

B-1 to B-2C  
0.945 Ac.



Fast Food Restaurant  
with Drive Through Window

**C-29C-02**  
TUCKAHOE DISTRICT  
0 400 Feet

June 2002 Ref. 751-741-5673



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.  
County Manager

July 16, 2002

Re: Conditional Rezoning Case C-29C-02

Tricon Global Restaurants  
c/o Mr. Jim Avery  
P. O. Box 613  
Lakeland, MI 48143

Dear Mr. Avery:

The Board of Supervisors at its meeting on July 9, 2002, granted your request to conditionally rezone property from B-1 Business District to B-2C Business District (Conditional), Parcel 751-741-5673 (100-A-32) described as follows:

Beginning at the intersection of the northerly right of way line of Patterson Avenue and the easterly right of way line of Quail Lane, said point being marked by a set iron pin, said point being the true point and place of beginning; thence along a curve to the right having a radius of 20.00', arc length of 36.79', delta angle of 105°23'30", a chord bearing of N33°52'16"W, and a chord length of 31.82', to a set iron pin; thence along the easterly right of way line of Quail Lane N18°49'29"E, a distance of 259.38' to a found iron pin, said pin marking the northwest corner of the parcel herein described; thence departing said right of way line of Quail Lane S86°34'01"E, passing a found iron pin on line at a distance of 98.76', said line having a total distance of 150.00' to a found iron pin, said pin marking the northeast corner of the parcel herein described; thence S18°49'29"W, a distance of 285.63' to a found iron rod, said point lying on the northerly right of way line of Patterson Avenue as described in Plat Book 26 at page 1, said point marking the southeast corner of the parcel herein described; thence along the northerly right of way line of Patterson Avenue N86°34'01"W, a distance of 123.75' to a set iron pin, said pin marking the true point and place of beginning, containing 0.945 acres, more or less.

The Board of Supervisors accepted the following proffered conditions, dated July 8, 2002, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Exterior Materials. The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed

portions of other exterior walls of such building in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade) of brick, E.I.F.S., split face block, cementitious, vinyl or composite-type siding, or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development. No building shall be covered with or have exposed to view any painted or unfinished concrete block.

2. Prohibited Uses. The following uses shall be prohibited:
  - a. billiard, bagatelle, video game or a bingo parlor;
  - b. flea markets or antique auctions;
  - c. billboards;
  - d. recycling facilities;
  - e. funeral homes, mortuaries, crematories and/or undertaking establishments;
  - f. dance halls;
  - g. attention getting devices;
  - h. truck stops;
  - i. gun shop, sales and repair;
  - j. hotels, motels and motor lodges;
  - k. parking garages or commercial parking lots;
  - l. communication towers;
  - m. general hospitals, sanitoriums and charitable institutions for human care;
  - n. sexually-oriented businesses including, but not limited to, adult video stores;
  - o. bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control;
  - p. sign printing and painting shop; and
  - q. massage parlor.
  
3. Wall. A screening wall consisting of a textured precast concrete product which simulates masonry, a minimum of eight (8) feet in height, shall be provided along or near the northern property line, turning the corner and extending a minimum of fifteen (15) feet along or near the rear of the northwestern property line. Both sides of such wall are to be of a color and brick pattern texture similar to the main building to be constructed, unless otherwise requested and specifically approved at the time of Plan of

Development.


4. Underground Utilities. Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
5. Hours of Trash Pickup: Parking Lot Cleaning. Trash pickup from the Property and parking lot cleaning shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday and between 9:00 a.m. and 8:00 p.m. on Saturday. There shall be no trash pickup or parking lot cleaning on Sundays.
6. Refuse Containers. The gates and doors on all masonry refuse screens shall be of a substantial, durable and opaque material as determined at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined at the time of Plan of Development. The number of refuse containers shall be adequate for the development as determined at the time of Plan of Development.
7. Parking Lot Lighting. Parking lot lighting shall be produced from concealed sources of light and parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Lighting shall be directed to minimize glare on public roads and adjacent properties.
8. Mechanical Equipment. Mechanical equipment shall be screened from public view at ground level at the property line in a manner approved at the time of Plan of Development.
9. 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 the other proffers or the unaffected part of any such proffer.
10. Outside Speakers. There shall be no outside speakers which may be heard beyond the boundaries of the Property where adjacent to property zoned for residential purposes.
11. Elevations. Development of the Property shall be in substantial

conformance with the architectural appearance shown on the elevations entitled "Exterior Elevations", prepared by Covington Hendrix Architects, attached hereto as Exhibit "A" (see case file) unless otherwise requested and specifically approved at the time of Plan of Development.

12. Buffer. A natural and/or landscaped buffer area a minimum of twenty-five (25) feet in width shall be provided adjacent to the northern (rear) boundary of the Property, except to the extent necessary or allowed for utility easements, grading, signage, access driveways, the wall in proffered condition 3 and other purposes requested and specifically permitted, or if required, at the time of Plan of Development. Healthy, mature trees shall, to the extent reasonably practical, be retained within the aforesaid buffer areas. Any utility easements (other than existing utility easements) permitted within the aforesaid buffer area shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically permitted or if required at the time of Plan of Development.
13. No Changeable Message Signs. No detached or attached exterior signage, not to include menu boards or reader boards, with changeable text as may otherwise be permitted in Section 24-104(b)(7)e. shall be allowed.
14. Hours of Construction. The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday and between 8:00 a.m. and 5:00 p.m. Saturday, with no such construction occurring on Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections.

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,

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

Tricon Global Restaurants  
c/o Mr. Jim Avery  
July 16, 2002

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pc: Director, Real Estate Assessment  
Conditional Zoning Index  
Frederick Savage Trust, FBO Rachel Savage  
Bret L. Savage  
Kim C. Savage  
James W. Theobald, Esquire