



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

August 15, 2000

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-51C-00

Mr. Douglas W. Roan
Lucor, Inc.
790 Pershing Road
Raleigh, NC 27608

Dear Mr. Roan:

The Board of Supervisors at its meeting on August 8, 2000, granted your request to amend proffered conditions on Conditional Rezoning Case C-2C-88, being Part of Parcel 140-A-51B, described as follows:

Beginning at a point on the west line of Laburnum Avenue, said point being 238.05' from the intersection of the west line of Laburnum Avenue and the south line of Creighton Road; thence along the said west line of Laburnum Avenue the following two courses along a curve to the right having a radius of 5720.20' and a length of 48.45' to a point; thence S. 23° 27' 20" E. 161.56' to a point; thence leaving the said west line of Laburnum Avenue S. 66° 03' 33" W. 200.00' to a point; thence N. 23° 56' 27" W. 210.00' to a point; thence N. 66° 03' 33" E. 201.57' to the point and place of beginning containing 0.968 acre.

The following substitute proffered conditions, dated July 11, 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).

The following proffers shall apply to a portion of Parcel #140-A-51B (the "Property") and shall entirely replace the proffers set forth in Case C-2C-88 as to the Property:

1. Concept Plan. The Property shall be developed substantially in accordance with the layout plan attached hereto as Exhibit A, dated June 21, 2000 (see case file), which layout plan is conceptual in nature and may vary in detail. The exact locations, footprints, configurations, sizes and details of the building(s) and roads are illustrative and may be revised and updated from time to time for engineering or grading reasons or as otherwise approved at the time of Plan of Development review or required by any governmental body or agency.
2. Use Limitations. The following uses shall not be permitted on the Property:

- a. skating rink, bowling alley, billiard parlor and similar indoor recreational establishment.
- b. mortuary.
- c. repair business for electrical, heating or plumbing systems.
- d. club, fraternity, lodge and similar meeting places.
- e. any facility that provides for the sale or rental (including one that utilizes computer technology) of pornographic material (as determined by the community standards for the area in which the property is located).
- f. bars or taverns.
- g. Automotive filling station with fuel pumps.
- h. Gun shop, sales and repair.

3. Buffering. There shall be provided on the Property landscaped buffer areas as follows:

- a. a minimum of twenty-five (25) feet in width along the eastern boundary line of the Property adjacent to the right-of-way of Laburnum Avenue, as such right-of-way is determined at the time of Plan of Development review. Such buffer area shall include at a minimum landscaping equivalent to the landscaping required by transitional buffer 35 as set forth in Section 24-106.2(e)(3)(b)(1)(iii) of the Henrico County Zoning Ordinance, unless otherwise approved by the Planning Commission at the time of Plan of Development review; and
- b. a minimum of six (6) feet in width along the western boundary line of the Property. Such buffer area shall include at a minimum landscaping equivalent to the landscaping required by transitional buffer ten as set forth in Section 24-106.2(e)(3)(b)(1)(i) of the Henrico County Zoning Ordinance. Such landscaping may be waived in whole or in part if it is determined by the Director of Planning of Henrico County that there is screening otherwise available sufficient to screen the bay doors located on the Property from Dabb's House Road. Such alternative screening may include the buffering required by Case C-2C-88, any buildings which may be constructed on the property located between the Property and Dabb's House Road, and any other screening or landscaping deemed adequate for the purposes stated herein.

Such buffer areas shall be irrigated and properly maintained. Such buffer areas may include, to the extent necessary, utility easements, signage, roads, driveways or other purposes specifically requested and approved at the time of Plan of Development review, or by any governmental body or agency.

4. Architectural Treatment. The visible portions of exterior wall surfaces of the primary building to be constructed on the Property shall be predominantly of unpainted brick. The roof design of such building shall be a gable roof.

5. Height Limitations. No building constructed on the Property shall exceed thirty (30) feet in height above grade to the roof, exclusive of mechanical equipment, penthouses associated therewith, chimneys, towers or other architectural design features, unless otherwise requested by the owner and specifically approved by the Planning Commission at the time of Plan of Development review.
6. Hours of Operation. Hours of operation on the Property shall be limited to a period between 7:00 a.m. to 9:00 p.m. Monday through Saturday. Trash removal and parking lot cleaning shall take place only during such business hours or 11:00 a.m. to 5:00 p.m. on Sundays.
7. Lighting. Lighting on the Property shall be provided by directional fixtures, which shall be positioned in such a manner as to minimize the impact of such lighting offsite, and which produce a lighting intensity of a maximum of one-half (1/2) foot candle at the boundaries of the Property unless other lighting is specifically requested and approved at the time of Plan of Development review. Parking lot lighting shall be reduced to a security level, following the closing of business operations on the Property.
8. Public Address System. No outside public address, paging or speaker system, loudspeaker, or security systems audible beyond the boundary lines of the Property shall be permitted on the Property.
9. Signage. There shall be no portable or mobile signs on the Property. Detached signs other than directional signs shall be monolithic style signs, the base of which shall be landscaped and shall not exceed ten (10) feet in height.
10. Parking Lot Landscaping. Any parking lot serving the primary building constructed on the Property shall be landscaped, including but not necessarily limited to, the planting of shrubbery and/or trees in islands located within such parking lot.
11. Screening. Trash dumpsters shall be screened from public view at ground level by a brick wall or as otherwise approved by the Planning Commission at the time of Plan of Development review.
12. Property Operations. There shall be no inoperable vehicles located on the Property. Other than trash, all oil (used and new) and other automotive material to be used in the operation of the business on the Property shall be stored within the primary building located on the Property (including any basement) and there shall not otherwise be any underground storage tanks located on the Property.

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13. 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 any of the other proffers or the unaffected part of any such proffer.

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

cc: ~~Director, Real Estate Assessment~~
✓ Conditional Zoning Index
Messrs. Patrick J. Sanderson or
Andrew M. Condlin, Esquires
Creighton Laburnum Associates

