

AMEND PROF. CONDITIONS

M-1C

AMEND PROFFERED CONDITIONS

C-45C-00

165-A-12B

VARINA DISTRICT

HENRICO COUNTY PLANNING OFFICE

NOTE:
 This Rezoning Case Lies Within The Airport Safety Overlay District as Adopted by the Board of Supervisors June 12, 1991, in Accordance with Chapter 24, Addendum 58 (Zoning Ordinance Amendment)



See (64-A-51)

See (64-A-44A)

OLD R-3

WILLIAMSBURG

B-3 RD DRYBRIDGE

WHITESIDE RD

R-4C

A-1

R-5

A-1

A-1

M-1C

R-5

A-1

12 A
39.15 Ac

12 B
48.2 Ac

8
2.98 Ac

9
2 pts.

6B
17.350 Ac

6A
8.239 Ac

7
12.08 Ac

11
8 Ac.

10

13
4 Ac.

14

15

16

17

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23

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1002

1004

1010

1018

1100

1104

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July 18, 2000

Re: Conditional Rezoning Case C-45C-00

Mr. Mark T. Motley
4402 W. Broad St.
Richmond, VA 23230

Dear Mr. Motley:

The Board of Supervisors at its meeting on July 11, 2000, granted your request to amend proffered conditions on Conditional Rezoning Case C-38C-89, being Parcel 165-A-12B.

The following substitute proffered conditions, dated June 27, 2000, accepted by the Board of Supervisors, further regulate the use of your property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance).

1. Enclosed Building Requirement. All principal permitted light industrial uses shall be conducted within a completely enclosed building, which may be an office building or a separate, freestanding building used for light industrial uses.
2. Safe Conduct of Operations. All uses shall be conducted so as not to create any danger to the health, safety and welfare or any material adverse impact on the Property or surrounding areas by creating any excessive noise, vibration, smoke, dust, lint, odor, heat or glare beyond the boundaries of the Property.
3. Buffers. Buffers consisting of natural areas, berms or landscaping, or combinations thereof, for purposes of lessening the visual impact of the development of the Property on adjacent land, of a minimum width as set forth below, will be provided and maintained, except to the extent necessary for vehicular and pedestrian access ways, utility easements (such access ways and utility easements to be generally perpendicular to the buffer where possible and shall not include within a buffer area manmade storm water detention unless used as a permanent decorative pool), signage or other purposes specifically permitted by the Planning Commission at the time of Plan of Development review, or by any other governmental body:
 - (a) Sixty-five (65) feet in width of buffer adjacent to the northern property lines of Tax Parcels 15-B2-6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 28, 16, and 77 for so long as

such Tax Parcels are residentially zoned ("R" district) parcels or are used for residential purposes.

- (b) Fifty (50) feet in width of buffer along the remaining boundaries of the Property, except as may be adjacent to public rights of way, for so long as much boundaries are adjacent to residentially zoned ("R" district) property or property used for residential purposes.

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 shall be added. Should it be necessary to run drainage, utility or other easements through the buffer areas, such areas shall be compensated to the extent interrupted by said easement to maintain the integrity of the buffer area.

4. Underground Utilities. All utility lines such as electric, telephone, CATV or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within the Property, but not to existing lines on the Property.
5. Architectural Treatment. The exterior wall surfaces (front, rear and sides) of each individual building shall be similar in architectural treatment and materials. No portion of an exterior wall surface visible from any adjoining property shall contain painted or untreated concrete or unfinished concrete masonry units, sheet or corrugated aluminum, asbestos, or metal unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review. All rooftop heating and cooling equipment shall be shielded so that it is screened from public view at ground level.
6. Use Restrictions. The only uses permitted on the Property shall be as follows:
- (a) Those uses first permitted as principal uses in M-1 Light Industrial district;
 - (b) Those uses permitted in an O-3 Office district;
 - (c) Data processing centers;
 - (d) Repair facilities;
 - (e) Wholesaling;
 - (f) Showroom sales and service areas, but excluding truck stops;
 - (g) Medical or dental laboratories;
 - (h) Cafeterias or restaurants in association with and in support of and incidental to other permitted uses; and
 - (i) Such other accessory uses, not otherwise prohibited, as are customarily accessory and incidental to any permitted use.

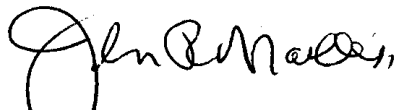
7. Loading Dock Treatment. Loading docks and areas shall be located and/or screened so as to shield them from view from Old Williamsburg Road and any adjacent residentially-zoned property, unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review.
8. Parking Lot Lighting. Within one hundred (100) feet of any agriculturally or residentially zoned property, parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade of the base of the lighting standard. Parking lot lighting fixtures on the remainder of the Property shall not exceed thirty (30) feet in height as measured from the grade of the base of the lighting standard unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review. Parking lot lighting shall be produced from concealed sources of light (i.e., "shoe box" type).
9. Open Space. At least twenty percent (20%) of the Property shall be used for permanent open space. This area shall be used for landscaping, lawns, screening and/or buffer area and may include bodies of water, works of art and outdoor recreation areas. The area devoted to the project perimeter buffering may be counted toward this requirement.
10. Signage. Signage for parcels adjacent to I-64 shall be controlled by the standards applicable to signage in a B-3 zoned district unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review. All free standing signs located adjacent to Old Williamsburg Road right of way shall be of a ground mounted monument design.
11. Plan of Development/Master Plan Requirement. A plan of development as regulated by Section 22-106 of the Henrico County Code shall be submitted for each development within the Property. A conceptual master plan or update thereof for the entire development shall be submitted with each plan of development. In addition, each plan of development shall provide a cumulative summary of the amount and types of uses preceding the proposed development and any changes in uses then in effect.
12. Parking Lot Landscaping. Landscaping shall be maintained in islands on the portion of the property utilized for customer parking. Such islands shall be landscaped with shrubbery and vegetation aesthetically compatible with the landscaping and development of the Property.
13. No Access. Vehicular access to and from the Property shall not be permitted to Dakar Drive and Howard Street nor Old Williamsburg Road between Tax Parcels 15-B2-37 and 15-B2-6 unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review.

14. 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.
15. Sound Amplification and Public Address System. All sound emanating from a loud speaker and/or public address system including, but not limited to paging shall occur so the sound is not heard beyond the property boundary lines.
16. Fencing. Chain link fencing on the property shall be vinyl coated chain linked either black or dark green in color. This proffer shall not be interpreted to exclude other types of fencing superior to chain link fencing which may be used as part of a landscaping and/or architectural treatment including, but not limited to, masonry, split rail wrought iron, plank and/or board fencing.
17. Time limit on inventory. All inventory for auction and/or sale including, but not limited to, equipment, trucks, motor vehicles, boats and any other mechanized equipment shall not remain on the premises longer than 60 days.
18. Spill Prevention Control and Counter Measure Plan (SPCC Plan). While any portion of the property is used for the auctioning of motor vehicles and/or equipment, there shall be a written SPCC Plan in place and followed by the operators of the auction of motor vehicles and equipment. Said plan shall contain the following elements:
 - A. Advance written notice to, and contractual provision with, the sellers of all motor vehicles and equipment that the seller certifies that any motor vehicle and equipment brought to the property for auction (i) shall not be discharging or leaking any hazardous substances, as said substances may be defined by the Environmental Protection Agency, including but not limited to, gasoline, diesel fuel, oil, and machinery lubricants or any similar products; and (ii) that seller assumes liability for all prevention and/or cleanup cost for violation of such certification.
 - B. Inspection of motor vehicles and equipment by trained personnel for any evidence or discharge or leakage of hazardous substances prior to the motor vehicles and/or equipment coming on to the property for auction.
 - C. While motor vehicles and equipment are on site, periodic monitoring by trained personnel to detect any discharge or leakage of hazardous substances.
 - D. Stored and available on site various sorbents, supplies, equipment and containers to collect and contain any contaminated fluids and contaminated soils.

- E. Licensed Contractor specializing in environmental work on call for response including analysis, removal action, and proper disposal of any contaminants and/or contaminated soils.
 - F. SPCC Plan(s) and records maintained on site and available for inspection by Henrico County officials.
19. Location Restrictions. Use of the site for the auction of motor vehicles and equipment shall occur towards the back of the site and away from Old Williamsburg Road. The paved vehicle auction lot shall be located and situated behind the building(s) housing the auto auction, offices, and enclosed work area. This proffer shall not be interpreted to require the buildings to completely screen the paved vehicle auction lot. This proffer is intended to confirm the placement of the building(s) between Old Williamsburg Road and the paved vehicle auction lot and that said buildings and paved vehicle auction lot are located toward the back of the property and not toward the front along Old Williamsburg Road.

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 condition in the Conditional Zoning Index.

Sincerely,


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

JRM:jt

cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. Glen E. Ayers, Esquire
Seven Pines Limited Partnership