

* West Broad Street Overlay (WBSO). See Sec. 24-92.3, et seq., of the County Code and WBSO Approved Guidelines; effective Nov. 13, 1996.

OPTICAL SHOP OR
SMALL NEIGHBORHOOD RETAIL

36-A-51 & 54
THREE CHOPT DISTRICT

C-6C-01 0 200' 400'

HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

March 20, 2001

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-6C-01

Mr. James F. Leach
WSG Development Company/For Eyes
400 Arthur Godfrey Rd., Ste. 506
Miami Beach, 33140

Dear Mr. Leach:

The Board of Supervisors at its meeting on March 13, 2001, granted your request to conditionally rezone property from A-1 Agricultural and R-5C General Residence Districts to B-1C Business District (Conditional), Parcels 36-A-51 and 54, described as follows:

Beginning at a point where the E. line of Spring Oaks Drive extended meets the S. line of Broad Street Road, State Route U.S. 250 extended; thence S. $76^{\circ} 21' 55''$ E., a distance of 34.40' to a point being the point of beginning; thence S. $76^{\circ} 21' 55''$ E., a distance of 111.14' to a found rod; thence S. $20^{\circ} 30' 00''$ W., a distance of 187.21' to a found rod; thence S. $66^{\circ} 04' 52''$ W., a distance of 83.89' to a rod to be set; thence N. $59^{\circ} 38' 29''$ W., a distance of 94.52' to a rod to be set; thence along the E. line of Spring Oaks Drive along a curve to the left having a delta angle of $03^{\circ} 16' 55''$, a radius of 625.00', a length of 35.80', a chord bearing of N. $28^{\circ} 42' 59''$ E., and a chord distance of 35.80' to point; thence continuing along the E. line of Spring Oaks Drive along a curve to the right having a delta angle of $04^{\circ} 07' 15''$, a radius of 793.07', a length of 57.04', a chord bearing of N. $29^{\circ} 08' 09''$ E., and a chord distance of 57.03' to a point; thence continuing along the E. side of Spring Oaks Drive along a curve to the left having a delta angle of $14^{\circ} 59' 05''$, a radius of 202.00', a length of 52.83', a chord bearing of N. $23^{\circ} 42' 14''$ E., and a chord distance of 52.68' to a point; thence continuing along the E. line of Spring Oaks Drive along a curve to the left having a delta angle of $03^{\circ} 27' 08''$, a radius of 633.50', a length of 38.17', a chord bearing of N. $14^{\circ} 29' 07''$ E., and a chord distance of 38.16' to a point; thence N. $12^{\circ} 45' 33''$ E., a distance of 4.43' to a point; thence N. $66^{\circ} 24' 43''$ E., a distance of 42.70' to a point, being the point of beginning, containing 0.710 acres or 30,931 square feet of land.

The Board of Supervisors accepted the following proffered conditions, dated March 12, 2001, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Exterior Materials. The exposed portion of each exterior wall surface (front, rear and sides) of any building on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and

materials. Any building constructed on the Property shall have exposed exterior walls (above finished grade) of face brick, wood, exterior insulating finishing systems ("E.I.F.S."), cementitious, vinyl or composite-type siding, architectural concrete, split-face block, stucco if applied to a masonry surface, glass or a combination of the foregoing, excluding architectural design features, unless different materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development. No building shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum or metal, unless otherwise specifically approved at the time of Plan of Development.


2. Use Restrictions. The following uses shall not be permitted on the Property:
 - a. A facility for the sale or display of pornographic material (as determined by community standards for the area in which the Property is located);
 - b. Private club, lodge, meeting hall and fraternal organization; and
 - c. Permanent on-site recycling collection facility.
3. Vehicular Access Points. There shall be no direct access to or from the Property to or from West Broad Street. Vehicular access drives from public streets shall be located on Spring Oak Drive.
4. Parking Lot Lighting. Parking lot lighting fixtures shall not exceed twenty (20) feet in height above grade level. All parking lot lighting fixtures shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property. Light fixtures shall be of the type that conceals the direct source of light (such as "shoe box" type fixtures).
5. Central Trash Receptacles. Central trash receptacles, not including convenience cans, shall be screened from public view at ground level in a manner approved at the time of Plan of Development.
6. Safety Fence. Prior to any land disturbing activity on the Property, the developer shall install an orange safety fence along the eastern boundary of the Property to better identify the property line. Such barrier shall remain until completion of exterior construction. This condition shall not be applicable if the Property and the adjacent parcel to the east are developed in common.
7. Trash Removal. Trash pick up from the Property shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Saturday. No trash pick up shall occur on Sundays.
8. Underground Utilities. Except for existing overhead utility lines, if any, all utility lines shall be underground.

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- 9. Gravel. Gravel shall not be used as a primary landscaping material.
- 10. Street Address. The street address for the Property shall be displayed within the buffer area along West Broad Street.
- 11. Perimeter Landscaping. Any perimeter landscaping shall be installed with the initial development of any portion of the Property.
- 12. Maintenance of Trees and Shrubbery. The appearance of all trees and shrubbery located on the Property shall be maintained in a neat and orderly manner after development of the Property.
- 13. BMP. Any BMP on the Property shall not be located in the streetscape buffer.
- 14. Chain Link Fence. No chain link fencing shall be permitted on the Property unless otherwise requested and specifically permitted, or if required, at the time of Plan of Development.
- 15. 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.
- 16. Elevations. Development of the Property shall be in general conformance with the architectural appearance shown on the elevations entitled "Elevations, WSG Development", attached hereto, unless otherwise requested and specifically approved at the time of Plan of Development. The coloring of the building depicted in the aforesaid elevations shall be generally complementary to that of Short Pump Crossing Shopping Center.

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. James W. Theobald, Esquire
H. H. Hunt/Wyndham Development Corp.