

B-3 to B-3C
2.985 Ac.

Parcels or Portions here identified on this sheet as within the Airport Safety Overlay District are subject to Special Regulations



October 2002

ZONING
BUSINESS USES

Ref. 807-706-8116

C-63C-02
Vari

COUNTY OF HENRICO



Virgil R. Hazelett, P.E.
County Manager

November 19, 2002

Re: Conditional Rezoning Case C-63C-02

Dakota Associates
2701 Spigel Road
Virginia Beach, VA 23545

Dear Sir:

The Board of Supervisors at its meeting on November 12, 2002, granted your request to conditionally rezone property from B-3 Business District to B-3C Business District (Conditional), Parcel 807-706-8112 (1799 Bickerstaff Road), described as follows:

Beginning at the southwest intersection of Bickerstaff Road and Midview Road, said point being the point of beginning; thence S05°05'00"W, along Midview Road, a distance of 213.00'; thence S86°15'00"W, a distance of 327.32'; thence N03°31'28"W to the south line of Oakland Road, a distance of 446.81'; thence N86°28'30"E along Oakland Road, a distance of 122.25' to the southwest intersection of Oakland Road and Bickerstaff Road; thence, along Bickerstaff Road, S58°48'10"E, a distance of 32.92'; thence S47°40'46"E, a distance of 301.30' to the point of beginning, containing 2.985 acres.

The Board of Supervisors accepted the following proffered conditions, dated September 13, 2002, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

B-3 Proffers

1. Prohibited Uses. The following uses shall be prohibited:
 - (a) amusement park, carnival, circus and fairgrounds; and
 - (b) attention getting devices; and
 - (c) automobile, truck, or recreational vehicle storage lot for new or used cars and other vehicles; and
 - (d) 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; and
 - (e) billiard, bagatelle, video game or a bingo parlor; and

- (f) billboards; and
- (g) bus and railroad passenger station; and
- (h) flea markets or antique auctions; and
- (i) fortuneteller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologists, card reader, spiritual reader or similar activity; and
- (j) gun shop, sales and repair; and
- (k) heliport; and
- (l) kennels; and
- (m) massage parlors; and
- (n) recycling facilities; and
- (o) drive-in theaters; and
- (p) rifle or pistol range within a fully enclosed air conditioned and soundproofed building; and
- (q) sexually-oriented businesses including, but not limited to, adult video stores; and
- (r) sheet metal shop or roofing company; and
- (s) truck stops; and
- (t) dance halls.

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 and southern 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. 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. The landscaping in this area shall be equivalent to the 25-foot transitional buffer standards.

A minimum six-foot (6') high fence shall be constructed along the western and southern boundary. The fence shall be finished on both sides and shall be in substantial conformity with the fence type shown on Exhibit A (see case file) attached to these proffers A unless otherwise approved by the Planning Commission at the time of Plan of Development review. The construction of the above fence will not allow the above buffer width to be reduced in size as may otherwise be permitted by the Zoning Ordinance.

- b. A landscaped area of a minimum of twenty (20) feet in width shall be maintained along the right-of-way line of Old Oakland, Bickerstaff, and Midview Roads with the exception of entrance drives, turn lanes,

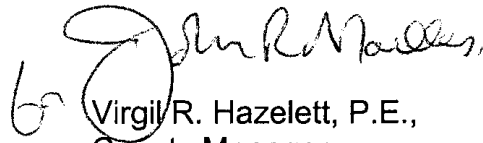
sidewalks, grading, drainage easements, signage, utility easements that may pass through the buffer in a generally perpendicular manner (unless currently existing), and such other uses as may be permitted at the time of Plan of Development.

3. Exterior Materials. The exposed portion of each exterior wall surface (front, rear and sides) of any buildings on the property intended for occupancy by persons shall be the same as exposed portions of other exterior walls of similar buildings in architectural treatment and materials. All buildings located on the property shall have exposed exterior walls (above finished grade and exclusive of rooftop screening materials for mechanical equipment, architectural features, doors and windows) of face brick, natural stone, glass, exterior insulating finishing systems (E.I.F.S.), cementitious or composite-type siding, or 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.
4. Building Height. No building constructed on the Property shall exceed thirty-five (35) feet in height.
5. Parking Lot Lighting. Parking lot lighting fixtures shall not exceed fifteen (15) 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.
6. Signage. Any detached signs shall be ground mounted monumental-type signs and shall not exceed ten (10) feet in height above grade.
7. 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.
8. 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.
9. 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.

10. Irrigation. Landscaping adjacent to public roads shall be irrigated.
11. Hours of Operation. The hours of operation on the property shall be between 6:00 a.m. and 12:00 a.m., except for the following uses. Convenience stores with or without gas pumps shall have hours of operation between 6:00 a.m. and 2:00 a.m. Drive through service windows for drug stores shall be permitted to operate 24 hours per day.
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.

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
J. Thomas O'Brien, Jr., Esquire