

**C-43C-06**  
**Zoning**  
 Restaurant with Outdoor Dining  
 Three Chopt District  
 400 Feet  
 PS June 2006 Ref. 761-754-1383



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

Virgil R. Hazelett, P.E.  
County Manager

September 19, 2006

Mr. Basilios E. Tsimbos  
3217 Skipwith Road  
Richmond, VA 23294

Re: Conditional Rezoning Case C-43C-06

Dear Mr. Tsimbos:

The Board of Supervisors at its meeting on September 12, 2006, granted your request to conditionally rezone from B-1C Business District (Conditional) to B-2C Business District (Conditional), Parcel 761-754-1383, described as follows:

Beginning at a point on the east line of Skipwith Road, said point being 0.1+/- mile north of the intersection of the east line of Skipwith Road and the north line of Parham Road; thence along the said east line of Skipwith Road N 10°27'22" W, 163.77' to a point; thence leaving the said east line of Skipwith Road N 71°39'01" E, 181.99' to a point; thence S 19°01'59" E, 12.55' to a point; thence S 15°56'00" E, 109.67' to a point; thence S 16°23'23" E, 68.15' to a point; thence S 79°42'58" W, 199.65' to the point and place of beginning containing 0.773 acre.

The Board of Supervisors accepted the following proffered conditions, dated July 20, 2006, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Conceptual Master Plan.** Development of the Property shall be in general conformance with the Conceptual Master Plan entitled "Proposed Restaurant For Basilios Tsimbos Conceptual Plan" prepared by Delta Engineers, attached hereto (the "Master Plan") (see case file), which Master Plan is conceptual in nature and may vary in detail.
2. **Architecture.** The exterior appearance of any new building constructed on the Property shall be generally consistent in color, materials and architecture to that of

the building located at 3217 Skipwith Road, unless otherwise requested and specifically approved at the time of Plan of Development.

3. **Building Height.** No building constructed on the Property shall exceed two (2) stories or thirty (30) feet in height.
4. **Access.** The only access to and from the Property shall be shared with the current access to and from the property located at 3217 Skipwith Road.
5. **Parking Lot Lighting.** Parking lot lighting standards shall not exceed fifteen (15) feet in height above grade level. All parking lot lighting fixtures shall be of low intensity and have concealed light sources positioned in such a manner as to minimize the impact of such lighting on any adjacent property. Exterior lighting shall be reduced to security levels after hours of operation.
6. **Prohibited Uses.** The following uses shall be prohibited:
  - a. automotive filling and service stations including towing service;
  - b. convenience stores;
  - c. billiard, bagatelle, video game or a bingo parlor;
  - d. flea markets or antique auctions;
  - e. billboards;
  - f. recycling facilities;
  - g. funeral homes, mortuaries, crematories and/or undertaking establishments;
  - h. attention getting devices;
  - i. gun shop, sales and repair;
  - j. hotels, motels and motor lodges;
  - k. sign painting shops;
  - l. restaurants with drive-thru windows, not to exclude, however, restaurants with dedicated parking spaces for the pick-up of carry-out food nor restaurants whose primary business is the sale of specialty coffees, unless otherwise requested and specifically permitted at the time of Plan of Development;
  - m. adult businesses as defined in the Henrico County Code including, but not limited to, adult video stores;
  - 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 (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
  - 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. Laundromats;
  - q. commercial parking lots;
  - r. private clubs and lodges;
  - s. auto parts sales;
  - t. drug stores;
  - u. furniture and TV sales;
  - v. garden centers;
  - w. lawn mower or equipment sales and repair;
  - x. radio and TV stations; and
  - y. recreation facilities.
7. **Signage.** Any detached signs shall be ground mounted monumental-type signs and shall not exceed six (6) feet in height above grade.
8. **Parking Spaces.** No parking spaces (exclusive of access drives) shall be located within a front yard area on the Property.
9. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the property lines as approved at the time of Plan of Development.
10. **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,

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

pc: Glenn R. Moore, Esq.  
Director, Real Estate Assessment  
Conditional Zoning Index

PROPOSED RESTAURANT  
FOR BASILIOS TSIMBOS  
CONCEPTUAL PLAN REV. 1  
3223 SKIPWITH RD  
HENRICO COUNTY

GPIN 761-754-3386  
MPP ASSOCIATES  
DB 1983-727  
PP 731

NORTH ATLANTIC HOLDING INC



BROAD STREET

6 FT BUFFER

SHINEY'S RESTAURANT  
GPIN 761-754-0902

LANDSCAPE

OUTDOOR DINING  
650 SQ. FT.

SKIPWITH ROAD

PROPOSED  
PARKING  
OVER BMP

0.773 ACRE

PROPOSED 1 STORY  
RESTAURANT

3223 SKIPWITH RD

163.77' N10°27'22"W

6 FT BUFFER

S16°23'23"E 95.00'  
S18°20'38"E

N3754685.26  
E11761276.87

15 FT BUFFER

3213

GPIN 761-754-1763

BEAUTY  
DAY SPA

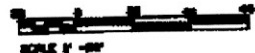
3217 SKIPWITH RD

N3754644.25  
E11761068.16

EXISTING ROAD SIDE DITCH

0.1+/- MILE TO PARHAM  
ROAD

BB&T BANK  
GPIN 760-754-7694



SCALE 1" = 30'

CHILDREN'S WORLD DAY CARE  
GPIN 760-754-8469

GPIN 760-754-8754

DELTA ENGINEERS  
P.O. BOX 4452  
GLEN ALLEN, VA 23058-4452  
PHONE: 364-3527  
FAX: 918-8373

C-43C-06