

COUNTY OF HENRICO PLANNING OFFICE

86-A1-25, 26 Pt. 60

THREE CHOPT DISTRICT

C-77C-89



JAS



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

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

October 17, 1989

Re: Amended Proffered Conditions C-77C-89

SLN Broad Street Associates, L.P.  
c/o Mr. John R. Barbato  
1650 Willow Lawn Dr., Suite 3A  
Richmond, Virginia 23230


Gentlemen:

The Board of Supervisors at its meeting on October 11, granted your request to amend and reordain proffered conditions on Conditional Rezoning Cases C-66C-86 and C-126C-88.

The attached amended and reordained proffered conditions, which supercede all previously accepted conditions, accepted by the Board of Supervisors, further regulate the use of your property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance). The existing zoning of the property is B-2C Business District (Conditional).

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,

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

Attachments:

cc: Clerk, Board of Supervisors  
Real Estate Assessment  
Conditional Zoning Index



COUNTY OF HENRICO, VIRGINIA

C-77C-89

SOUTHWEST INTERSECTION  
STILLMAN PARKWAY AND BROAD STREET ROAD  
PROFFERS FOR CONDITIONAL REZONING

ORIGINAL  AMENDED  
AND RESTATED

Pursuant to section 22-121(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]*  
Signature of Owner or Applicant\* Attorney-in-Fact Date September 13, 1989

\* If Applicant is other than Owner, Form POF-004-3/87, Special Limited Power of Attorney must be submitted with this application.

The following Amended and Restated Proffered Conditions shall apply to the 13.55± acre parcel of land located at the southwest intersection of Stillman Parkway and Broad Street Road, which is further divided into two (2) parcels, namely 4.46± acres more particularly described as "Parcel B" and 9.09± acres more particularly described as "Parcel C" on Exhibit A attached hereto and by this reference made a part hereof and replace in their entirety all of the proffers set forth in zoning cases C-85C-84, C-65C-86, C-66C-86 and C-126C-88 insofar as the proffers in said cases were applicable to Parcel B and C.

Applicable to Parcel B

- Architectural Treatment. The exposed portion of each exterior wall surface (front, rear and sides) of each building constructed on Parcel B shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials, unless different architectural treatment and/or materials are specifically accepted with respect to the exposed portion of any such wall at the time of Plan of Development review. No exposed portion of any exterior wall shall consist of untreated or painted cinder block.
- Building Area. No more than 38,500 square feet of space shall be constructed on Parcel B.
- Buffer Areas. Landscaped (with undulating berms) and/or natural buffer areas will, as indicated below, be provided around portions of the perimeter of Parcel B, except to the extent necessary for utility easements, roads, signage, driveways or other purposes required by the Planning Commission at the time of Plan

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of Development review, or by any other applicable governmental body:

(a) A buffer area a minimum of twenty-five (25) feet in width along the Broad Street Road right-of-way line of Parcel B (as such right-of-way line is determined at the time of Plan of Development review).

(b) Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer areas, and if so removed, additional plantings and/or berms shall be added. Berms placed within the buffer area along Broad Street Road will be a minimum of three (3) feet in height. The limits of clearing in the buffer areas shall be shown on the approved Plan(s) of Development.

4. Parking Lot Lighting. Parking lot lighting shall be provided by directional fixtures, which shall be positioned in such a manner as to minimize the impact of such lighting off-site, and which produce a lighting intensity of a maximum of one-half (1/2) foot candle at the boundaries of Parcel B adjoining Broad Street Road, except at vehicular access points or as otherwise required at the time of Plan of Development review. Parking lot lighting shall be reduced to no more than a security level following the close of business operations on the Property.

5. Parking Lot Landscaping. Parking lots serving Parcel B shall be landscaped, including, but not limited to, the planting of shrubbery and/or trees in islands located within such parking lots or between parking rows.

6. Mayland Drive. No building permit for the construction of improvements on Parcel B shall be obtained until plans for the completion of Mayland Drive between Stillman Parkway and Gaskins Road, and a vehicular access drive connecting Mayland Drive and Broad Street Road (which vehicular access drive may be the extension of Stillman Parkway from Broad Street Road to Mayland Drive) are approved by appropriate governmental bodies having jurisdiction with respect thereto, and a completion bond for such roads or access drive (if necessary) is posted with the Henrico County Department of Public Works, guaranteeing the completion of the aforesaid roadway improvements within one (1) year of the posting of such bond.

7. Access. There shall be no more than one (1) access drive to or from Parcel B, to or from Broad Street Road, unless other access drives to or from Parcel B are required by any governmental body having jurisdiction with respect thereto.

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8. Height Restriction. No building constructed on Parcel B shall exceed the lesser of two (2) stories or thirty-six (36) feet in height, exclusive of chimneys or other architectural design features.

9. Signage. No sign attached to any building on Parcel B shall extend above the roof line of the building to which it is attached. Illuminated business signs shall be of a "backlit" type, i.e., the background of the sign shall be dark and the logos and lettering on such signs shall be illuminated from within the sign structure.

10. Use Restriction. The following uses shall not be permitted on Parcel B:

- (a) skating rinks;
- (b) billiard parlors;
- (c) establishments operated primarily as amusement or video game parlors;
- (d) repair business for electrical, heating or plumbing systems;
- (e) mortuaries; and
- (f) adult book stores.

11. Trash Receptacles. All trash receptacle areas will be screened from view off-site.

12. Exhibit A. The plat attached hereto as Exhibit A is solely for purposes of delineating the exterior boundary lines of Parcel B and not for purposes of delineating building or parking locations, layout or for any other purpose.

Applicable to Parcel C

1. Architectural Treatment. The exposed portion of each exterior wall surface (front, rear and sides) of each building constructed on Parcel C shall be substantially of red brick and be similar to the exposed portions of other exterior walls of such building (exclusive of roof top screening materials for mechanical equipment) in architectural treatment and materials, unless different architectural treatment and/or materials are specifically accepted with respect to the exposed portion of any such wall at the time of Plan of Development review. No exposed portion of any exterior wall shall consist of untreated or painted cinder block.

2. Building Area. No more than 109,000 square feet of space (exclusive of any outdoor merchandise storage area) shall be devoted to permitted principal uses on Parcel C.

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3. Buffer Area. A landscaped (with undulating berms) and/or natural buffer area of a minimum of twenty-five (25) feet in width will be provided along the Broad Street right-of-way line of Parcel C (as such right-of-way is determined at the time of Plan of Development review), except to the extent necessary for utility easements, roads, signage, driveways or other purposes required by the Planning Commission at the time of Plan of Development review, or by any other applicable governmental body. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer area, and if so removed, additional plantings and/or berms shall be added. Berms placed within the buffer area will be a minimum of three (3) feet in height but may be increased to provide an effective screen consistent with good engineering and planning principals. The limits of clearing in the buffer area shall be shown on the approved Plan(s) of Development. Any utility easements, roads or driveways within the buffer area shall be extended generally perpendicular thereto.

4. Parking Lot Landscaping. Parking lots serving Parcel C shall be landscaped, including, but not limited to, the planting of shrubbery and/or trees in raised islands located within such parking lots or between parking rows.

5. Roadway Requirements. No building permit for the construction of improvements on Parcel C shall be obtained until plans for the completion of Mayland Drive between Stillman Parkway and Gaskins Road, and a vehicular access drive connecting Mayland Drive and Broad Street Road (which vehicular access drive may be the extension of Stillman Parkway from Broad Street Road to Mayland Drive) are approved by appropriate governmental bodies having jurisdiction with respect thereto, and a completion bond for such roads or access drive (if necessary) is posted with the Henrico County Department of Public Works, guaranteeing the completion of the aforesaid roadway improvements within one (1) year of the posting of such bond.

6. Height Restriction. No building constructed on Parcel C shall exceed the lesser of two (2) stories or thirty-six (36) feet in height, exclusive of chimneys or other architectural design features.

7. Signage. No sign attached to any building on Parcel C shall extend above the roof line of the building to which it is attached. Illuminated business signs shall be of a "backlit" type, i.e., the background of the sign shall be dark and the logos and lettering on such signs shall be illuminated from within the sign structure.

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8. Permitted Uses. Principal uses permitted on Parcel C shall be limited to a home improvement, outside building materials sales and storage and an outdoor lawn and garden supply facility and products incidental thereto and those uses permitted in a B-2 business district, except that the following uses shall not be permitted on Parcel C:

- (a) skating rinks;
- (b) billiard parlors;
- (c) establishments operated primarily as amusement or video game parlors;
- (d) repair business for electrical, heating or plumbing systems;
- (e) mortuaries;
- (f) adult book stores; and
- (g) flea markets.

9. Trash Receptacle Areas. All trash receptacle areas will be screened from view.

10. Access Drives. There shall be a maximum of one (1) vehicular access drive between Parcel C and Broad Street Road, and a maximum of one (1) vehicular access drive between Parcel C and Stillman Parkway, unless otherwise required by any governmental body having jurisdiction with respect thereto.

11. Screening of Loading Areas. Loading areas for vehicles delivering inventory to a building on Parcel C shall be screened from Broad Street Road by berms and/or evergreen planting within the buffer area along Broad Street Road, as approved at the time of Landscape Plan review.

12. Outside Speakers. There shall be no outside speaker or paging system on Parcel C.

13. Parking Lot Lighting. Parking lot lighting shall not exceed twenty-five (25) feet in height and shall be reduced to no more than a security level following the close of business operations on Parcel C.

14. Signage and Hours of Operation. Signage and hours of operation shall be controlled by zoning ordinance provisions relating to signage and hours of operation in a B-2 zoning district.

15. Exhibit A. The plat attached hereto as Exhibit A is solely for purposes of delineating the exterior boundary lines of Parcel C and not for purposes of delineating building or parking locations, layout or for any other purpose.

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