

A-1 to B-3C
3.8 Ac.

ZONING

Employee Parking / Vehicle
Inspection and Storage

C-56C-02
THREE CHOPT DISTRICT
400 Feet



September 2002

Ref. 746-761-5525





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

October 15, 2002

Re: Conditional Rezoning Case C-56C-02

K. Douglass Moyers
CarMax Auto Superstores, Inc.
4900 Cox Road
Glen Allen, VA 23060

Dear Mr. Moyers:

The Board of Supervisors at its meeting on October 8, 2002, granted your request to conditionally rezone property from A-1 Agricultural District to B-3C Business District (Conditional), part of Parcel 746-761-5525, described as follows:

Beginning at a point on the east line of Old Sadler Road intersected with the south line of Sadler Road, being the said "point of beginning"; thence S88°32'08"E for a distance of 57.44' to a point; thence along a curve to the left having a radius of 547.49' and an arc length of 309.92' to a point; thence S74°10'24"E for a distance of 138.97' to a point; thence S42°21'04"W for a distance of 425.24' to a point; thence N54°34'36"W for a distance of 424.02' to a point; thence N30°38'10"E for a distance of 211.32' to a point; thence S59°21'50"E for a distance of 12.00' to a point; thence N30°38'10"E for a distance of 50.00' to a point; thence along a curve to the right having a radius of 307.46' and an arc length of 64.13' to the said "point of beginning", containing 3.8± acres.

The Board of Supervisors accepted the following proffered conditions, dated October 8, 2002, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Use Restrictions: The property may only be used for one or more of the following uses: sale and storage of automobiles, vans, sport utility vehicles, and trucks (provided trucks do not exceed an empty weight of 10,000 pounds), and appurtenant parking, and uses permitted in a B-2 zoning district, except that the following uses shall not be permitted on any portion of the property:
 - (a) adult businesses;
 - (b) a billiard, bagatelle, video game or a bingo parlor;
 - (c) mortuaries;
 - (d) flea markets;

- (e) boat, boat trailer and motorcycle sales, services and storage;
- (f) rifle or pistol range;
- (g) sales or service of guns and firearms;
- (h) convenience food stores;
- (i) general hospitals, sanatoriums and charitable institutions of human care;
- (j) radio or television broadcasting studios or offices;
- (k) trade or business schools;
- (l) helistops;
- (m) private clubs;
- (n) a printing shop that emits sound or odors that are detectable at the property line or has outside storage;
- (o) a freestanding communications tower;
- (p) a freestanding printing shop;
- (q) towing operations for the general public;
- (r) body shop;
- (s) public gasoline service station; or
- (t) fast food restaurants.

Sales of automobiles from the property shall be limited to wholesale auctions not open to the general public, and shall be conducted no more often than once per week.


2. Buffers: A twenty-five foot natural buffer shall be maintained along the right of way of Sadler Road, and along the eastern boundary of the property. Within such buffer areas, the developer shall have the right to remove underbrush and diseased or dying vegetation in accordance with good silvicultural practice. The natural vegetation in the buffer along Sadler Road shall be supplemented with additional landscaping if necessary to meet the requirements of Transitional Buffer 25, as defined in the Henrico Zoning Ordinance. The natural vegetation in the buffer along the eastern boundary of the property shall be increased in width if required to meet the transitional buffer requirements of the Zoning Ordinance, and shall be supplemented with additional landscaping if necessary to meet the requirements of the transitional buffer applicable to such boundary line. A fifteen foot natural buffer shall be maintained along Old Sadler Road, in addition to the existing Dominion Virginia Power easement at Old Sadler Road. Within such buffer area, the developer shall be permitted to remove underbrush and diseased or dying vegetation in accordance with good silvicultural practice. The natural vegetation in the buffer along Sadler Road shall be supplemented with additional landscaping if necessary to meet the requirements of Transitional Buffer 25. Each buffer, except the buffer along the eastern boundary line of the property, may be crossed substantially perpendicularly by access drives and utility lines.
3. Building: No building shall be constructed on the property closer than one hundred fifty feet to Sadler Road or closer than one hundred fifty feet to Old

Sadler Road. The building on the property shall not exceed 2,500 square feet in floor area, shall not exceed one story in height, and shall be constructed of split face block of the same color and material as the screening wall described in proffer 4 below.

4. Vehicle Screening: Any area of the property used for vehicle storage shall be surrounded by a seven foot split block masonry wall, except for ingress and egress points.
5. Lighting: Parking lot lighting standards shall not exceed twenty-five feet in height above grade level. Parking lot lighting shall be produced from concealed sources of light (such as shoebox type fixtures).
6. Hours of Operation: Loading and unloading of vehicles shall not commence before 9:00 a.m. or extend beyond 9:00 p.m., Monday through Saturday, nor commence before 12:00 noon or extend beyond 6:00 p.m. on Sunday. All loading and unloading of vehicles and all employee parking shall occur on the property and not on surrounding streets.
7. Speakers: No outside loudspeakers shall be permitted on the property. No internal public address or paging system shall be audible at the boundaries of the property.
8. Utilities: All utilities outside the building, other than existing overhead electrical lines, shall be underground.
9. Severance: The unenforceability, elimination 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.

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

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K. Douglass Moyers
CarMax Auto Superstores, Inc.
October 15, 2002

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cc: Director, Real Estate Assessment
Conditional Zoning Index
Morrell Family, LLC
James D. Thornton