

RESTAURANT WITH DRIVE-THROUGH & OFFICES

C-36C-00



61-A-29, 30 & 31
BROOKLAND DISTRICT

HENRICO COUNTY PLANNING OFFICE

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

February 20, 2001

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-36C-00

Mr. Bill Savage
McDonalds Corporation
999 Waterside Drive, Suite 2300
Norfolk, VA 23510

Dear Mr. Savage:

The Board of Supervisors at its meeting on February 13, 2001, granted your request to conditionally rezone property from R-3 One Family Residence and B-1 Business Districts to B-2C Business District (Conditional) and O-2C Office District (Conditional), Parcels 61-A-29, 30 and 31, described as follows:

Parcel 1 - O-2C:

Beginning at a point in the northern right-of-way line for Parham Road, approximately 409' west of the western right-of-way line of Staples Mill Road, and running in a clockwise direction N.15°20'21"W., 289.74' to a point; thence N. 74°33'24" E., 145.89' to a point; thence S. 18°36'48" E., 292.10' to a point in the southern right-of-way of Parham Road; thence along a curve to the left having an arc length of 82.22', a radius of 1,959.86', and a chord bearing S. 69° 31'40"W., 82.21' to a point; thence S. 74°38'51" W., 80.69' to the point of beginning, containing 45,831 Sq. ft., 1.05 acres more or less.

Parcel 2 - B-2C:

Beginning at a point in the northern right-of-way line for Parham Road, approximately 246' west of the western right-of-way line of Staples Mill Road, and running in a clockwise direction N. 18°36'48"W., 292.10' to a point; thence N. 74°33'24" E., 267.88' to a point on the western right-of-way for Staples Mill Road; thence with the right-of-way for Staples Mill Road S. 10°50'09" E., 4.33' to a point; thence S. 01°59' 43" E., 69.87' to a point; thence S. 16°01'00" E., 36.41' to a point; thence S. 64°32'09" W., 8.25' to a point; thence S. 16°23'21" E., 11.11' to a point; thence N. 74°31' 10" E., 8.12' to a point; thence S. 15°42'59" E., 134.15' to a point; thence S. 32°53'21" W., 38.40' to a point in the northern right-of-way for Parham Road; thence with the northern right-of-way of Parham Road S. 71°31' 58" W., 135.94' to a point; thence S. 72°02'44" W., 45.01' to a point; thence along a curve to the left having an arc length of 26.97', a radius of 1,959.86', and a chord bearing S.71°07' 25" W., 26.97' to the point of beginning, containing 69,843 Sq. Ft., 1.60 acres more or less.

The Board of Supervisors accepted the following proffered conditions, dated December 19, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

APPLICABLE TO B-2 DISTRICT

1. Landscaped Areas. A natural and/or landscaped area of a minimum of twenty-five (25) feet in width will be provided adjacent to the western right-of-way line of Staples Mill Road and the northern right-of-way line of Parham Road, except to the extent necessary or allowed for utility easements, grading, drainage, signage and access driveways and other purposes requested and specifically permitted, or if required at the time of Plan of Development review. Any new utility easements or use permitted within the aforesaid landscaped areas shall be extended generally perpendicular to the landscaped areas unless otherwise requested and specifically permitted or if required at the time of Plan of Development review and, where permitted, areas disturbed for utility installation shall be replanted to the extent reasonably practicable.
2. Lighting. Parking lot lighting standards shall not exceed twenty (20) feet in height above grade level. Parking lot lighting shall be produced from a concealed source of light such as shoebox type.
3. HVAC. Rooftop heating and air conditioning equipment 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.
4. Central Trash Receptacles. Central trash receptacles not including convenience cans shall be screened from public view at ground level and enclosed in a manner approved at the time of Plan of Development review.
5. Building Height. No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-five (35) feet in height exclusive of architectural design features on any building.
6. Use Restrictions. The following uses shall not be permitted on any portion of the Property:
 - a. Hotels or motels;
 - b. Flea markets;
 - c. Gun shop sales and repair;
 - d. Private clubs and lodges;
 - e. Dancing and recreational use;
 - f. Automotive body shops and repair facilities;
 - g. Billiard parlors;
 - h. Bars and taverns;

- i. Massage parlors;
 - j. Adult bookstores and video stores; and
 - k. Sexually oriented businesses.
7. Architecture Treatment. The exposed portion of each exterior wall surface (front, rear and sides) of buildings constructed on the Property (excluding rooftop screening materials of mechanical equipment) shall be similar to the exposed portions of other exterior wall surfaces of such building in architectural treatment and materials. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) of either or a combination of brick, face brick, stucco, dryvit and glass. No building walls on the Property shall be covered with or have exposed to view any sheet or corrugated aluminum or metal, exposed aggregate concrete, unpainted or unfinished concrete masonry units or asbestos. The color scheme of the building shall be red brick similar to the sample "Southside Blend O/S" with white or beige dryvit or stucco with black or brown trim. The elevation of the McDonald's restaurant building shall be in substantial conformance with the Proposed Elevation drawing dated December 14, 2000, by McDonald's Corporation, a copy of which is attached hereto as Exhibit A, (see case file), subject to such changes as may be approved at the time of Plan of Development review. Accessories to the restaurant such as trash cans, benches and planters shall use the same color scheme as the building.
8. Layout Plan. The Property shall be developed in substantial conformance with the Preliminary Site Plan dated December 14, 2000, by McDonald's Corporation, a copy of which is attached hereto as Exhibit B, (see case file) subject, however, to such traffic and engineering changes as may be approved at the time of Plan of Development review.
9. Loudspeakers. No outside pagers or loudspeakers shall be permitted on the Property. However, an intercom system equipped with volume control associated with a drive through window shall be permitted.
10. Irrigation. Landscaped buffers shall be served by an underground irrigation system.
11. Signs. Any freestanding sign on the Property shall be limited to a maximum of ten (10) feet in height and shall be ground mounted with a monument style five (5) feet high base constructed of brick to match the building. The only signage permitted on the Property shall be the aforementioned freestanding signs and the attached signage on the building permitted by the zoning ordinance, except for directional signs and the menu board. Except for the grand opening, attention getting devices shall not be permitted.
12. Access. There shall be no more than one (1) point of access from the Property to Parham Road and no more than one (1) point of access to Staples Mill Road. The access

entrances to the Property from Parham Road and Staples Mill Road shall be configured as right-in and right-out turn lanes.

13. Restriction on Interparcel Connection. There shall be no interparcel vehicular access connection between the Property and Parcel 61-A-27, the adjacent parcel to the north of the Property.
14. Stormwater Management Facility. The stormwater management facility shall be setback a minimum of seventy-five (75) feet from the property line along Parham Road. The areas adjacent to the stormwater management facility which are visible from Parham Road and Staples Mill Road shall be landscaped in a manner approved at the time of Plan of Development review.
15. Play Area. Any children's play area shall be located inside the building and not visible from Parham Road.
16. 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 any of the other proffers or the unaffected part of any such proffer.

APPLICABLE TO O-2 DISTRICT

1. Landscaped Area. A natural and/or landscaped area of a minimum of thirty (30) feet in width will be provided adjacent to the right-of-way line of Parham Road, except to the extent necessary or allowed for utility easements, grading, drainage, storm water management, signage and access driveways and other purposes requested and specifically permitted, or if required at the time of Plan of Development review. Any new utility easements or use permitted within the aforesaid landscaped area shall be extended generally perpendicular to the landscaped area unless otherwise requested and specifically permitted or if required at the time of Plan of Development review and, where permitted, areas disturbed for utility installation shall be replanted to the extent reasonably practicable.
2. Irrigation. Landscaped buffers shall be served by an underground irrigation system.
3. Architectural Treatment. The architectural treatment of all buildings constructed on the Property shall be colonial in style and complimentary to the buildings at Courthouse Commons.
4. Restriction on Inter-parcel Connection. There shall be no inter-parcel vehicular access connection between the Property and Parcel 61-A-27, the adjacent parcel to the north of the Property.

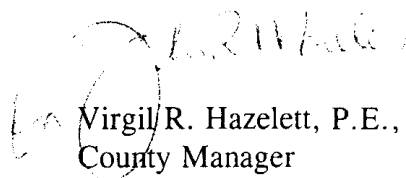
Mr. Bill Savage
McDonalds Corporation
February 20, 2001

5

5. 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 any 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
Profit Sharing Plan
Third Generation, L.P.