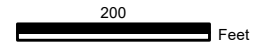


REZ-2024-100126

Zoning

Amend Proffered Conditions
 Brookland District





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

April 16, 2024

John A. Vithoukias
County Manager

Brian Moss
66 South 3rd Street
Brooklyn, NY 11249

Re: Rezoning Case REZ-2024-100126

Dear Mr. Moss:

The Board of Supervisors at its meeting on April 9, 2024, approved your request to amend proffers accepted with C-18C-90 on Parcel 770-755-1657 located at the northeast intersection of Staples Mill Road (U.S. Route 33) and E Parham Road.

The Board of Supervisors accepted the following proffered conditions, dated February 22, 2024, which further regulate the above-described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

Except as amended below, all conditions of rezoning case C-18C-90 shall apply except as revised below:

1. Proffer 2 will be deleted in its entirety and replaced as follows:
Exterior Materials/Architecture. The exposed portion of each exterior wall surface (front, rear and sides) of any building shall be similar to the exposed portions of other exterior walls of such building in architectural style and materials. Any building shall have exposed exterior walls of brick, brick veneer, glass, stone, stone veneer, 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 review. 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 review.
2. Proffer 4 will be deleted in its entirety and replaced as follows:
Building Height. No building constructed on the Property shall exceed twenty-five (25) feet in height.
3. Proffer 6 will be deleted in its entirety.

The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,

John A. Vithoukias
County Manager

pc: Director, Real Estate Assessment

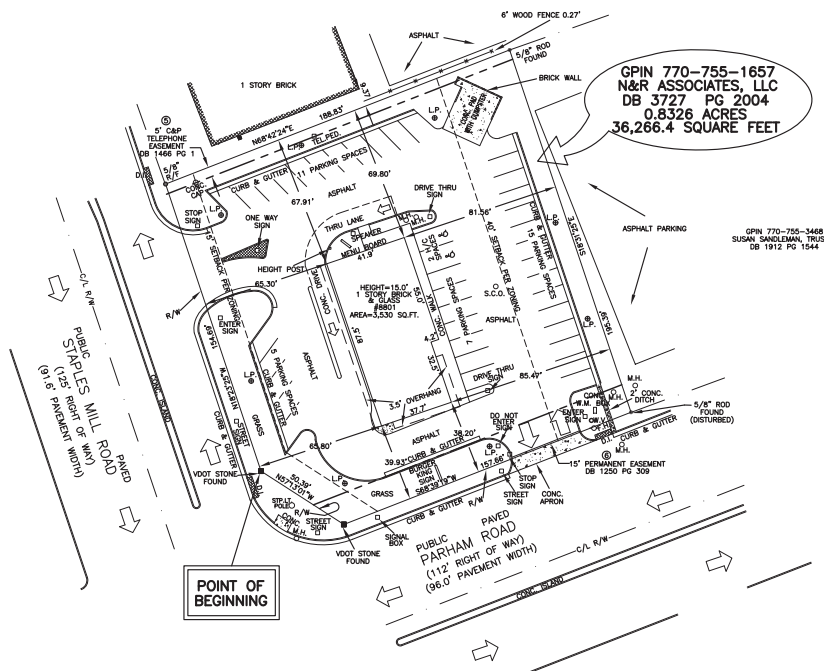
LEGEND

- L.P. = LIGHT POLE
- M.H. = MANHOLE
- CONC. = CONCRETE
- C = CURB
- W.V. = WATER VALVE
- F.H. = FIRE HYDRANT
- T.E.P. = TELEPHONE PEDestal
- D.I. = DRAIN INLET
- S.L. = STOP LIGHT
- S.C.O. = SEWER CLEAN OUT
- N/C = NAKED
- C/A = CENTER LINE
- R/W = RIGHT OF WAY

GPIN 770-755-1274
FREDERICK J. & AMELIA COBB
DB 2962 PG 1172

SCHEDULE B

3. AGREEMENT WITH HENRICO COUNTY DATED JULY 7, 1992, RECORDED IN DEED BOOK 2389, PAGE 1394 (AFFECTS SUBJECT PROPERTY, NOT PLOTTED, BLANKET IN NATURE)
4. AGREEMENT WITH HENRICO COUNTY DATED JULY 7, 1992, IN DEED BOOK 2389, PAGE 1405 (AFFECTS SUBJECT PROPERTY, NOT PLOTTED, BLANKET IN NATURE)
5. EASEMENT GRANTED TO CHESAPEAKE AND POTOMAC TELEPHONE COMPANY, DATED APRIL 30, 1971, RECORDED IN DEED BOOK 1465, PAGE 1 (AFFECTS SUBJECT PROPERTY, PLOTTED HEREON)
6. EASEMENT CONTAINED IN DEED TO THE COUNTY OF HENRICO, DATED FEBRUARY 10, 1986, RECORDED IN DEED BOOK 1290, PAGE 309 (AFFECTS SUBJECT PROPERTY, PLOTTED HEREON)



GPIN 770-755-1657
N&R ASSOCIATES, LLC
DB 3727 PG 2004
0.8326 ACRES
36,266.4 SQUARE FEET

STATEMENT OF ENCROACHMENTS

NONE NOTED AT TIME OF SURVEY

SURVEYOR'S CERTIFICATION

The undersigned, being a registered surveyor of the Commonwealth of Virginia, certifies that I have personally supervised the making of the foregoing survey, and that the same is a true and correct representation of the facts as shown to me on the ground.

1. This map or plat of the survey on which it is based was prepared by me or under my supervision in accordance with the current Minimum Standards and Guidelines for ALTA/ACSM Land Title Surveys, jointly established and adopted by the American Land Title Association (ALTA) and the National Society of Professional Surveyors (NSPS) in 2005, and includes items 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, and 13 from Table A thereof, along with any other significant observations or information that I deem pertinent to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of the certification, the undersigned further certifies that I am not providing any other land surveyor registered with the Commonwealth of Virginia, the Relative Possession Accuracy of this survey does not exceed that which is specified therein.
2. The survey was made on the ground on January 13, 2007, by me and correctly shows the main and boundary lines, and the location and area of the subject property, and the location and type of all buildings, structures and other improvements (including streets, alleys, easements, or rights of way) by the improvements on any adjoining properties, streets, alleys, easements, or rights of way (a) by the improvements on any adjoining properties, streets, alleys, easements, or rights of way (below or below ground) affecting the subject property and listed in This Comment No. 10/20/04-Field Notes, dated January 16, 2007, issued by Lawyers Title Insurance Corporation with appropriate recording references, to the extent that such matters can be located. The property shown on the survey is the same property as described in the referenced title commitment.
3. There is no observable evidence of encumbrances or rights of way on or across the surveyed property or on adjoining properties if they appear to affect the surveyed property, not otherwise shown on the survey.
4. There are no observable physical walls or no ascertainable above ground encumbrances either, (a) by the improvements on the subject property upon adjoining properties, streets, alleys, easements, or rights of way (b) by the improvements on any adjoining properties, streets, alleys, easements, or rights of way (below or below ground) affecting the subject property and listed in This Comment No. 10/20/04-Field Notes, dated January 16, 2007, issued by Lawyers Title Insurance Corporation with appropriate recording references, to the extent that such matters can be located. The property shown on the survey is the same property as described in the referenced title commitment.
5. The location of all improvements on the subject property are in accordance with minimum setback restrictions filed of record, or recorded on a subdivision map, or set forth in the applicable zoning or building codes for the subject property.
6. The subject property has direct access to a duly dedicated and accepted public street or highway.
7. The utilities serving the subject property appear to enter the subject property via a public right of way.
8. The subject property appears to drain into a public right of way.
9. The subject property appears to drain into any adjoining property for drainage, utilities, structural support, ingress or egress.
10. The record description of the subject property forms a mathematically closed figure.
11. No portion of the property shown on the survey lies within a Special Flood Hazard Area, as described on the Flood Insurance Rate Map for the community in which the subject property is located.
12. There is no observable evidence of any cemeteries or burial grounds on this property at the time the field survey was conducted.
13. Zone Classification: The subject property is located in Zone B-2C.
14. Height: The height of all buildings above grade is less than 25 feet.
15. Parking: The parking requirements set forth in the zoning ordinance of Henrico County, and the existing parking spaces at the surveyed property, are as follows:

PARKING	REQUIRED NO. OF SPACES	EXISTING NO. OF SPACES
REGULAR	1 FOR EACH 100 S.F. OF FLOOR AREA	38
HANDICAPPED	N/A	2
OTHER	N/A	0

SET-BACKS	REQUIRED SETBACK DISTANCE	EXISTING SETBACK DISTANCE
FRONT	15'	65.30'
SIDE	0'	38.30'
BACK	40'	81.56'

The parties listed above and their successors and assigns are entitled to rely on the survey and this certificate as being true and correct.

As per information provided to surveyor
#8, 9 and 10 as per above ground, observed evidence;
topography not part of survey

Eric Landes
3/27/07
Burger King
Registered No. 1342
Within the Commonwealth of Virginia
Date of Survey 1/13/07

COMMONWEALTH OF VIRGINIA
BRUCE C. LANDES
CERTIFICATE NO. 54-11-3 (A) 1342
3/27/07
LAND SURVEYOR

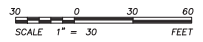
Landmark - fleet Surveyors, P.C.
ENGINEERS • LAND SURVEYORS • PLANNERS
124 BURFORD ROAD
RICHMOND, VIRGINIA 23235
(804) 330-5666, (FAX) 330-5558

DATE: 1/13/07 DRAWN BY: BAC JN: 19567 SHEET 1 OF 1
REF. 18111, 13180, 10922

GENERAL NOTES

1. THIS PLAT WAS BASED ON A FIELD SURVEY WITH A LINEAR PRECISION CLOSURE OF 1 FOOT IN 30382 FEET.
2. THIS PROPERTY HAS DIRECT ACCESS TO PARHAM ROAD AND STAPLES MILL ROAD, WHICH IS A DEDICATED PUBLICS STREET OR HIGHWAYS.
3. THE NUMBER OF STRIPPED PARKING SPACES IS 38 REGULAR AND 2 HANDICAPPED SPACES.
4. ALL FIELD MEASUREMENTS MATCHED RECORD MEASUREMENTS WITHIN THE MINIMUM STANDARDS SET FORTH FOR ALTA/ACSM LAND TITLE SURVEY.
5. WATERS OF THE UNITED STATES ARE NOT DESIGNATED BY THIS SURVEY.
6. RIGHTS OF THE COMMONWEALTH OF VIRGINIA ARE NOT DESIGNATED BY THIS SURVEY.
7. WETLANDS AND SUBAQUEOUS AREA OF WETLANDS MAY BE SUBJECT TO THE FEE RIGHTS OF THE COMMONWEALTH OF VIRGINIA. THESE AREAS HAVE NO SPECIFIC JUDICIAL DETERMINATION OF TITLE AND NO OPINION OF TITLE IS AVAILABLE AS OF DATE OF SURVEY.
8. BY VISUAL INSPECTION THERE APPEARS TO BE NO EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
9. BY VISUAL INSPECTION THERE APPEARS TO BE NO EVIDENCE OF SITE BEING USED AS A SOLID WASTE DUMP, SLUMP OR SANITARY LANDFILL.
10. THERE APPEARS TO BE NO CHANGE TO RIGHT OF WAY LINES FOR ADJACENT ROADWAYS, OR STREET OR SIDEWALK CONSTRUCTION REPAIRS, BY VISUAL INSPECTION, OR ANY INFORMATION SUPPLIED TO SURVEYOR.
11. BEARINGS IN (x) ARE FROM RECORD LEGAL DESCRIPTION.
12. SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF "B-2C" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 51077 0505B, WITH A DATE OF IDENTIFICATION OF 2/4/81, IN COUNTY OF HENRICO, COMMONWEALTH OF VIRGINIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH THE SAID PREMISES IS LOCATED.
13. SITE USE PERMITTED IN CURRENT ZONING CATEGORY.

ZONING DATA
ZONING: B-2C (BUSINESS)
FRONT - 15'
SIDE - 40'
HEIGHT - 3 STORES OR 45'
PARKING - 1 FOR EACH 100 SQ. FT. OF FLOOR AREA
MIN. LOT AREA - 20,000 SQ. FT.
MIN. LOT WIDTH - 100'
HENRICO COUNTY PERMIT CENTER
CONTACT: (804) 351-3945



UTILITY STATEMENT
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

REZ-2024-100126

LEGAL DESCRIPTION

ALL THAT CERTAIN LOT OR PARCEL OF LAND LOCATED IN BROOKLAND DISTRICT, HENRICO COUNTY, VIRGINIA, AT THE NORTHEASTERLY INTERSECTION OF STAPLES MILL ROAD AND PARHAM ROAD AND SHOWN AND DESCRIBED AS "36,230 S.F., 0.8326 AC" ON THAT CERTAIN PLAT ENTITLED, "PLAN DIVISION 2, MAP OF 0.8326 ACRES OF LAND IN BROOKLAND DISTRICT, HENRICO COUNTY, VIRGINIA," DATED NOVEMBER 2, 1992, MADE BY LAPHAM BROS., CIVIL ENGINEERS AND SURVEYORS, SAID PLAT WAS PREVIOUSLY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF HENRICO, ON NOVEMBER 10, 1992, IN PLAT BOOK 84 AS PAGE 141 AND MORE PARTICULARLY DESCRIBED ON A SURVEY BY BRUCE C. LANDES, DATED MAY 26, LAST REVISED LINE 4, 1998 AS JOB NO. 13180 (REF. IN 10922) AS FOLLOWS:

ALL THAT CERTAIN LOT OR PARCEL OF LAND LOCATED IN BROOKLAND DISTRICT, HENRICO COUNTY, VIRGINIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A VOTED STONE FOUND ON THE EASTERLY RIGHT OF WAY LINE OF STAPLES MILL ROAD, SAID POINT BEING 40.894 FEET FROM THE NORTHEASTERLY INTERSECTION OF STAPLES MILL ROAD AND PARHAM ROAD, THENCE NORTH 18° 23' MINUTES 25 SECONDS WEST 154.69 FEET TO A 1/2" HIGH ROD FOUND, THENCE NORTH 69° 42' MINUTES 24 SECONDS EAST, 188.83 FEET TO A 1/2" HIGH ROD FOUND, THENCE SOUTH 19° 31' MINUTES 20 SECONDS EAST, 190.39 FEET TO A DISTURBED 5/8" HIGH ROD FOUND, THENCE SOUTH 66° 39' MINUTES 19 SECONDS WEST 157.66 FEET TO A VOTED STONE FOUND ON THE NORTHERLY RIGHT OF WAY LINE OF PARHAM ROAD, THENCE NORTH 57° 13' MINUTES 0 SECONDS WEST 80.39 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED TO N&R ASSOCIATES, L.L.C. A VIRGINIA LIMITED LIABILITY COMPANY BY DEED FROM DE CAPITAL FRANCHISE CORPORATION, A DELAWARE CORPORATION, SUCCESSOR BY MERGER WITH MANY LAND CORPORATION, SUCCESSOR BY DISSOLUTION OF FINACQUISITION CORP., COUNTY OF HENRICO, VIRGINIA IN DEED BOOK 3727, PAGE 2004.

THE ABOVE DESCRIBED PROPERTY IS THE SAME PROPERTY AS THAT DESCRIBED IN A TITLE INSURANCE CORPORATION COMMITMENT NO. 10920478 FIRST REVISION, DATED JANUARY 16, 2007.

"ALTA/ACSM LAND TITLE SURVEY"

PREPARED FOR:

THE MATTHEWS COMPANY Inc.
National ALTA Survey Management

17220 Newhope Street, Suites 108-110, Fountain Valley, CA 92708
Tel: (714) 979-7181 Fax: (714) 641-2840
www.themattewscorp.com

MARK	DATE	REVISION	BY	AP/V/D
2	3/27/07	PER COMMENTS	BAC	BCL
1	3/14/07	PER COMMENTS	RLD	BCL

SKYLINE PACIFIC PROPERTIES, LLC

8801 STAPLES MILLS ROAD
RICHMOND, VA
(BURGER KING)

SCALE: 1" = 30'	CHKD. / AP/V/D
DATE: 1/13/07	APPROVED
DWN. BY: BAC	STORE NO: 7609
CHKD. BY: BCL	

J.N.: 30691