

A-1, B-3C & M-1C  
to B-2C  
9.8695 Ac.

Zoning Districts identified on this sheet with an Asterisk (\*) are within the West Broad Street Overlay District and are subject to Special Regulation

**C-27C-05**  
**Zoning**  
 Neighborhood Retail  
 Three Chopt District  
 400 Feet  
 PS October 2005 Ref: 740-765-2150



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

Virgil R. Hazelett, P.E.  
County Manager

November 15, 2005

Pouncey Tract Properties, LLC  
c/o Mr. Robert L. Thompson  
10001 Patterson Avenue, Suite 105  
Richmond, VA 23233

Re: Conditional Rezoning Case C-27C-05

Dear Sir:

The Board of Supervisors at its meeting on November 8, 2005, granted your request to conditionally rezone property from A-1 Agricultural District, B-3C Business District (Conditional) and M-1C Light Industrial District (Conditional) to B-2C Business District (Conditional), Parcels 740-765-2150 and 740-765-7084 as follows:

**9.8695 Acres Parcel**

All that piece and parcel of land being situated south of Twin Hickory Lake Drive and east of Pouncey Tract Road and being located in the Three Chopt District, Henrico County, Virginia.

Beginning at the intersection of said Twin Hickory Lake Drive and Pouncey Tract Road at a point noted as P.O.B.; thence departing the right of ways of Twin Hickory Lake Drive and Pouncey Tract Road N 82°36'29" E 732.63' to a point; thence S 01°52'30" E 693.63' to a point; thence N 85°03'47" W 643.21' to a point on the east line of Pouncey Tract Road; thence along said east line of Pouncey Tract Road N 20°15'56" W 71.60' to a point; thence along a non-radial curve to the right having a radius of 2904.73', a delta of 07°54'33", a length of 400.96', a tangent of 200.80', a chord bearing N 12°12'42" W, a chord distance 400.65'; thence N 16°09'09" W 60.40' to a point, thence N 33°13'40" E 32.55' to the point and place of beginning and containing 9.8695 acres as shown on plat by Bay Design Group, P.C. titled "Complied Plat of Two Parcels of Land at the Intersection of Pouncey Tract Road and Twin Hickory Lake Drive for the Purpose of Rezoning".

**0.2389 Acres Parcel**

All that piece and parcel of land being situated south of Twin Hickory Lake Drive and east of Pouncey Tract Road and being a portion of the common area of Parsons Walk at Twin Hickory Section A said parcel being located in the Three Chopt District, Henrico County, Virginia.

Beginning at the intersection of said Twin Hickory Lake Drive and Pouncey Tract Road at a point noted as P.O.B.; thence N 33°13'40" E 13.77' to a point; thence along the south line of Twin Hickory Lake Drive N 81°59'59" E 725.46' to a point; thence departing said south line of Twin Hickory Lake Drive S 01°52'30" E 18.24' to a point; thence S 82° 36'29" W 2.63' to the point and place of beginning and containing 0.2389 acre as shown on plat by Bay Design Group, P.C. titled "Complied Plat of Two Parcels of Land at the Intersection of Pouncey Tract Road & Twin Hickory Lake Drive for the Purpose of Rezoning".

The Board of Supervisors accepted the following proffered conditions, dated November 3, 2005, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

**APPLICABLE TO 9.8695 ACRE PARCEL (THE "PROPERTY")**

1. **Concept Plan; Architecture:** The Property shall be developed in general conformance with the Concept Plan entitled "Pouncey Tract Road Commercial" dated July 29, 2005, prepared by Bay Design Group, (the "Concept Plan") (see case file), unless otherwise requested by the Owner and specifically approved at the time of Plan of Development. Buildings on the Property shall be generally consistent in quality and style with the architecture of Belgrade Shopping Center on Huguenot Road as illustrated in the attached photographs (see case file) (i.e., white-painted brick, E.I.F.S. and green metal-paneled or dimensional shingle roofs), unless otherwise requested by the Owner and specifically approved at the time of Plan of Development.
2. **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) predominantly of brick (which may be painted), with E.I.F.S., split face block, glass, cementitious, vinyl or composite-type siding, or a combination of the foregoing utilized as accent materials, 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.

3. **Building Height:** No building constructed on the Property shall exceed thirty-five (35) feet in height.
  
4. **Prohibited Uses:** The following uses shall be prohibited:
  - a. flea markets or antique auctions;
  - b. billboards;
  - c. funeral homes, mortuaries, crematories and/or undertaking establishments;
  - d. dance halls;
  - e. attention getting devices;
  - f. truck stops;
  - g. gun shop, sales and repair, except that such gun sales and repairs shall be permitted in a store that sells a variety of sporting goods;
  - h. hotels, motels and motor lodges;
  - i. communication towers;
  - j. general hospitals, sanatoriums and charitable institutions for human care;
  - k. massage parlors;
  - l. parking garages or commercial parking lots;
  - m. sign printing and painting shops;
  - n. skating rinks (unless such ice skating areas are an amenity of the pedestrian-oriented shopping center), roller skating rinks, model racing tracks, electronic video game rooms, bingo halls and billiard parlors unless such billiard parlors are associated with a restaurant;
  - 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. adult business as defined in the Henrico County Zoning Ordinance;
  - q. 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 preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
  - r. private club, lodge, meeting hall and fraternal organizations;
  - s. self-service storage facilities;
  - t. off-track betting parlors;
  - u. outside storage or sales, exclusive of outdoor dining and occasional sales by civic or charitable organizations;
  - v. permanent on-site recycling collection facility;
  - w. drapery making and furniture upholstering shops;
  - x. lawnmower, yard and garden equipment rental, sales and service;
  - y. laundromats and self-service dry cleaning establishments;
  - z. automobile sales, rental, repair, service or towing services; and

- aa. free standing restaurants with drive-thru windows, not to exclude, however, restaurants with dedicated parking spaces for the pick-up of carryout food, unless otherwise requested and specifically permitted at the time of Plan of Development.
5. **Underground Utilities:** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
6. **Parking Lot Lighting:** Parking lot lighting fixtures shall not exceed twenty-five (25) feet in height as measured from the grade at the base of the lighting standard and such lighting shall be produced from concealed sources, 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.
7. **Refuse and Containers:** Except for gates and doors, all screening for refuse containers/dumpsters shall be constructed of a material consistent with the predominant material on the main building(s) on the site. Gates and doors shall be opaque, substantial, and oriented to minimize view of the enclosure from public rights-of-way. 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. Concrete pavement shall be used where the refuse container pad and apron are located.
8. **Trash Removal/Parking Lot Cleaning:** Pick up of refuse and parking lot cleaning shall be limited to the hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday.
9. **Mechanical Equipment:** Mechanical 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. **Public Address:** No outdoor public address, paging or speaker system outside of any building, other than an intercom system which is not audible at the Property lines, shall be permitted.
11. **Retail Restriction:** Upon full development, the Property shall have two (2) or more users exclusive of outparcel users, the intent being to promote a coordinated development of multiple users rather than the use of the Property by a single, large retailer. There shall be no more than two (2) users which utilize drive-through facilities on the Property.

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. **Phasing of Development:** Permanent Certificates of Occupancy for no more than 20,000 square feet of new improvements on the Property, not to include a convenience store with gasoline, shall be issued until the substantial completion (as determined by the Director of Public Works) of the widening of Pouncey Tract Road from south of the bridge over I-64 north to Twin Hickory Lake Drive as part of VDOT project 0064-043-125, C-501.
14. **Sidewalks:**
  - a. Subject to obtaining all required governmental easements, approvals and permits, a standard size pedestrian sidewalk shall, concurrent with the development of buildings on the Property, be installed in accordance with County standards in the County's right-of-way along the southern right-of-way line of Twin Hickory Lake Drive. Street lights shall be provided along the aforesaid sidewalk, the style of which shall be generally consistent with those in the Twin Hickory development.
  - b. Should VDOT project 0064-043-125, C-501 (which includes sidewalks along Pouncey Tract Road) not be undertaken, subject to obtaining all required governmental easements, approvals and permits, a standard size pedestrian sidewalk shall be installed in accordance with County standards in the County's right-of-way along the eastern right-of-way line of Pouncey Tract Road.

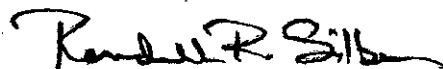
**APPLICABLE TO 0.2389 ACRE PARCEL**

15. **Use:** The 0.2389 Parcel shall be used only for access drives, utilities, traffic control signage and landscaping unless otherwise approved at the time of Landscape Plan review.

Pouncey Tract Properties, LLC  
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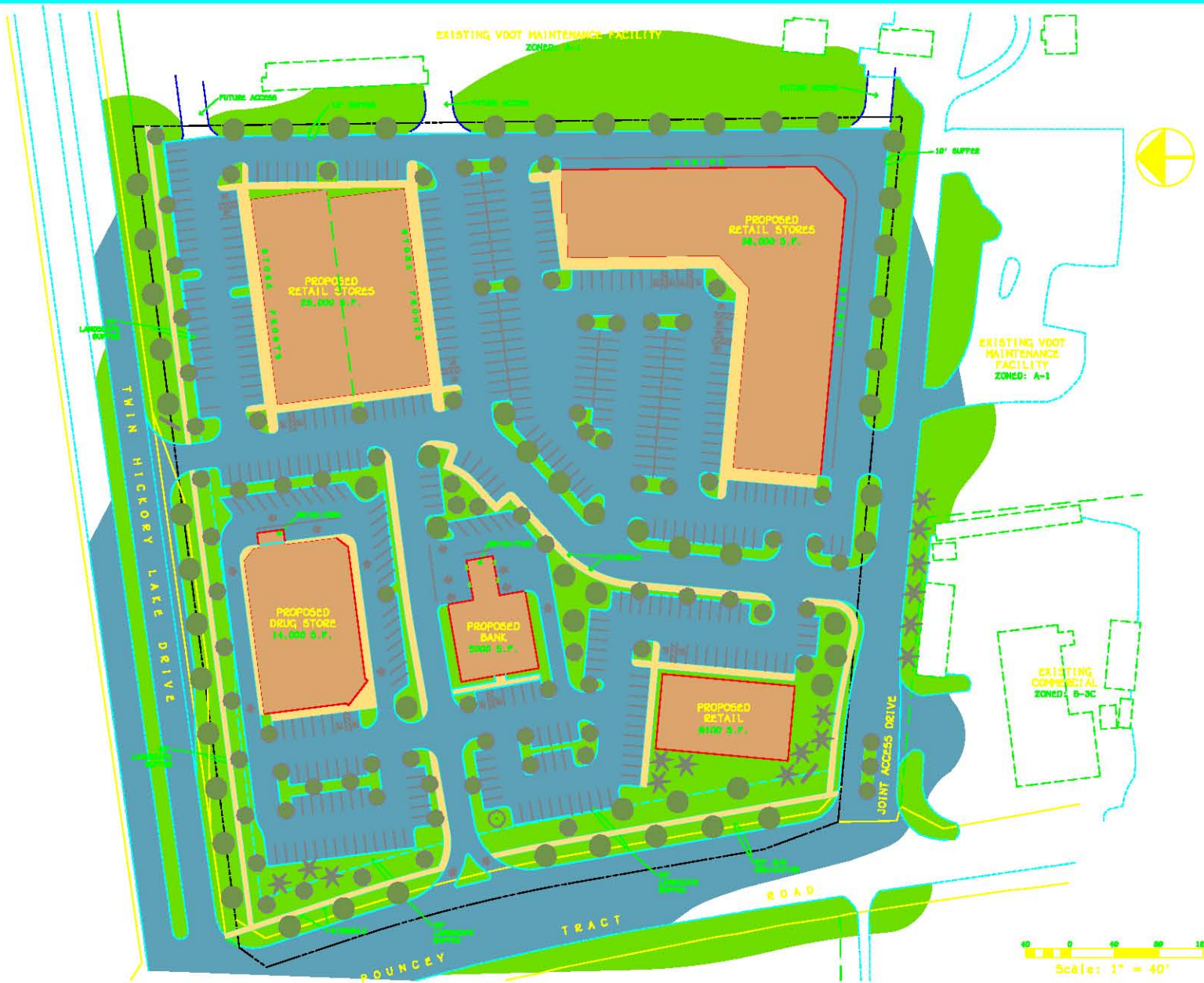
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,

A handwritten signature in black ink, appearing to read "Virgil R. Hazelett".

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

pc: Mr. James Theobald, Esquire  
HHHunt Corporation  
Director, Real Estate Assessment  
Conditional Zoning Index



JOB NO. 05123

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FILED: 05123CPT  
 DESIGNED: D.L.D.  
 CHECKED: D.L.C.  
 DATE: JULY 28, 2005  
 REVISED:  
 REVISED:  
 REVISED:



**PROJECT OFFICE:**  
 3800-A WILKINSON BLVD.  
 SUITE 200, RICHMOND, VA 23294  
 TEL: (804) 281-2222  
 FAX: (804) 281-2222

**FIELD OFFICES:**

**MOBILE OFFICES:**  
 2000 WOODS LANE, #100  
 P.O. BOX 200, WOODS, VA 23186  
 TEL: (804) 799-2222  
 FAX: (804) 799-2222

**TRAINING:**  
 7107 JEFFERSON AVENUE  
 P.O. BOX 200, CHARLOTTE, VA 28004  
 TEL: (804) 281-2222  
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**PROJECT:**  
**Poncey Tract Road Commercial**  
 Towne Chapel District  
 Henrico County, Virginia

**SHEET:**  
 Concept Plan

**SHEET NO.:**  
 C1

JOB NO. 05123