

B-1 TO B-2C
5.742 Acres

Regency Square
Shopping Center

Westbury Estates



ZONING
RETAIL GROCERY
STORE
Ref. 754-744-6868

C-2C-03
Three Chopt District
0 400 Feet

February 2003



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

March 18, 2003

Virgil R. Hazelett, P.E.
County Manager

Mr. James Barden
529 Sleepy Hollow Road
Richmond, VA 23229

Re: Conditional Rezoning Case C-2C-03

Dear Mr. Barden:

The Board of Supervisors at its meeting on March 11, 2003, granted your request to conditionally rezone property from B-1 Business District to B-2C Business District (Conditional), on part of Parcel 754-744-6868, described as follows:

Beginning at a point on the northern right-of-way line of East Ridge Road at the southwest corner of GPIN 754-744-6868 and the southeast corner of that parcel now or formerly owned by Crown Stations Inc., recorded at Deed Book 1510, page 402, such point being the true point of beginning; thence leaving the northern right-of-way line of East Ridge Road N09°07'28"W 657.87' to an iron pin; thence N18°40'37"E 147.97' to a point; thence S77°08'52"E 253.6' to an iron pin; thence S23°44'55"E 562.07' to an iron pin on the northern right-of-way line of East Ridge Road; thence along the northern right-of-way line of East Ridge Road S62°27'14"W 450.78' to a lead plug and tack; thence along a curve to the right having a radius of 679.20' for a distance of 18.46' to the true point of beginning, containing 5.742 acres.

The Board of Supervisors accepted the following proffered conditions, dated March 10, 2003, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

The following proffered conditions shall only be applicable to a use first permitted in a B-2 district; otherwise, the provisions of the B-1 ordinance unencumbered by proffers shall continue to apply:

1. Concept Plan, Elevations. The Property shall be developed in general conformance with the Concept Plan and Elevations entitled "Revised Kroger Food and Drug Store, Henrico County, Virginia" dated March 10, 2003 (see case file) prepared by VHB and filed herewith (the "Concept Plan" and the "Elevations") (see case file), subject, however, to such traffic, engineering and other changes as may be requested and approved at the time of Plan of Development.

2. Exterior Materials. The building shall have exposed exterior front, rear and side walls and a screening wall (above finished grade) primarily of brick with accent materials such as, E.I.F.S., split face block, cementitious, vinyl or composite-type siding, or a combination of the foregoing, as shown on the Elevations, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any 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.

3. Prohibited Uses. The following uses shall be prohibited:
 - a. billiard, bagatelle, video game or a bingo parlor;
 - b. flea markets or antique auctions;
 - c. billboards;
 - d. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - e. dance halls;
 - f. attention getting devices;
 - g. truck stops;
 - h. gun shop, sales and repair;
 - i. parking garages or commercial parking lots;
 - j. sign painting shops;
 - k. sexually-oriented businesses including, but not limited to, adult video stores;
 - l. bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control;
 - m. sale of gasoline; and
 - n. 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 (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections).

4. Buffer. A landscaped area, which may include berms, a minimum of nineteen (19) feet in width (provided that a deviation to the transitional buffer is approved) shall be maintained along the existing right-of-way line of East Ridge Road with the exception of entrance drives, turn lanes, sidewalks, grading, drainage easements, signage, utility easements that may pass through the buffer in a generally perpendicular manner (unless currently existing), and such other uses as may be permitted at the time of Plan of Development.

5. Refuse and Containers. The gates and doors on all masonry refuse screens shall be of a substantial, durable and opaque material as determined at the time of Plan

Mr. James Barden

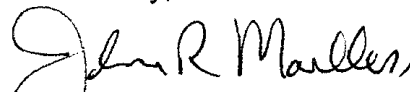
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- of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined at the time of Plan of Development. The number of refuse containers shall be adequate for the development as determined at the time of Plan of Development. No refuse or refuse container shall be placed behind the building beyond the limits of the screening wall.
6. Parking Lot Lighting. Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Lighting shall be directed to minimize glare on public roads and adjacent properties.
 7. Mechanical Equipment. Mechanical equipment shall be screened from public view at ground level from the Property lines in a manner approved at the time of Plan of Development.
 8. Irrigation. Landscaping along East Ridge Road shall be irrigated.
 9. Underground Utilities. Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
 10. 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.
 11. Screening Wall. The screening wall adjacent to the depressed loading dock area depicted on the Concept Plan shall be a minimum of one hundred forty (140) feet in length (inclusive of the solid wall that is a part of the loading dock) and a minimum of fourteen (14) feet in height above grade.

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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pc: Regal Cinemas, Inc.
Mr. James W. Theobald, Esquire
Director, Real Estate Assessment
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