

SUBJECT PROPERTY

C-62C-06
Zoning
 Amend Proffered Conditions
 (C-36C-00)
 Brookland District
 400 Feet
 PS September 2006 Ref. 769-755-9242



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

December 19, 2006

CDA Holding, LLC
c/o Dynamic Commercial
One Columbus Center, Suite 600
Virginia Beach, VA 23462

Re: Conditional Rezoning Case C-62C-06

Dear Sir:

The Board of Supervisors at its meeting on December 12, 2006, granted your request to amend proffered conditions accepted with Rezoning Case C-36C-00, on Parcels 769-755-9242 and 769-755-7448, described as follows:

Parcel 1 (O-2)

BEGINNING on a point in the northern right-of-way for Parham Road, approximately 409' west of the western right-of-way line of Staples Mill Road, and running in a clockwise direction N 15° 20' 21" W - 289.74' to a point; thence N 74° 33' 24" E - 145.89' to a point; thence S 18° 36' 48" E - 292.10' to a point in the northern right-of-way for Parham Road; thence along a curve to the left having an arc length of 82.22', a radius of 1,959.86', and a chord bearing S 69° 31' 40" W - 82.21' to a point; thence S 74° 38' 51" W - 80.69' to the point of BEGINNING, containing 45,831 sq. ft. (1.05 acres), more or less.

Parcel 2 (B-2)

BEGINNING on a point in the northern right-of-way for Parham Road, approximately 246' west of the western right-of-way of Staples Mill Road, and running in a clockwise direction N 18° 36' 48" W - 292.10' to a point; thence N 74° 33' 24" E - 267.88' to a point in the western right-of-way for Staples Mill Road; thence with the western right-of-way for Staples Mill Road S 10° 50' 09" E - 4.33' to a point; thence S 01° 59' 43" E - 69.87' to a point; thence S 16° 01' 00" E - 36.41' to a point; thence S 64° 32' 09" W - 8.25' to a point; thence S 16° 23' 21" E - 11.11' to a point; thence N 74° 31' 10" E - 8.12' to a point; thence S 15° 42' 59" E - 134.15' to a point; thence S 32° 53' 21" W - 38.40' to a point in the northern right-of-way for Parham Road; thence with the northern right-of-way of Parham Road S 71° 31' 58" W - 135.94' to a point; thence S 72° 02' 44" W - 45.01' to a point; thence along a curve to the left having an arc length of 26.97', a radius of 1,959.86', and a chord bearing S 71° 07' 25" W - 26.97' to the point of BEGINNING, containing 69,843 sq. ft. (1.60 acres), more or less.

The Board of Supervisors accepted the amendment to the proffered conditions, dated November 15, 2006, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

APPLICABLE TO B-2 DISTRICT

1. **Landscaped Areas.**

- a. A landscaped area of a minimum of ten (10) feet in width shall be provided adjacent to the turn lane from Staples Mill Road and a landscaped area of a minimum of twenty-five (25) feet in width shall be provided adjacent to the western right-of-way line of Staples Mill Road extended from the southern line of the driveway to the southeast corner of the Property.
 - b. A landscaped area of a minimum of seventeen (17) feet shall be provided adjacent to the northern right-of-way line of Parham Road.
 - c. A landscaped area of a minimum of thirteen (13) feet shall be provided adjacent to the northern Property line. In addition to the thirteen (13) foot landscaped buffer adjacent to the northern Property line, Applicant shall provide to the County a letter of credit ("LOC") in an amount sufficient to construct a finished masonry fence to extend from the front elevation of the building on the Property to the northwest corner of the Property to be constructed by Applicant in the event that the adjacent parcel GPIN #769-755-6068 is developed for residential use. The LOC shall be renewed annually until the adjacent parcel GPIN #769-755-6068 is rezoned for non-residential use or until the developer constructs the finished masonry fence.
 - d. The aforesaid landscaped areas shall be provided to the extent of the necessity for or allowance for utility easements, grading, drainage, signage and access driveways and other purposes requested and specifically permitted, or if required at the time of Plan of Development review. Any new utility easements or use permitted within the aforesaid landscaped areas shall be extended generally perpendicular to the landscaped areas unless otherwise requested and specifically permitted or if required at the time of Plan of Development review and, where permitted, areas disturbed for utility installation shall be replanted to the extent reasonably practicable.
2. **Lighting.** Parking lot lighting standards shall not exceed twenty (20) feet in height above grade level. Parking lot lighting shall be produced from a concealed source of light such as a shoebox type.
3. **HVAC.** Rooftop heating and air conditioning equipment shall be screened from public view at ground level at the Property lines by means of parapets or other architectural features in a manner approved at the time of Plan of Development review.

4. **Central Trash Receptacles.** Central trash receptacles not including convenience cans shall be screened from public view at ground level and enclosed in a manner approved at the time of Plan of Development review.
5. **Building Height.** No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-five (35) feet in height exclusive of architectural design features on any building.
6. **Use Restrictions.** The following uses shall not be permitted on any portion of the Property:
 - a. Hotels or motels;
 - b. flea markets;
 - c. gun shop sales and repair;
 - d. private clubs and lodges, including fraternal organizations;
 - e. public dance hall;
 - f. automobile, truck, trailer, motorcycle, recreational vehicle or bus sales, rental, repair, body shops or storage;
 - g. boat and boat trailer sales, service and storage;
 - h. billiard parlors; except as part of a restaurant use;
 - i. bars and taverns, except as part of a restaurant use;
 - j. massage parlors and establishments;
 - k. adult bookstores, video stores; or adult business as defined by Henrico County;
 - l. sexually oriented business;
 - m. sign painting shop;
 - n. skating rinks (unless such ice skating areas are an amenity of the pedestrian-oriented shopping center), roller rinks, model racing tracks, electronic video game rooms, bingo halls;
 - o. funeral home, mortuary, crematorium and/or undertaking establishment;
 - p. parking lots, commercial (nothing herein shall preclude parking lots as an accessory use to a principally permitted use);
 - q. automotive service station;
 - r. towing service;
 - s. billboards;
 - t. truck stops;
 - u. communications tower, except as part of a permitted retail use;
 - v. self-storage facilities;
 - w. off-track betting parlors;
 - x. permanent on-site recycling collection facilities not associated with a permitted on-site retail use;
 - y. exterminating establishment;
 - z. fortuneteller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader or similar activity;
 - aa. rifle or pistol range;
 - bb. sheet metal shop or roofing company; and

- cc. check cashing and/or the making of payday loans as defined and regulated by Section 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia, provided the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections.
7. **Architecture Treatment.** The exposed portion of each exterior wall surface (front, rear and sides) of buildings constructed on the Property (excluding rooftop screening materials of mechanical equipment) shall be similar to the exposed portions of other exterior wall surfaces of such building in architectural treatment and materials. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) of either or a combination of brick, stucco, dryvit and glass. No building walls on the Property shall be covered with or have exposed to view any sheet or corrugated aluminum or metal, exposed aggregate concrete, unpainted or unfinished concrete masonry units or asbestos. The color scheme and elevation of the building shall be brick with dryvit or stucco and trim similar to the design, style and colors used in the building shown in the Conceptual Elevation for Henrico Panera Bread dated November 2, 2006 a copy of which is attached hereto as Exhibit A, (see case file), subject to such changes as may be approved at the time of Plan of Development review.
 8. **Layout Plan.** The Property shall be developed in substantial conformance with the plan titled Conceptual Site Plan E. Parham & Staples Mill Road dated November 8, 2006, by Vanasse Hangen Brustlin, Inc., a copy of which is attached hereto, as Exhibit B, (see case file) subject, however, to such traffic and engineering changes as may be approved at the time of Plan of Development review.
 9. **Loudspeakers.** No outside pagers or loudspeakers shall be permitted on the Property, except in connection with an outdoor seating area adjacent to a restaurant. However, an intercom system equipped with volume control associated with a drive through window shall be permitted. Sound from any pager, loudspeaker or intercom system shall not be audible beyond one hundred feet (100') from the source.
 10. **Irrigation.** Landscaped buffers shall be served by an underground irrigation system.
 11. **Signs.** Any freestanding sign on the Property shall be limited to a maximum of ten (10) feet in height and shall be ground mounted with a monument style five (5) feet high base constructed of brick to match the building. The only signage permitted on the Property shall be the aforementioned freestanding signs and the attached signage on the building permitted by the zoning ordinance, except for directional signs and the menu board. Except for the grand opening, attention getting devices shall not be permitted.
 12. **Access.** There shall be no more than one (1) point of access from and to the Property on Parham Road and no more than one (1) point of access from and to the Property to Staples Mill Road. The access entrances to the Property from Parham Road and Staples Mill Road shall be configured as right-in and right-out turn lanes. Right turn lanes shall be provided into the Property from Parham Road and Staples Mill Road.

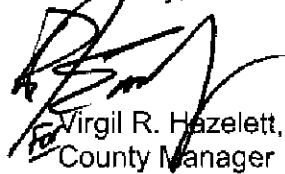
13. **Restriction on Interparcel Connection.** There shall be no interparcel vehicular access connection between the Property and Parcel GPIN #769-755-6068, the adjacent parcel to the north of the Property, as long as this adjacent parcel is zoned residential.
14. **Stormwater Management System.** The stormwater management for the Property shall be designed as an underground system.
15. **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 any of the other proffers or the unaffected part of any such proffer.

APPLICABLE TO 0-2 DISTRICT

1. **Landscaped Area.** A natural and/or landscaped area of a minimum of thirty (30) feet in width will be provided adjacent to the right-of-way line of Parham Road, except to the extent necessary or allowed for utility easements, grading, drainage, storm water management, signage and access driveways and other purposes requested and specifically permitted, or if required at the time of Plan of Development review. At the time of Plan of Development review for an office development, the requirements of Section 24-106.2 shall be satisfied along the eastern line of the 0-2 district. Any new utility easements or use permitted within the aforesaid landscaped area shall be extended generally perpendicular to the landscaped area unless otherwise requested and specifically permitted or if required at the time of Plan of Development review and, where permitted, areas disturbed for utility installation shall be replanted to the extent reasonably practicable.
2. **Irrigation.** Landscaped buffers shall be served by an underground irrigation system.
3. **Architectural Treatment.** The architectural treatment of all buildings constructed on the Property shall be colonial in style and complementary to the buildings at Courthouse Commons.
4. **Restriction on Interparcel Connection.** There shall be no interparcel vehicular access connection between the Property and GPIN #769-755-6068, the adjacent parcel to the north of the Property, so long as this adjacent parcel is zoned residential.
5. **Access.** Access from Parham Road shall be shared with the development on the B-2 district.
6. **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 any of the other proffers or the unaffected part of any such proffer.

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". The signature is stylized and somewhat cursive, with a large initial "V" and "H".

Virgil R. Hazelett, P.E.
County Manager

pc: Mr. D. Richard Bushey
Gloria L. Freye, Esq.
Director, Real Estate Assessment
Conditional Zoning Index



Conceptual Elevation For
Henrico Panera Bread

November 2, 2006

Business Intelligence

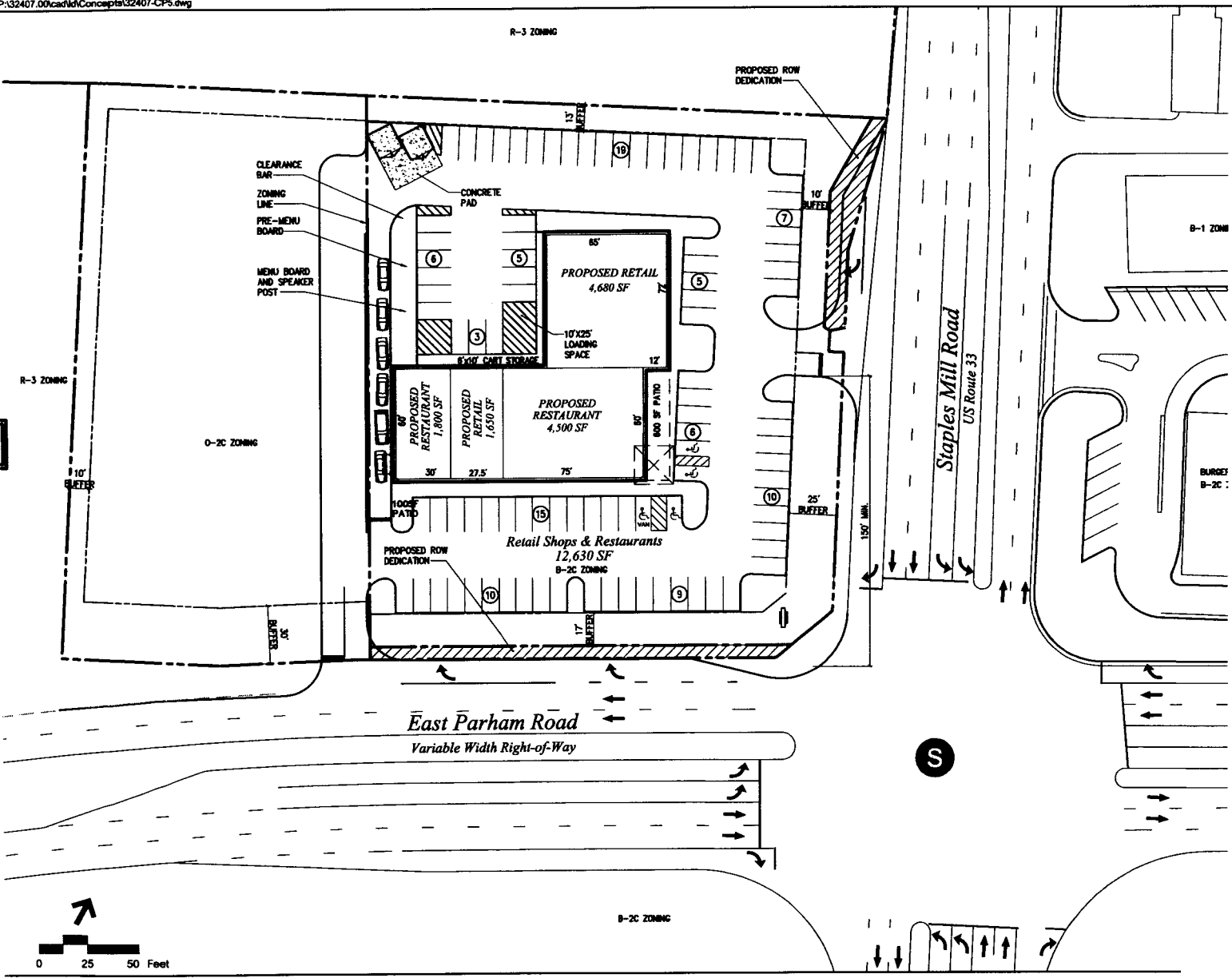
© 2006

Randolph T. Hicks, AIA

EXHIBIT A

C-62C-06

R-3 ZONING



Parking Summary Chart

Description	Spaces (Proposed)	
	Required	Provided
STANDARD SPACES	91	91
STANDARD ACCESSIBLE SPACES*	2	2
VAN ACCESSIBLE SPACES	2	2
TOTAL SPACES	95	95
LOADING SPACES**	1	1

* ADA STATE LOCAL REQUIREMENTS
 ** ONE SPACE REQUIRED FOR FIRST 5,000 SF AND ONE ADDITIONAL SPACE FOR EACH 20,000 SF. SPACE SHALL BE 10'X25'.

Parking Requirements Retail/Restaurant:

RESTAURANT: 6,300 SF x 10.00 SPACES/1000 SF = 63
 RETAIL: 6,330 SF x 5 SPACES/1000 SF = 31.7 = 32

TOTAL PARKING REQUIRED = 95
 TOTAL PARKING PROVIDED = 95

Notes:

1. BASE PLAN HAS BEEN COMPILED FROM DATA PROVIDED BY HENRICO COUNTY GIS.
2. THIS PROPERTY IS CURRENTLY ZONED B-2C & O-2C AND THE PROPOSED USE IS ALLOWED BY FRONT. THE ZONING CASE IS C-62C-06. THE GPN NUMBER FOR THIS PROPERTY IS 789-758-7448.
3. THIS PLAN IS CONCEPTUAL ONLY AND SUBJECT TO REVIEW BY THE COUNTY STAFF.
4. THIS PLAN ASSUMES THAT STORM WATER MANAGEMENT REQUIREMENTS WILL BE MET BY STORAGE UNDERGROUND. THIS SITE IS WITHIN THE COUNTY'S 501D DETENTION AREA.
5. ACCORDING TO COUNTY STAFF, PUBLIC WATER AND SEWER SERVICE ARE AVAILABLE TO THE SITE AND BOTH HAVE ADEQUATE CAPACITY FOR THE PROPOSED USE.
6. OTHER RESTRICTIONS, SUCH AS EASEMENTS, CROSS ACCESS, ETC. ARE UNKNOWN AND WILL BE DETERMINED AT A LATER TIME.

EXHIBIT B
C-62C-06

110906

Veracore Longhorn Builders, Inc.

CP-5 November 8, 2006

Conceptual Site Plan
 E. Parham Road & Staples Mill Rd.
 Henrico County, VA