



A-1 & B-3\* to B-3C\*  
5.05 Acres

**ZONING**  
AUTO DEALERSHIP

**C-26C-04**  
Three Chopt District



April 2004

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

Ref. 740-761-8451

0 400 Feet



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.  
County Manager

July 20, 2004

Mr. Jeffrey Cappo  
Cappo Properties, LLC  
25601 W. Eight Mile  
Redford, MI 48240

Re: Conditional Rezoning Case C-26C-04

Dear Mr. Cappo:

The Board of Supervisors at its meeting on July 13, 2004, granted your request to conditionally rezone property from A-1 Agricultural District and B-3 Business District to B-3C Business District (Conditional), on part of Parcel 740-761-8451, described as follows:

Beginning at an iron rod found on the west line of proposed John Rolfe Parkway, at its intersection with the south line of West Broad Street; thence with said west line of John Rolfe Parkway, S18°44'25"W 243.59' to an iron rod found; thence departing John Rolfe Parkway, N76°22'13"W 711.41' to an iron rod found; thence N02°48'06"W 197.64' to an iron rod found on the east line of Old Three Chopt Road; thence with said east line, N81°09'44"E 358.18' to a point on the south line of West Broad Street; thence with said south line of West Broad Street, S72°51'38"E 194.34' to a point; thence continuing with the south line of West Broad Street, S76°22'57"E 183.96' to an iron rod found; thence departing the south line of West Broad Street, and with the right of way of proposed John Rolfe Parkway, S21°03'52"E 19.45' to an iron rod found; thence S76°29'16"E 19.05' to an iron rod found; thence S28°06'22"E 75.06' to an iron rod found on the west line of proposed John Rolfe Parkway, said point being the point and place of beginning, containing 5.05 acres.

The Board of Supervisors accepted the following proffered conditions, dated June 7, 2004, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Height Limitations.** No building constructed on the Property shall exceed the lesser of three (3) stories of forty-five (45) feet in height above grade to the roof, exclusive of mechanical equipment, elevator penthouses associated therewith, chimneys, towers or other architectural design features, unless otherwise

requested by the owner and specifically approved at the time of Plan of Development.

2. **Utilities.** Except for junction boxes, meters and existing overhead utility lines and utility lines running through or over wetlands, if any, all utility lines shall be underground.
3. **Trash Receptacles.** Trash receptacles, not including convenience cans, shall be screened from public view at ground level at the property line of the Property in a manner approved at the time of Plan of Development and shall be architecturally compatible with the primary building(s) located on such property. Trash pickup from the site shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday. There shall be no trash pickup on Sundays.
4. **Use Restrictions.** The Property may only be used for the following uses: (A) the sale, service, rental and repair of automobiles, vans, sport utility vehicles, other similar passenger vehicles and the sale, service or repair of trucks, and uses incidental or accessory thereto as permitted in the B-3 zoning district, including but not limited to the sale and installation of automobile sound equipment, tire store, replacement of auto glass and a car wash which would be for the dealership's use only and not open to the general public; ; and (B) uses permitted in the B-2 zoning district. None of the following uses shall be permitted on the Property:
  - a. billiard, bagatelle, video game or a bingo parlor;
  - b. dance halls;
  - c. funeral home, mortuary and/or undertaking establishment;
  - d. flea markets and antique auctions;
  - e. rifle or pistol range;
  - f. gun shop, sales or repair;
  - g. massage parlors;
  - h. restaurants with drive through window;
  - i. helistops;
  - j. attention getting devices;

- k. private clubs, lodge, meeting hall and fraternal organization;
- l. outdoor advertising sign as defined in Section 24-3 of the Code of Henrico, or billboards of any kind;
- m. indoor recreation facilities, including theater, bowling alleys, skating rinks (ice skating and roller skating), swimming pools, tennis, model racing tracks, electronic video game rooms, bingo halls, archery ranges and similar activities;
- n. Laundromats and self-service dry-cleaning establishments;
- o. 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;
- p. 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;
- q. Adult Business as defined in the Henrico County Zoning Ordinance;
- r. Changeable message sign(s);
- s. Recycling collection facility;

All uses permitted in the B-2 zoning district shall be subject to the development standards set forth in the B-2 zoning district.

5. **Repair.** Automobile repair shall be performed only within an enclosed building on the Property.
6. **Storage of Vehicles.** No vehicles shall be parked, stored or displayed in areas not designed and constructed for such parking, storage or display and so designated on a Plan of Development approved in accordance with Section 24-106.
7. **Lighting.** Lighting shall be provided by directional fixtures, having concealed light sources positioned in such a manner as to direct the lighting away from adjacent properties or roadways.

8. **Streetscape Buffers.** Any streetscape buffers approved at the time of Plan of Development or required by any governmental authority, may include entrance drives, public or private roads, sidewalks, utility easements, grading and signage. Any entrance drives or roads shall run generally perpendicular to such buffers.
9. **Loading.** Loading and unloading of vehicle deliveries shall be performed only on site within the boundaries of the Property.
10. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the perimeter of the Property in a manner approved at the time of Plan of Development.
11. **Hours of Operation.** The hours of operation for any permitted uses on the Property shall be limited to 6:00 a.m. to midnight Monday through Saturday and 12:00 noon to 8:00 p.m. on Sundays.
12. **Public Address.** Unless otherwise required by law, no outdoor public address, paging or speaker system outside of any building, other than an intercom system which is not audible at the Property lines, shall be permitted.
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.
14. **Transitional Buffers.**
  - a. **Adjacent to Short Pump Elementary School:** An 8' high, solid concrete wall, will be constructed along the western property line (no less than 5' from the line), adjacent to the school. The wall will have a brick design facing the school and will have an applied colored finish to blend into the surroundings. Exact wall placement, finish, and color to be determined by Director of Planning at time of plan of development approval.
  - b. **Adjacent to Short Pump Park:** A solid concrete retaining wall (varying in height), will be constructed along the southern property line (no less than 5' from the line), adjacent to the park. The retaining wall will have a brick design facing the park and will have an applied colored finish to blend into the surroundings. A 6' metal picket fence (of approved materials) will be constructed on the top of the retaining wall. Exact wall and fence placement, finish, and color to be determined by Director of Planning at the time of plan of development approval.

Mr. Jeffrey Cappel  
July 20, 2004  
Page 5

15. There shall be a 50 foot streetscape buffer along the West Broad Street frontage of the property.

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,



for Virgil R. Hazelett, P.E.  
County Manager

pc: Mr. Daniel L. Caskie  
Director, Real Estate Assessment  
Conditional Zoning Index  
Dr. Penny Blumenthal – Director, Research and Planning