

R-3 & B-2C
to B-2C
2.303 Ac.

C-31C-06
Zoning
 Retail Access
 Brookland District
 400 Feet
 PS April 2006 Ref: 769-756-5278

Gourthouse Commons Office Park Condos



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

July 14, 2006

Marchetti Properties I and V, L.L.C.
c/o Mr. Robert L. Marchetti
1567 North Parham Road
Richmond, VA 23229

Re: Conditional Rezoning Case C-31C-06

Dear Mr. Marchetti:

The Board of Supervisors at its meeting on July 11, 2006, granted your request to conditionally rezone from R-3 One Family Residence District and B-2C Business District (Conditional) to B-2C Business District (Conditional), Parcels 769-756-5278, 769-756-6190 and part of Parcels 769-756-3391, 769-757-3723 and 769-757-3204, described as follows:

Beginning at a point on the northern boundary of the right of line of Staples Mill Road, U. S. Route No. 33, said point being 396' ± from the western boundary of the right of way line of Old Staples Mill Road; thence continuing along the western boundary of the right of way line of Staples Mill Road in a northwesterly direction N 39°48'50" W, 159.57' to a point; thence leaving the western boundary of the right of way line of Staples Mill Road in a northwesterly direction the following five courses and distances: N 05°44'38" W, 36.65' to a point; thence N 50°04'00" E, 100.00' to a point; thence N 71°47'26" E, 160.00' to a point; thence S 08°37'10" W, 80.00' to a point; thence S 81°58'50" E 280.27' to a point on the western boundary of the right of way line of Old Staples Mill Road; thence continuing along the western boundary of the right of way line of Old Staples Mill Road in a southwesterly direction the following two courses and distances: S 05°59'09" W, 105.62' to a point; thence S 05°44'10" W, 106.00' to a point; thence leaving the western boundary of the right of way line of Old Staples Mill Road in a northwesterly direction N 81°22'53" W, 371.06' to a point on the northern boundary of the right of way line of Staples Mill Road, said point being the point and place of beginning, and containing 2.303 acres, more or less.

The Board of Supervisors accepted the following proffered conditions, dated June 22, 2006, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

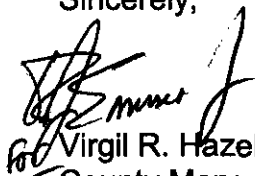
1. **Landscaped Buffers - Staples Mill Road and Old Staples Mill Road:** A landscaped buffer shall be provided twenty-five (25) feet in width adjacent to the ultimate right-of-way lines of Staples Mill Road and Old Staples Mill Road (each as determined at the time of Plan of Development review), except to the extent necessary or allowed for roads, sidewalks, utility easements, grading and signage and other purposes requested and specifically permitted, or if required, by the Planning Commission at the time of Plan of Development review, or by any other governmental body. Any road, utility easement or use permitted within the aforesaid buffer areas shall be extended general perpendicular to the buffer area unless otherwise requested and specifically permitted, or if required, by the County at the time of Plan of Development review and where permitted, areas disturbed for utility installations shall be restored to the extent reasonably practical.
2. **Architectural Treatment:** The exposed portion of each exterior wall surface (front, rear and sides) of any building to be constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of the other exterior walls of such buildings built on the property zoned in C-77C-94 in architectural treatment and materials. The buildings to be constructed on the Property shall have exposed exterior walls (above finished grade) predominantly of either, or a combination of, face brick, natural stone, split-face block, decorative face block or glass 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 review. Any building constructed predominantly of split-face block shall incorporate other approved materials as trim, architectural decoration or design elements. Drivot or stucco, if applied to a masonry surface, may be used as a material accessory to those predominant materials referenced above.
3. **Parking Lot Lighting:** Parking lot lighting standards shall not exceed twenty-five (25) feet in height above grade level, except that parking lot lighting standards on out-parcels shall not exceed twenty (20) feet in height above grade level. All parking lot lighting fixtures shall be of low intensity and shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property. Light fixtures shall be of the type that conceals the direct source of light ("concealed source lighting" fixtures). Exterior lighting shall be reduced to security levels after hours of operation.
4. **Use Restrictions:** The following uses shall be prohibited on the Property:
 - a. flea markets;
 - b. gun shop, sales and repairs, except that such gun sales and repairs shall

- c. be permitted in a store that sells a variety of sporting goods;
 - c. 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);
 - d. lodge and fraternal organization;
 - e. sign printing and painting shop;
 - f. skating rinks (unless such ice skating areas are an amenity of the pedestrian-oriented shopping center), roller skating rinks, model racing tracks, electronic video game rooms, bingo halls and billiard parlors unless such billiard parlors are associated with a restaurant;
 - g. funeral home, mortuary, crematorium and/or undertaking establishment;
 - h. parking lots, commercial (nothing herein shall preclude parking lots as an accessory use to a principally permitted use);
 - i. automobile service station, however, a grocery or convenience food store dispensing gasoline products shall be permitted; towing service;
 - j. adult businesses as defined by the County of Henrico;
 - k. billboards;
 - l. truck stops
 - m. communication tower;
 - n. self-storage facilities;
 - o. off-track betting parlors;
 - p. permanent on-site recycling collection facilities;
 - q. sewer/water pump stations;
 - r. massage establishments;
 - s. automobile, truck, trailer, motorcycle, recreational vehicle or bus sales, rental and repair;
 - t. automobile, truck, trailer, motorcycle or recreational vehicle storage lot;
 - u. boat and boat trailer sales, service and storage;
 - v. exterminating establishment;
 - w. fortuneteller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader or similar activity;
 - x. public dance halls;
 - y. rifle or pistol range; and
 - z. sheet metal shop or roofing company.
5. **HVAC**: Rooftop heating and air conditioning equipment shall be screened from public view at ground level at the Property lines by means of parapets or other architectural features, in a manner approved by the Planning Commission at the time of Plan of Development review.

6. **Central Trash Receptacles; Trash Pick Up; Parking Lot Cleaning:** Central trash receptacles, not including convenience cans, shall be screened from public view at ground level, in a manner approved by the Planning Commission at the time of Plan of Development review. Trash pick up and parking lot cleaning on the Property shall occur only between 7:00 a.m. and 8:00 p.m., Monday through Saturday.
7. **Building Heights:** No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-five (35) feet in height, exclusive of chimneys or other architectural design features on any building.
8. **Out-parcels:** Access to any out-parcel shall be by an internal access road on the property and not by direct access to and from Staples Mill Road.
9. **Signs:** All signs on the Property shall be internally lit, if lighted. There shall not be any exterior Mobile signs on the property.
10. **Inflatable Attention Getting Devices:** No inflatable attention getting devices shall be permitted on the Property.
11. **Old Staples Mill Road Entrance Sign:** There shall be a ground-mounted entrance sign on the Property in the vicinity of Old Staples Mill Road if approved by the County of Henrico.
12. **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.

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,


Virgil R. Hazelett, P.E.
County Manager

pc: Ralph Axselle, Jr.
Director, Real Estate Assessment
Conditional Zoning Index