

B-1 to B-3C
1.02 Acres



June 2003

ZONING
Retail - Service - Warehouses

C-28C-03

Brookland District

Ref. 764-752-9619

Exhibit A

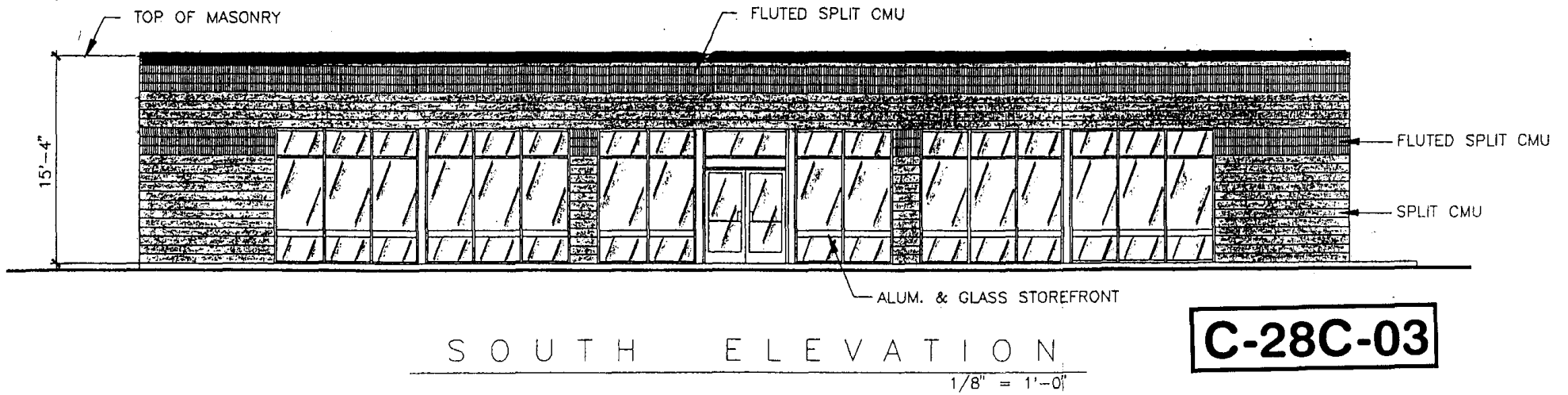


Exhibit A



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

October 21, 2003

Virgil R. Hazelett, P.E.
County Manager

A. F. Associates
Mr. Henry W. Upshur, Jr.
7906 West Broad Street
Richmond, VA 23294

Re: Conditional Rezoning Case C-28C-03

Dear Mr. Upshur:

The Board of Supervisors at its meeting on October 14, 2003, granted your request to conditionally rezone property from B-1 Business District to B-3C Business District (Conditional), Parcel 764-752-9619, described as follows:

Beginning at a rod in the north line of Fountain Avenue, which rod is 176.59' west of Hungary Spring Road extended; thence N36°20'W, 200' to a rod; thence N45°59'E, 225' to a rod, thence S36°20'E, 200' to a rod, thence S45°59'W, 225' to the rod marking the beginning point, containing 1.02 acres.

The Board of Supervisors accepted the following proffered conditions, dated September 8, 2003, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. The exposed portion of the exterior wall surface (front, rear and side) of such building constructed on the Property shall be compatible to the exposed portions of other exterior wall surfaces of such building in architectural treatment and materials, and shall be predominantly of fluted or split block, bronze aluminum storefront and/or glass, except to the extent that other architectural materials are used for windows, doors, trim, signage, architectural decorations or design elements. Other aesthetically comparable finished materials may be used if requested and specifically permitted by the Planning Commission at the time of Plan of Development review.
2. Parking lot setback areas along the boundaries of the Property shall be landscaped as required by the Planning Commission at the time of Landscape Plan review. Parking lots serving the Property shall be landscaped, including but not limited to the planting of shrubbery and/or trees in raised islands located within such parking lots.

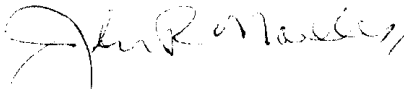
3. Principal uses permitted on the Property shall be limited to the following: sales, service, and warehouse of motorcycle and marine products and other products manufactured by Honda and those principle uses permitted in a B-2 zoning district, except that the following uses shall not be permitted thereon:
- (a) Automotive filling, repair 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, sanitariums and charitable institutions for human care;
 - (p) Adult business as defined in the Henrico County Zoning Ordinance;
 - (q) Bars, which, for purposes of this restriction shall mean a business establishment whose primary business is the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control;

- (r) Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (the foregoing shall not include banks, savings and loans, or similar financial institutions that are not regulated by the foregoing Virginia Code sections;
 - (s) Automobile, truck, or bus sales, rental and repair;
 - (t) Restaurants with drive thru windows;
 - (u) Massage parlors;
 - (v) Fortune teller, palmist, astrologist and numerologist;
 - (w) Radio and television broadcasting station or tower;
 - (x) Automobile, truck or RV storage lot
 - (y) Private club, lodge, meeting hall or fraternal organization;
 - (z) Shooting range;
 - (aa) Bowling alley.
4. Signage and hours of operation shall be controlled by the standards for signage and hours of operation applicable to property in a B-2 zoning district.
 5. Parking lot lighting shall be produced from concealed sources, be positioned in such a manner as to minimize the impact of such lighting on adjacent property and be reduced to no more than a security level following the close of business conducted on the Property.
 6. Any outdoor storage will be screened with a masonry wall whose height will be the maximum permitted by code. Any items that are stored will not be visible over the screening wall.
 7. Access to or from Shrader Road from the site referenced in this rezoning case will not be permitted.
 8. The building's exterior design shall be substantially in conformance in the design and materials to the colored rendering titled SOUTH ELEVATION and marked as Exhibit A, a copy of which is found in the rezoning case file (see case file).

A. F. Associates
Mr. Henry W. Upshur, Jr.
October 21, 2003
Page 4

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,


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

pc: The Fourth JMJ Corporation
Director, Real Estate Assessment
Conditional Zoning Index