



AMEND PROFFERED CONDITIONS

C-62C-98

**36-A-43 pts. of 45,46 & 47
THREE CHOPT DISTRICT**



HENRICO COUNTY PLANNING OFFICE

November 17, 1998

Re: Conditional Rezoning Case C-62C-98

Mr. Michael A. Underwood
Summit Properties Partnership, L.P.
3701 National Drive, Suite 219
Raleigh, North Carolina 27612

Dear Mr. Underwood:

The Board of Supervisors at its meeting on November 10, 1998, granted your request to amend proffered conditions on Conditional Rezoning Cases C-27C-98, being Parcels 36-A-45, 46, and 47, and part of Parcel 36-A-43.

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).

4. Deleted.

4. Added:

Road Dedication. Those portions of the Property shown as Parcels A2 Gayton Road R/W and B2 Gayton Road R/W on the zoning plat filed with this case shall be dedicated to the County or its designee for right-of-way for the construction of Gayton Road as a four (4) lane divided highway prior to the issuance of any Certificate of Occupancy for any building on any portion of the Property, and Owner shall construct, to County standards, two (2) lanes of pavement thereon including curb, gutter and storm drainage facilities on the eastern side of such right-of-way.

5. Deleted.

5. Added:

Ramp Dedication. Those portions of the Property shown as Parcels A1 (Reserved) and B1 (Reserved) on the zoning plat filed with this case shall be dedicated to the County or its designee for the possible future construction of a ramp to service Interstate 64 prior to the issuance of any Certificate of Occupancy for any building on any portion of the Property. If for any cause or reason whatsoever such ramp is not approved for

construction within ten (10) years or the construction of such ramp is not commenced within fifteen (15) years from the date of such dedication to the County or its designee, then Parcels A1 (Reserved) and B1 (Reserved) shall without any further act or deed of any kind or nature whatsoever automatically revert to the then owner or owners of the property adjoining same on the east and south of said Parcels. If requested to do so, the County or its designee shall confirm such reconveyance or reversion by deed or other appropriate recordable instrument.

15. Deleted.

15. Added:

Architectural Treatment. That portion of Parcel A that does not include the Outparcels (the "Dealership Parcel") shall have an exterior architectural style generally consistent with the exterior elevation plans entitled "Dominion Chevrolet/Buick", prepared by Winks-Snowa Architects, P.C., dated October 7, 1998 and attached hereto as Exhibit A. All buildings constructed on the Dealership Parcel shall have exposed exterior walls (above finished grade) constructed primarily of brick, architectural concrete, split-face block, stucco if applied to a masonry surface, E.I.F.S., glass or combinations thereof, or a different architectural treatment and/or materials as requested by the owner and specifically approved at the time of Plan of Development review. Siding, natural stone, marble, the foregoing primary materials or combinations thereof, or an equivalent, permanent, architecturally finished material may be utilized as accent materials. No building shall be covered with or have exposed to exterior view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other similar materials unless otherwise requested by the owner and specifically approved at the time of Plan of Development review. The color of any primary material of any of the exposed exterior walls on any buildings constructed on the Dealership Parcel shall be subject to approval at the time of Plan of Development review. The Outparcels shall have exposed exterior walls (front, rear and sides, above finished grade) predominantly of brick unless different architectural treatment and/or materials with respect to the exposed portion of any such wall surface is specifically approved at the time of Plan of Development review or shall be generally consistent in color, materials and architecture to that of the Dealership Parcel. Split-face block, exterior insulating finish systems (E.I.F.S.), stucco if applied to a masonry surface, glass or combinations thereof, may be used as decorative trim materials accessory to the predominant materials referenced above. The design and architecture of any buildings constructed on the Outparcels shall be subject to approval at the time of Plan of Development review, taking into consideration exterior signage and lighting.

16. Deleted.

16. Added:

Use Restrictions. The Dealership Parcel may only be used for the sale, service, rental and repair of automobiles, vans, sport utility vehicles, other similar passenger vehicles and the sale, service or repair of trucks not exceeding Federal Class 4 trucks, and uses incidental or accessory thereto as permitted in the B-3 zoning district. The Dealership Parcel may also be used for and the Outparcels may only be used for those uses permitted in the B-2 zoning district, except that none of the following uses shall be permitted on the Property:

- a) adult bookstores;
- b) billiard, bagatelle, video game or a bingo parlor;
- c) dance halls;
- d) funeral home, mortuary and/or undertaking establishment;
- e) flea markets and antique auctions;
- f) rifle or pistol range;
- g) gun shop, sales or repair;
- h) helistops;
- i) printing publishing and engraving, blueprinting and photographic shops that emit sounds or odors that are detectable at the perimeter of Parcel A or has outside storage;
- j) new or used vehicle sales or rentals on the Outparcels;
- k) private clubs;
- l) freestanding communications tower;
- m) outdoor advertising sign as defined in Section 24-3 of the Code of Henrico, or billboards of any kind;
- n) indoor recreation facilities, including theaters, bowling alleys, skating rinks (ice skating and roller skating), swimming pools, tennis, model racing tracks, electronic video game rooms, bingo halls, archery ranges and similar activities;
- o) laundromats and self-service dry-cleaning establishments; or
- p) outside vending machines for food, beverage and similar merchandise.

All uses permitted in the B-2 zoning district shall be subject to the development standards set forth in the B-2 zoning district.

17. Deleted.

17. Added:

Conceptual Plan. The Dealership Parcel shall be developed generally consistent with the layout plan entitled "Dominion Chevrolet, Henrico County, Virginia", prepared by Edward H. Winks, James D. Snowa, Architects, P.C., dated October 5, 1998, and attached hereto as Exhibit B, which layout plan is conceptual in nature and may vary in detail. The exact locations, footprints, configurations, sizes and details of the

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building(s) and roads are illustrative and may be revised and updated from time to time for engineering or regulatory reasons or other reasons approved at the time of Plan of Development review.

27. Deleted.

27. Added:

Orientation of Outparcel. Any building constructed on Outparcel #1 shall be located toward the intersection of West Broad Street Road and North Gayton Road, as extended, with parking oriented towards the rear and/or sides of any such building generally as shown on attached Exhibit F, which layout plans are conceptual in nature and solely for purposes of illustrating the foregoing requirement. The exact locations, footprints, configurations, sizes and details of the building and parking layout are illustrative and may be revised from time to time for engineering or regulatory reasons or other reasons approved at the time of Plan of Development review.

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

JRM:jt

cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. & Mrs. William S. Hockaday
Mr. Fred L. Williams, Jr.
BBH Associates