

O-2, B-1, B-3 to B-2C
2.11 Acres



November 2004

Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulations.

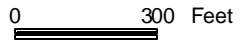
ZONING

RETAIL DRUG STORE

Ref. 816-714-5217

C-1C-05

Varina District





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

April 19, 2005

Mid-Atlantic Commercial Properties, LLC
3696 N. Federal Highway, Suite 200
Fort Lauderdale, FL 33308

Re: Conditional Rezoning Case C-1C-05

Dear Sir:

The Board of Supervisors at its meeting on April 12, 2005, granted your request to conditionally rezone property from B-1 and B-3 Business Districts and O-2 Office District to B-2C Business District (Conditional), Parcels 816-714-4637 and 816-714-5217, described as follows:

Beginning at a point on the easterly sideline of South Laburnum Avenue 525± from its intersection with the northerly sideline of Williamsburg Road and being the northeasterly corner of the parcel hereinafter described; thence N83°30'00"E a distance of 241.91' to a point; thence S02°19'04"E a distance of 158.96' to a point; thence S12°27'28"E a distance of 394.94' to the northerly sideline of Williamsburg Road; thence northwesterly and curving to the right along the arc of a curve having a radius of 1375.39' a length of 86.85' a chord bearing of N78°46'15"W and a chord distance of 86.83' to a point; thence N12°30'00"W a distance of 154.77' to a point; thence N79°30'00"W a distance of 144.16' to the easterly sideline of South Laburnum Avenue; thence N12°30'00"W a distance of 330.64' by the sideline of South Laburnum Avenue to the point of beginning, containing 2.11 acres, more or less.

The Board of Supervisors accepted the following proffered conditions, dated April 12, 2005, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Exterior Materials: Elevations.** The exposed portion of each exterior wall surface (front, rear and sides) of any building constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be architecturally

compatible and shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Attached as Exhibit A (see case file) is an elevation drawing of the proposed building and the final plans will be substantially similar to such elevation drawing as determined at the time of Plan of Development or by the Planning Director, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development or by the Planning Director.

2. **Landscaped Area.** A landscaped area consisting of trees and shrubs in accordance with the County Zoning Ordinance ten (10) feet in width along Laburnum Avenue will be provided except to the extent necessary or allowed for utility easements, directional signage, pylon signage and other purposes requested and specifically permitted, or if required, at the time of the Plan of Development.
3. **Buffer Area.** An eight (8) foot in height concrete panel wall will be installed along the rear property which abuts the R-3 property continuing southward approximately 150 feet along the B-3 property. Landscaping in the buffer area adjoining the R-3 property will include Japanese Cedar (*cryptomeria japonico*) and will be approved at the time of Plan of Development or by the Planning Director.
4. **Parking Lot Lighting.** Parking lot lighting shall be from a concealed source, shall not exceed twenty (20) feet in height, and shall be installed in a manner to avoid shining directly onto adjacent residences.
5. **Drive-Thru Lighting.** The drive-thru shall be illuminated with under canopy lighting.
6. **Signage.** No detached sign on the Property shall exceed ten (10) feet in height.
7. **HVAC.** Heating and air conditioning equipment shall be screened from public view at ground level at the property lines in a manner approved at the time of Plan of Development.
8. **Dumpster Enclosure.** The dumpster enclosure will be constructed with brick facing and an opaque metal door or quality wooden gate as approved at the time of Plan of Development.
9. **Use Restrictions.** The following uses shall not be permitted on the Property:
 - a. "adult business" as defined in the Henrico County Zoning Ordinance as of this date;
 - b. flea market and antique auction, indoors or outdoors;
 - c. gun shop, sales and repair;

- d. massage parlors;
 - e. automotive repair, storage or towing services;
 - f. automotive filling and service stations and/or a use with fuel pumps dispensing gasoline for retail sale;
 - g. private club, lodge, meeting hall and fraternal organizations;
 - h. permanent recycling collection facilities;
 - i. 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 Beverages Control;
 - j. sign printing and painting shops, excluding fabrication;
 - k. parking lots, commercial;
 - l. garage parking or storage;
 - m. billiard, bagatelle, video game or bingo parlor where any of those uses is the principal use of the building;
 - 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, provided the foregoing shall not preclude banks, savings and loans, or similar financial institutions that are not regulated by the foregoing Virginia Code Sections.
10. **External Intercom-type Systems**. The Drive-Thru will utilize an intercom-type system commonly associated with bank and/or pharmacy facilities and will not utilize an outdoor loud speaker system.
11. **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.

Mid-Atlantic Commercial Properties, LLC
April 19, 2005
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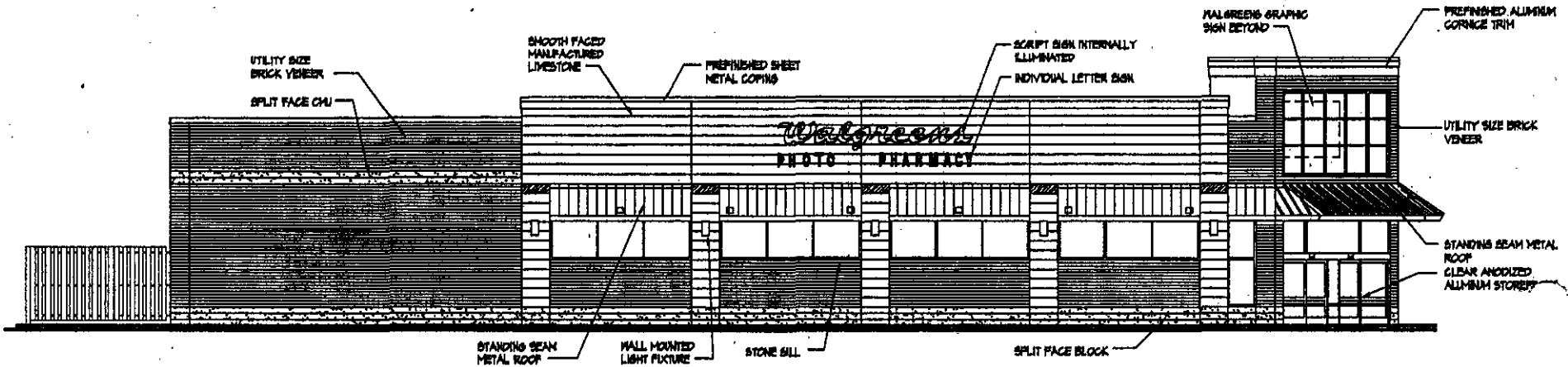
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,

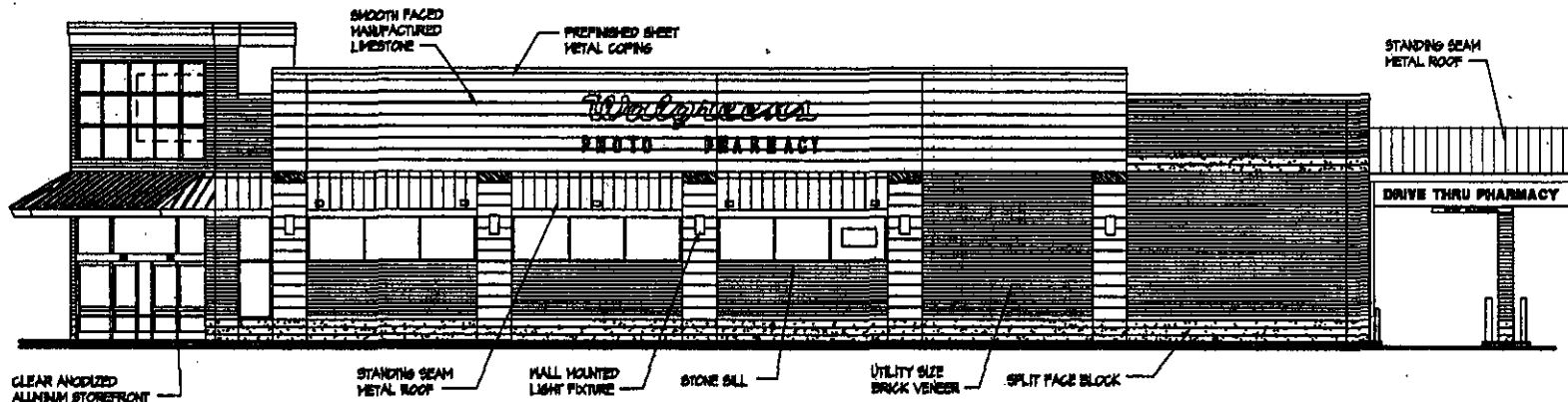


for Virgil R. Hazelett, P.E.
County Manager

pc: Branch Banking & Trust Co.
Westhampton Properties, Inc.
Mr. David D. Redmond, Esquire
Director, Real Estate Assessment
Conditional Zoning Index



FRONT ELEVATION
(West)



RIGHT SIDE ELEVATION
(South)

WALGREENS

CRITERIA 2005

3/2" = 1'-0"

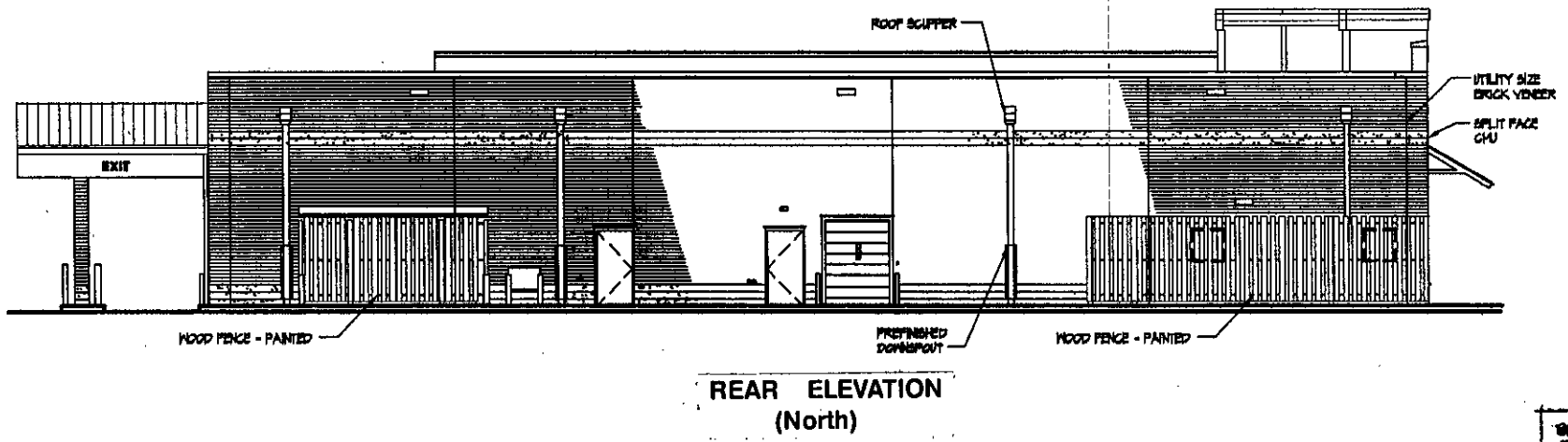
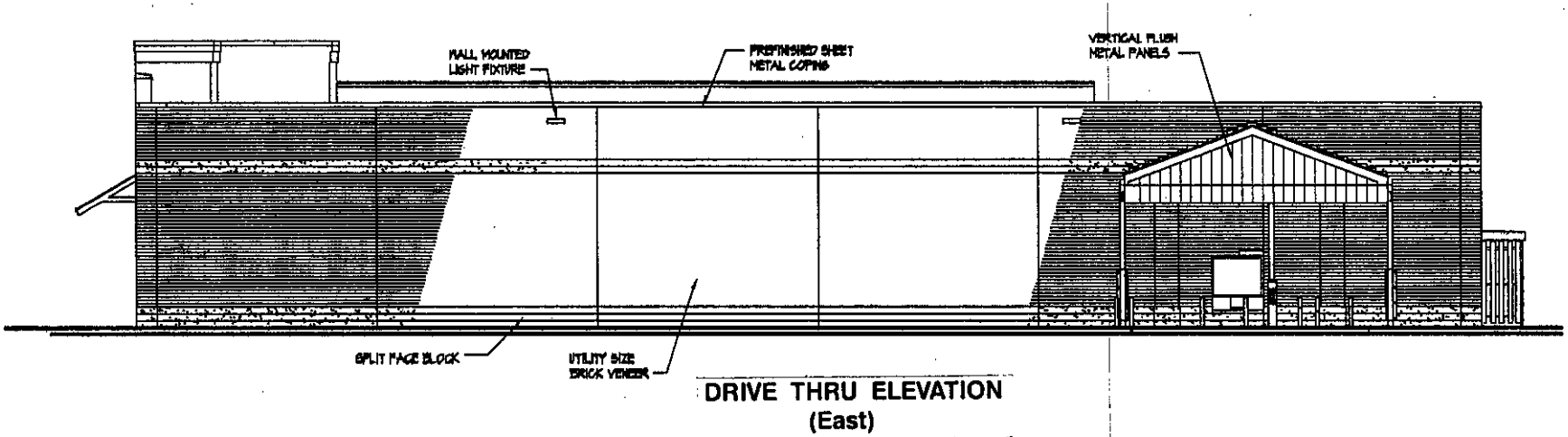
11-15-2004



LYALL DESIGN
ARCHITECTS

EXHIBIT A-1

C-1C-05 & P-1-05



WALGREENS

CRITERIA 2005

1/32" = 1'-0"

8-13-2004



LYALL DESIGN ARCHITECTS

EXHIBIT A-2

C-1C-05 & P-1-05