

JUNE 2002

**ZONING**  
 RETAIL CENTER INCLUDING  
 SIT DOWN RESTAURANT  
 Ref. 771-752-0193

**C-41C-02**  
 Brookland District





COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.  
County Manager

August 20, 2002

Re: Rezoning Case C-41C-02

Cugini, LLC  
c/o Mr. Anthony Giambanco  
8131 Staples Mill Road  
Richmond, VA 23228-2751

Dear Mr. Giambanco:

The Board of Supervisors at its meeting on August 13, 2002, granted your request to conditionally rezone property from O-2C Office District (Conditional) to B-2C Business District (Conditional), Parcel 771-752-0193 (71-A-11) described as follows:

Beginning at a rod on the western right-of-way line of Staples Mill Road, which rod is 378'± south of the south line of Stoneman Road, and which rod is the point of beginning; thence S25°43'19"E 43.78' to a rod; thence S64°16'41"W 8.00' to a rod; thence S25°43'19"E 8.00' to a rod; thence N64°16'41"E 8.00' to a rod; thence S25°43'19"E 26.67' to a rod; thence along a curve to the right having a radius of 2,809.79' for a length of 292.61' to a rod; thence S15°53'52"E 34.19' to a rod; thence leaving the western right-of-way line of Staples Mill Road S74°42'31"W 364.84' to a rod; thence N13°15'31"W 420.17' to a rod; thence N75°07'59"E 79.48' to a rod; thence N79°25'13"E 218.72' to the point of beginning, containing approximately 3.181 acres.

The Board of Supervisors accepted the following proffered conditions, dated August 9, 2002, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Prohibited Uses. The following uses shall be prohibited:
  - a. automotive filling and service stations including towing service;
  - b. billiard, bagatelle, video game or a bingo parlor;
  - c. flea markets or antique auctions;
  - d. billboards;
  - e. recycling facilities;
  - f. funeral homes, mortuaries, crematories and/or undertaking establishments;
  - g. dance halls;

- h. attention getting devices;
- i. truck stops;
- j. gun shop, sales and repair;
- k. hotels, motels and motor lodges;
- l. parking garages or commercial parking lots;
- m. sign painting shops;
- n. communication towers;
- o. general hospitals, sanitoriums and charitable institutions for human care;
- p. sexually-oriented businesses including, but not limited to, adult video stores;
- q. restaurants with drive through windows;
- r. convenience stores;
- s. massage parlors;
- t. self-service storage facilities;
- u. fortune teller, palmist, etc.; and
- v. 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.

2. Buffers.

- a. A natural and/or landscaped buffer area of a minimum of thirty (30) feet in width shall be maintained along the western boundary of the Property, except to the extent necessary or allowed for utility easements, grading and drainage and other purposes requested and specifically approved, or if required, at the time of Plan of Development. A white solid vinyl fence a minimum of six (6) feet in height shall be placed on or near the western property line, unless otherwise requested and specifically permitted, or if required, at the time of Plan of Development. 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 and where permitted, areas disturbed for utility installations shall be restored to the extent reasonably practical.
- b. A landscaped area of a minimum of twenty (20) feet in width shall be maintained along the right-of-way line of Staples Mill Road with

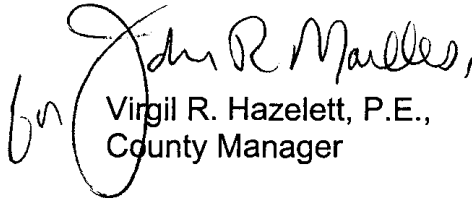
the exception of entrance drives, turn lanes, sidewalks, grading, drainage easements, signage, utility easements that may pass through the buffer in a generally perpendicular manner (unless currently existing), and such other uses as may be permitted at the time of Plan of Development.

3. Exterior Materials. The front of any building shall be in substantial conformance with the building shown on the Schematic Plan & Elevation prepared by Goss + Associates, AIA, dated August 8, 2002, attached hereto (see case file), unless otherwise requested and specifically approved at the time of Plan of Development. The sides of any building shall be of brick, and the rear shall be of split face block of a color similar to the brick on the front and sides of the building, unless otherwise requested and specifically permitted, or if required, at the time of Plan of Development. No building shall be covered with or have exposed to view any painted or unfinished concrete block.
4. Access. The principal means of vehicular access to the Property shall be across from the intersection of Hermitage Road and Staples Mill Road. There shall be no access through the residential area to the west.
5. Building Height. No building constructed on the Property shall exceed thirty-five (35) feet in height.
6. Parking Lot Lighting. 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, shall be produced from concealed sources and shall not exceed one-half (1/2) foot candle adjacent to the rear property line where adjacent to residential property.
7. Signage. Any detached signs shall be ground mounted monumental-type signs and shall not exceed ten (10) feet in height above grade.
8. 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.

9. HVAC. Heating and air conditioning equipment shall be screened from public view at ground level at the Property lines in a manner approved at the time of Plan of Development.
10. Refuse Containers. Refuse containers shall be constructed of finished masonry materials with the exception of gates and doors. Gates and doors shall be opaque, substantial, and oriented to minimize view of the enclosure from public rights-of-way. Concrete pavement shall be used where the refuse container pad and apron are located.
11. Irrigation. Landscaping along Staples Mill Road shall be irrigated.
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 the other proffers or the unaffected part of any such proffer.
13. Minimum Building Setback. Any building constructed on the Property shall be setback a minimum of one hundred (100) feet from the existing western right-of-way line of Staples Mill Road and sixty (60) feet from the rear property line.
14. Square Footage. Any building constructed on the Property shall not exceed 30,000 square feet of finished floor area.

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

pc: Director, Real Estate Assessment  
Conditional Zoning Index  
Northgate Associates, LP  
James W. Theobald, Esquire