



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

August 29, 2006

Glen Allen Service Center, Inc.
c/o Mr. and Mrs. James C. McMillan, Sr.
3011 Mountain Road
Glen Allen, VA 23060

Re: Conditional Rezoning Case C-33C-06

Dear Mr. and Mrs. McMillan:

The Board of Supervisors at its meeting on August 22, 2006, granted your request to conditionally rezone from B-1 Business District to B-3C Business District (Conditional), Parcel 770-767-2959 and 770-767-4453, described as follows:

Beginning at a nail set at the intersection of the south line of Mountain Road and the west line of Hamilton Road, said nail being the place and point of beginning (P.O.B.); thence along the west line of Hamilton Road along a curve to the right having a radius of 25.00' and an arc length of 35.18', being subtended by a chord of S 23°00'42" E, for a distance of 32.35' to a nail set; thence continuing along the west line of Hamilton Road S 17°17'30" W, for a distance of 123.54' to a rod found; thence leaving the west line of Hamilton Road N 69°12'44" W, for a distance of 144.32' to a point; thence N 69°21'44" W, for a distance of 161.61' to a point; thence N 21°27'52" E, for a distance of 173.79' to a rod found on the south line of Mountain Road; thence along the south line of Mountain Road S 63°52'08" E, for a distance of 162.13' to a rod found; thence continuing along the south line of Mountain Road S 63°19'30" E, for a distance of 113.12' to the place and point of beginning (P.O. B.)

Together with and subject to all restrictions, covenants and easements of record. Said parcel containing 1.096 ± acres.

The Board of Supervisors accepted the following proffered conditions, dated July 25, 2006, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Use Restrictions:** The only B-3 Business District principal and accessory uses permitted on the Property shall be automobile service station and automobile repair. Other uses permitted on the Property shall be limited to principal and accessory uses permitted in the B-1 Business District except the following:
 - a. Funeral home, mortuary, crematory and/or undertaking establishment;
 - b. 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); and
 - c. Private club, lodge, meeting hall and fraternal organization.
2. **Architectural Treatment of New Buildings:** Any new building constructed on GPIN #770-767-2959 (3015 Mountain Road) shall be constructed substantially similar to the Preliminary Sketch marked Exhibit A (see case file) and filed with this case. The north building exterior wall and the eastern and western side exterior walls for a minimum depth of two (2) feet from the north building wall shall be constructed of red brick, exclusive of windows, doors, and architectural treatments. The eastern, western and southern building exterior walls shall be brick, stone, split face block or other similar decorative masonry type material, exclusive of windows, doors, and architectural treatments. In no event shall any building exterior wall be constructed of metal.
3. **Building Height:** No new building shall exceed the lesser of two (2) stories or thirty-five (35) feet in height, exclusive of architectural design features.
4. **Mechanical Equipment Screening:** Mechanical equipment shall be screened from public view at ground level from the public rights of way and adjacent properties and shall be located as far north as practical on GPIN #770-767-2959.
5. **Trash Receptacle:** Any new central trash receptacles, not including convenience containers, shall be screened from public view at ground level from the public rights of way and adjacent properties with an enclosure constructed with materials to match the building it serves. The enclosure shall have an opaque door which shall remain closed when not being accessed.
6. **Hours of Operation:** No business on the Property shall be open to the public before 6:00 a.m. nor after 12:00 a.m. Auto repairs provided to the public shall not be permitted after 9:00 p.m.
7. **Hours of Trash Pickup, Parking Lot Cleaning:** Trash pickup from the Property

and parking lot cleaning shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, and between 9:00 a.m. and 7:00 p.m. on Saturday. There shall be no trash pickup or parking lot cleaning on Sundays.

8. **Signs:** Signage on the Property shall be restricted to signs permitted in a B-1 district.
9. **Fence:** A fence shall be provided along the southern and western Property lines and shall be constructed of brickrete or non-white vinyl at a minimum height of seven (7) feet. The fence along the western Property line shall not extend beyond the front elevation of the new building constructed on GPIN #770-767-2959.
10. **Buffer Along Southern Property Line:** A buffer a minimum of fifteen (15) feet in width containing existing trees and shrubs shall be provided along the southern Property line.
11. **Dedication of Right-of-Way:** If requested, the owner shall dedicate to Henrico County nine (9) feet of right-of-way along the Mountain Road frontage of GPIN #770-767-2959 for the ultimate right-of-way of Mountain Road. Should the dedicated property not be used for the widening of Mountain Road within thirty (30) years of the date of the dedication, title to the dedicated property shall revert to the owner or its successors in interest.
12. **Conceptual Plan:** GPIN #770-767-2959 (3015 Mountain Road) shall be developed substantially in accordance with the Conceptual Plan prepared by Foster & Miller marked Exhibit B (see case file) and filed with this case.
13. **Service Bay Orientation:** Service bays in the new building located at GPIN #770-767-2959 (3015 Mountain Road) shall be located on the eastern and western sides of the building.
14. **HVAC:** Any new auto service and auto repair building constructed on the Property shall be equipped with centralized heating and cooling systems.
15. **Parking Lot Lights:** Parking lot lighting standards shall not exceed twenty (20) feet in height above grade level. Parking lot lighting shall be produced from a concealed source, directed downward and reduced to a security level at the close of business.
16. **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

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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: Gloria L. Freye, Esq.
Director, Real Estate Assessment
Conditional Zoning Index



Exhibit A

PRELIMINARY SKETCH

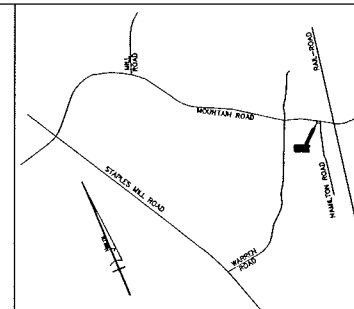
APRIL 19, 2006

EXHIBIT A

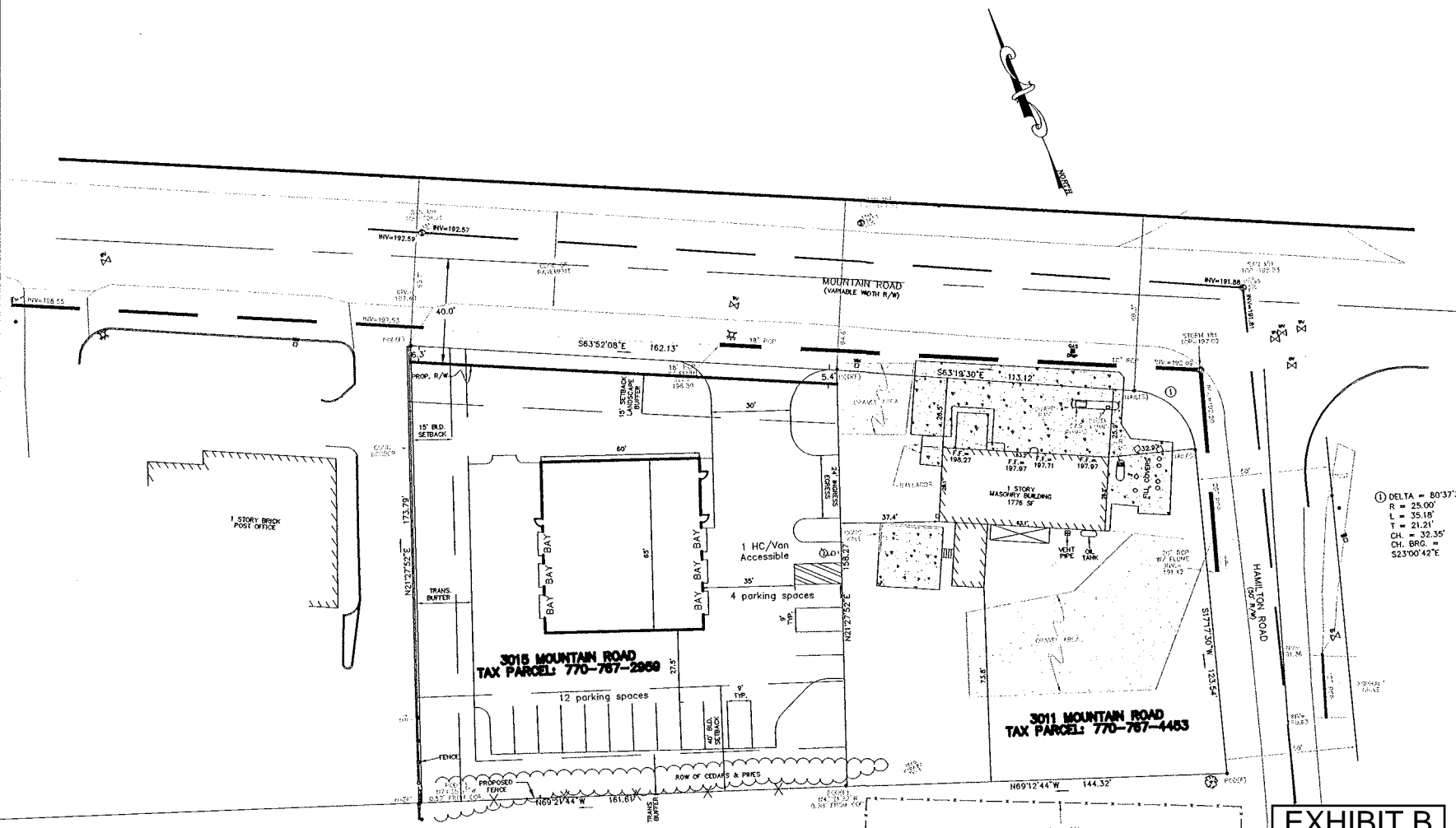
C-33C-06

Glen Allen Service Center
Henrico County, Virginia

WA Rawlings Wilson & Associates
ARCHITECTS PLANNERS RICHMOND, VIRGINIA



FOSTER & MILLER, P.C.
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www.fmpc.com



38 CONCEPTUAL PLAN-EXHIBIT "B"

GLEN ALLEN SERVICE CENTER

**BROOKLAND DISTRICT
MENRICO COUNTY, VIRGINIA**

[illegible]

DATE: 05-01-0
SCALE: 1" = 60'

DESIGN BY: JAU
DRAWN. BY: JAU
50451CP8

SHEET 1 OF 1

EXHIBIT B

C-33C-06