the Property. Only two (2) freestanding signs greater than fifteen (15) feet in height shall be permitted on the Property.

11. Landscaped Buffer

- A. A landscaped buffer with an average width of sixty (60) feet which incorporates some undulating berms shall be provided along the Route 5 boundary of the Property adjacent to the developed portions of the Property. At no point shall the landscaped buffer be less than thirty-five (35) feet in width. Existing mature trees will be preserved wherever possible and, if not, will be replaced with a similar species of tree.
- B. With the exception of existing easements, a natural buffer at least sixty (60) feet wide shall be provided along the Route 5 boundary of the Property adjacent to the undeveloped portion of the Property.
- C. Utility easements, signage, roads, entrances, sidewalks, trails and other uses required or permitted at the time of Plan of Development review may be permitted within the aforesaid buffer areas. Any utility easement or roadway extended through the buffer areas shall be extended generally perpendicular thereto unless otherwise specifically permitted at the time of Plan of Development review, and where permitted, areas disturbed for utility installations shall be restored.
- D. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall be removed from such buffer areas and, if so removed, additional plantings shall be added in the landscaped buffer area.

12. Notification

The site shall not be disturbed for thirty (30) days following the approval of the rezoning to permit the Department of Parks and Recreation to enter the Property for the purpose of photographing, mapping and documenting any earthworks or historical artifacts.

Mr. Ree R. Ellis  
Essex Properties of Virginia, Inc.  
July 14, 1998

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13. Communications Towers

Any communication tower located on the Property shall be set back one thousand (1,000) feet from the centerline of the Route 5 right of way.

14. Animal Hospital or Kennel

Any animal hospital or kennel on the Property may contain an accessory open enclosure for animals provided that such enclosure is screened from view by either dense evergreen plantings, an opaque fence or masonry wall of approved design and material, or any combination thereof as approved at the time of Plan of Development review.

15. Conceptual Master Plan

A Conceptual Master Plan for the entire project shall be submitted with the first request for Plan of Development approval and shall be updated with each subsequent request for Plan of Development approval. The Conceptual Master Plan shall show the location of all accesses and stub roads to adjacent properties. The intent and purpose of the Conceptual Master Plan is to promote a planned, coordinated development.

16. Severability

The unenforceability, illegality, 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,



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

cc: Director, Real Estate Assessment  
Conditional Zoning Index...  
Ms. Gloria L. Freye, Esquire