

SUBJECT PROPERTY

ZONING
AMEND PROFFERS
Ref. 747-761-2937

C-43C-04
Three Chopt District



July 2004



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

October 19, 2004

Wilton Development
4901 Dickens Road
Suite 101
Richmond, VA 23230

Re: Conditional Rezoning Case C-43C-04

Dear Sir:

The Board of Supervisors at its meeting on October 12, 2004, granted your request to amend proffered conditions on Conditional Rezoning Case C-42C-01, Parcel 747-761-2937, described as follows:

Beginning at a point on the western right-of-way line of Dominion Boulevard, said point being located approximately 377' south of the southern right-of-way of Sadler Road, thence, departing the right-of-way of said Dominion Boulevard along the land now or formerly of Jefferson National Bank and Parcel A, N82°06'15"W 490.01' to a point, thence, along the land now or formerly of A. W. Bennett Co. Inc. N07°53'45"E 376.23' to a point on the southern right-of-way of Sadler Road, thence along the southern right-of-way of said Sadler Road on a non tangent curve to the right with a radius of 1120.92', an arc length of 332.46', a central angle of 16°59'38" and a chord of S88°19'45"E, 331.25' to a point, thence S79°49'56"E 136.88' to a point, thence, S51°13'20"E 60.04' to a point on the western right-of-way of Dominion Boulevard, thence with the western right-of-way of said Dominion Boulevard, S12°03'45"W, 376.91' to a point, said point being the point of beginning, containing approximately 4.67 acres.

The Board of Supervisors accepted the following proffered condition, dated October 12, 2004, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Site Plan:** The Property shall be developed in substantial conformance with the Conceptual Plan prepared by Bay Design Group dated July 7, 2004 Exhibit A (Conceptual Plan of Parcel at Intersection of Dominion Blvd. & Sadler Rd.) (see case file), unless otherwise requested and specifically permitted at the time of Plan of Development review.

2. **Architectural Treatment:** The architectural style of the Proposed Building shall be built in substantial conformance to the examples in Exhibit B (see case file) unless otherwise requested and specifically permitted at the time of Plan of Development review. The materials shall include glass, metal, brick, chrome and split block as shown in the Exhibit (see case file).
3. **Privacy Wall Along Western Property Line:** A six (6) foot decorative precast concrete wall shall be installed along the western property line with evergreens on the west side of the wall) no less than four (4) feet in height when planted) if needed to minimize the visual impact of the wall. The wall and any additional landscaping shall be installed in conjunction with the development of each parcel and in a manner and location satisfactory to and approved at the time of Plan of Development review. The owner of the property shall be responsible for the ongoing maintenance of the wall.
4. **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.
5. **Use Restrictions:** The Property may be used as an automobile dealership and uses customary and incidental as an accessory to a dealership; 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 bingo parlor;
 - b. dance halls;
 - c. funeral home, mortuary and/or undertaking establishment;
 - d. flea markets and antique auctions;
 - e. rifle or pistol range;
 - g. massage parlors;
 - h. helistops;
 - i. private club, lodge, meeting hall and fraternal organization;

- j. 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;
- k. Laundromats and self-service dry-cleaning establishments;
- 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 licenses by the Virginia Department of Alcoholic Beverage Control;
- m. Adult business as defined in the Henrico County Zoning Ordinance;
- n. Changeable message sign(s);
- o. Recycling collection facility;
- p. Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Section 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. Attention getting device;
- r. Parking lots and automotive filling service stations except as accessory uses to a dealership.
- s. building materials store;
- t. janitorial service;
- u. fortune tellers and palmists, card reader, or similar activity;
- v. manufactured home sales;
- w. shell or display houses;
- x. gun shop;
- y. vehicle towing, repair, service, body or paint shop, or vehicle parts (including tires) sale, service, or installation as a principal uses;

- z. animal hospital or kennel;
 - aa. boat and/or boat trailer display, sales or service;
 - bb. exterminating establishments;
 - cc. landscape contracting and tree service;
 - dd. display, storage, rental or sales of travel trailers and campers;
 - ee. sheet metal or roofing company;
 - ff. sign shops including fabrication, temporary outdoor sales lots, outdoor advertising signs;
 - gg. radio/television tower;
 - hh. self service storage facility;
 - ii. bus station;
 - jj. auditorium/assembly hall;
 - kk. and amusement park, carnival or circus.
6. **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.
7. **Repair:** Automobile repair and servicing shall be performed only within an enclosed building on the Property and shall not be visible from Dominion Boulevard or Sadler Road.
8. **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.
9. **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.

10. **Loading**: Loading and unloading of vehicle deliveries shall be performed only on site within the boundaries of the Property.
11. **Mechanical Equipment**: Mechanical equipment shall be screened from public view at ground level at the perimeter of the Property in manner approved at the time of Plan of Development.
12. **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.
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. **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.
15. **Signs**: Detached signs on the Property shall be ground mounted monument-style signs with a height no greater than six (6) feet and externally illuminated.
16. **Buffer Adjacent to Dominion Blvd. & Sadler Road**: There shall be a twenty-five (25) foot irrigated streetscape buffer adjacent to Dominion Blvd. & Sadler Road. The landscaping within the streetscape buffer shall be consistent with the West Broad Street Overlay District (WBSOD).
17. **Out Parcel**: The architectural style of the buildings within the Out Parcel shall be compatible with the architectural styles of the buildings along Dominion Boulevard as reviewed and approved at the time of Plan of Development review.
18. **Dedication of Right-of-Way**: There shall be dedication of right-of-way along Sadler Road and Dominion Boulevard, including the installation of curb and gutter, pavement widening and any necessary storm sewer as required by Public Works.
19. **Buffer Parking**: Vehicles shall not be parked or displayed within any buffer or landscape areas, including lawns.
20. **Landscape Plan**: A landscape plan will be submitted for the site at the time of POD.

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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,



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

pc: Mr. George & Mrs. Irma Goldstein
Director, Real Estate Assessment
Conditional Zoning Index

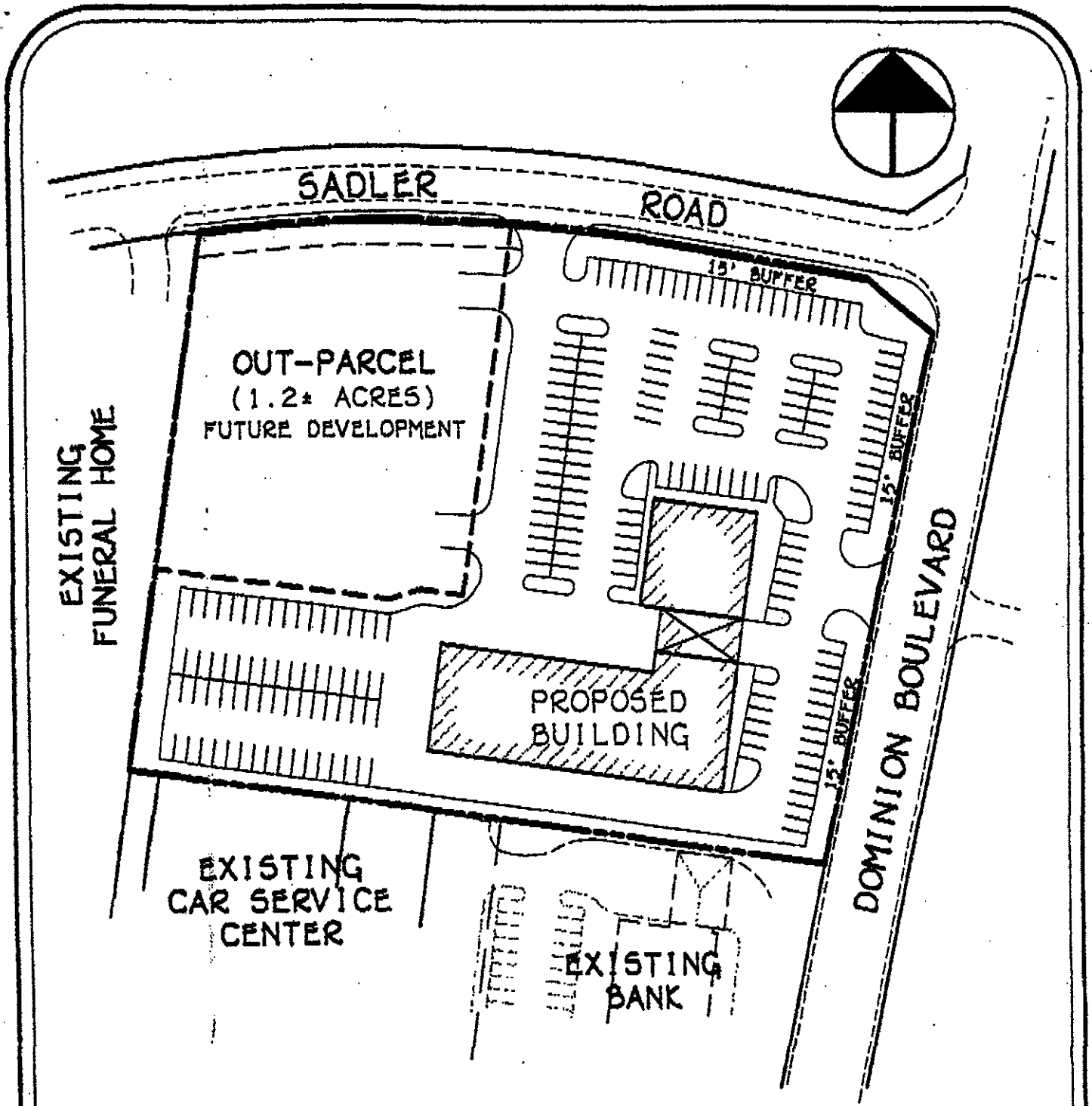


EXHIBIT A
CONCEPTUAL PLAN OF
PARCEL AT INTERSECTION OF
DOMINION BLVD. & SADLER RD.

THREE CHOPT DISTRICT
 HENRICO COUNTY, VIRGINIA

JULY 7, 2004 1" = 100'



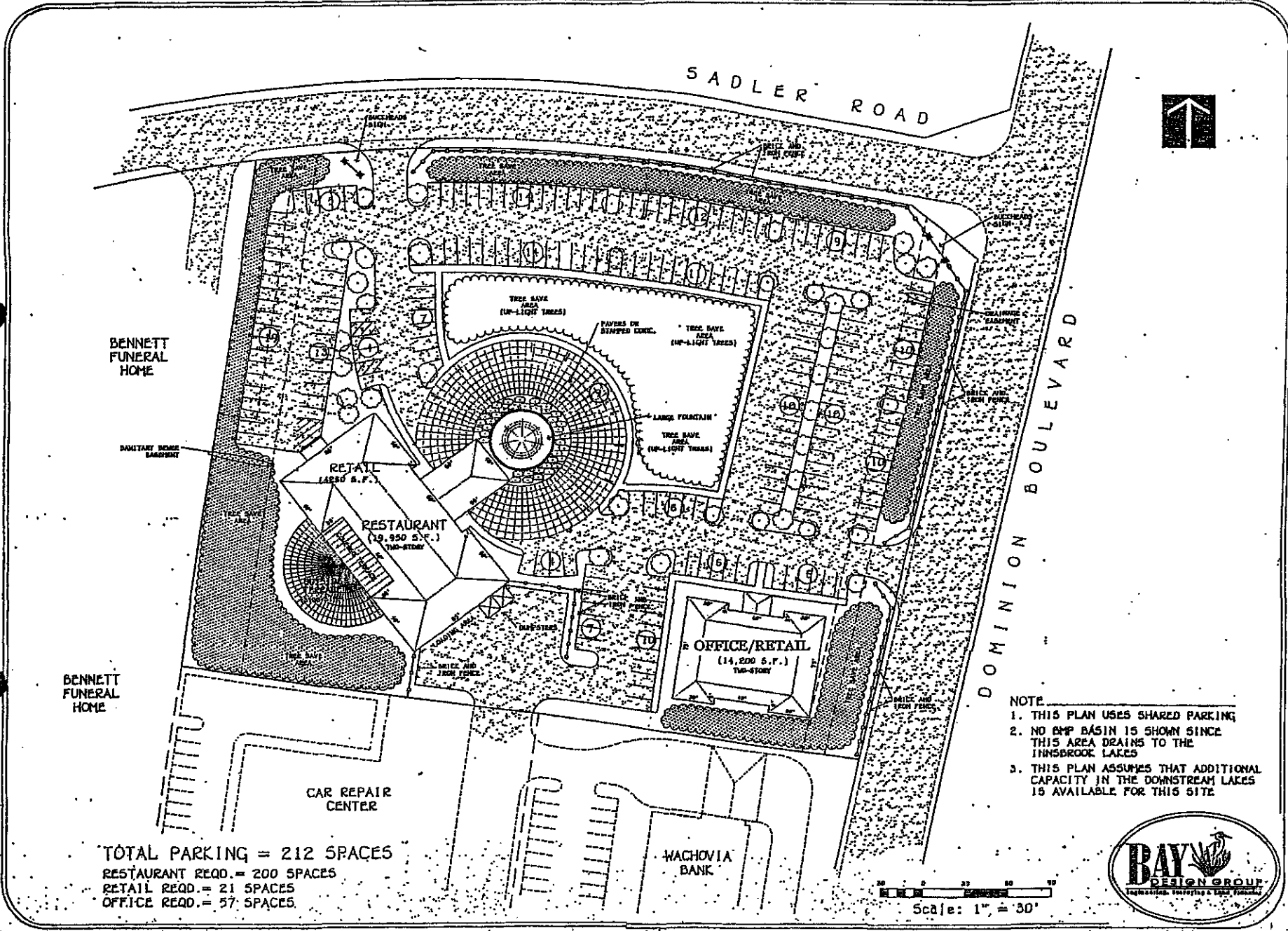
www.baydesigngroup.com

C-430-04

Exhibit B



C-43C-04



THIS DRAWING IS THE PROPERTY OF BAY DESIGN GROUP, P.C. AND IS NOT TO BE REPRODUCED OR USED FOR ANY PROJECT IN WHOLE OR IN PART WITHOUT EXPRESS WRITTEN PERMISSION

FILED	00258Jan
DESIGNED	DLC
CHECKED	DLC
DATE:	MAY 28, 2001
REVISED:	Dec. 10, 2001
REVISED:	
REVISED:	

RiverCity Lifestyle LLC
 Dominion Boulevard and Sadler Road
 Three Chapel District of Henrico County, Virginia

Conceptual Plan (Exhibit A)

SHEET NUMBER
 C1

JOB 00258-01

- NOTE
1. THIS PLAN USES SHARED PARKING
 2. NO BMP BASIN IS SHOWN SINCE THIS AREA DRAINS TO THE INNSBROOK LAKES
 3. THIS PLAN ASSUMES THAT ADDITIONAL CAPACITY IN THE DOWNSTREAM LAKES IS AVAILABLE FOR THIS SITE

TOTAL PARKING = 212 SPACES
 RESTAURANT REQD. = 200 SPACES
 RETAIL REQD. = 21 SPACES
 OFFICE REQD. = 57 SPACES

Scale: 1" = 30'



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