

**A-1 & R-3
to B-3C
3.66 Ac.**

**R-3 to B-2C
4.19 Ac.**

Total Acres = 7.85 Ac.

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

C-63C-06
Zoning
 Hotel and Retail Uses
 Varina District
 400 Feet
 PS September 2006 Ref: 816-711-8151



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

January 30, 2007

Summit Investments LLC
c/o Mr. Mike Carroll
General Land Company
2800 Patterson Avenue
Richmond, VA 23221

Re: Conditional Rezoning Case C-63C-06

Dear Mr. Carroll:

The Board of Supervisors at its meeting on January 23, 2007, granted your request to conditionally rezone from A-1 Agricultural District and R-3 One-Family Residence District to B-2C and B-3C Business Districts (Conditional), Parcels 816-711-8151, 817-711-0454, 817-711-0712, 817-710-0397, and part of Parcel 816-712-7520, described as follows:

PARCEL #2 (B-2C)

BEGINNING at the intersection of the southern right-of-way of Eubank Road, a 50' r/w and the eastern right-of-way of Robins Road, a 50' r/w, being the point of beginning; thence running along the southern right-of-way N 88°25'30", E, 245.00' to a point; thence leaving said southern line S 01°34'30", E, 90.00' to a point; thence S 88°25'30" W, 50.00' to a point; thence S 01°34'30" E, 542.15' to a point the northern line of Nanny Road, a 50' r/w, unimproved; thence running along said northern line along a curve to the left with a chord N 83°51'47" W, 103.19', and a L=103.71', Δ=19°48'26" R=300.00' to a point; thence S 86°14'00"W, 92.23' to a point; thence along a curve to the right with a chord N 47°40'15" W 21.62' and a L=24.14', Δ=92°11'30", R=15.00' to a point on the eastern right-of-way of Robins Road; thence along said eastern line N 01°34'30" W, 591.84' to a point; thence along a curve to the right with a chord N 43°25'30" E, 21.21' and a L=23.56, Δ=90°00'00', R=15.00' to the point of beginning.

Said parcel containing 2.89 Acres or 125,865 Square Feet.

PARCEL #3 (B-3C)

BEGINNING at the intersection of the southern right-of-way of Eubank Road, a 50' r/w and the western right-of-way of Robins Road, a 50' r/w, being the point of beginning; thence along said western line S 01°34'30" E, 594.91' to a point; thence along a curve to the right with a chord N 42°19'45" E, 20.80', and a L=22.99', $\Delta=87^{\circ}48'30''$ R=15.00' to a point; thence S 86°14'00" W 143.68' to a point; thence N 01°34'30" W, 630.39; to a point on the southern right-of-way of Eubank Road; thence along said southern line N 88°25'30" E, 143.00' to a point; thence along a curve to the right with a chord N 46°34'30" W, 21.21', and a L=23.56, $\Delta=90^{\circ}00'00''$, R=15.00' to the point of beginning.

Said parcel containing 2.27 Acres or 99,029 Square Feet.

PARCEL #4 (B-2C)

Beginning at the intersection of the eastern right-of-way of Robins Road, a 50' r/w, and the southern right-of-way of Nanny Road, a 50' r/w, being the point of beginning; thence running along said southern right-of-way N 86°14'00" E, 103.22' to a point; thence along a curve to the right with a chord N 79°53'34" W, 119.89' and a L= 121.07', $\Delta=27^{\circ}44'53''$, R=250.00' to a point; thence leave said southern line S 27°25'00"W, 119.44' to a point; thence N 62°35'00" W, 210.00' to a point; thence N 27°25'00" E, 17.49' to a point; thence along a curve to the right with a chord N 56°49'30" E, 14.73', and a L=15.40', $\Delta=58^{\circ}49'00''$, R=15.00' to the point of beginning.

Said parcel containing .40 Acres or 17,444 Square Feet.

PARCEL #5 (B-2C)

From the point of beginning of parcel 4, go along a curve to the left with a chord S 56°49'30" W, 14.73' and a L=15.40', $\Delta=58^{\circ}49'00''$, R=15.00' to a point; thence S 27°25'00" W, 17.49' to a point, being the point of beginning for parcel 5; thence S 62°35'00" E, 210.00' feet to a point; thence S 27°25'00" W, 369.08' to a point; thence N 02°23'00" W, 422.56' to a point; thence N 27°25'00" E, 2.40' to the point of beginning.

Said parcel containing .90 acres or 39,006 Square Feet.

PARCEL #6 (B-3C)

BEGINNING at the intersection of the western right-of-way of Laburnum Avenue a 100' r/w and the southern right-of-way of Eubank Road a 50' r/w being the Point of Beginning; thence along said southern line N 88°25'30" E, 77.02' to a point; thence leaving said southern line S 01°34'30" E, 655.41' to a point; thence S 86°14'00" W, 92.09' to a point on the eastern line of Laburnum Avenue; thence running along the said eastern line N 01°34'30" W, 643.93' to a point; thence along a curve to the right with a chord N 43°25'30" E, 21.21', and a L=23.56', $\Delta=90^{\circ}00'00''$, R=15.00' to the point of beginning.

Said parcel containing 1.39 acres or 90,424 Square Feet.

The Board of Supervisors accepted the following proffered conditions, dated December 7, 2006, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Buffer along Eastern Boundary Line.** A landscaped buffer a minimum of fifty (50) feet in width shall be provided along the eastern boundary line of the Parcel 2, GPIN: 817-711-0454. Sidewalks, utility easements, fencing/walls adjacent to any roads or drives, and signage shall be permitted within such buffer; provided, any such utility easements shall be extended generally perpendicular through such buffer. Such buffer shall contain a six (6) foot opaque fence consisting of wood, white commercial grade all weather vinyl (PVC) or other material of similar quality as approved by the Director of Planning, and such fence shall be placed on the inside of the buffer.
2. **Best Management Practice.** Best Management Practice structures shall be located outside of the buffer along the eastern boundary line of the Property, except as a landscaping amenity or water-related feature and if requested and specifically permitted at the time of Plan of Development review; provided, however, that such structure shall be prohibited on Laburnum Avenue. Any above-ground Best Management Practice structure shall include an aeration feature to move water within such structure.
3. **Loading Docks.** Loading docks shall be screened from public view at ground level as approved at the time of Plan of Development review by use of a wall or other architectural feature similar to the exterior material as the building on which it is located, landscaping, or such other method as may be approved at the time of Plan of Development review.
4. **Trash receptacles.** Dumpsters and trash receptacles, not including convenience cans, shall be screened from public view at ground level with architectural material similar to the main building using such dumpster or trash receptacle and as otherwise approved at the time of Plan of Development review.
5. **Drainage and Utilities.** All utility lines on the Property shall be underground, except for already existing utilities, junction boxes, meters, utility lines in wetland areas and utility lines required to be above ground by the utility company.
6. **Parking Lot and Exterior Lighting.** Parking lot lighting standards within the Property shall not exceed (a) on the B-2C portion of the Property, twenty (20) feet in height and shall be installed in a manner to avoid shining directly onto adjacent residences, and (b) on the B-3C portion of the Property, twenty-five (25) feet in height, as measured from the grade of the lighting standard, except as otherwise permitted at the time of Plan of Development review. Parking lot lighting on the

Property shall be produced from concealed lighting sources to minimize the impact of such lighting on adjacent properties, unless otherwise permitted at the time of Plan of Development review. Such lighting shall be reduced to no more than a security level following the close of business operations each day.

The exterior lighting on the Property shall be designed with a cohesive plan so that all exterior lighting shall use compatible design elements.

7. **Outdoor Speakers.** No public address, speaker or paging systems outside of any building shall exceed a decibel level of 65 at the boundary line of the Property.
8. **Use Restrictions.** The following uses shall be prohibited on the entire Property:
 - a. flea markets and antique auction, indoors or outdoors;
 - b. laundromats and self-service dry-cleaning establishments;
 - c. gun shop, sales and repairs, except that such gun sales and repairs shall be permitted in a store that sells a variety of sporting goods;
 - d. 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);
 - e. lodge and fraternal organization;
 - f. sign printing and painting shop;
 - g. 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, and bingo halls;
 - h. funeral home, mortuary, crematoria and/or undertaking establishment;
 - i. parking lots, commercial (nothing herein shall preclude parking lots as an accessory use to a principally permitted use);
 - j. adult businesses as defined by the County of Henrico;
 - k. billboards;
 - l. hotels, motels and motor lodges;
 - m. permanent on-site recycling collection facility;
 - n. drive through service within any portion of the Property zoned B-2C;
 - o. truck stops;
 - p. communication tower;
 - q. self-storage facilities;
 - r. off-track betting parlors;
 - s. permanent on-site recycling collection facilities;
 - t. sewer/water pump stations;
 - u. massage establishments;

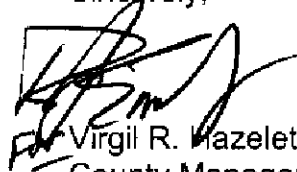
- v. billiard parlor where such use is the principal use of the building, unless otherwise approved by the Planning Commission at the time of the Plan of Development review;
 - w. automobile, truck or recreational vehicle, storage lot for new or used cars and other vehicles, including junk or inoperable vehicles;
 - x. farm supply and service establishment, implement sales, rental and service feed and seed store;
 - y. fortuneteller, palmist, astrologist, numerologist, clairvoyant, craniologists, phrenologists, card reader, spiritual reader or similar activity;
 - z. janitorial service establishment;
 - aa. *Manufactured home sales, display and storage or sales, rental display and storage of travel trailer, travel vans, campers and truck camper tops;*
 - bb. public utility service buildings, including facilities for the service or storage of utility materials or equipment;
 - cc. public dancehalls;
 - dd. rifle or pistol range;
 - ee. school for industrial training, trade or business;
 - ff. sheet metal shop or roofing company; and
 - gg. shell houses or display houses.; and
 - hh. employment service or agency.
9. **Hours.** Hours of operation for any use on the Property shall be as permitted in the B-2 district.
10. **Signage.** All external signs shall be in compliance with a plan for the coordination of signage on the Property, which plan shall be adopted and enforced by an architectural control committee. This sign plan will be submitted as part of the first Plan of Development on the Property. All such freestanding signs shall be ground mounted, monolithic-type signs, shall not exceed ten (10) feet in height as measured from the grade of the base of the sign and shall be externally lit employing ground-mounted floodlight or spotlight-type fixtures directed toward such signs and away from public rights-of-way.
11. **Exterior Elevations.** All buildings on the Property shall have exposed exterior walls (above finished grade and exclusive of architectural features, windows and doors) constructed of masonry brick, stone, and/or glass in varying amounts of these exterior materials, unless different architectural treatment and/or materials are requested and specifically permitted by the Planning Commission at the time of Plan of Development review. Wood or composite siding, natural or cultured stone, marble, pre-cast or cast-in-place architectural concrete, exposed aggregate concrete, exterior insulating finish systems, and/or glass, or an equivalent, permanent, architecturally finished material may be utilized as accent materials on such buildings.

No building on the Property shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other materials unless requested and specifically permitted at the time of Plan of Development review.

12. **Protective Covenants.** Prior to or concurrent with the conveyance of any part of the Property covered by a Plan of Development approved by Henrico County, Virginia (other than for the conveyance of easements, roads or utilities), the owner of the portion of the Property covered by such Plan of Development, or its successors and assigns, shall record a document in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth covenants that shall provide for high standards of uniform maintenance (consistent with commercial "Class A" projects) of individual sites, common areas, open space, landscaping and private streets, and cross access for pedestrian and vehicular traffic within the Property.
13. **HVAC Screening.** Any heating, ventilation and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property.
14. **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. Mazelett, P.E.
County Manager

pc: Julia F. Robins Family Limited
Andrew M. Condlin, Esquire
Director, Real Estate Assessment
Conditional Zoning Index