





COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

Virgil R. Hazelett, P.E.  
County Manager

May 15, 2007

Collins/Goodman Development, LLC  
c/o Mr. Walter Barineau  
1447 Peachtree Street, NE, Suite 525  
Atlanta, Georgia 30309

Re: Conditional Rezoning Case C-51C-06

Dear Mr. Barineau:

The Board of Supervisors at its meeting on May 8, 2007, granted your request to conditionally rezone from A-1 Agricultural District to B-2C Business District (Conditional), Parcel 814-717-0480, and Part of Parcel 813-717-7951, described as follows:

BEGINNING at a point on the western right-of-way line of East Laburnum Avenue at the southeast corner of GPIN 814-717-0480 and the northeastern corner of GPIN 814-717-4549, said point being the True Point of Beginning; thence leaving the western right-of-way line of East Laburnum Avenue N 74°41'10" W 232.86' to a point; thence S 34°35'10" East 45.02' to a point; thence S 62°37'00" W 298.27' to a point; thence N 87°11'10" W 273.73' to a point; thence S 80°16'00" W 150.00' to a point; thence N 09°44'00" W 10.00' to a point; thence S 80°16'00" W 173.57' to a point; thence N 09°44'00" W 269.70' to a point on the southern right-of-way line of Gay Avenue; thence along the southern right-of-way line of Gay Avenue N 56°47'31" E 213.53' to a point; thence N 11°47'31" E 14.14' to a point; thence N 56°47'31" E 591.43' to a point; thence along a curve to the right having a radius of 25.00' for a length of 38.67' to a point on the western right-of-way line of East Laburnum Avenue; thence S 34°35'24" E 691.97' to the True Point of Beginning, containing approximately 10.19 acres.

The Board of Supervisors accepted the following proffered conditions, dated May 8, 2007, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.

2. **Aerated BMP.** Any wet BMP shall be aerated.
3. **Trash Receptacles/Recycling Activities.** Dumpsters, trash receptacles, not including convenience cans and recycling receptacles, and compactors shall be screened from public view at ground level at the property lines with masonry enclosures which complement the architectural design of the retail buildings as approved at the time of Plan of Development. Convenience cans and/or recycling receptacles, if any, shall be within or part of a decorative container.
4. **Refuse Containers.** The gates and doors on the masonry refuse screens shall complement the architectural design of the retail buildings and shall be of a substantial and durable material as determined at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined at the time of Plan of Development.
5. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the property lines with enclosures compatible with the architectural design of the retail buildings as approved at the time of Plan of Development.
6. **Signage; Attention Getting Devices.** No pole signs, changeable message signs, or inflatable or other attention-getting devices shall be permitted unless specifically requested and approved at the time of Plan of Development. Any detached signage shall be a monument-style sign or signs and shall contain materials that complement the exterior materials used on the retail buildings as determined at the time of Plan of Development.
7. **Site Coverage.** No more than seventy-five percent (75%) of the Property in the aggregate may be covered by buildings, parking areas and driveways unless otherwise specifically requested and approved at the time of Plan of Development. This site coverage ratio shall be achieved through the use of landscaping and open areas, including, without limitation, landscaped buffers, medians and parking lot islands and pedestrian areas.
8. **Sidewalks.** Subject to obtaining all required governmental approvals and permits, a sidewalk shall be provided along Gay Avenue and Laburnum Avenue, and shall be constructed to current County road standards and specifications for sidewalks.
9. **Site Plan.** Development of the Property shall be in general conformance with the site plan entitled "Laburnum Retail Center", prepared by McKinney and Company, dated May 6, 2007, attached hereto as Exhibit A (see case file), unless otherwise requested and approved at the time of Plan of Development.

### **Buildings**

10. **Exterior Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade and exclusive of trim) of brick, E.I.F.S., stone, split face block, cementitious, vinyl or composite-type siding, or a combination of the foregoing, 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. No building shall be covered with or have exposed to view any painted or unfinished concrete block (excluding split face block).

### **Buffers**

11. **Buffer Area - Laburnum and Gay Avenues.** An irrigated, landscaped buffer area a minimum of twenty-five (25) feet in width shall be provided and maintained on the Property adjacent to the ultimate right-of-way line of Laburnum Avenue. An irrigated, landscaped buffer area a minimum of twenty-five (25) feet in width shall be provided and maintained on the Property adjacent to the ultimate right-of-way dedication line of Gay Avenue, except that the aforesaid buffer may be reduced to not less than fifteen (15) feet where necessary to accommodate right-of-way dedication along Gay Avenue (as such rights-of-way lines shall be determined by the Director of Public Works at the time of Plan of Development). Sidewalks, utility easements, turn lanes, signage, access drives and any other uses as requested and specifically permitted at the time of Plan of Development shall be permitted within such buffers, provided that any such access drives or utility easements (other than existing easements) shall be extended generally perpendicular to Laburnum and Gay Avenues through such buffers, unless otherwise requested, and specifically approved, at the time of Plan of Development.
12. **Buffer Area - Southern Property Line.** A landscaped buffer area a minimum of thirty-five (35) feet in width shall be provided and maintained along the southern line of the Property abutting all residentially-zoned property. The buffer shall be planted to a Transitional Buffer 35 or an equivalent standard, unless otherwise determined at the time of Landscape Plan review. The buffer area along the residentially-zoned property shall contain a vinyl fence a minimum of six (6) feet in height and shall be free of any other improvements or easements except for any public utility easements which exist or are specifically required, requested and approved at the time of Plan of Development.

## Uses

13. **Prohibited Uses.** The following uses shall be prohibited:
- a. billiard, bagatelle, video game or a bingo parlor;
  - b. flea markets or antique auctions;
  - c. billboards;
  - d. recycling facilities;
  - e. funeral homes, mortuaries, crematories and/or undertaking establishments;
  - f. dance halls;
  - g. truck stops;
  - h. gun shop, sales and repair;
  - i. parking garages or commercial parking lots;
  - j. sign painting shops;
  - k. communication towers;
  - l. general hospitals, sanitoriums and charitable institutions for human care;
  - m. adult business as defined in the Henrico County Zoning Ordinance;
  - 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. off-track betting parlor;
  - q. private club, lodge, meeting hall or fraternal organization;
  - r. automotive service station;
  - s. automotive storage, towing business or washing facility;
  - t. drapery making and furniture upholstery shop;
  - u. radio and television station and studios or recording studio;
  - v. self-storage facility;
  - w. sewer/water pump station;
  - x. recreation facility, indoor, to include a theater, bowling alley, skating rink (ice skating and roller skating), swimming pool, tennis, model racing track, archery range, rifle or pistol range, and similar activities;
  - y. Laundromats and self-service dry cleaning establishments;
  - z. Massage parlors, not to include spa, massage and other therapeutic establishments where employees performing massages, if any, are all duly licensed massage therapists in the Commonwealth of Virginia; and

- aa. Outdoor professional installation of retail goods, such as the professional installation of car stereos.

- 14. **Outdoor Speakers.** Any outdoor public address, paging or speaker systems outside of any building shall not be audible on any adjacent property.

#### **Lighting**

- 15. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard and such lighting shall be produced from concealed sources, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Parking lot lighting shall be directed to minimize glare on public roads and adjacent properties. Any lighting on the Property that is located in the rear of buildings and adjacent to residentially-zoned property shall be produced from concealed sources of light (such as shoebox type fixtures), and shall be reduced to no more than a security level following the close of business operations.

#### **Miscellaneous**

- 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.
- 17. **Maintenance and Delivery Hours.** Lot maintenance and cleaning, trash removal, pick-up and delivery and loading and unloading, excluding snow removal, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday and between 8:00 a.m. and 8:00 p.m. on Saturday.
- 18. **Bay Doors.** Any bay doors on the side of any building facing Laburnum or Gay Avenue shall be designed to de-emphasize their appearance from the street in the following manners: (a) use of colors that blend the aforementioned bay doors into the existing building and (b) use of supplemental landscaping or other screening method approved at the time of Plan of Development.
- 19. **Traffic Improvements.** The improvements detailed in the letter of Caroline L. Nadal to Edward L. Priestas, Henrico County Director of Public Works, dated May 8, 2007, (see case file) shall be made by the developer of the Property as may be required by the Director of Public Works, except as otherwise requested and approved at the time of Plan of Development.

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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,

A handwritten signature in black ink, appearing to read "Virgil R. Hazelett", written over a horizontal line.

Virgil R. Hazelett, P.E.  
County Manager

pc: Charles C. Ryals, III  
James A. Whitfield, Jr. and Linda Hopcroft  
Caroline L. Nadal, Esquire  
Director, Real Estate Assessment  
Conditional Zoning Index





**McKINNEY AND COMPANY**  
**planning • design • construction**

Collins - Goodman LLC CONCEPT "H"

Date: May 06, 2007 13713-06/CONCEPTS/CONCEPT H

**EXHIBIT A**

**C-51C-06**

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