



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

September 21, 1999

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-51C-99

Mr. J. Thomas O'Brien, Jr.
Menin Development Companies, Inc.
7443 Lee Davis Rd., Suite 300
Mechanicsville, VA 23111

Dear Mr. O'Brien:

The Board of Supervisors at its meeting on September 14, 1999, granted your request to conditionally rezone property from A-1 Agricultural District to B-2C Business District (Conditional), Parcel 36-A-25, described as follows:

Beginning at a point on the northern line of State route 250 (Broad Street Road), such point lying 919.94', more or less to the west of the intersection of the northern line of State Route 250 and the western line of Pouncey Tract Road; thence from such point of beginning N. 72° 51' 50" W., 44.32' to a point; thence N. 76° 11' 18" W., 55.75' to a point; then N. 13° 49' 22" E., 258.13' to a point; thence S. 76° 13' 38" E., 100.00' to a point; thence S. 13° 49' 22" W., 260.68' to a point; such point being the point and place of beginning, and containing 0.594 acre.

The Board of Supervisors accepted the following proffered conditions, dated June 30, 1999, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Exterior Materials and Architectural Treatment.** The exposed portions of each exterior wall surface (front, rear and sides) of any building constructed on Tax Parcel numbered 36-A-25, hereinafter the "Property", (excluding rooftop screening materials for mechanical equipment and architectural accents) shall be primarily constructed of face brick and/or split faced block (exclusive of windows, doors, facia, canopy and trim) unless different finished materials are approved at the time of Plan of Development review. Under no circumstances will exposed CMU (concrete masonry units) be used. No building shall be covered with or have exposed to view any sheet or corrugated aluminum, asbestos or metal (exclusive of metal seam canopy or roof) unless otherwise approved by the Planning Commission at the time of Plan of Development review. The shopping center shall be designed with an architectural treatment consistent with the West Broad Street Overlay District Ordinance and Design Guidelines.
2. **Parking Lot Lighting.** Parking lot lighting fixtures on the Property shall not exceed

twenty (25) feet in height as measured from the grade of the base of the lighting standard and it shall be produced from concealed sources of light and shall be reduced to no more than a security level after the close of business. Parking lot lighting shall be designed to minimize the impact on nearby residential areas.

3. **Use Restrictions.** The following uses shall not be permitted on the Property:
 - (a) Adult bookstores;
 - (b) Dance halls;
 - (c) Flea markets and antique auctions;
 - (d) Hotels, motels, motor lodges and tourist homes;
 - (e) Lodges, meeting halls, and fraternity organizations;
 - (f) Gun sales and repairs;
 - (g) Garden centers;
 - (h) Automotive body and repair shops;
 - (i) Commercial parking lots;
 - (j) Automobile or other motor vehicle sales or rental.
4. **Building Height.** No building constructed on the Property shall exceed thirty-five (35) feet in height, exclusive of chimneys or other architectural design features.
5. **Trash Receptacle Areas.** All trash receptacle areas shall be screened from view at ground level in a manner approved at the time of Plan of Development review.
6. **HVAC.** No heating or air conditioning equipment shall be placed on the roof of any building unless properly screened from public view from adjacent residentially occupied properties and public streets in a manner satisfactory to and specifically approved by the Planning Commission at the time of the Plan of Development review.
7. **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.
8. **Buffer Areas.** Landscaped and natural buffer areas shall be maintained as described below, except to the extent necessary for access drives or other purposes specifically approved by the Planning Commission at the time of Plan of Development (P.O.D.) review:
 - a. A landscaped buffer of thirty-five (35) feet in width parallel and adjacent to the West Broad Street Road right of way as determined at the time of P.O.D. review.

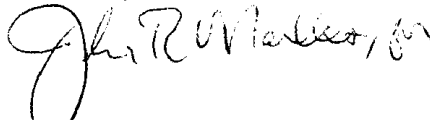
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- b. Stormwater retention facilities shall not be located in the buffer area.
9. **Signage.** All signs constructed on the Property shall be architecturally compatible with the buildings constructed on the Property. All lighted signs shall be lit internally.
10. **Site Coordination:** The Property shall be developed as a portion of a shopping center to be developed on the Property and the adjacent property, or a portion of such adjacent property. The Shopping Center shall not encompass less than fifteen (15) acres, inclusive of outparcels and areas to be dedicated for rights of way. Specifically, all buildings and signs shall be similar in architectural treatment and materials; and access shall be coordinated with the adjacent parcels or the portion thereof developed as part of the Shopping Center.
11. **Sidewalk:** A standard size concrete sidewalk shall be provided along the Broad Street Road frontage at a location to be determined at the time of P.O.D. review.

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,



Virgil R. Hazelett, P.E.,
County Manager

cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. & Mrs. Warren W. Smiley