



**B-1 to B-2C**  
8.20 AC.

SHOPPING CENTER

**C-67C-98**

**50-13-A-2 & 4 pt. of 3**  
**BROOKLAND DISTRICT**



HENRICO COUNTY PLANNING OFFICE

November 17, 1998

Re: Conditional Rezoning Case C-67C-98

Mr. Robert A. Axelrod, President  
Square Mark, Inc., General Partner  
SMP Limited Partnership  
1025 Connecticut Ave., NW, Ste. 306  
Washington, DC 20036

Dear Mr. Axelrod:

The Board of Supervisors at its meeting on November 10, 1998, granted your request to conditionally rezone property from B-1 Business District to B-2C Business District (Conditional), Parcels Parcels 50-13-A-1, 2, and 4, and part of Parcel 50-13-A-3 (Staples Mill Plaza), described as follows:

Beginning at a point, said point being the intersection of the east line of Hungary Spring Road with the east line of Staples Mill Road, Thence along the east line of Hungary Spring Road, North 20 degrees 44 minutes 44 seconds East for a distance of 23.90 feet to a point; Thence along a curve to the left having a radius of 540.00 feet and an arc length of 130.88 feet, being subtended by a chord of North 13 degrees 48 minutes 08 seconds East for a distance of 130.56 feet to a point; Thence along a curve to the left having a radius of 766.25 feet and an arc length of 25.40 feet, being subtended by a chord of North 05 degrees 54 minutes 33 seconds East for a distance of 25.40 feet/to a point; Thence along a curve to the left having a radius of 20.00 feet and an arc length of 10.44 feet, being subtended by a chord of South 58 degrees 03 minutes 43 seconds East for a distance of 10.32 feet to a point; Thence along a curve to the right having a radius of 87.42 feet and an arc length of 31.02 feet, being subtended by a chord of South 62 degrees 51 minutes 00 seconds East for a distance of 30.86 feet to a point; Thence South 52 degrees 41 minutes 03 seconds East for a distance of 100.51 feet to a point; Thence North 33 degrees 42 minutes 00 seconds East for a distance of 127.00 feet to a point; Thence South 84 degrees 49 minutes 54 seconds West for a distance of 87.50 feet to a point; Thence North 87 degrees 18 minutes 23 seconds West for a distance of 97.52 feet to a point; Thence North 06 degrees 36 minutes 30 seconds East for a distance of 1.34 feet to a point; Thence along a curve to the left having a radius of 790.00 feet and an arc length of 45.2 feet, being subtended by a chord of North 04 degrees 58 minutes 10 seconds East for a distance of 45.19 feet more or less to a point in the centerline of Hungary Creek (said point also being the western end of a tie line); thence eastwardly along the centerline of Hungary Creek, 292 feet more or less to a point (being defined by a tie line of North 87 degrees 54 minutes 11 seconds East for a distance of 318.76 feet to a point on the eastern property line); Thence South 56 degrees 18 minutes 00 seconds East for a distance of 496 feet more or less to a point (451.00' from survey tie line); Thence South 33 degrees 42 minutes 00 seconds West for a distance of

306.27 feet to a point; Thence South 80 degrees 55 minutes 11 seconds West for a distance of 23.17 feet to a point; Thence South 33 degrees 42 minutes 00 seconds West for a distance of 389.76 feet to a point on the east line of Staples Mill Road; Thence along the east line of Staples Mill Road, North 33 degrees 25 minutes 40 seconds West for a distance of 229.96 feet to a point; Thence along a curve to the right having a radius of 3744.29 feet and an arc length of 393.66 feet, being subtended by a chord of North 30 degrees 24 minutes 57 seconds West for a distance of 393.48 feet to a point; Thence North 08 degrees 36 minutes 30 seconds West for a distance of 47.93 feet to a point, and being the point of Beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 7.87 acres more or less, also being lots 2, 4 and a portion of 3, block A, Staples Mill Plaza.

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 Treatment.** Any building constructed on any out-parcel of the Property after the effective date of this rezoning shall be compatible in architectural treatment to the principal building constructed on the Property as determined at the time of Plan of Development review.
2. **Parking Lot Lighting.** All parking lot lighting fixtures shall be positioned in a manner as to minimize the impact of such lighting on any adjacent residential property. Such light fixtures shall be of the type that conceals the direct source of light (such as "shoe box" type fixtures). Such exterior lighting shall be reduced to security levels after hours of operation.
3. **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. Flea market;
  - c. Gun shop, sales and repair;
  - d. Massage parlors;
  - e. Bingo games;
  - f. Game rooms;
  - g. Hotels, including extended stay hotels, motels, motor lodges; and

- h. Sign printing and painting shops.
  - i. Recreation facilities as described in Sec. 24-58.1(s)
4. **HVAC.** Rooftop heating and air conditioning equipment on any building constructed on the Property after the effective date of this rezoning shall be screened from public view at ground level at the Property lines by means of parapets or other architectural features, in a manner approved at the time of Plan of Development review.
  5. **Central Trash Receptacles.** Central trash receptacles, not including convenience cans, serving any building constructed on the Property after the effective date of this rezoning shall be screened from public view at ground level, in a manner approved at the time of Plan of Development review. No trash pick up shall occur before 7:00 a.m. or after 8:00 p.m.
  6. **Building Heights.** No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-five (35) feet in height, exclusive of chimneys or other architectural design features on any building.
  7. **Out-parcels.** The property shall be developed adjacent to Staples Mill Road with no more than one out-parcel per 300 feet of road frontage along Staples Mill Road. Access to any such out-parcels shall be by an internal access road on the property and not by direct access to and from Staples Mill Road.
  8. **Signs.** There shall not be any exterior mobile signs on the property.
  9. **Deliveries; Cleaning.** No deliveries shall be made before 7:00 a.m. or after 8:00 p.m. in the area located between the northern (rear) property line of the Property and the rear of the buildings on the Property (if such area is within 150 feet of such property line). No cleaning of the parking or service area shall be conducted before 7:00 a.m. or after 8:00 p.m. in the area located between the northern (rear) property line of the Property and the rear of the buildings on the Property (if such area is within 150 feet of such property line).
  10. **Inflatable Attention Getting Devices.** No inflatable attention getting devices shall be permitted on the Property.
  11. **Severance.** The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect validity or enforceability of the other proffers or the unaffected part of any such proffer.

Mr. Robert A. Axelrod, President  
Square Mark, Inc., General Partner  
SMP Limited Partnership  
November 17, 1998

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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,



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

JRM:jt

cc: Director, Real Estate Assessment  
Conditional Zoning Index  
Mr. Ralph L. Axelle, Jr., Esquire



COUNTY OF HENRICO, VIRGINIA

C-67C-98

## PROFFERS FOR CONDITIONAL REZONING

ORIGINAL       AMENDED

Pursuant to section 22-121(b) of the County Code, the owner or duly authorized agent hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

Roy L. ...  
Signature of Owner or Applicant\*

10-13-98  
Date

\* If Applicant is other than Owner, Form POF-004-3/87, Special Limited Power of Attorney must be submitted with this application.

C-67C-98

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  - b. Flea market;
  - c. Gun shop, sales and repair;
  - d. Massage parlors;
  - e. Bingo games;
  - f. Game rooms;

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*including extended stay hotels,*

- g. Hotels, motels, motor lodges; and
  - h. Sign printing and painting shops.
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10. Inflatable Attention Getting Devices. No inflatable attention getting devices shall be permitted on the Property.

*i. Receptacle facilities as described in Sec 24-58.1(c)*

11. Severance. The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect validity or enforceability of the other proffers or the unaffected part of any such proffer.

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