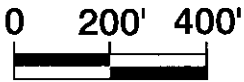


RETAIL FURNITURE STORE

49-9-A-3B & 4C / 58-2-A-8A
THREE CHOPT DISTRICT

C-37C-00



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

June 21, 2000

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-37C-00

Mr. Ellis J. Strelitz
West Broad Street Properties, L.L.C.
5324 Virginia Beach Boulevard
Virginia Beach, VA 23462

Dear Mr. Strelitz:

The Board of Supervisors at its meeting on June 13, 2000, granted your request to conditionally rezone property from B-2C Business District (Conditional) to B-3C Business District (Conditional), Parcels 49-9-A-3B, 4C, and 58-2-A-8A, described as follows:

Beginning at a rod on the south line of Broad Street Road (U.S. Route 250), which rod is located a distance of 167.62' east along the south line of Broad Street Road from its intersection with the east line of Pemberton Road (Route 157); thence along the south line of Broad Street Road S65°05'33"E a distance of 17.92' to a nail; thence continuing along the south line of Broad Street Road S62°43'03"E a distance of 232.82' to a rod; thence continuing along the south line of Broad Street Road S65°20'46"E a distance of 19.83' to a rod; thence leaving the south line of Broad Street Road S24°50'08"W a distance of 542.20' to a rod; thence N65°09'52"W a distance of 168.26' to a rod; thence S24°49'18"W a distance of 7.35' to a rod; thence N65°24'57"W a distance of 428.61' to a rod on the east line of Pemberton Road; thence along the east line of Pemberton Road N38°31'39"E a distance of 41.34' to a rod, thence continuing along the east line of Pemberton Road N47°30'04"E a distance of 128.99' to a nail; thence continuing along the east line of Pemberton Road N37°47'54"E a distance of 216.94' to a rod; thence leaving the east line of Pemberton Road S65°21'18"E a distance of 218.96' to a rod; thence N24°38'42"E a distance of 190.00' to a rod marking the point of beginning.

The Board of Supervisors accepted the following proffered conditions, dated April 24, 2000, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Buffers.** Landscaped buffer areas, as indicted below, will be provided around portions of the perimeter of the Property, except to the extent necessary for utility easements, roads, signage, driveways or other purposes required at the time of Plan of Development:
 - a. a buffer area of a minimum of twenty (20) feet in width along the current Broad Street Road right-of-way line of the Property;

- b. a buffer area of a minimum of thirty (30) feet in width along the current right-of-way line of Pemberton Road.

Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall be removed from such buffer areas, and if so removed, additional plants and/or berms shall be added. Specifically, berms of approximately five (5) feet in height shall be included within the buffer area along the right-of-way of Pemberton Road, as reasonably necessary to screen loading areas from Pemberton Road, which berms shall be planted with landscaping (including evergreen plantings), to enhance the screening effect of the berms. Any berms installed within buffer areas shall be developed in such a manner as to have no adverse effect on traffic safety on adjacent roadways and access points thereto, to and from the Property.

2. Parking Lot Lighting. Parking lot lighting shall be provided by concealed sources of light, except at vehicular access points or as otherwise required at the time of Plan of Development. Parking lot lighting standards shall not exceed twenty-five (25) feet in height. Parking lot lighting shall be reduced to no more than a security level, following the close of business operations on the Property.
3. Building Height. No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-six (36) feet in height, exclusive of chimneys or other architectural design features.
4. Use Exceptions. The only B-3 use of the Property shall be for temporary outdoor sales. The following additional B-2 uses shall not be permitted on the Property:
 - a. skating rinks;
 - b. billiard parlors;
 - c. electronic video game rooms;
 - d. repair business for electrical, heating or plumbing systems;
 - e. mortuaries;
 - f. any facility that provides for the sale, rental, distribution or display (including one that utilizes computer technology) of pornographic material (as determined by the community standards for the area in which the property is located);
 - g. automobile filling and service station;
 - h. hotels and motels;
 - i. dance halls;
 - j. recreational facilities; and
 - k. automobile repair and/or tire installation businesses.
5. Central Trash Receptacles. Central trash receptacles, not including convenience cans, shall be screened from public view at ground level in a manner approved at the time of Plan of Development.

Mr. Ellis J. Strelitz
West Broad Street Properties, L.L.C.
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6. Access. There shall be a maximum of one (1) access drive to and from the Property, to and from Pemberton Road (excluding any access drive serving residences on property adjacent to the Property to the south) and such access drive shall be designed to line up with the access drive proposed to serve development on the west side of Pemberton Road, unless otherwise required by any governmental authority having jurisdiction with respect thereto.
7. Loading Area. There shall be no more than one loading area (excluding customer pick-up areas) to serve trucks bringing inventory to and from the Property, on the side of a building most directly facing Pemberton Road.
8. Fence. A solid, salt-treated wood fence of a minimum of six (6) feet in height, shall be installed along the northern boundary of Henrico County Tax Parcel No. 58-2-A-9 (exclusive of the portion thereof within the front yard of said parcel).
9. Limitation of Hours of Loading. Loading and unloading of inventory outside a building on the Property shall be limited to the hours of service permitted in a B-1 neighborhood business district.
10. Site Coverage. No more than seventy-five (75) percent of the Property shall be covered by building and parking areas.
11. Time Limitation. Any temporary outdoor sales events shall not be open to the public more than a total of twenty (20) days in any calendar year.
12. 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
Mr. Jay M. Weinberg, Esquire