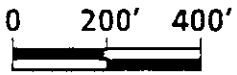


OFFICE

COUNTY OF HENRICO PLANNING OFFICE

C-76C-87

PT. 78-A2-9
THREE CHOPT DISTRICT



JAS



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

December 15, 1987

W.F. LaVECCHIA, P.E., AICP
County Manager

Re: Conditional Rezoning Case C-76C-87

Mr. Sidney J. Gunst
LakePointe Partners &
The Innsbrook Corp.
4222 Cox Road, Suite A
Glen Allen, Va. 23060

Dear Mr. Gunst:

The Board of Supervisors at its meeting on December 9, granted your request to conditionally rezone your property from B-2C Community Business (Conditional) and O-3C Office (Conditional) to B-2C Community Business (Conditional) and B-3C General Business District (Conditional), described as follows:

Part of Parcel 78-A2-9, Part of Block B, Sections A & E, Innsbrook.:

Property rezoned to B-2C:

Beginning at a point lying on the western line of Cox Road and being 492.18' south of the southern line of Innslake Drive, thence along a curve to the left having a radius of 1519.75' and a length of 167.32' to a point; thence along a curve to the right having a radius of 680.25' and a length of 106.45' to a point; thence N. 74° 25' 13" W., 1025.34' to a point; thence N. 18° 44' 16" E., 326.28'; thence S. 71° 25' 53" E., 1002.68' to the point of beginning, all as shown on a compiled plat by J. K. Timmons & Associates, P.C. dated August 27, 1987 entitled "Compiled Plat for the purpose of rezoning of a parcel of land containing 6.98 acres and being a portion of Section "A" and Section "E", Innsbrook".

Property rezoned to B-3C:

Beginning at a point lying 329' +- north of Broad Street and 477 +-' east of Dominion Boulevard; thence N. 15° 34' 47" E., 150.00' to a point; thence N. 74° 25' 13" W., 60.00' to a point; thence N. 15° 34' 47" E., 92.00' to a point; thence S. 74° 25' 13" E., 51.14' to a point; thence S. 15° 34' 47" W., 27.50' to a point; thence S. 74° 25' 13" E., 118.86' to a point; thence S. 15° 34' 47" W., 214.50' to a point; thence N. 74° 25' 13" W., 110.00' to the point of beginning. All as shown on a compiled plat by J. K. Timmons & Associates, P.C. dated 7/27/87 entitled "Compiled Plat for purposes of rezoning of a parcel of land containing 0.663 acres of land and being a portion of a 9.618 acre parcel known as, Lakepointe Shopping Center".

The Board of Supervisors accepted the following proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance). They are as follows:

The portion to be zoned B-2C:

1. The following uses shall not be permitted on the 6.98 acre parcel of land:

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- (a) Adult book store;
- (b) Billiard or pool parlors;
- (c) Automotive parts stores;
- (d) Tires or accessories stores;
- (e) Roller or ice skating rinks;
- (f) Motion picture theaters;
- (g) Bowling alleys;
- (h) Automobile service stations; or
- (i) "Fast food" restaurants.

For the purposes hereof, "fast food" restaurant is defined as an establishment, the principal business of which is the sale of foods and beverages already prepared at the time of ordering to consumers in a ready to consume state, and which foods and beverages are usually wrapped in paper, plastic or other disposable containers or wrappers for immediate consumption either within the restaurant building or off the premises.

2. The exposed portions of the exterior wall surfaces (front, rear and sides) of any buildings constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar in quality as to architectural treatment and materials.

All buildings constructed on the Property shall have exposed exterior walls (above finished grade) of face brick, natural stone, glass, stucco, drivit, exposed aggregate concrete, or an equivalent permanent architecturally finished material. No building shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, asbestos or metal, unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review.

3. The parking lot shall be landscaped, including but not limited to the planting of shrubbery and/or trees in the raised islands located within such parking lot and between parking rows.
4. Parking lot lighting standards shall not exceed twenty-five (25) feet in height. Parking lot lighting shall be produced from concealed sources of light and shall be reduced to no more than a security level following the close of business conducted on the Property.
5. A landscaped or natural buffer area of a minimum of fifty (50) feet in width will be provided and maintained along the eastern and western boundaries of the 6.98 acre parcel of land, except to the extent necessary for roads, utility easements, signage, driveways or other purposes required or specifically permitted by the Planning Commission at the time of Plan of Development review or by any other applicable governmental body. Any road or driveways within a buffer area shall run generally perpendicular thereto.
6. All trash receptacle areas shall be screened from view.

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7. No heating, air-conditioning or other mechanical equipment shall be placed on the roof of any building unless properly screened from public view in a manner satisfactory to and approved by the Planning Commission at the time of Plan of Development review.
8. No more than 55,000 square feet of retail commercial space shall be developed on the Property. The balance of the Property may be developed with uses permitted in an O-3 office district.

The portion to be zoned B-3C:

1. The use of the property shall be limited to those uses permitted in a B-2 Community Business District and outdoor dining and related activities.
2. Hours of service to the public shall be as permitted and regulated in a B-2 Community Business District.

The Planning Office 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,


for W. F. LaVecchia, P.E., A.I.C.P.,
County Manager

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
Conditional Zoning Index
Mr. Jay M. Weinberg