

C-7C-81

COUNTY OF HENRICO PLANNING OFFICE
 SCALE 0 400' 800'
 86-AI-20
 THREE CHOCT DISTRICT
 J.A.S.

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

FRANK A. FAISON
County Manager

March 16, 1981

Re: Conditional Rezoning Case C-7C-81

Mr. Jay Weinberg
Hirschler, Fleischer, Weinberg, Cox & Allen
Box 12085
Richmond, Virginia 23241

Deep Run Business Center

Dear Mr. Weinberg:

At its March 11, 1981 meeting, the Board of Supervisors accepted your proffered conditions dated February 12, 1981 on behalf of the property owner and conditionally rezoned from A-1 Agricultural to C-1 Conservation and M-1 Light Industrial District the below described property in accordance with your request and the Planning Commission's recommendation:

Description of property rezoned M-1 Light Industrial District:

Part of tax parcels 86-A1-20 and 78-A2-20:

Beginning at a point on the S. line of Broad Street Road, approximately 300' west of its intersection with the W. line of Tremont Road extended; thence S. $33^{\circ} 07' 30''$ W. a distance 487.22' to a point; thence S. $56^{\circ} 52' 30''$ E., a distance of 666.00' to a point; thence S. $33^{\circ} 10' 36''$ W., a distance of 908.57' to a point; thence S. $35^{\circ} 07' 00''$ E., a distance of 272.00' to a point; thence S. $46^{\circ} 43' 30''$ E., a distance of 463.37' to a point; thence S. $57^{\circ} 22' 40''$ W., a distance of 837.90' to a point; thence N. $57^{\circ} 16' 40''$ W., a distance of 1302.79' to a point; thence S. $46^{\circ} 30' 55''$ W., a distance of 173.40' to a point; thence N. $55^{\circ} 33' 15''$ W., a distance of 1416.41' to a point; thence N. $35^{\circ} 46' 30''$ E., a distance of 133.80' to a point; thence N. $56^{\circ} 58' 10''$ W., a distance of 564.62' to a point; thence N. $59^{\circ} 28' 00''$ E., a distance of 205.23' to a point; thence N. $58^{\circ} 11' 30''$ E., a distance of 382.35' to a point; thence N. $52^{\circ} 16' 00''$ E., a distance of 310.02' to a point; thence N. $46^{\circ} 41' 00''$ E., a distance of 265.38' to a point; thence N. $43^{\circ} 09' 30''$ E., a distance of 302.55' to a point; thence N. $43^{\circ} 54' 30''$ E., a distance of 482.39' to a point; thence N. $39^{\circ} 42' 30''$ E., a distance of 391.17' to a point on the S. line of Broad Street Road; thence S. $74^{\circ} 19' 30''$ E., a distance of 186.33' along the S. line of Broad Street Road to a point; thence along the arc of a curve having a radius of 1394.97', a distance of 423.45' on the S. line of Broad Street Road to a point; thence S. $56^{\circ} 55' 58''$ E., a distance of 307.20' along the S. line of Broad Street Road to a point; thence S. $54^{\circ} 04' 13''$ E., a distance of 00.12' along the S. line of Broad Street Road to a point; thence S. $59^{\circ} 47' 43''$ E., a distance of 100.12' along the S. line of Broad Street Road to a point; thence S. $56^{\circ} 55' 58''$ E., a distance of 581.09' along the S. line of Broad Street Road to the point of beginning, less all that portion of the above described property, containing approximately 16.26 acres which lies within the 100 year flood plain of Deep Run Creek, as finally determined by definitive engineering studies at the time of Plan of Development review.

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Description of property rezoned C-1 Conservation District:

All that portion of the above described property lying within the 100 year flood plain of Deep Run Creek, containing approximately 16.26 acres, as approximately shown as Parcel C on the zoning plat for Deep Run Business Center, submitted with the subject rezoning application, as finally determined by definitive engineering studies to be undertaken in connection with Plan of Development Review.

The following proffered conditions were accepted by the Board of Supervisors and further regulate the above described property in addition to all applicable provisions of (Chapter 22, Code of Henrico).

1. No building will be constructed within 130 feet of the existing right-of-way of Broad Street Road, within 50 feet of the right-of-way of any other publicly dedicated streets, and within 25 feet of any property line bordering a side or rear yard.
2. No parking areas will be constructed within 15 feet of any property line or right-of-way line.
3. The following uses shall not be permitted on the property: (a) Bowling, skating, billiards and similar indoor recreational establishments. (b) Dancing establishments and dance halls. (c) Drive-in theatres, golf driving ranges, baseball batting ranges, miniature golf courses, pony rides and similar amusement establishments. (d) Riding academies, amusement parks and target ranges. (e) Fortune tellers, palmists, astrologists, numerologist, clairvoyant, crainologist, phrenologist, a card reader, spiritual reader, or advisor. (f) Carnivals, fairs and circuses. (g) Adult book stores.
4. No portion of the Property shall be developed or used as a neighborhood or community shopping center as those terms are defined in the Henrico County zoning ordinance in effect as of this date, nor for a regional shopping center.
5. All principal buildings on the Propety shall only be served by public water and sewer, to the extent that they may be purchased from Henrico County.
6. A natural buffer strip of a minimum of thirty (30) feet in width or an opaque fence as approved by the Planning Commission at the time of plan of development approval will be retained or constructed between the Property and existing single family homes on the south side of U.S. Route 250, within two hundred (200) feet of the Property, except to the extent required for utility easements, driveways or other purposes required or approved by the Planning Commission. Underbrush and fallen, diseased or dead plant growth may be removed.
7. A natural buffer strip of a minimum of (a) fifty (50) feet in width or (b) thirty (30) feet in width plus a seven (7) foot opaque fence, will be retained and/or constructed on the portions of the Property which adjoin properties designated for residential uses (whether single or multifamily) in the County's Land Use Plan in effect as of the date hereof, except to the extent required for utility easements,

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driveways or other purposes required or approved by the Planning Commission. Underbrush and fallen, diseased or dead plant growth may be removed.

8. Parking lot lighting standards located within fifty (50) feet of the perimeter of the Property shall not exceed twenty (20) feet in height. Other parking lot lighting standards located in the interior of the Property shall not exceed forty (40) feet in height and shall be at a lower height, if required or approved by the Planning Commission at the time of plan of development approval. Lighting in parking lots shall be of low intensity, shall be positioned in such a manner as to minimize the impact of such light on adjacent residential areas and be of such type as required or approved by the Planning Commission.

9. The development of each site within the Property shall be subject to plan of development approval, in accordance with the terms of Section 22-106 of the Henrico County Code.

10. Except during the period of construction of improvements, all outside storage of materials and supplies shall be enclosed on all sides by an opaque fence, wall or other barrier, of at least seven (7) feet in height.

11. Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any part of the Property covered by said subdivision plat, Applicant, its successors or assigns, shall record Protective Covenants with respect to such section of the Property and improvements to be constructed thereon, in the Clerk's Office of the Circuit Court of Henrico County, generally in the form submitted by the Applicant to the Planning Commission February 12, 1981.

12. Applicant or its successors or assigns shall not request or be entitled to receive Certificates of Occupancy for more than 300,000 square feet of floor space in each year, on a cumulative basis, commencing with the first day of the month following rezoning of the Property, as requested herein, by the Board of Supervisors. Certificates of Occupancy for more than said amount of square footage shall only be available if in prior years less than said amount of square footage have been developed for which Certificates of Occupancy have been received.

13. Neither Applicant nor its successors or assigns shall request or accept Certificates of Occupancy for predominantly retail business uses in excess of an aggregate of 40,000 square feet of net retail floor area on the Property without a favorable traffic impact study approved by the Planning Commission as a part of Plan of Development Approval.

Jay Weinberg
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The Planning Office has been advised of the action by the Board of Supervisors and requested to revise its records accordingly and to place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



Frank A. Faison,
County Manager

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
Deep Run Business Center, Inc.
✓ Conditional Zoning Index



ANGELA N. HARPER, AICP
DIRECTOR OF PLANNING
(804) 672-4802

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

*Re: Conditional Zoning
Index
C-7C-81*

May 24, 1993

RE: part parcel 86-A1-48
Deep Run Business Center
Lot 1-F, .671 acre

Mr. William J. Johnson, C.L.S.
Foster & Miller, P.C.
3951-C Stillman Parkway
Glen Allen, VA 23060

Dear Mr. Johnson:

The purpose of this letter is to confirm in writing the findings of our research regarding your parcel of land on the southeast corner of West Broad Street and Gaskins Road.

Your letter dated May 19, 1993 requested that this office determine the zoning of your property and in particular whether or not a portion of it is zoned C-1 Conservation.

We have researched rezoning case C-7C-81 that zoned your property on March 11, 1981 and subsequent Plans of Development 21-89, 62-90, and 64-91. Our research has determined that your entire property is currently zoned M-1C, Light Industrial District, as regulated by the zoning ordinance and applicable proffered conditions accepted with Case C-7C-81. The research also determined that the C-1 zoning you referred to in your May 19 letter still exists as it was established by legislative action by the Board of County Supervisors, even though all flood plain has been removed by construction. However, the C-1 Conservation zoning is situated entirely within the right of way of West Broad Street (US Route 250).

If additional information is required, please contact me.

Sincerely,

Allen D. Webb, C.L.A.
Principal Planner



ANGELA N. HARPER, AICP
DIRECTOR OF PLANNING
(804) 672-4602

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

May 27, 1993

Ms. Ronda Cobler Wells
John F. Deal & Associates
4510 South Laburnum Avenue
Richmond, VA 23231-2422

Re: Parcel B, Part of Block D, Section B, Deep Run Business Center, .671 acre (also having been identified as Lot 1-F, pt. of parcel 86-A1-48, being situated on the southeast corner of West Broad Street and Gaskins Road and abutting the east line of Gaskins Road between West Broad Street and an existing Amoco gasoline station)

Dear Ms. Wells:

The purpose of this letter is to confirm in writing the following:

1. The subject property, situated on the southeast corner of West Broad Street and Gaskins Road is currently zoned M-1C Light Industrial District (Conditional). It is regulated by Chapter 22 and the proffered conditions accepted by the County Board of Supervisors with zoning case C-7C-81 on March 11, 1981.
2. The proposed use, a Econo Lube 'N Tune (vehicle lubrication and tuning), is a permitted use of the property.

If I may be of further assistance, please contact me.

Sincerely,

Allen D. Webb, C.L.A.
Principal Planner

cc: ✓ Conditional Zoning Index
File: C-7C-81



WILLIAM W. JOHNSON, CLS
President

ALVIN S. MISTR, JR., PE

May 19, 1993

GORDON A. BROOKS

Mr. Allen D. Webb, AICP
Senior Planner
County of Henrico
P. O. Box 27032
Richmond, Virginia 23273

RE: Parcel 86-A1-20

Dear Allen:

I currently have a contract on the remaining land in my parcel which is a portion of Parcel 86-A1-20. An Amoco Convenience Store (POD's 62-90 and 64-91) has been constructed on the southern portion of the property which is located on the southeastern corner of W. Broad Street and Gaskins Road. The purchaser is concerned because the Planning staff has indicated that a portion of the property is zoned C-1. This would impact the ability of the purchaser to develop the property to its maximum potential. While the Zoning Map indicates that this is the case, several actions have occurred which removed the C-1 zoning.

During the original zoning of the Deep Run Business Center, the entire flood plain contained on the property was zoned C-1. The northwestern corner of my property was included in the C-1 area. However, when VDOT widened W. Broad Street, the right-of-way acquisition took most of the C-1 land. VDOT then proceeded to pipe the ditch on my property resulting in a substantial fill condition. This action effectively eliminated the flood plain from the property.

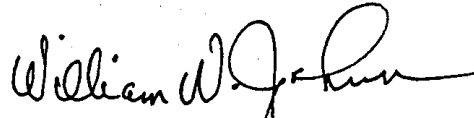
The Amoco POD was initially approved for my entire parcel with an entrance on W. Broad Street. When the access to W. Broad Street was denied on appeal, a revised POD was approved moving the building to the southern portion of the parcel. The entire parcel was then filled as part of the POD to make the site more desirable. The issue of the C-1 zoning was discussed during both of these cases, and it was determined that the C-1 zoning was not applicable to this property. Since concerns have been raised in the mind of the purchaser, and the purchaser is not familiar with the history of the site, I will now need a letter from the County stating that no portion of my land is zoned C-1.

Any assistance that you can provide in resolving this matter will be greatly appreciated. Please contact me if you have any questions or comments about this situation.

RECEIVED

Sincerely,

MAY 20 1993


William W. Johnson

PLANNING OFFICE
COUNTY OF HENRICO SURVEYORS

William W. Johnson

PLANNERS

ENGINEERS
3951-C STILLMAN PARKWAY

GLEN ALLEN, VIRGINIA 23060

(804) 273-9857