

**B-3C & R-3
to B-2C
4.034 Ac.**

REZ2023-00014
Zoning
 Restaurant and Professional Services
 Brookland District
 400 Feet
 PS March 2023 Ref: 769-756-5615



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoukias
County Manager

June 20, 2023

Luis Cabral c/o DRC Properties, LLC
8545 Patterson Avenue, Ste. 104
Henrico, Virginia 23229

Re: Rezoning Case REZ2023-00014

Dear Mr. Cabral:

The Board of Supervisors at its meeting on June 13, 2023, approved your request to conditionally rezone from B-3C Business District (Conditional) and R-3 One-Family Residence District to B-2C Business District (Conditional) Parcels 769-755-3179, 769-755-6091, 769-756-5615 and 769-756-5705 containing 4.034 acres located at the southwest corner of Staples Mill Road and Lucas Road, described as follows:

Parcel 1 (portion of GPIN 769-755-6091) (1.041 acres)

Beginning at a point located at the intersection of Lucas Road and Staples Mill Road, U.S. Route 33; thence along the west line of Staples Mill Road, U.S. Route 33 the following courses: S 79°52'37" E, 20.89 feet to a point; thence S 34°19'46" E, 68.83 feet to a point; thence S 24°47'14" E, 75.49 feet to the actual point of beginning; thence continuing with the west line of Staples Mill Road, U.S. Route 33 N 47°50'04" E, 13.19 feet to a point; thence along a curve to the right having a radius of 2843.30 feet, an arc length of 197.69 feet, a chord bearing of S 29°21'34" E, and a chord length of 197.65 feet to a point; thence leaving the west line of Staples Mill Road, U.S. Route 33 S 64°37'51" W, 453.57 feet to a point; thence N 40°16'43" E, 468.92 feet to the point of beginning and containing 1.041 acres of land.

Parcel 2 (GPIN 769-755-3179) (2.233 acres)

Beginning at a point located at the intersection of Lucas Road and Staples Mill Road, U.S. Route 33; thence along the west line of Staples Mill Road, U.S. Route 33 the following courses: S 79°52'37" E, 20.89 feet to a point; thence S 34°19'46" E, 68.83 feet to a point; thence S 24°47'14" E, 64.46 feet to the actual point of beginning; thence continuing with the west line of Staples Mill Road, U.S. Route 33 S 24°47'14" E, 11.03 feet to a point; thence leaving the west line of Staples Mill Road, U.S. Route 33 S 40°16'43" W, 547.29 feet to a point; thence S 42°11'33" E, 176.77 feet to a point; thence N 53°46'42" W, 189.01 feet to a point; thence N 41°49'49" E, 426.29 feet; thence N

59°01'27" E, 128.68 feet to a point; thence S 30°58'41" E, 138.91 feet to a point; thence N 40°16'43" E, 238.63 feet to the point of beginning and containing 2.233 acres of land.

Parcel 3 (GPIN 769-756-5705) (0.503 acre)

Beginning at a point located at the intersection of Lucas Road and Staples Mill Road, U.S. Route 33; thence along the west line of Staples Mill Road, U.S. Route 33 the following courses: S 79°52'37" E, 20.89 feet to a point; thence S 34°19'46" E, 68.83 feet to a point; thence S 24°47'14" E, 13.27 feet to the actual point of beginning; thence continuing with the west line of Staples Mill Road, U.S. Route 33 S 24°47'14" E, 51.19 feet to a point; thence leaving the west line of Staples Mill Road, U.S. Route 33 S 40°16'43" W, 238.63 feet to a point; thence N 30°58'41" W, 138.91 feet to a point; thence N 59°01'27" E, 49.10 feet to a point; thence N 62°34'51" E, 182.74 feet to the point of beginning and containing 0.503 acre of land.

Parcel 4 (GPIN 769-756-5615) (0.381 acre)

Beginning at a point located at the southwest intersection of Lucas Road and Staples Mill Road, U.S. Route 33; said point being the actual point of beginning; thence continuing along the west line of Staples Mill Road, U.S. Route 33 S 79°52'37" E, 20.89 feet to a point; thence S 34°19'46" E, 68.83 feet to a point; thence S 24°47'14" E, 13.27 feet to a point; thence leaving the west line of Staples Mill Road, U.S. Route 33 S 62°34'51" W, 182.74 feet to a point; thence N 25°26'36" W, 94.62 feet to a point on the south line of Lucas Road; thence with the south line of Lucas Road along a curve to the left having a radius of 171.20 feet, an arc length of 17.15 feet, a chord bearing of N 65°13'29" E, and a chord length of 17.14 feet to a point; thence N 62°21'18" E, 138.12 feet to the point of beginning and containing 0.381 acre of land.

The Board of Supervisors accepted the following proffered conditions, dated June 9, 2023 (duplicates signed by counterparts on June 7 and June 8, 2023), which further regulate the above-described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Conceptual Plan.** Development of the Property shall be in general conformance with the Conceptual Site Plan, entitled "Staples Mill & Lucas Road Development", prepared by Koontz Bryant Johnson Williams, Inc., dated May 10, 2023, and attached hereto (the "Concept Plan"), unless otherwise approved at the time of Plan of Development. A minimum of 50% of the aggregate square footage of the development may be dedicated for office use.
2. **Building Height.** No building constructed on the property shall exceed thirty-five (35) feet in height exclusive of architectural design features on any building.

3. **Underground Utilities.** All utility lines on the Property shall be underground, except for junction boxes, meters, existing and/or relocated existing overhead utility lines and lines in wetland areas. Electrical junction boxes and meters that are ground mounted shall be screened from public view at ground level at the perimeter of the tract with use of a wall, fencing, landscaping, or such other method as may be approved at the time of Plan of Development and/or subdivision review.
4. **Hours of Outdoor Activity and Service to the Public.** The hours of outdoor activity and service to the public shall be limited to 6 a.m. through 10 p.m.
5. **Shared Access.** The right of pedestrian and vehicular access over and across the common access ways located on the Property shall be granted to the adjoining property with a current GPIN of 769-755-8276 (the "Adjoining Property"), subject to an agreement with such adjoining property to permit access over and across the common access drive that crosses on and between the Adjoining Property for the benefit of the Property.
6. **Parking Lot Lighting.** Lighting shall be directed to illuminate the proposed sidewalk along Staples Mill Road. Direct embedded light poles shall be prohibited.
7. **Signs.** Any freestanding signs on the property shall be limited to a maximum of ten feet (10') in height and shall be ground mounted with a monument style base constructed of brick to match the buildings. The only signage permitted on the Property shall be the aforementioned freestanding signs and the attached signage on the buildings permitted by zoning ordinance, except for directional signs and menu boards. Except for the grand opening, attention getting devices shall not be permitted.
8. **Exterior Materials/Architecture.** 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 finish grade and exclusive of trim) of brick, glass E.I.F.S. stone, stone veneer, cementitious siding, or a combination of the foregoing, 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, unless otherwise specifically approved at the time of Plan of Development.
9. **Elevations.** Any building on the Property shall have elevations consistent with the elevations referenced as "A-5 - Exterior Elevations" and "A-6 - Exterior Elevations", prepared by Quick Service Restaurant and Retail Design Group, LLC, dated March 15, 2023, and attached hereto.

10. **Use Restrictions.** The Property may not be used for the following purposes:
 - a. Fortuneteller, palmist, astrologist, card reader, spiritual reader, or similar activities;
 - b. Adult business as regulated in section 24-4316;
 - c. Flea markets, pawn shop and tattoo parlors;
 - d. Automobile filling stations;
 - e. Hotels or motels;
 - f. Alternative lending institutions, including pay day lenders as regulated by Chapter 18, Title 6.2, Code of Virginia, and motor vehicle title lenders as regulated by Chapter 22, Title 6.2, Code of Virginia;
 - g. Donation center;
 - h. Radio or television station;
 - i. Vocational or trade school;
 - j. Auction house;
 - k. Fleet terminal;
 - l. Gun shop;
 - m. Pawn shop.

11. **Loudspeakers.** Sound from any pager, loudspeaker, or intercom system shall not be audible beyond one hundred feet (100') from the source.

12. **Sidewalks.** Sidewalks, with a minimum width of 5 feet, shall be provided along Staples Mill Road and Lucas Road for the length of the Property.

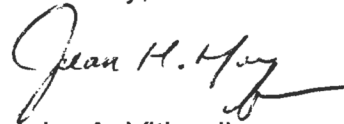
13. **Staples Mill Road Improvements.** Staples Mill Road shall be widened to its ultimate section with curb and gutter as shown on the Conceptual Plan.

14. **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.

Luis Cabral c/o DRC Properties, LLC
June 20, 2023
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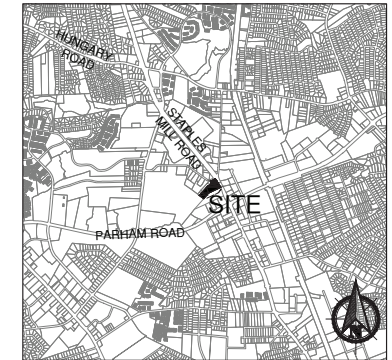
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Vithoukias". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John A. Vithoukias
County Manager

pc: Betty Robertson
Simon Mueller
Director, Real Estate Assessment
Police, Special Services



SITE LOCATION MAP ~ SCALE: 1"=2000'

THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY. THE FEASIBILITY OF THIS LAYOUT HAS YET TO BE FULLY DETERMINED.
 PLANIMETRICS AND PROPERTY INFORMATION ARE COMPILED FROM A VARIETY OF SOURCES INCLUDING GIS DATA, PLATS OBTAINED FROM THE COUNTY COURTHOUSE, VGN AERIAL PHOTOS, AND OBSERVATIONS FROM A SITE VISIT.
 A GENERAL REVIEW OF ZONING REQUIREMENTS WAS DONE IN PREPARING THIS CONCEPT; HOWEVER, THE CONCEPT DOES NOT BENEFIT FROM FORMAL MEETINGS AND REVISIONS FROM THE GOVERNMENTAL AGENCIES HAVING JURISDICTION WHICH MAY UNCOVER ADDITIONAL CONSTRAINTS.
 SITE AND DESIGN RELATED CONSTRAINTS INCLUDING BUT NOT LIMITED TO GRADING, STORMWATER MANAGEMENT, WATER SANITARY SEWER, STORM SEWER, DRY UTILITIES, ENVIRONMENTAL FEATURES, AND EXISTING SOIL CONDITIONS WERE NOT FULLY CONSIDERED WITH THIS EARLY CONCEPTUAL LEVEL LAYOUT.
 FURTHER REVIEW OF TRAFFIC REQUIREMENTS MAY PROHIBIT THE QUANTITY, LOCATION, AND/OR CONFIGURATION OF THE ACCESS LOCATION SHOWN ON THIS CONCEPT.

Zoning Summary

ZONING DISTRICT: B-2C (PROPOSED)
 EXISTING ZONING: R-3

ZONING REGULATION	REQUIRED	PROVIDED
FRONT YARD SETBACK	15 FT.	>15 FT.
SIDE YARD SETBACK	0 FT. / 15 FT.	>15 FT. / >15 FT.
REAR YARD SETBACK	40 FT.	>40 FT.
MAX. BUILDING HEIGHT	45 FT.	>45 FT.

Parking Summary

TYPE	DIMENSIONS		SPACES	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED
STANDARD SPACE	9' x 18'	9' x 18'		129
ACCESSIBLE SPACE #	(8' x 18') + 5'	VARIES		0
VAN ACCESSIBLE SPACE	(8' x 18') + 8'	VARIES		6
TOTAL SPACES			58	104

DENOTES ADA/FEDERAL REQUIREMENTS EXCLUSIVE OF REQUIRED VAN SPACES

PARKING REQUIREMENT CALCULATIONS:

USE	ORDINANCE REQUIREMENT	VARIABLE	CALCULATION	RESULT
RESTAURANT W/ DRIVE THRU	10 PER 1,000 S.F. GFA INCLUDING OUTDOOR EATING AREA	±3,000 GFA	3,000 / 1,000' X 10 SPACES	30 SPACES
PROFESSIONAL SERVICES	2.5 PER 1,000 S.F. GFA	±23,700 GFA	23,400 / 1,000' X 2.5 SPACES	58 SPACES
TOTAL REQUIRED:				88 SPACES

ROW IMPROVEMENTS AS REQUIRED PER PCD020-00334 / PCD020-00335 FOR REFERENCE ONLY, NOT SUBJECT TO THIS REZONING CASE

PCD020-00334 / PCD020-00335 UNDER CONSTRUCTION FOR REFERENCE ONLY, NOT SUBJECT TO THIS REZONING CASE

**KOONTZ
BRYANT
JOHNSON
WILLIAMS**

1703 North Parham Road, Suite 202 Henrico, Virginia 23229
 (804) 740-9200 FAX (804) 740-7338 www.KBJWgroup.com

EXHIBIT A
 REZ2023-00014

LEGEND

	HEAVY DUTY PAVEMENT		STD. DUTY PAVEMENT
	CONCRETE SIDEWALK/PADS		GRAVEL

STAPLES MILL & LUCAS RD. DEVELOPMENT
 CONCEPTUAL LAYOUT (CP-3-REV1) HENRICO COUNTY, VA

KBJW PROJECT #:	REVISION DATE	REVISION DESCRIPTION
N/A		
DATE:		
MAY 10, 2023		



344 BELLEVAUE ROAD, SUITE 30
ANNAPOLIS, MD 21403
PHONE: 301.364.6642

THIS IS A PRELIMINARY DESIGN AND NOT TO BE USED FOR CONSTRUCTION. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS.



INSPIRE
Stores
STORE # TBD
STAPLES MILLS & LUCAS RD
HENRICO COUNTY, VA

REVISION		
No.	Description	Date

DATE	3/15/23
REVIEWED BY	Chase
PROJECT NO.	22938
TITLE	EXTERIOR ELEVATIONS

SHEET No.
A-5



A5 SOUTH
1/4" = 1'-0"



A1 EAST
1/4" = 1'-0"



584 BELLEVUE ROAD, SUITE 100
ANNAPOLIS, MD 21403
PHONE: 410-261-8888

THIS SET OF PLANS IS TO BE USED FOR THE PROPOSED DEVELOPMENT OF THE STORE AND DRIVE THRU AS SHOWN ON THE PLANS AND SHALL BE USED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT AND THE TERMS AND CONDITIONS OF THE SUBMITTAL AGREEMENT.



INSPIRE
Spazda
STORE # TBD
STAPLES MILLS & LUCAS RD
HENRICO COUNTY, VA

REVISION		
No.	Description	Date

DATE: 5/15/23
REVIEWED BY:
PROJECT NO: 23118

TITLE
EXTERIOR ELEVATIONS

SHEET NO
A-6



A6 NORTH
1/4" = 1'-0"



A1 WEST
1/4" = 1'-0"