

**C-7C-10**  
**Zoning**  
 Amend Proffered Conditions  
 (C-31C-82)  
 Brookland District  
 400  
 PS March 2010 Ref. 768-741-5464



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.  
County Manager

June 15, 2010

Bette M. Bowman and  
Norton M. Bowman, Jr.  
10700 Oakway Court  
Henrico, VA 23238

Re: Conditional Rezoning Case C-7C-10

Dear Ms. Bowman:

The Board of Supervisors at its meeting on June 8, 2010, approved your request to amend proffered conditions accepted with Rezoning Case C-31C-82, on Parcel 768-741-5464, located at the southwest intersection of Horsepen Road and Crescent Parkway.

The Board of Supervisors accepted the following proffered conditions, dated April 15, 2010, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

The proffer previously accepted with case C-31C-82 shall be deleted in its entirety and the following proffers shall be substituted:

1. **Prohibited Uses**. The following uses shall be prohibited:
  - a. hotels, motels, or motor lodges,
  - b. flea markets,
  - c. gun shop sales and repair,
  - d. clubs and lodges, including fraternal organizations,
  - e. billiard parlors,
  - f. bars and taverns, which for the purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premise consumption. This restriction does not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control,
  - g. massage parlors and establishments,
  - h. sign printing and 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. automotive filling and service stations including towing services,
  - l. truck stops,
  - m. *communication tower*,
  - n. off-track betting parlors,
  - o. billboards,
  - p. attention getting devices,
  - q. dance halls,
  - r. car washes,
  - s. animal hospitals,
  - t. adult businesses as defined by Section 24-3 of the Henrico County Code.
  - u. permanent on-site recycling collection facilities not associated with a permitted on-site retail use,
  - v. check cashing and/or 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,
  - w. convenience stores,
  - x. garage, parking, or storage,
  - y. radio and television stations and studios or recording studios.
2. **Lighting.** Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard, 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, shall be produced from concealed sources and shall not exceed one-half (1/2) foot candle adjacent to the rear property line where adjacent to residential property.
3. **Trash Receptacles.** Trash receptacles not including convenience cans shall be screened from public view at ground level and enclosed with material similar with material of the existing building approved at the time of Plan of Development.
4. **HVAC Screening.** Heating and air conditioning 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.
5. **Hours of Trash Pickup and Parking Lot Cleaning.** Trash pickup from the Property and parking lot clearing shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday and between 9:00 a.m. and 8:00 p.m. on Saturday. There shall be no trash pickup or parking lot cleaning on Sundays.
6. **Architectural Materials for Future Buildings.** Any future buildings on the property shall be similar in color, style, material, and design with the existing building on the property unless otherwise required and approved by the Planning

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Mr. Norton Bowman, Jr.  
June 15, 2010  
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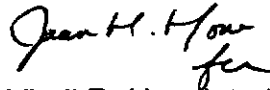
Commission at the time of Plan of Development. In no case shall any corrugated metal or exposed, unfinished cinderblock be exposed to view on any building unless otherwise approved by the Planning Commission at the time of Plan of Development.

7. **Buffers, Landscaping, and Fencing.**

- a. For the existing building, the applicant shall provide a 6' opaque vinyl fence or otherwise architecturally solid vinyl fence along the southern property line and continue along the western property line northward 50 feet.
- b. If the existing building is significantly modified or demolished and a new building is constructed, current B-2 Business transitional buffer standards shall be applied as approved by the Planning Commission at the time of Plan of Development.

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

pc: Director, Real Estate Assessment  
Conditional Zoning Index