



**B-2 to B-3C
0.54 Ac.**

C-19C-09

Zoning

Pest Control Company
Brookland District

400 Feet

PS May 2009 Ref. 772-750-8652



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

September 15, 2009

3900 Bremner Boulevard, L.L.C.
Attn: Mr. Anthony Battaglia
2011 Rock Spring Road
Forest Hill, MD 21050

Re: Conditional Rezoning Case C-19C-09

Dear Mr. Battaglia:

The Board of Supervisors at its meeting on September 8, 2009, granted your request to conditionally rezone from B-2 Business District to B-3C Business District (Conditional), Parcels 772-750-8652 and 773-750-0152, containing 0.54 acre, located on the north line of Bremner Boulevard at its intersection with Compton Road, described as follows:

Parcel 773-750-0152

COMMENCING at the western extremity of an arc at the northwest corner of Bremner Boulevard and Compton Road; thence westwardly along and fronting on the north line of Bremner Boulevard 62.03 feet; thence N 10°16'50" W 160 feet; thence N 79°43'10" E 64.2 feet to the west line of Compton Road; thence southwardly along the west line of Compton Road 132.68 feet to the northern extremity of said arc; thence along said arc 43.53 feet to the point of beginning.

Parcel 772-750-8652

BEGINNING at a point on the northern line of Bremner Boulevard, which point is 161.69 feet in a westerly direction from a point at the intersection of the northern line of Bremner Boulevard extended and the western line of Compton road extended; from there in a westerly direction along the northern line of Bremner Boulevard 65 feet to a point; then N 12°41'23" W, 184.42 feet to a point; then N 53°33'50" E, 36.97 feet to a point; then S 54°46'10" E 56.48 feet to a point; then S 10°16'50" E 160.00 feet to the point of beginning.

The Board of Supervisors accepted the following proffered conditions, dated September 3, 2009, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Permitted Uses.** Principal uses on the property shall be limited to those permitted in the B-2 District, except the operation of a pest control company as

1. **Permitted Uses.** Principal uses on the property shall be limited to those permitted in the B-2 District, except the operation of a pest control company as permitted in the B-3 District as regulated by the county code. In addition, the following uses shall not be permitted on any portion of the property:
 - a. hotels, motels or motor lodges,
 - b. flea markets,
 - c. *gun shop sales and repair*,
 - d. private clubs and lodges, including fraternal organizations,
 - e. billiard parlors,
 - f. bars and taverns,
 - g. massage parlors and establishments,
 - h. sign painting shops,
 - i. recreational facilities, indoor, including theaters, movie houses, bowling alleys, skating rinks, swimming pools, tennis, model racing tracks, electronic video game rooms, bingo halls, archery ranges, and similar activities,
 - j. funeral home, mortuary, crematorium and/or undertaking establishment,
 - k. towing service,
 - l. automotive service station,
 - m. truck stops,
 - n. communication tower,
 - o. off-track betting parlors,
 - p. *billboards*,
 - q. dance halls,
 - r. car washes,
 - s. adult businesses as defined by Section 24-3 of the Henrico County Code,
 - t. permanent on-site recycling collection facilities not associated with a permitted on-site retail use,
 - u. check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq and Sections 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.
2. **Outdoor Lighting.** Light pole height shall not exceed 25 feet, and the lighting shall be produced from concealed sources.
3. **Outdoor Speakers.** No outdoor speakers or public address system shall be permitted.
4. **Hours of Operation.** Hours of operation shall be the same as those permitted in the B-2 District.

6. **Buildings.** Any future buildings constructed on the property shall be architecturally similar in color, style and material with the existing buildings on the property as determined by the Planning Commission at the time of Plan of Development Review. In no case shall unfinished metal or smooth concrete block be used as the finish on the exterior of future buildings.
7. **Signs.** All signage shall be limited to that allowed in the B-2 District.
8. **Outdoor Storage.** Outdoor storage shall be limited to that allowed in the B-2 District.
9. **Landscaping.** Landscaping shall be installed at both properties, including evergreen hedges around the edges of the current fencing that face Compton Rd. and Bremner Blvd. In addition, a minimum of six additional shrubs, consistent with the evergreen hedges, shall be planted in the islands at the entrance of 3904 Bremner Blvd. Installation of such landscaping shall be done within 120 days of rezoning approval unless otherwise extended by the Director of Planning.
10. The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability or 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,


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

pc: Director, Real Estate Assessment
Conditional Zoning Index