



REZ-2024-101247

Pandev, LLC.

Staff Report for Board of Supervisors Public Hearing

Prepared March 3, 2025

This report is prepared by the Henrico County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this zoning matter.

I. PUBLIC HEARINGS:

Planning Commission:	November 14, 2024	Recommended for Approval
Board of Supervisors:	December 3, 2024 February 11, 2025 March 11, 2025	Deferred by Board of Supervisors Deferred at Applicant's Request Pending (Deferral requested to April 8, 2025)

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning:	B-2C Business District (Conditional) (Amendment of Existing Proffers); R-3C One-Family Residence District (Conditional)
Existing Zoning:	B-2C Business District (Conditional); R-3 One-Family Residence District
Acreage:	2.67 acres
Proposed Use:	Convenience store and automobile filling station <i>Note: Case PUP-2024-101250 has been filed concurrently to allow for the 24-hour operation of the proposed uses.</i>
Location:	North line of West Broad Street (U.S. Route 250) between Pine Grove Drive and Hollybrook Avenue
Magisterial District:	Brookland
2026 Comprehensive Plan Recommendations:	Commercial Arterial (CA); and Suburban Residential 2 (SR2), density should not exceed 3.4 units per acre
Parcel Nos:	761-754-8398, 761-755-5910, 761-755-6607, 761-755-6824, 761-755-7503, and 761-755-8413
Zoning of Surrounding Properties:	North: R-3 One-Family Residence District South: B-3C Business District (Conditional) East: B-3C Business District (Conditional) West: B-3C Business District (Conditional) R-3 One-Family Residence District

III. SUMMARY OF STAFF REPORT:

The applicant proposes to amend existing proffers for the B-2C Business District (Conditional) portion of the site; and to conditionally rezone the 0.88-acre R-3 One-Family Residence District portion of the site to R-3C One-Family Residence District (Conditional). The intended use for the property is a convenience store with automobile fueling pumps. The subject 2.67-acre property includes six parcels located on the north line of West Broad Street (U.S. Route 250), between Pine Grove Drive and Hollybrook Avenue, approximately 550 feet west of East Parham Road. The applicant has also filed a companion provisional use permit case, PUP-2024-101250, to request 24-hour operation. Consideration of the companion PUP could occur based on the site's existing B-2C zoning, regardless of the outcome of this rezoning request.

The proffers accepted with REZ2018-00022 would allow the proposed automobile filling station and convenience store on the property. The proposed proffer amendments would largely limit the use of the four B-2C parcels to a convenience store with automobile fueling pumps and would provide updated language for various items regulating development on the property. The proffers on the two R-3 parcels to the rear of the site are provided with the intent of creating buffers to the existing B-2C property. If this request is approved, the proffers previously accepted with REZ2018-00022 will be superseded, and the proffers submitted with this rezoning request will apply to all six parcels of this site.

The 2026 Comprehensive Plan recommends Commercial Arterial (CA) and Suburban Residential 2 (SR2), and the density should not exceed 3.4 units per acre. Commercial uses are consistent with the site's current zoning and Commercial Arterial designation on the 2026 Plan, as well as the existing pattern of development along West Broad Street. The applicant has submitted proffers and exhibits to regulate the proposed use of the property, which are generally consistent with similar requests of this type. The proffered conceptual plan is consistent with the previous rezoning approval on the property. The elevations reflect the corporate styling of the Sheetz brand. Additional buffer areas proposed with this request should help reduce impacts from the proposed development. Staff recognizes the proposed convenience store is currently permitted by the proffers of REZ2018-00022, and that the inclusion of additional buffer area could provide additional protections for adjacent residents. For these reasons, staff does not oppose this request.

The applicant has hosted two community meetings to discuss the project with area property owners and residents: March 3, 2024, with approximately 15-20 persons attending, and September 17, 2024, with approximately 15 persons in attendance. During both meetings, numerous citizens voiced concerns, including the over-proliferation of automobile filling stations, light, noise, safety of a 24-hour use, litter, reduced property values, the need for enhanced screening, and traffic congestion, particularly for those trying to access North Skipwith Road and the traffic signal at that location.

At their meeting on November 14, 2024, the Planning Commission recommended approval of this request. The Board of Supervisors deferred this request at their December 3, 2024, public hearing. At the time this report was written no additional information has been provided by the applicant. ~~The applicant has requested a one-month deferral to the March Board of Supervisors hearing.~~ The case was deferred at the February 11, 2025, Board of Supervisors public hearing at the applicant's request. The applicant has requested another month's deferral to the April 8, 2025, Board of Supervisors public hearing.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The 2.67-acre subject property is located on the north line of West Broad Street (U.S. 250) between Pine Grove Drive and Hollybrook Avenue. The subject property comprises six lots initially platted as part of the Pine Grove subdivision; all were previously developed with single-family homes. The four parcels fronting West Broad Street are vacant and zoned B-2C Business District (Conditional). The rear two parcels are zoned R-3 General Residence District and are accessed from Pine Grove Drive and Hollybrook Avenue, respectively. Existing single-family homes are present on these two parcels.

Residential parcels with existing single-family homes, included in the Pine Grove subdivision, are located directly north of the subject site. Other surrounding properties, including those across West Broad Street, are zoned and developed for commercial use (B-2C and B-3C). The intensity of these commercial uses varies, with larger properties developed as automobile dealerships. Directly west of the site is a smaller B-2C parcel developed with a lower-intensity general retail building.

A previous case, REZ2018-00022, rezoned the four parcels fronting West Broad Street from R-3 One-Family Residence District to B-2C Business District (Conditional). Although no specific uses were proposed with that request, a number of proffered conditions were accepted, including limiting access to the site from Hollybrook Avenue and Pine Grove Drive. The proffers submitted with this case would largely limit the use of the four parcels to a convenience store with automobile fueling pumps and would continue to prohibit a large number of potentially incompatible uses. The proffers on the two R-3 parcels to the rear of the site are intended to provide buffers to the existing B-2C property. If the request is approved, the previously approved proffers on the B-2C property will be superseded, and the proffers supporting this rezoning request will apply to all six parcels of this site.

This request would allow more substantial buffers along the site's northern property line and a larger building footprint for the proposed convenience store on the existing B-2C property. The proposed Sheetz convenience store would be 6,132 square feet with six fuel pumps housed under a canopy. The applicant has also filed a companion provisional use permit, PUP-2024-101250, to allow the 24-hour operation of the convenience store and automobile filling station.

The proffered concept plan dated October 23, 2024 (Exhibit A) provides a layout of the proposed development and shows two points of access to the site, one from Hollybrook Avenue and the other from Pine Grove Drive. The fuel pumps would be located closer to the access from Hollybrook Avenue, as would an unloading zone for fuel at the site's southeastern corner, which is the farthest point on the site from any residential uses. The 6,132-square-foot convenience store is planned in the central portion of the site. The layout also shows internal sidewalks surrounding the building and extending to the access points along the northern edge of these parcels and a 5-foot-wide sidewalk along West Broad Street. In the revised proffers, the applicant has proffered to construct 4-foot-wide sidewalks along the property's frontages on Hollybrook Avenue and Pine Grove Drive. A limited amount of outdoor seating is on the side fronting West Broad Street.

Landscaped strips are shown along the street frontages (Pine Grove Drive, West Broad Street, and Hollybrook Avenue). A minimum 10' landscaped area is required between these right-of-way and parking. A 15' wide landscape area is shown (but not proffered) along West Broad Street. The most substantial buffer would be provided within the two rear parcels, identified as 'Northern Buffer' in the submitted proffers. As shown on the concept plan and described in the proffers, the Northern Buffer would contain two defined areas - 'Buffer Area' and 'Open Space'.

The Buffer Area is intended to be a 50-foot-wide area along the northern edge of the property to be planted to the level of a Transitional Buffer 50. The Buffer Area will also include a six-foot-high opaque fence along the northern edge of the property, which will also extend 50 feet on either side of the Buffer Area along Pine Grove Drive and Hollybrook Avenue. The fence will be constructed of vinyl, wood (board on board), composite material, pre-cast concrete, or any such other material as determined at the Plan of Development.

The 'Open Space' area of the Northern Buffer will include lighting and security cameras as determined during the Plan of Development. As depicted on the concept plan, no fencing will be provided along any portion of the 'Open Space'. The Northern Buffer will be used solely as a buffer and open space, and no building will be constructed within this area. The concept plan also shows a large stormwater management pond along Pine Grove Drive, closer to West Broad Street.

The exterior appearance and architectural material of the building would be consistent with the proffered architectural elevation Exhibit B, which shows masonry materials covering all sides of the structure. In terms of materials, lighting, and design, any other buildings on the site would also be compatible with this exhibit.

Along with the layout and elevations, other assurances in the proffers address prohibited uses, loudspeakers, signage, lighting, trash dumpsters, sidewalks, and mechanical equipment. Any loudspeakers located on the property would be prohibited from being heard beyond the property line. Signage would be ground mounted and of materials complementary to the buildings with no changeable messages, or inflatable/attention-getting devices allowed. Loading docks/doors would be prohibited from facing West Broad Street. Lighting would be limited to 23' or 20' depending on location on the site and it would be designed in a manner to minimize glare. In addition to internal sidewalks, sidewalks would be constructed along all adjacent roadways. Staff notes some additional proffers are already in the Zoning Ordinance and would need to be met regardless of the results of this request.

The 2026 Comprehensive Plan designates the parcels of the subject site fronting West Broad Street as Commercial Arterial, and the rear parcels as Suburban Residential 2 (density not to exceed 3.4 units per acre). As the proposed use is allowed by the existing proffers of REZ2018-00022 and the zoning, the Commercial Arterial future land use designations indicate commercial development on the portion of the property fronting West Broad Street could be appropriate. The proposed layout of the property would also be consistent with the Suburban Residential 2 designation because there would not be any commercial uses on those parcels.

The additional buffer areas proposed with this request, made possible by the inclusion of the two residential parcels, should help reduce impacts from the proposed development. Staff recognizes the proposed convenience store is currently permitted by the proffers of REZ2018-00022, and that the inclusion of additional buffer area could provide additional protections for adjacent residents. For the reasons identified above, staff does not oppose this request.

The applicant has hosted two community meetings to discuss the project with area property owners and residents: March 3, 2024, with approximately 15-20 persons attending, and September 17, 2024, with approximately 15 persons in attendance. During both meetings, numerous citizens voiced concerns, including the over-proliferation of automobile filling stations, light, noise, and safety of 24-hour use, litter, reduced property values, the need for enhanced screening, and traffic congestion, particularly for those trying to access North Skipwith and the traffic signal at that location.

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V. COMPREHENSIVE PLAN ANALYSIS:

2026 Comprehensive Plan Recommendation:

The 2026 Comprehensive Plan recommends Commercial Arterial (CA) for portions of the subject site fronting West Broad Street and Suburban Residential 2 (SR2), density should not exceed 3.4 units per acre, for the remainder portions of the subject site. Commercial uses of a proper intensity and form could be consistent with the CA recommendation. The proposal would also be generally consistent with the SR2 recommendation due to a lack of commercial activity on those parcels.

Vision, Goals, Objectives, and Policies:

This request is not consistent with the following Goals, Objectives and Policies of the 2026 Comprehensive Plan:

- General Development Policy 2: Encourage the design of new development to be compatible with and complementary to existing land uses. Incompatible uses should not be closely located. Site design and buffering should be used to the maximum extent feasible to reduce the impacts on adjacent properties, especially between residential and nonresidential areas.
- Land Use and Community Character Objective 39: Protect existing development and residential areas from encroachment by incompatible or inappropriate land uses.
- Residential Keystone Policy 2: Focus on promoting a high quality of life for residents by providing safety and stability within neighborhoods.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:

No additional comments.

Drainage:

All proposed improvements must comply with all applicable Public Works plan of development requirements. Land disturbance greater than 2,500 sq. feet will require an Environmental Compliance Plan. The site is located within 50/10 detention area and must comply with applicable regulations. The site must comply with applicable stormwater quality and quantity requirements.

Public Utilities Services:

All properties at the site are currently connected to County water and sewer.

Schools:

This rezoning request does not involve the addition of any housing and thus does not have any educational impacts.

Division of Fire:

No comments.

Division of Police:

The Police Division does not have concerns regarding the proposed conditional rezoning companion case (REZ-2024-101247). Below are recent calls for service and crime data for four nearby convenience stores with gas pumps. According to their websites, the Wawa located at 8017 W. Broad Street closes between 1:30am and 3am. The Wawa located at 9100 Three Chopt Road closes between 12am (midnight) and 5am. The Exxon located at 8208 W. Broad Street is 24-hour and the Sheetz at 7035 W. Broad Street operates 24-hour and hires uniformed security to assist with criminal activity. This data could be used to determine the appropriateness of the request for the proposed Sheetz to operate for 24-hours each day.

Sheetz at 7035 W. Broad Street
Calls for Service: 8/27/2023 – 8/26/2024

Sheetz at 7035 W. Broad Street
Crime Data: 8/27/2023 – 8/26/2024

Hours of operation: 24/7

Call Type	No. Ret	Cancel	Unable to Locate	Advice Given	FR300	Incident Report	Unknown/Notified	Total
001-Accident	4	0	0	0	3	0	0	7
005-Alarm-Holdup	0	1	0	0	0	0	0	1
006-Animal	2	1	0	0	0	0	0	3
008-Assist Other Age	1	0	2	0	0	0	0	3
013-Disorderly/Drunk	15	2	3	4	0	9	0	33
015-Domestic	0	0	1	0	0	3	0	4
017-Fire	1	0	0	0	0	0	0	1
021-Larceny	0	1	0	1	0	5	0	7
023-Medical Emerg	10	0	0	0	0	1	0	11
024-Mental Subject	1	0	0	0	0	4	0	5
029-Rape/Sex Offense	0	0	0	0	0	1	0	1
030-Recovered Prop	1	0	0	0	0	1	0	2
032-Service Call	9	0	3	2	0	0	0	14
034-Shoplift	2	0	0	0	0	7	0	9
036-Suspicious Sit	11	0	2	0	0	3	0	16
038-Trespassing	12	2	0	2	0	2	0	18
040-Vandalism	0	0	0	0	0	1	0	1
041-Vehicle-Abn/Disa	1	0	0	0	0	0	0	1
042-Vehicle-Stolen	0	0	0	0	0	1	1	2
046-Other	0	0	0	0	0	2	0	2
048-EB11 Hangup	0	1	0	0	0	0	0	1
052-Juvenile Problem	1	0	0	0	0	0	0	1
091-Service Paper	2	0	1	0	0	1	0	4
306-Animal Misc. - Carena	0	0	0	4	0	0	0	4
Total	73	6	12	13	3	41	1	151

Non-Aggravated Assault – on Police	1
Assault Brandish Firearm	1
Larceny Petit - Shoplifting	9
Auto Theft	1
Credit Card Fraud	4
Embezzlement	1
Conspiracy to Buy or Sell Stolen Property	1
Vandalism – Auto	1
Weapons – Possessing- Concealed	2
Weapons – Other	1
Sex Offenses – Exposing Person	1
Possession of Cocaine	1
Liquor Violations – Illegal Possession	1
Drunk in Public Place	6
Disorderly Conduct	2
Disorderly – Urinate in Public Place	1
Criminal Trespassing	2
Suspicious Person	1
Warrant Service	5

33 of the 151 calls for service occurred between 12am (midnight) and 6am and primarily are for disorderly/drunken and trespassing.

Wawa at 8017 W. Broad Street
 Calls for Service: 8/27/2023 – 8/26/24

Wawa at 8017 W. Broad Street
 Crime Data: 8/27/2023 – 8/26/24

Hours of Operation: Closes between 1:30am – 3am

Call Type	No. Ret	Cancel	Unable to Locate	Advice Given	Incident Report	Unknown/Validated	Total
001-Accident	6	0	0	1	1	1	9
002-Alarm-Commercial	2	0	0	0	0	0	2
005-Alarm-Holdup	2	0	0	0	0	0	2
006-Animal	1	0	0	0	0	0	1
007-Assault	0	0	0	0	2	0	2
008-Assist Other Age	1	0	0	0	0	0	1
013-Disorderly/Drunk	12	1	6	2	8	0	30
015-Domestic	0	0	0	0	1	0	1
016-Fight	1	0	0	0	0	0	1
021-Larceny	3	0	0	0	9	0	12
023-Medical Emerg	8	0	0	0	4	0	13
024-Mental Subject	2	0	0	0	3	0	5
030-Recovered Prop	1	0	0	0	0	0	1
031-Robbery	0	0	0	0	1	0	1
032-Service Call	9	0	2	2	0	0	13
034-Shoplift	2	0	0	0	10	0	12
036-Suspicious Sit	6	1	0	2	2	0	12
038-Trespassing	14	0	1	1	4	0	20
042-Vehicle-Stolen	0	0	0	0	1	0	1
048-E911 Hangup	1	0	0	0	0	0	1
052-Juvenile Problem	0	0	1	0	1	0	2
071-Assist Unit	1	0	0	0	0	0	1
081-Serve Paper	1	0	1	0	0	0	2
306-Animal Misc. - Canine	0	0	0	2	0	0	2
Total	73	2	11	10	47	1	147

Robbery Strong Arm Commercial	1
Domestic Non-Aggravated	1
Non-Aggravated Assault – On Police	1
Assault – Obstruction of Justice	2
Larceny	19
Credit Card Fraud	3
Possession of Heroin	1
Drug Violation- Poss of Drug Paraphernalia	1
Drunk in Public Place	7
Disorderly Conduct	2
Criminal Trespassing	3
Naloxone Use by Officer	1

28 of the 147 calls for service occurred between 12am (midnight) and 6am and are primarily for disorderly/drunken individuals, trespassing and larceny.

Wawa at 9100 Three Chopt Road
 Calls for Service: 8/27/2023 – 8/26/24
 Hours of Operation: 5am – 12am

Wawa at 9100 Three Chopt Road
 Crime Data: 8/27/2023 – 8/26/24

Call Type	No Rpt	Cancel	Unable to locate	Advice Given	FR300	Incident Report	Unknown/Voided	Total
001-Accident	0	2	2	0	5	0	0	9
002-Alarm-Commercial	1	0	0	0	0	0	0	1
005-Alarm-Holdup	0	0	0	0	0	0	1	1
007-Assault	0	0	1	0	0	0	1	2
008-Assist Other Age	1	0	0	0	0	0	0	1
013-Disorderly/Drunk	1	0	0	0	0	0	1	2
015-Domestic	0	0	0	0	0	1	1	2
016-Firearm/Violatn	0	0	0	0	0	1	0	1
021-Larceny	1	0	0	0	0	3	0	4
023-Medical Emerg	2	0	0	1	0	1	0	4
032-Service Call	1	0	1	0	0	1	0	3
034-Shoplft	1	0	0	0	0	0	0	1
036-Suspicious Sit	1	0	2	0	0	0	0	3
041-Vehicle-Abn/Disa	0	1	0	0	0	0	0	1
042-Vehicle-Stolen	0	0	0	0	0	1	0	1
045-Vicel/Alcho/Narco	0	0	0	0	0	1	0	1
049-All Car Bulletin	2	0	0	0	0	0	0	2
306-Animal Misc. - Canine	1	0	0	0	0	0	0	1
Total	12	3	6	1	5	10	3	40

Assault – Non - Aggravated	3
Assault – Brandish Firearm	1
Larceny Grand Shoplifting	2
Larceny Grand from Autos	1
Larceny Petit	1
Auto – Unauthorized Use	1
Credit Card Fraud	1
Drug Violation – Marijuana Possess	1
Drug Violation – Synthetic – Possess	1
Drug Violation – Non-Narcotic	1
Drug Overdose	1

1 of the 40 calls for service occurred between 12am (midnight) and 6am because this location is closed during those hours. The one call occurred at 2:16am and was a service call for a flat tire.

Exxon at 8208 W. Broad Street
 Calls for Service: 8/27/2023 – 8/26/24
 Hours of Operation: 24/7

Exxon at 8208 W. Broad Street
 Crime Data: 8/27/2023 – 8/26/24

Call Type	No Rpt	Unable to locate	Incident Report	Total
013-Disorderly/Drunk	1	0	2	3
023-Medical Emerg	2	0	1	3
024-Mental Subject	0	0	2	2
031-Robbery	0	0	2	2
032-Service Call	1	0	0	1
036-Suspicious Sit	1	1	0	2
038-Trespassing	0	0	1	1
041-Vehicle-Abn/Disa	1	0	0	1
323-MENTAL HEALTH ISSUE LVL 3	0	0	1	1
Total	6	1	9	16

Robbery Firearm Commercial	1
Robbery Armed Firearm	1
Larceny Petit Shoplifting	1
Drug Violation Synthetic Possess	1
Drunk in a Public Place	1
Mental Case Except Suicide	1

1 of the 16 calls for service occurred between 12am (midnight) and 6am and was due to a mental health issue.

Recreation and Parks Department:

No park or recreation facilities, historical, archeological or battlefield impact. There is a ranch style home, built ca. 1954, on one of the parcels (GPIN 761-755-6824) that is not historically or architecturally significant.

Topography and Land Characteristics Adaptability:

There are no known topographic reasons why the site cannot be used as proposed.

Libraries:

No comments.

Recreation and Parks:

No park or recreation facilities, historical, archeological or battlefield impact.

Community Revitalization:

No comments.

Topography and Land Characteristics Adaptability:

The applicant has identified an area of wetlands in the southwestern corner of the site. Otherwise, there are no known topographic reasons the site cannot be developed as proposed.



Proffers for Conditional Rezoning

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228
Henrico Planning Web Site: <http://www.henrico.us/planning>

Mailing Address: Planning Department, P.O. Box 90775, Henrico, VA 23273-0775 Phone (804) 501-4602 Facsimile (804) 501-4379

✓ Original Amended Rezoning Case No. REZ2024
101247 Magisterial District Brookland

Pursuant to Section 24-121 (b) of the County Code, the owner or duly authorized agent* hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

[Signature] / Andrew M. Conditin 10/29/2024
Signature of Owner or Applicant / Print Name Date

**If applicant is other than Owner, the Special Limited Power of Attorney must be submitted with this application*

CASE: REZ-2024-101247

October 29, 2024

The following proffered conditions will supersede and replace any and all prior proffered conditions now or previously affecting the portion of the Property set forth in REZ2018-00022 and these proffer conditions will apply to the entirety of the Property consisting of 761-754-8398, 761-755-5910, 761-755-6607, 761-755-6824, 761-755-7503 and 761-755-8413 (the "Property").

1. **Concept Plan.** The Property will be developed in general conformance with the plans entitled "NEW SHEETZ SITE RICHMOND", prepared by Convenience Architecture and Design P.C. and dated October 6, 2023, and last revised October 23, 2024 (the "Concept Plan") (see case file), and attached hereto and by this reference made a part hereof. The exact locations, footprints, configurations, size, and details of the lots, drives, roads, buildings, and other improvements shown on the Concept Plan are illustrative and are subject to change and may be updated from time to time as required for final engineering design, compliance with governmental regulations or as otherwise approved at the time of Plan of Development review of the Property.
2. **Underground Utility Lines.** All utility lines on the Property will be underground, except for existing utilities, junction boxes, meters, utility lines in wetlands areas, and utility lines required to be above ground by the utility company. Electrical junction boxes and meters will be screened from public view at ground level at the perimeter of the tract with use of a wall, fencing, landscaping, or such other



Proffers for Conditional Rezoning (Supplemental)

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228

Henrico Planning Web Site: <http://www.co.henrico.va.us/planning>

Mailing Address: Planning Department, P.O. Box 90775, Henrico, VA 23273-0775

Phone (804) 501-4602

Facsimile (804) 501-4379

method as may be approved at the time of Plan of Development and/or subdivision review.

3. **Best Management Practices.** Best Management Practice (“BMP”) structures will be located outside of any landscaped buffer within the Property, except as a landscaping amenity or water related feature, or unless approved at the time of subdivision review. Any wet pond BMP structures will include an aeration feature to move water within such structure.
4. **Hours of Construction.** During the construction of any development on the Property the hours of exterior construction will be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. Saturday, and none on Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Exceptions will require the approval of the Director of Planning. Construction signs will be posted in English and in Spanish and will state the hours of construction.
5. **Buffer and Open Space.** The portion of the Property zoned R-3C may only be used as a buffer and open space as described in these proffers. A variable width natural and landscaped buffer, as shown on the Concept Plan as “BUFFER AREA”, and open space, as shown on the Concept Plan as “OPEN SPACE” will be provided along the northern boundary of the R-3C portion of the Property (collectively, the “Northern Buffer”), as follows:
 - a. The Northern Buffer will include a planting area a minimum of fifty (50) feet in width and to be planted to the level of a Transitional Buffer 50 within the general area of the Northern Buffer designated on the Concept Plan as “TRANSITIONAL BUFFER 50” or in any other location within the Northern Buffer as required at the time of landscape plan review.
 - b. An opaque fence or wall a minimum of six feet in height will be provided along the northern edge of the Northern Buffer as shown on the Concept Plan as “6FT OPAQUE FENCE (RED)”. Such fence or wall will be constructed of vinyl, wood (board on board), or if required at the time of plan of development review, a composite material (such as Trex or



Proffers for Conditional Rezoning (Supplemental)

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228

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Simtek), pre-cast concrete, or such other material as approved by the Director of Planning.

- c. A row of evergreen trees (such as Green Giant Arborvitae or Leyland Cypress) planted at a minimum height of six (6) feet and in two staggered, offset rows no further apart than ten (10) feet on center, unless otherwise approved at the time of landscape plan review, will be planted along the northern edge of the Northern Buffer.
 - d. The Northern Buffer will include supplemental evergreen plantings necessary to provide additional screening for existing single-family dwellings adjoining such buffer as determined at the time of landscape plan review.
 - e. The Northern Buffer may include supplemental plantings, utilities, berms, neighborhood signage, and/or fencing and other purposes as approved at the time of landscape plan review. Utility easements (including drainage) will be permitted within such buffer, provided, any such utility easements will be extended generally perpendicular through such buffer as approved at the time of Plan of Development review.
 - f. The Open Space area within the Northern Buffer will include such lighting and security cameras as may be required at the time of Plan of Development review.
 - g. No buildings will be constructed within the Northern Buffer.
6. **Uses.** The following uses will not be permitted on the B-2C portion of the Property:
- a. Car wash;
 - b. Funeral home, mortuary and/or undertaking establishment;
 - c. Laundromats;
 - d. Temporary outdoor stand and/or sales area for seasonal decorations sales;
 - e. Automotive repair involving any outside storage of vehicles, including towing service;



Proffers for Conditional Rezoning (Supplemental)

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228

Henrico Planning Web Site: <http://www.co.henrico.va.us/planning>

Mailing Address: Planning Department, P.O. Box 90775, Henrico, VA 23273-0775

Phone (804) 501-4602

Facsimile (804) 501-4379

- f. Indoor recreation facilities including the following and the those uses similar to such: bowling alleys, skating rinks (ice skating and roller skating), swimming pools, tennis, and model racing tracks;
 - g. Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia (the foregoing will not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
 - h. billiard, bagatelle, video game or a bingo parlor;
 - i. flea markets or antique auctions;
 - j. billboards;
 - k. recycling facilities;
 - l. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - m. dance halls;
 - n. truck stops;
 - o. gun shop, sales and repair;
 - p. parking garages or commercial parking lots as a principal use;
 - q. sign painting shops;
 - r. free-standing communication towers;
 - s. car title loan operations; and
 - t. adult businesses as defined by Section 24-8405 of the Henrico County Code.
7. **Architectural Treatment.** Any convenience store building constructed on the Property will be similar to the style and design and generally in conformance with the renderings entitled "NEW SHEETZ STORE, RICHMOND, HOLLYBROOK AVE", prepared by Convenience Architecture and Design, P.C., dated February 23, 2024 (see case file, 2 pages), and attached hereto and by this reference made a part hereof ("Renderings"), unless otherwise approved at the time of Plan of Development review. The determination of compatibility will be based on scale, materials, form, architectural features, and/or colors. Users will be permitted to include prototypical or corporate identification architectural elements in the design of their building or space. Any other building on the Property will be generally compatible with the Renderings with respect to building materials and treatment, lighting, and design.



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8. **Exterior Materials.** Any building on the Property will have exposed exterior walls (above finished grade and exclusive of trim, windows and doors), of brick, glass, EIFS, stone, stone veneer (including artificial stone), split-face block, wood, fiber-cement siding, or architectural-grade metal panels, precast concrete panels, or a combination of the foregoing, using a complementary color palette of materials, unless different architectural treatment and/or materials are specifically approved at the time of Plan of Development. No building will be covered with or have exposed to view any painted or unfinished plain concrete block, sheet or corrugated aluminum (unless as an architectural or rooftop screening feature), asbestos or metal, unless otherwise specifically approved at the time of Plan of Development review. The exposed portion of each exterior wall surface (front, rear and sides) of each building (excluding rooftop screening materials for mechanical equipment) will be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any visible sloped roof will be constructed of slate, simulated slate, standing seam metal, textured fiberglass shingles or shakes, or concrete or composition shingles.
9. **Loudspeakers.** Outside loudspeakers that can be heard beyond the Property line will be prohibited. The use of intercom-type systems commonly associated with banks and restaurants will be permitted.
10. **Signage.** All detached signs on the Property will be monument style signage and will be consistent in type and appearance and will be constructed primarily of materials that complement the exterior materials used on any buildings. No pole signs, changeable message signs, or inflatable or other attention getting devices will be permitted.
11. **Lighting.** Any lighting located in the parking area in the rear yard of a building on the Property will be shielded so light is directed away from the Northern Buffer. Parking lot lighting fixtures adjacent to West Broad Street will not exceed twenty-three (23) feet in height and will not exceed twenty (20) feet in height elsewhere, as measured from the grade at the base of the lighting standard. Lighting will be directed to minimize glare on public roads and adjacent properties, however, parking lot lighting will be designed to provide lighting for pedestrians along West Broad Street in a manner approved at the time of lighting



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plan review. Direct embedded light poles and standards will be prohibited.

12. **Trash Receptacles and Dumpsters.** In addition to the requirements of the County Zoning Ordinance, dumpsters and trash receptacles, not including convenience containers, will be screened from public view at ground level at the perimeter of the B-2C portion of the Property, with brick on three (3) sides complementary to the building it serves. The fourth (4th) side will have a gate or door that is of a substantial and durable material as determined at the time of Plan of Development review. Support posts, gate frames, hinges and latches will be of a sufficient size and strength to allow the gates to function without sagging or becoming a nuisance.
13. **Loading Docks/Doors.** Loading docks and loading doors (doors used exclusively for loading and deliveries) on the Property will be screened from view from any public street and residentially zoned property at ground level with use of buildings or structures, fencing or wall, landscaping, or such other method as may be approved at the time of Plan of Development. No loading docks or loading doors will face West Broad Street.
14. **Dumpster Pickup and Parking Lot Cleaning.** Dumpster pickup and unloading and parking lot cleaning (not including individuals sweeping and picking up trash) on the Property will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:30 a.m. to 5:00 p.m. on Saturday.
15. **Mechanical Equipment.** Mechanical equipment will be screened from public view at ground level at Property lines as approved at the time of Plan of Development.
16. **Sidewalk.** Subject to all applicable government approvals, (a) a five (5) foot sidewalk for pedestrian access will be constructed along the Property's frontage on West Broad Street and (b) a four (4) foot sidewalk for pedestrian access will be constructed along the Property's frontage on Hollybrook Avenue and Pine Grove Drive, where not constrained by utilities and storm drainage.
17. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, will not affect the validity or



Proffers for Conditional Rezoning (Supplemental)

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enforceability of the other proffers or the unaffected part of any such proffer.



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoukias
County Manager

March 17, 2020

Mr. Victor J. Moes
1504 Chauncey Lane
Henrico, VA 23238-4806

Re: Rezoning Case REZ2018-00022

Dear Mr. Moes:

The Board of Supervisors at its meeting on March 10, 2020, approved your request to conditionally rezone from R-3 One-Family Residence District to B-2C Business District (Conditional) Parcels 761-754-8398, 761-755-5910, 761-755-6607, and 761-755-7503 containing 1.783 acres located on the north side of W. Broad Street (U.S. Route 250) between Hollybrook Avenue and Pine Grove Drive, described as follows:

Commencing at a point at the extended intersection of the north line of West Broad Street and the east line of Pine Grove Drive; thence N 18°24'16" E, 19.25 feet to a point on the east line of Pine Grove Drive, said point being the point of beginning; thence continuing along the east line of Pine Grove Drive N 18°24'16" E, 180.98 feet to a point; thence departing the east line of Pine Grove Drive S 63°17'41" E, 382.68 feet to a point on the west line of Hollybrook Avenue; thence continuing along the west line of Hollybrook Avenue S 17°32'06" W, 194.82 feet to a point; thence departing the west line of Hollybrook Avenue S 74°28'00" W, 31.43 feet to a point on the north line of West Broad Street; thence continuing along the north line of West Broad Street along a curve to the left having a radius of 1487.39 feet, an arc length of 140.18 feet, and a chord of N 59°18'20" W, 140.13 feet to a point; thence N 27°59'40" E, 8.00 feet to a point; thence N 62°14'44" W, 12.53 feet to a point; thence S 27°30'52" W, 8.00 feet to a point; thence along a curve to the left having a radius of 1487.39 feet, an arc length of 25.92 feet, and a chord of N 62°59'05" W, 25.92 feet to a point; thence N 63°29'02" W, 3.04 feet to a point; thence along a non-tangent curve to the left having a radius of 1474.96 feet, an arc length of 118.18 feet, and a chord of N 60°45'38" W, 118.15 feet to a point; thence N 63°17'41" W, 42.68 feet to a point; thence departing the north line of West Broad Street N 22°55'35" W, 29.41 feet to a point on the east line of Pine Grove Drive and the point of beginning.

Containing 77,689 square feet or 1.783 acres of land more or less.

The Board of Supervisors accepted the following proffered conditions, dated February 18, 2020, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Access Plan.** Development of the Property shall be in general conformance with the Access Plan attached hereto entitled "Access Plan" prepared by RK&K, dated January 14, 2020, (the "Access Plan"), (see case file) which Access Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development.
2. **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 style and materials. Any building shall have exposed exterior walls (above finished grade and exclusive of trim) 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 Plan of Development. No building shall be covered with or have exposed to view any painted or unfinished concrete block, or industrial-grade metal, unless otherwise specifically approved at the time of Plan of Development.
3. **Buffer Area.** A six (6) foot tall solid vinyl fence shall be provided in the rear (north) within the transitional buffer.
4. **Parking Lot Lighting.** Parking lot lighting fixtures adjacent to West Broad Street shall not exceed twenty-three (23) feet in height, and shall not exceed twenty (20) feet in height elsewhere, as measured from the grade at the base of the lighting standard. Lighting shall be directed to minimize glare on public roads and adjacent properties, however, parking lot lighting shall be designed to provide lighting for pedestrians along West Broad Street in a manner approved at the time of lighting plan review. Direct embedded light poles and standards shall be prohibited.
5. **Prohibited Uses.** The following uses shall be prohibited:
 - a. billiard, bagatelle, video game or a bingo parlor;
 - b. flea markets or antique auctions;
 - c. billboards;
 - d. recycling facilities;
 - e. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - f. dance halls;
 - g. truck stops;
 - h. gun shop, sales and repair;
 - i. parking garages or commercial parking lots as a principal use;

- j. sign painting shops;
- k. free-standing communication towers;
- l. car title loan operations;
- m. adult businesses as defined by Section 24-3 of the Henrico County Code; and
- n. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections).

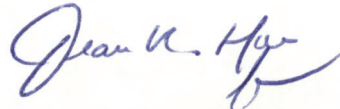
6. **Refuse Containers/Trash Receptacles/Recycling Activities.** Dumpsters, trash receptacles, not including convenience cans, and recycling receptacles shall be screened from public view with masonry enclosures compatible with the architectural design of the building at ground level at the Property lines as approved at the time of Plan of Development. The gates and doors on the masonry refuse screens shall be of a substantial and durable material as determined at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined at the time of Plan of Development.
7. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at Property lines as approved at the time of Plan of Development.
8. **Underground Utilities.** All utility lines on the Property shall be underground, except for junction boxes, meters, gas meters, traffic control, irrigation backflow preventers, existing and/or relocated existing overhead utility lines and lines in wetland areas. Electrical junction boxes and meters 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.
9. **Hours of Trash Pickup; Parking Lot Cleaning.** Trash pickup from the Property shall be limited to the hours between 6:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 7:00 pm. on Saturday. There shall be no trash pickup on Sundays. Parking lot cleaning on the Property shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday, exclusive of snow removal. There shall be no parking lot cleaning on Sundays, exclusive of snow removal.
10. **Hours of Construction.** The hours of exterior construction shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours, utility connections and right-of-way

improvements. Hours shall be posted in both English and Spanish until the roads are accepted by Henrico County for maintenance.

11. **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.
12. **Sidewalk.** Subject to all applicable government approvals, a five (5) foot sidewalk for pedestrian access shall be constructed along the Property's West Broad Street frontage where not constrained by utilities and storm drainage.

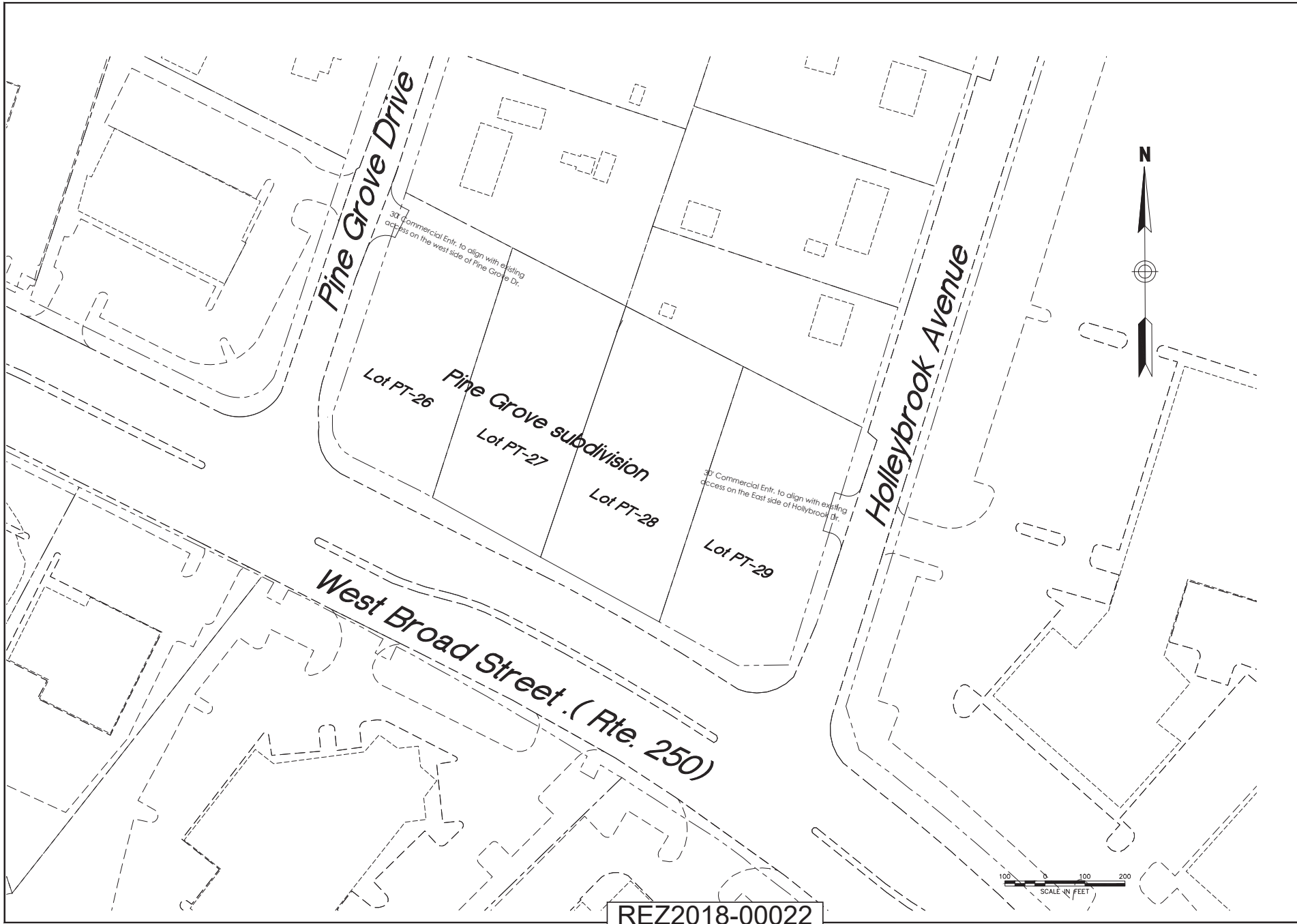
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,




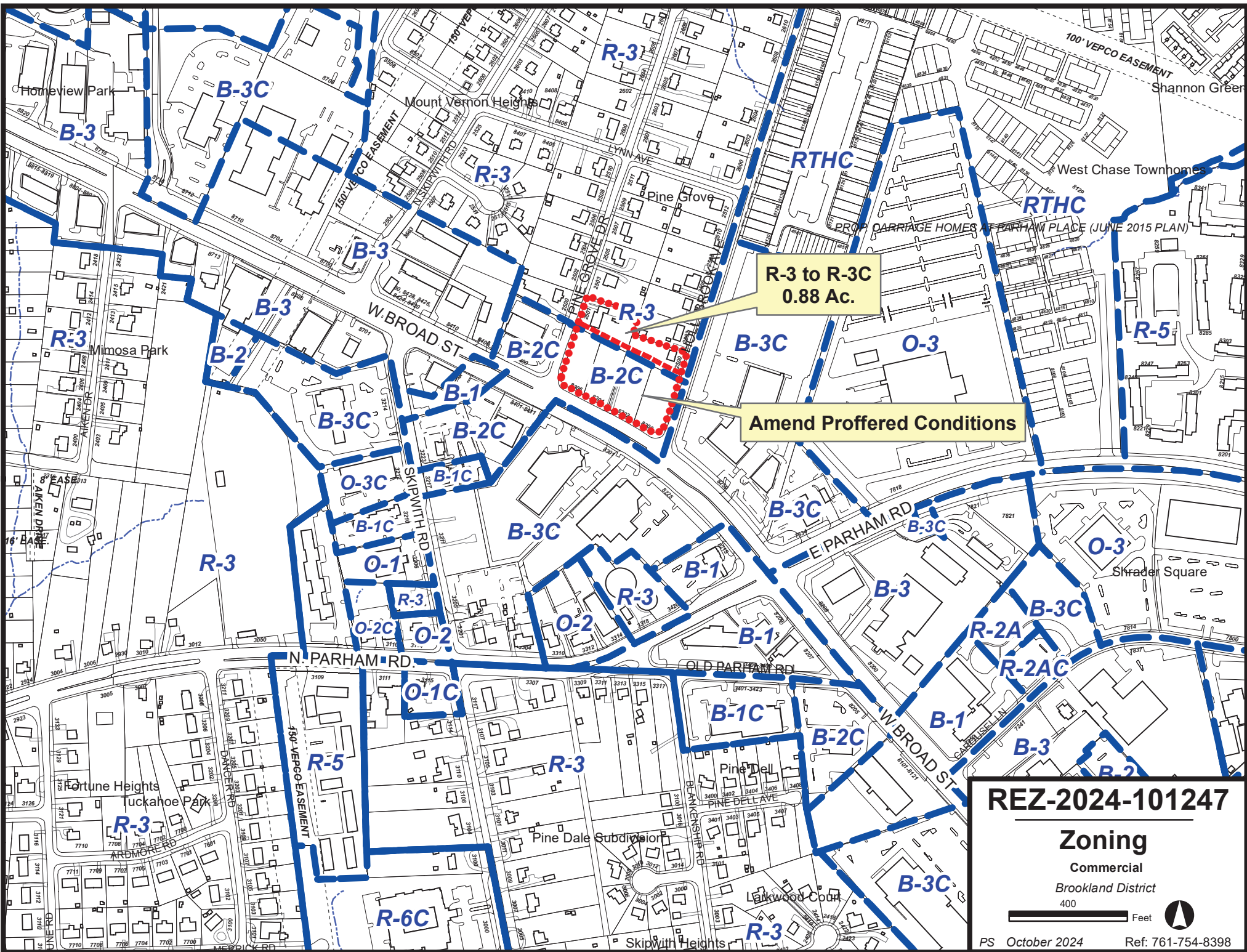
John A. Vithoukas
County Manager

pc: James W. Theobald, Esquire
Director, Real Estate Assessment
Police, Special Services



REZ2018-00022

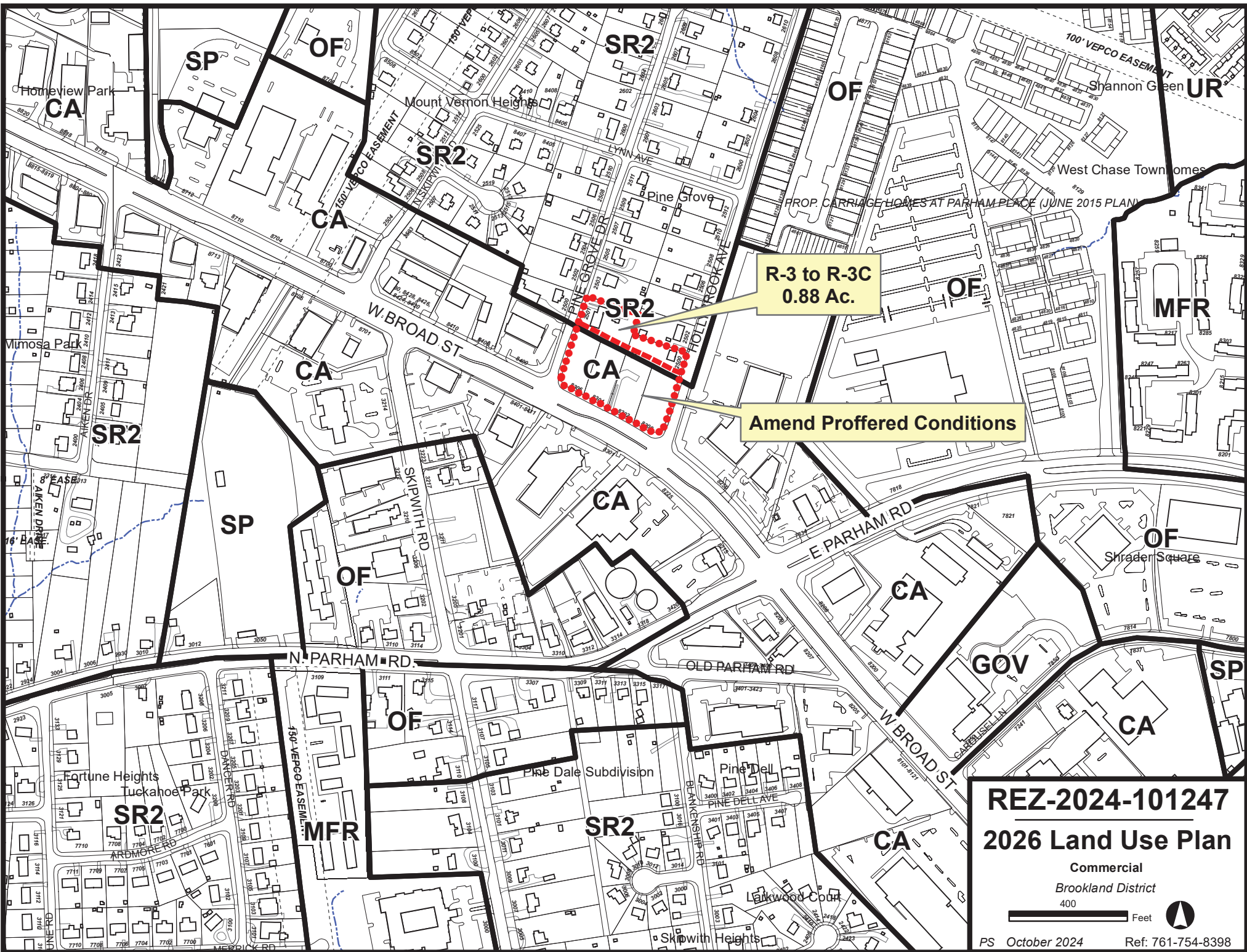
DATE: 1/14/2020		ENGINEER: MMM		8300 West Broad Street		SHEET _____ OF _____	
CHECKED:		CAD: W. Johns		HENRICO COUNTY, VIRGINIA		SCALE 1"=30'	
JOB#: 13170-xxx		Access Plan					
 2100 EAST CARY STREET, SUITE 309 RICHMOND, VIRGINIA 23223 (P) 804-782-1903 (F) 804-782-2142 <small>Engineers/Architects/Interior Designers/Planners</small>				RUMMEL, KLEPPER & KAHL, LLP			



REZ-2024-101247

Zoning
 Commercial
 Brookland District
 400

PS October 2024 Ref: 761-754-8398



**R-3 to R-3C
0.88 Ac.**

Amend Proffered Conditions

**REZ-2024-101247
2026 Land Use Plan**

**Commercial
Brookland District**

