

**B-1C to B-3C  
1.142 Ac.**

**C-12C-04**  
**Zoning**  
 Veterinarian Office  
 Three Chopt District  
 400 Feet  
 PS April 2006 Ref: 747-757-6938



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

Virgil R. Hazelett, P.E.  
County Manager

August 29, 2006

Water Tower Associates, LLC  
c/o Mr. Stuart Cantor  
P.O. Box 28280  
Richmond, VA 23228

Re: Conditional Rezoning Case C-12C-04

Dear Mr. Cantor:

The Board of Supervisors at its meeting on August 22, 2006, granted your request to conditionally rezone from B-1C Business District (Conditional) to B-3C Business District (Conditional), part of Parcel 747-757-6938, described as follows:

Beginning at a point, the northeast corner of Parcel 747-757-6938; thence along a line with a bearing S 47°54'10" W, a distance of 257.93' to a point; thence along a right-of-way of Three Chopt Road N 51°54'20" W, a distance of 83.54' to a point; thence along a curve to the right with a length of 105.01' and a radius of 1869.86' to a point; thence along a line departing from Three Chopt Road with a bearing of N 42°45'53" E, with a distance of 241.76' to a point; thence along a line with a bearing of S 54°39'55" E, a distance of 213.00' to the point of beginning, containing 1.142 acres.

The Board of Supervisors accepted the following proffered conditions, dated August 9, 2006, 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 not be permitted on the property:
  - (a) Any use first permitted in the B-3 Business District, other than an animal hospital or kennel, provided that for such a use as an animal hospital or kennel, the following shall apply:
    - (i) Animals shall be permitted outside of the building on the Property (other than for ingress or egress) only within the area shown as "Outdoor Pen Area" and "Fenced Area" (for veterinary) on the plan

attached as Exhibit A (see case file), however, any open pen or enclosure to be used for dogs or other animals not under the direct control of a person (such as by a leash) shall be limited to the "Outdoor Pen Area." There shall be no access between the Outdoor Pen Area and the Fenced Area.

- (ii) The Outdoor Pen Area shall be screened by an opaque fence a minimum of six feet (6') in height (which may include a decorative lattice design on top) which shall be comparable in quality and style with the fence shown on Exhibit B (see case file). Such fence as viewed from ground level at the surrounding boundary of the Property shall be white commercial grade all weather vinyl (PVC) or other material of similar quality as approved by the Director of Planning. Any interior fence shall not be visible from the surrounding boundary of the Property.
  - (b) Any use first permitted in the B-2 Business District;
  - (c) Funeral home, mortuary and/or undertaking establishment;
  - (d) Any facility that provides for the sale or rental (including one that utilizes computer technology) of pornographic material (as determined by the community standards for the area in which the property is located);
  - (e) "Fast food" style restaurants or any take-out or drive-up windows for restaurant. For purposes hereof, a "fast food" restaurant is hereby defined as an establishment whose principal business is the sale of foods and beverages to consumers in a ready-to-consume state and which foods and beverages are usually served in paper, plastic or other disposable containers or wrappers for immediate consumption either within the restaurant building or off the premises. An ice cream parlor or frozen yogurt establishment shall not be deemed to be a "fast food" restaurant;
  - (f) 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 (1950), in effect as of the date of the approvals of these proffers (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections); and
  - (g) Automotive filling and service stations.
2. **Hours:** Except in the case of an emergency, an animal hospital or kennel shall be open to the public no more than the following hours: Monday through Friday 7


a.m. to 7 p.m.; Saturday 8 a.m. to 6 p.m.; and Sunday by appointment only between the hours of 10 a.m. and 6 p.m. In no case will animals be permitted outside after 5:00 p.m. Hours of operation for any other use shall be as permitted in the B-1 District.

3. **Signage:** Signage for the property shall be limited to that signage that is permitted in the B-1 zoning district. All entrance signs, if lighted, shall be internally lit.
4. **Improvements:** Any improvements to be constructed on the property shall be architecturally similar in color, style and material with the existing building on the property. The exposed portions, exclusive of windows, trims and special architectural treatments, appointments and decorations, shall be predominantly of brick, wood, stone, treated or textured masonry, parging, stucco, or exposed aggregate. In no event shall any exposed or untreated cinderblock be used.
5. **Buildings:** There shall be no more than one principal building built on the Property, unless otherwise approved by the Planning Commission at the time of Plan of Development review; provided, however, accessory buildings used for storage shall be permitted.
6. **Landscaping:** Landscaping shall be maintained on the Property as shown on the landscaping plans for POD 33-89. In addition, such landscaping shall be supplemented by additional landscaping within that area on the Property shown as "Additional Landscaping" on Exhibit A (see case file). Such additional landscaping shall consist of evergreen and/or ornamental shrubs with an ultimate height at planting of at least two (2) feet and planted equivalent to twenty (20) shrubs for every one hundred (100) linear feet or portion thereof.
7. **Dumpsters:** All dumpster areas shall be enclosed on three (3) sides with salt treated or other finished materials and with an opaque gate on the fourth side in order to provide a visual screen in a manner satisfactory to and approved by the Director of Planning.
8. **Parking Lot lighting:** Parking lot lighting shall be provided by concealed sources of light. Parking lot lighting standards shall not exceed twenty (20) feet in height.
9. **Commercial Vehicles:** No more than two commercial vehicles shall be parked in the parking lot during non-business hours.
10. **Severability:** The enforceability, 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.

Water Tower Associates, LLC  
August 29, 2006  
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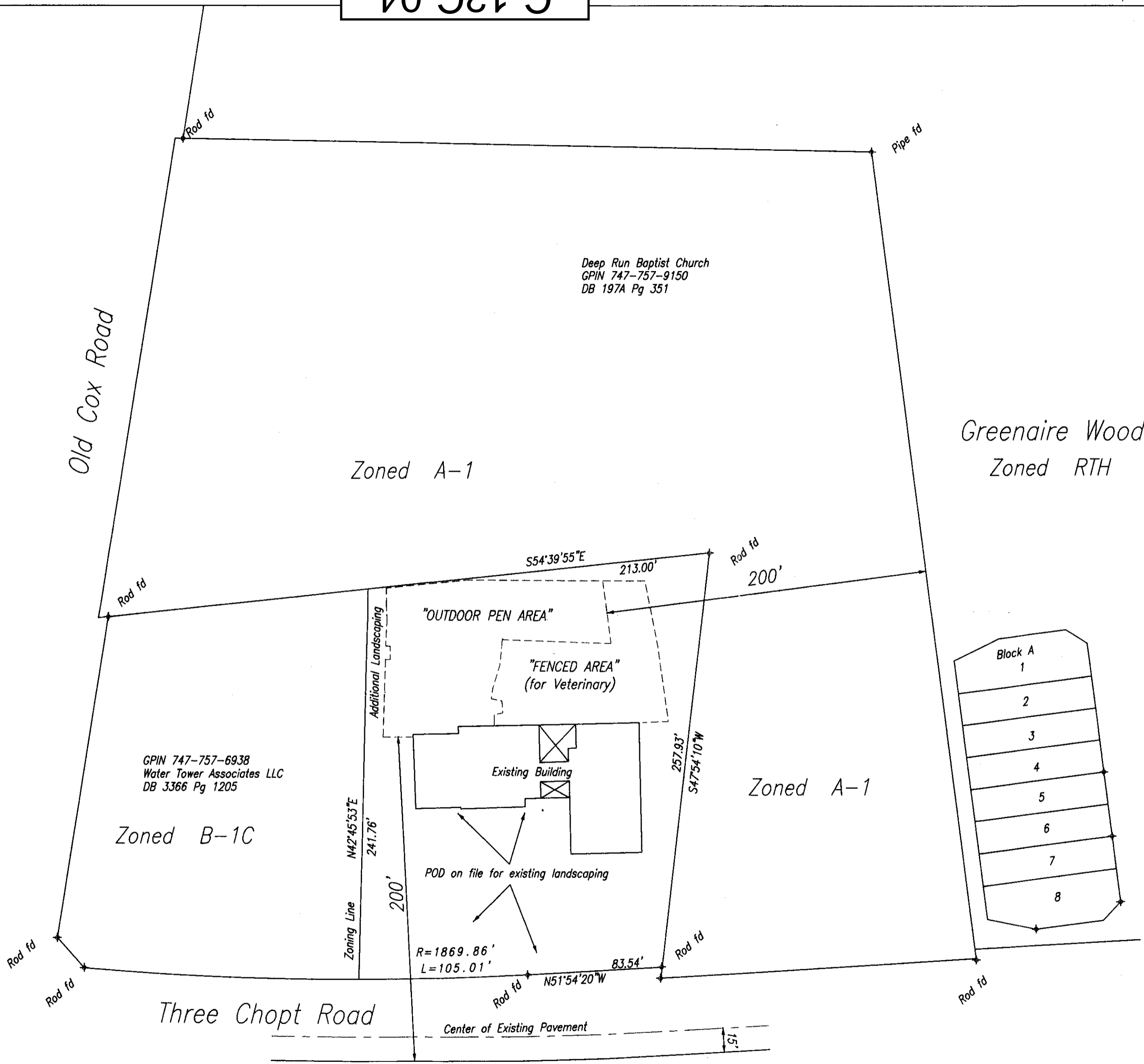
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,

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

pc: Andrew M. Condlin  
Director, Real Estate Assessment  
Conditional Zoning Index

Meridian by previous survey of  
Youngblood, Jyer & Associates, PC  
June 1, 1999



Note:  
Location of Improvements has been limited to rear of building and fence shown.  
GPIN 747-757-6938  
Water Tower Associates LLC  
DB 3366 Pg 1205



EXHIBIT A

Plat for the Fence Setbacks across Parcel GPIN 747-757-6938 in the Tuckahoe District of Henrico County, Virginia.

Scale: 1"=50' June 13, 2006  
Revised July 31, 2006



E.D. LEWIS & ASSOCIATES PC  
Consulting Engineers · Land Surveyors & Planners  
2116 Spencer Road · Richmond, VA 23230  
Phone 804.285.3948

C-12C-04