

SUBJECT PROPERTY
3.175 Acres



December 2002

* Zoning labeled with asterisk, included in the West Broad Street Overlay District

ZONING
AMEND PROFFERED
CONDITIONS

Ref. 743-762-6518

C-76C-02
Three Chopt District

0 400 Feet



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

February 4, 2003

Re: Conditional Rezoning Case C-76C-02

G3 Investments, LLC
100 Westport Avenue
Norwalk, CT 06851

Dear Sir:

The Board of Supervisors at its meeting on January 28, 2003, granted your request to amend proffered conditions on Conditional Rezoning Case C-31C-97, on part of Parcels 743-762-6518 and 743-761-5197, described as follows:

Beginning at a point on the east line of Brookriver Drive said point being 656.58' from the intersection of the east line of Brookriver Drive and the north line of north of Broad Street Road, thence, leaving the said east line of Brookriver Drive, S81°02'40"E, 26.65' to the true point of beginning; thence N36°22'26"E, 480.98' to a point on the south line of Interstate 64; thence, along the said south line of Interstate 64, along a curve to the right having a radius of 5623.58', a length of 323.49', a chord bearing of S47°10'10"E and a chord distance of 323.44' to a point; thence, leaving the said south line of Interstate 64, S8°46'59"W, 246.66' to a point; thence N81°02'40"W, 490.77' to the point of beginning, containing 3.175 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated January 27, 2003, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

Proffers as contained in Case C-31C-97 (which replaced Case C-74C-94, which replaced Case C-30C-86, all as to parcel C) shall be amended as follows applicable only to part of Parcel C (GPIN 743-761-5197 (in part) & 743-762-6518 (in part):

1. Proffer 9 shall be amended to add the following to the prohibited uses listed therein.
 - (x) Adult businesses, as defined under Section 24-3 of the Henrico County Zoning Ordinance, amended 2002.
 - (y) Restaurants with drive through windows.

(z) Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (1950), in effect as of the date of the approvals of these proffers (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections).

2. Proffer 10 shall be amended by deleting the first two sentences and retaining the remainder of the existing Proffer so that it reads as follows:

Any hotel constructed on the Property shall be a first-class hotel having an exterior of at least fifty percent (50%) brick with no stucco finishes, not have a shingle roof, any roof-mounted HVAC or other facilities and any exterior facilities for trash collection or removal shall be screened from public view at ground level, including view from Parcel 47-4A-4 (formerly Parcel 77-B1-19), have irrigated landscaping where trees, shrubs, bushes, flowers or other vegetation is planted, have access to guest rooms only from interior hallways and not directly from the outdoors and shall have surface parking only.

3. Proffer Number 13 shall be added as follows:

No trash pickup, parking lot cleaning or leaf blowing shall occur before 6:00 a.m. or after 12:00 a.m.

4. Proffer Number 14 shall be added as follows:

No changeable message signs shall be located within 100 feet from the northern (I-64) boundary line of the Property. Any changeable message sign located on the remainder of the Property shall not change more frequently than once every five minutes.

5. Proffer Number 15 shall be added as follows:

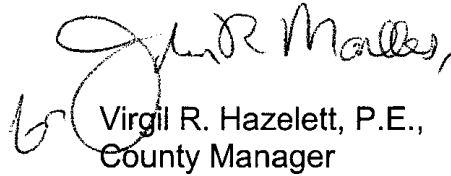
All other Proffers as contained in case C-31C-97 shall remain in full effect.

G3 Investments, LLC
February 4, 2003

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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

pc: Director, Real Estate Assessment
Conditional Zoning Index
Andrew M. Conclin/Caroline Browder, Esquire