



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

**C-43C-05**  
**Zoning**  
 Commercial  
 Bank and Retail  
 Three Chopt District  
 400 Feet  
 PS October 2005 Ref: 735-763-7898

November 15, 2005

Andronikas Moudilos  
5680 Pouncey Tract Road  
Glen Allen, VA 23059

Re: Conditional Rezoning Case C-43C-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, to B-2C Business District (Conditional) Parcel 735-763-7898, described as follows:

All that certain piece or parcel of land with all improvements thereon and all appurtenances thereto, belonging, lying and being in the County of Henrico, known as 11950 West Broad Street as shown as Parcel D on the enclosed plat (see case file) by Downing and Associates, Inc. and more particularly as follows:

Beginning at a point on the northern line of West Broad Street, said point being approximately 1650 feet east of the east line of North Gayton Road and the point of beginning; thence, (1) in a northwardly direction N 38°01'30" E 426.96 feet to a point; thence, (2) in a northwardly direction N 23°50'34" E 276.04 feet to a point; thence, (3) in an eastwardly direction S 61°36'01" E 371.55 feet to a point; thence, (4) in a southwardly direction S 39°17'22" W 175.63 feet to a point; thence, (5) in a southwardly direction S 38°04'45" W 531.22 feet to a point; thence, (6) in a westwardly direction along the northern side of West Broad Street, N 61°36'01" W 298.51 feet to the point of beginning. The herein parcel of land contains approximately 5.00 acres.

The Board of Supervisors accepted the following proffered conditions, dated November 7, 2005, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Buffer on West Broad Street:** The required buffer area along West Broad Street shall be fifty (50) feet in width. Roads, sidewalks, utility easements, fencing/walls adjacent to any roads or drives, and signage shall be permitted within such

buffer; provided, any such road or utility easements shall be extended generally perpendicular to West Broad Street through such buffer.

2. **Best Management Practice:** Best Management Practice structures shall be located outside of landscaped buffer along West Broad Street, except as a landscaping amenity or water-related feature and if requested and specifically permitted at the time of Plan of Development review. Any above-ground Best Management Practice structure shall include an aeration feature to move water within such structure.
3. **Vehicular Access:** Unless otherwise requested and specifically permitted at the time of Plan of Development review, there shall be no more than one (1) vehicular access point to the Property from West Broad Street.

Consistent with proffer 19, vehicular access to the adjacent Breeden and Yimmer properties (as defined in proffer 19) shall be per an agreement between the owners of such properties and the owner of the Property.

4. **Loading Docks:** Loading docks shall be screened from public view at ground level as approved at the time of Plan of Development review by use of a wall or other architectural feature similar to the exterior material as the building on which it is located, landscaping, or such other method as may be approved at the time of Plan of Development review.
5. **Trash Receptacles:** Dumpsters and trash receptacles, not including convenience cans, shall be screened from public view at ground level with architectural material similar to the main building using such dumpster or trash receptacle and as otherwise approved at the time of Plan of Development review.
6. **Trash Removal:** Trash removal on the Property shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
7. **Drainage and Utilities:** All utility lines on the Property shall be underground, except for already existing utilities, junction boxes, meters, utility lines in wetland areas and utility lines required to be above ground by the utility company.

The Property shall be developed with utility easements and drainage facilities coordinated between the adjacent Breeden and Yimmer properties (as defined in proffer 19) and the owner of the Property.

8. **Stone Mulch:** Aggregate stone media shall not be used as a mulch in any landscaped buffer area on the Property nor in any parking lot landscaping areas

(including islands), unless otherwise requested and specifically permitted at the time of Plan of Development review.

9. **Parking Lot and Exterior Lighting:** Parking lot lighting standards within the Property shall not exceed twenty-five (25) feet in height as measured from the grade of the lighting standard, except as otherwise permitted at the time of Plan of Development review.

Parking lot lighting standards shall not exceed twenty (20) feet in height within three hundred (300) feet of the boundary line of the Property along West Broad Street. Parking lot lighting on the Property shall be produced from concealed lighting sources to minimize the impact of such lighting on adjacent properties, unless otherwise permitted at the time of Plan of Development review. Exterior light fixtures shall be produced from concealed sources of light unless other low intensity decorative ornamental fixtures such as gas style lamps are approved at the time of Plan of Development review. Such lighting shall be reduced to no more than a security level following the close of business operations each day. At no time shall the parking lot lighting exceed one-half (1/2) footcandle at the right-of way lines along West Broad Street.

The exterior lighting on the Property shall be designed with a cohesive plan so that all exterior lighting shall use compatible design elements.

10. **Outdoor Speakers:** No public address or speaker systems outside of any building shall be permitted.
11. **Pedestrian Areas and Access:** There shall be a pedestrian plaza on the Property, which such plaza shall include a combination of one or more public amenities such as landscaped and natural areas, pavers, water features, pedestrian gathering areas (including a gazebo), street furniture, benches, accessory dining areas, pedestrian lighting, and pedestrian accessways connecting to sidewalks and walking areas within and adjoining the Property.

Pedestrian access to and from the adjacent Breeden and Yimmer properties (as defined in proffer 19) shall be coordinated by an agreement with the owners of such properties and the owner of the Property.

12. **Landscaping:** At least one shade tree of at least two and one-half (2.5) inch caliper will be planted on each parking lot island, unless parking lot lighting is required to be located on such parking island (in which case such a tree shall be omitted from that parking island), all unless otherwise requested and approved at the time of the Plan of Development review.

13. **Use Restrictions:** The following uses shall be prohibited on the Property:

- a. flea markets;
- b. laundromats and self-service dry-cleaning establishments;
- c. gun shop, sales and repairs, except that such gun sales and repairs shall be permitted in a store that sells a variety of sporting goods;
- d. 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);
- e. lodge and fraternal organization;
- f. sign printing and painting shop;
- g. 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;
- h. restaurants with drive-thru windows (not to exclude, however, restaurants with dedicated parking spaces for the pick-up of carry-out food), unless otherwise requested and specifically permitted at the time of Plan of Development review;
- i. funeral home, mortuary and/or undertaking establishment;
- j. parking lots, commercial (nothing herein shall preclude parking lots as an accessory use to a principally permitted use);
- k. automobile filling or service station;
- l. hotel, motel or motor lodge;
- m. adult businesses as defined by the County of Henrico;
- n. billboards;
- o. truck stops;
- p. communication tower;
- q. self-storage facilities;
- r. off-track betting parlors;
- s. permanent on-site recycling collection facilities;
- t. sewer/water pump stations; and
- u. massage establishments.

In addition to the foregoing, no building or individual building space shall contain a single user that occupies more than thirty-two thousand (32,000) square feet in such building or individual building space.

14. **Signage:** There shall be no detached signage on the Property. The detached signage shall be per an agreement with the owners of the Breeden and Yimmer properties (as defined in proffer 19) and the owner of the Property.

All external signs shall be in compliance with a plan for the coordination of signage on the Property, which plan shall be adopted and enforced by an architectural control committee. This sign plan will be submitted as part of the first Plan of Development on the Property.

15. **Exterior Elevations:** The exposed portions of the exterior wall surfaces (front, rear and sides) of any buildings constructed on the Property shall be similar in high quality of construction and shall have compatible architectural design (incorporating compatible, but not necessarily the same, design elements, color and architectural styles).

Buildings on the Property shall have an exterior architectural style and use design elements similar with or generally compatible with the concept drawings entitled "The Breeden Company Inc., Broad Street Development, Proposed Elevation" and "The Breeden Company Inc., Broad Street Development, Proposed Elevation", prepared by Baskervill and attached as Exhibits 3, 4 and 5, (see case file) which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings.

All buildings on the Property shall have exposed exterior walls (above finished grade and exclusive of architectural features, windows and doors) constructed of masonry brick, stone, precast concrete, exterior insulating finishing systems (E.I.F.S.) and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development review. All buildings on the Property shall have at least thirty-five percent (35%) brick in the aggregate on the exposed exterior walls of such buildings, with the front exposed exterior wall of any such building being constructed of at least fifty percent (50%) brick and any side exposed exterior wall visible from off the Property being constructed of a minimum of thirty-five percent brick. Wood or composite siding, natural or cultured stone, marble, pre-cast or cast-in-place architectural concrete, exposed aggregate concrete, exterior insulating finish systems, and/or glass, or an equivalent, permanent, architecturally finished material may be utilized as accent materials on such buildings.

No building on the Property shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other materials unless requested and specifically permitted at the time of Plan of Development review.

Roof design shall be implemented so as to minimize building mass and offer variations in building appearance. The rear of any buildings on the Property facing West Broad Street shall have a façade substantially similar to the front façade of that building or as otherwise approved by the Planning Commission at the time of Plan of Development review.

16. **Pedestrian Circulation:** Pedestrian circulation shall be provided on the Property. Except as required at the time of Plan of Development review, such walkways along or on roads, parking areas and access areas used for motor vehicles on the Property shall be constructed of material different than such roads, parking areas and access areas. Such walkways may be constructed of, but not limited to, brick pavers, concrete, stamped concrete, aggregate concrete or other similar material.
17. **Site Coverage:** No more than seventy percent (70%) percent of the Property in the aggregate may be covered by buildings, parking areas and driveways. This site coverage ratio shall be achieved through the use of landscaping and open areas, including, without limitation, landscaped buffers, medians and parking lot islands, pedestrian areas and open plazas.
18. **Protective Covenants:** Prior to or concurrent with the conveyance of any part of the Property covered by a Plan of Development approved by Henrico County, Virginia (other than for the conveyance of easements, roads or utilities), the owner of the portion of Parcel "A" (see case file) covered by such Plan of Development, or its successors and assigns, shall record a document in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth covenants that shall provide for high standards of uniform maintenance (consistent with commercial "Class A" projects) of individual sites, common areas, open space, landscaping and private streets.
19. **Access:** An access easement of at least twenty-four (24) feet in width shall be granted to the Property designated as GPIN 735-763-5299, (now or formerly owned by Yimmer, LLC) (the "Yimmer property") and the property designated as GPIN 734-764-6330, 734-764-8352, 735-764-1287, 735-764-4320, 735-764-6278, 736-764-1973 (now or formerly owned by Town Center - West, LLC) (the "Breden property"), which such easement shall run from West Broad Street over the Yimmer property and the Breden property in a reasonable location mutually agreeable to the owners of such properties, so long as the Property is granted an equivalent access easement over and across the other such property.
20. **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.

Mr. Andronikas Moudilos  
November 15, 2005  
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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,

Virgil R. Hazelett, P.E.  
County Manager

  
VRH/RS:tjh

pc: Blackwood Development Co., Inc.  
Ralph L. Axselle, Jr., Esq.  
Director, Real Estate Assessment  
Conditional Zoning Index



Baskervill

ask + listen + create

КОМПАНИЈА ЗА ИНТЕРИОР  
БУЏИТИНГ ДИЗАЈН

2006-10-3002

ВЕЦЕЛАД



EXHIBIT  
3

**The Breeden Company Inc.**  
Broad Street Development | Proposed Elevation

architecture  
engineering  
interior design

Baskervill

design  
build

ask + listen + create

2005 3 10 3002

RECEIVED

11/11/05



EXHIBIT

4

**The Breeden Company Inc.**  
Broad Street Development | Proposed Elevation

architecture  
engineering  
interior design

Baskerville

ASK + LISTEN + CREATE

RECEIVED



EXHIBIT  
5

**The Breeden Company Inc.**  
Broad Street Development | Proposed Elevation C

architecture  
engineering  
interior design