



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

May 20, 2008

JSN Development, LLC
C/O Nathan Jones
CB Richard Ellis
7501 Boulders View Drive, Suite 600
Richmond, VA 23225

Re: Conditional Rezoning Case C-63C-07

Dear Mr. Jones:

The Board of Supervisors at its meeting on May 13, 2008, granted your request to conditionally rezone from A-1 Agricultural District to B-2C Business District (Conditional), Part of Parcel 816-687-5307, containing 2.903 acres, described as follows:

Beginning at a point at the intersection with the eastern line of Strath Road (50' R/W) and the southern line of New Market Road (State Route 5)(70' R/W); thence N 54°40' 40" E a distance of 61.41 feet to a point; thence S 64°55'43" E a distance of 63.68 feet to a point; thence N 25°39'00" E a distance of 5.00 feet to a point; thence S 64°15'42" E a distance of 356.52 feet to a point; thence along a curve to the right having a radius of 5765.00 feet and an arc length of 63.28 feet to a point; thence S 25°39'00" W a distance of 122.48 feet to a point; thence S 89°55'38" W a distance of 263.98 feet to a point; thence S 07°32'06" W a distance of 173.72 feet to a point; thence S 85°36'28" W a distance of 113.41 feet to a point; thence N 04°22'54" W a distance of 462.17 feet to a point, marking the point and place of beginning.

The Board of Supervisors accepted the following proffered conditions, dated April 25, 2008, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Conceptual Plan.** The development of the property shall be in substantial accordance with the conceptual plans prepared by Bohler Engineering (a) entitled "DETAILED COMMITTEE PLAN FOR RITE AID, NEW MARKET ROAD (U.S. RTE. 5) & STRATH ROAD, HENRICO COUNTY, VIRGINIA, VA," dated 7/10/07, last revised April 4, 2008 and attached hereto as Exhibit A (2 sheets) (see case file) and (b) entitled "RITE AID", dated April 2, 2008 and attached

hereto as Exhibit A-1 (3 sheets) (see case file). The development will consist of a retail building fronting on New Market Road (the "Retail Building") and an office building fronting on Strath Road (the "Office Building") as shown on Exhibit A (see case file).

2. **Building Materials and Exterior Elevations.**

- (a) The Retail Building 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 approved at the time of Plan of Development review. Wood or composite siding, natural or cultured stone, marble, and/or glass, or an equivalent, permanent, architecturally finished material may be utilized as accent materials on the Retail Building. The exterior elevations of the Retail Building shall be in substantial accordance with the elevations prepared by Farrell McGlynn Architects entitled "PROPOSED ELEVATIONS, RITE AID PHARMACY #4080 INTERSECTION OF STRATH ROAD AND NEW MARKET ROAD, VARINA, VIRGINIA" dated 05/29/07, last revised 4/2/08, and attached hereto as Exhibit B (see case file).
- (b) The exposed portions of the exterior walls of the Office Building (above finished grade and exclusive of architectural features, windows and doors), shall be of a cape-cod style design as approved by the Planning Commission at the time of Plan of Development review and shall have compatible architectural design (incorporating compatible design elements, and architectural styles) with the existing building located on tax map parcel 816-687-1427, and shall be constructed primarily of one or more of the following materials: masonry, fiber cement siding, brick, stone, and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development (POD) review. The foundation of the Office Building shall be constructed primarily of brick and/or stone. The rear of the Office Building shall not have dormers.

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.

3. **Permitted Uses.**

(i) The only uses permitted in the area labeled "Retail Area" on the plat prepared by Timmons Group, dated April 4, 2008, entitled "Plat Showing the Proposed Division of 3.820 Acres of Land Located on the East Side of Strath Road and the South Side of State Route 5, Varina District, Henrico County, Virginia" attached hereto as Exhibit C (the "Plat") (see case file) shall be those principal uses permitted as set forth in Section 24-54.1 of the Code of Henrico County, Virginia and accessory uses permitted as set forth in Section 24-56.1, provided that the development standards and floor area requirements for retail shall be regulated by the B-2 Business District requirements and the Retail Building shall be permitted to have a drive-thru service window provided such drive-thru service window is accessory to a pharmaceutical retail store. Further, the following uses otherwise permitted in the B-1 Business District shall be prohibited on the Property:

- a. Payday loan/check cashing establishments;
- b. Funeral home, mortuary and/or undertaking establishment;
- c. Private club, lodge, meeting hall and fraternal organization;
- d. Laundromats and self-service dry-cleaning establishments;
- e. Parking lots, commercial;
- f. Water or sewerage pumping station;
- g. Hospital or clinic for small animals, dogs, cats, birds and the like;
- h. Outside display or storage, including newspaper boxes, unless any such display is placed along the front of the building;
- i. Employment service or agency;
- j. Communication tower;
- k. Massage establishments;
- l. Billboards; and
- m. Vending machines located outside a building.

(ii) The only uses permitted in the area labeled "Office Area" on the Plat shall be those principal uses permitted in the O-1 Office District. Further, vending machines located outside the building shall be prohibited.

4. **Hours.** Hours of operation for any use on the Property shall be limited to 6:00 a.m. to 10:00 p.m. The hours of operation for delivery purposes shall be limited to 8:00 a.m. to 8:00 p.m.

5. **Underground Utilities.** All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise. Junction boxes, meters, pedestals and transformers shall be screened with opaque vegetation or screening materials.

6. **Lighting.** All lighting shall be produced from concealed sources of light and

directed away from adjacent residential uses and surrounding public rights-of-way. The maximum height of light poles surrounding the Retail Building shall be 18 feet or less. The maximum height of light poles for the parking area serving the Office Building shall be 16 feet. Lighting levels shall be limited to ½ foot candle at the property line to adjacent residential properties. The parking lot lighting shall be reduced to security level at the close of business each day. Any other external lighting serving the Office Building shall be attached to the Office Building.

7. **Buffers and Fencing.** A six (6) foot brick wall shall be constructed along that portion of the property line identified on Exhibit A (see case file) as "PROP. 6' SCREEN/RETAINING WALL" in which area there shall also be a thirteen (13) foot transitional buffer. A twenty-five (25) foot transitional buffer shall be required along all other portions of the property line that are adjacent to residential property.
8. **Dumpsters.** All dumpsters shall be enclosed and screened from public view at ground level with architectural material similar to the main building using the dumpster or as otherwise approved at the time of Plan of Development review. Any gate shall be a black color. Landscaping surrounding any such dumpster shall be provided as generally shown on Exhibit A-1 (see case file) and as approved at the time of Plan of Development review.
9. **HVAC Equipment.** Heating, air conditioning and other mechanical equipment shall be screened from public view at ground level at the Property lines with architectural material similar to the main building using such equipment, or as otherwise approved at the time of Plan of Development review.
10. **Hours of Construction.** During the construction of the development on the Property the hours of exterior construction shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Exceptions shall require the Director of Planning's approval. Construction signs shall be posted in English and in Spanish and shall state the hours of construction.
11. **Trash Pick-Up.** Trash pick-up, the emptying of dumpsters and lot maintenance shall be limited to the hours of 9:00 a.m. to 6:00 p.m.
12. **Detached Signage.** Any detached signs shall be monolithic style signs, the base of which shall be landscaped, and shall be limited in height to eight feet. Changeable message signs, portable or mobile signs, and inflatable or other attention getting devices shall be prohibited.

13. **Outdoor Speakers.** Outdoor speakers shall be permitted only with respect to the drive-thru for the Retail Building and shall be limited in volume to the minimum extent needed to effectively communicate with the vehicle using such drive-thru. Any outdoor speaker shall be placed no higher than forty inches (40") from the ground level.
14. **Sidewalks.** Subject to approval by the Department of Public Works and the Virginia Department of Transportation at the time of Plan of Development review, a sidewalk shall be constructed on the Retail Area in compliance with the County of Henrico's standards and specifications for sidewalks within the right-of-way of New Market Road and Strath Road as shown on Exhibit A-1 (see case file).
15. **Storm Water Facilities.** Any storm water management structure (BMP) shall be located on the Property and shall be placed underground.
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.

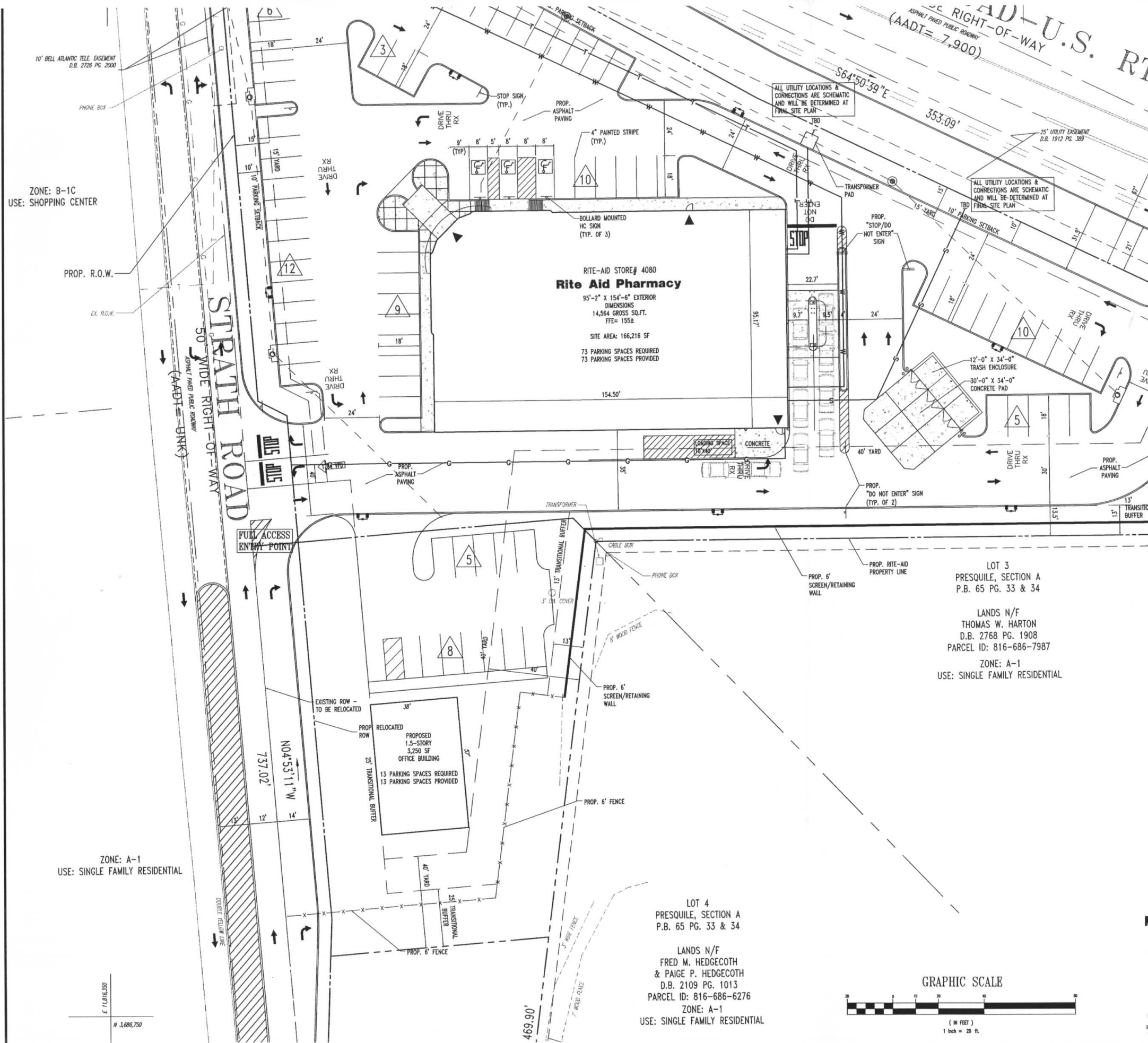
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



Virgil R. Hazelett, P.E.
County Manager

pc: Joyce H. Smith
Courtney C. Smith, III
Andrew M. Condlin, Esq.
Director, Real Estate Assessment
Conditional Zoning Index



ZONING TABLE				
ZONING	B-2 (PROPOSED)			
SITE AREA	139,700 S.F. (3.21 AC)			
PARKING AREA	14,564 S.F. (0.33 AC)			
BUILDING AREA	14,564 S.F. (0.33 AC)			
ITEM	DESIGN ELEMENT	HENRICO COUNTY	RITE AID STANDARD	PROVIDED
1	MINIMUM LOT AREA	N/A	61,776 SF	139,700 SF
2	MINIMUM LOT WIDTH	N/A	N/A	515.4 ±
3	MINIMUM LOT DEPTH	N/A	N/A	261.6 ±
4	MINIMUM FRONT YARD (STRATH RD.)	15'	77'	15'
5	MINIMUM SIDE YARD (NEWMARKET RD.)	15'	77'	15'
6	MINIMUM SIDE YARD (SOUTH)	40'	30'	40'
7	MINIMUM REAR YARD (EAST)	40'	46'	40'
8	MAXIMUM BUILDING HEIGHT	45'	25'-8 1/8"	25'-8 1/8"
9	MAXIMUM BUILDING COVERAGE (F.A.R.)	N/A	0.24	0.10
10	FRONT LANDSCAPE BUFFER (STRATH RD.)	10'/25'	10'/25'	10'/25'
11	FRONT LANDSCAPE BUFFER (NEWMARKET RD.)	10'	N/A	10'
12	SIDE LANDSCAPE BUFFER (SOUTH)	13'	N/A	13'
13	REAR LANDSCAPE BUFFER (EAST)	25'	N/A	25'
14	SANITARY SEWAGE	PUBLIC	N/A	PUBLIC
15	WATER SUPPLY	PUBLIC	N/A	PUBLIC
16	MAXIMUM IMPERVIOUS SURFACE (OPEN SPACE)	95%	N/A	95%

SIGN INFORMATION				
ITEM	DESIGN ELEMENT	HENRICO COUNTY	RITE AID STANDARD	PROVIDED
1	MAXIMUM PYLON SIGN HEIGHT	30'	20'-4"	N/A
2	MAX. NUMBER OF FREE STANDING SIGNS	2	2	1
3	MAXIMUM PYLON SIGN AREA	150 SF	87 SF PER SIDE	N/A
4	MAXIMUM MONUMENT SIGN HEIGHT	30'	N/A	30'
5	MAXIMUM MONUMENT SIGN AREA	150 SF	100 SF ±	100 SF ±
6	MINIMUM FRONT SETBACK	N/A	10'	10'
7	MINIMUM SIDE SETBACK	N/A	5'	5'
8	MAXIMUM WALL SIGN AREA	465 SF	171 SF	171 SF
9	MAXIMUM NUMBER OF WALL SIGNS	N/A	4	4
10	MAXIMUM INSTRUCTIONAL SIGN AREA	6 SF	8 SF	8 SF

PARKING INFORMATION				
ITEM	DESIGN ELEMENT	HENRICO COUNTY	RITE AID STANDARD	PROVIDED
1	PARKING COUNT	73 SPACES (1 SPACE/200 GSF)	73 SPACES (1/200 SF = 73) 14,564/200=72.8	73 SPACES
2	PARKING LOT LANDSCAPING	5%	N/A	3,706 SF
3	MIN. PARKING DIMENSIONS	9' X 18'	9' X 18'	9' X 18'
4	MINIMUM AISLE WIDTH	22'	24'	24'
5	MINIMUM FRONT SETBACK (STRATH RD.)	25'/10'	N/A	25'/10'
6	MINIMUM FRONT SETBACK (NEW MARKET RD.)	10'	N/A	10'
7	MINIMUM SIDE SETBACK (SOUTH)	25'	N/A	25'
7	MINIMUM REAR SETBACK (EAST)	25'	N/A	25'

PLAN APPROVAL

MARY SAMMONS
CHAIRMAN, PRESIDENT & CEO

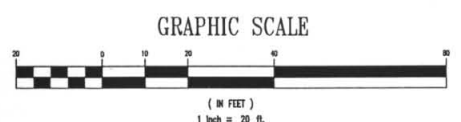
JAMES P. MASTRIAN
COO

PIERRE LEGAULT
CAD

C-63C-07

EXHIBIT A

Sheet 1



BOHLER ENGINEERING

STERLING, VA
BUNN, MD
ALBANY, NY
BONNICK, KY
CHARTER, VA
CHARTER, VA

REVISIONS

REV.	DATE	COMMENT	BY
1	08/09/07	REV. PER CLIENT COMMENTS	MMW
2	08/21/07	REV. PER CLIENT COMMENTS	MMW
3	09/20/07	REV. PER CLIENT COMMENTS	MMW
4	10/03/07	REV. PER CLIENT COMMENTS	CME
5	11/28/07	REV. PER CLIENT COMMENTS	BVC
6	04/04/08	REV. PER CLIENT COMMENTS	BVC

NOT APPROVED FOR CONSTRUCTION

PROJECT No.: S071806

DRAWN BY: SMA

CHECKED BY: BR

DATE: 07/10/07

SCALE: AS NOTED

CAD I.D.: CB4

DETAILED COMMITTEE PLAN

FOR

RITE AID

NEWMARKET ROAD (U.S. RTE. 5) & STRATH ROAD
HENRICO COUNTY
VARINA, VA

BOHLER ENGINEERING

22630 DAVIS DRIVE
STERLING, VIRGINIA 20164
PH: (703) 709-9500
FX: (703) 709-9501
www.bohlerengineering.com

A.J. VOLANTH

PROFESSIONAL ENGINEER
VIRGINIA LICENSE NO. 21542
DISTRICT OF COLUMBIA LICENSE NO. 14728
GEORGIA LICENSE NO. 25421
NORTH CAROLINA LICENSE NO. 22421
SOUTH CAROLINA LICENSE NO. 22421
TENNESSEE LICENSE NO. 22421

SHEET TITLE: COMMITTEE PLAN

SHEET NUMBER: 1 OF 2

Exhibit A



Newmarket Road (U.S. Route 5)
& Strath Road
Henrico County
Varina, VA



Newmarket Road (U.S. Route 5)
& Strath Road
Henrico County
Varina, VA



BOHLER
ENGINEERING

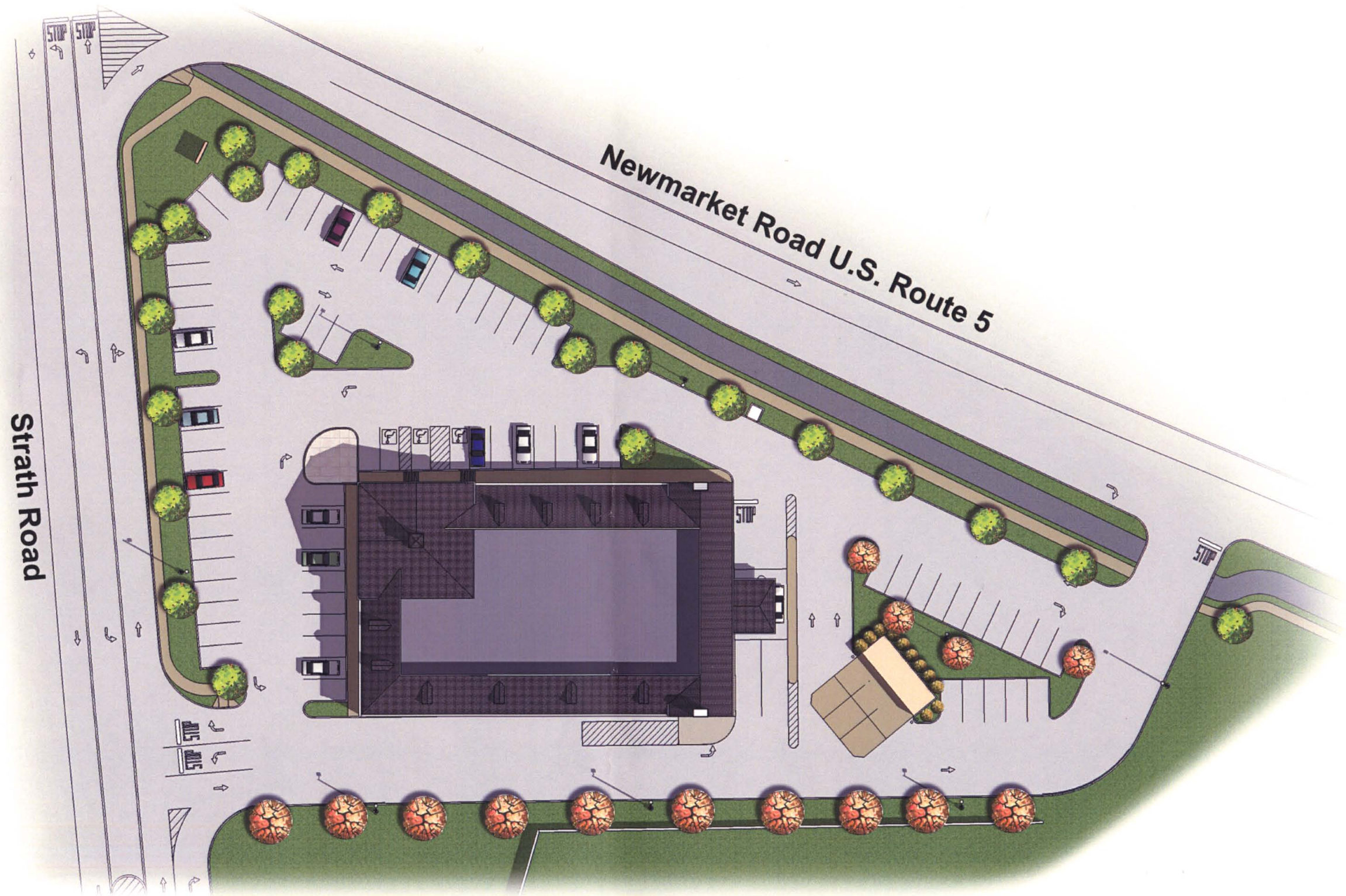
EXHIBIT A-1
Page 2

Exhibit A-1
April 2, 2008
Sheet 2 of 3



042508

C-63C-07

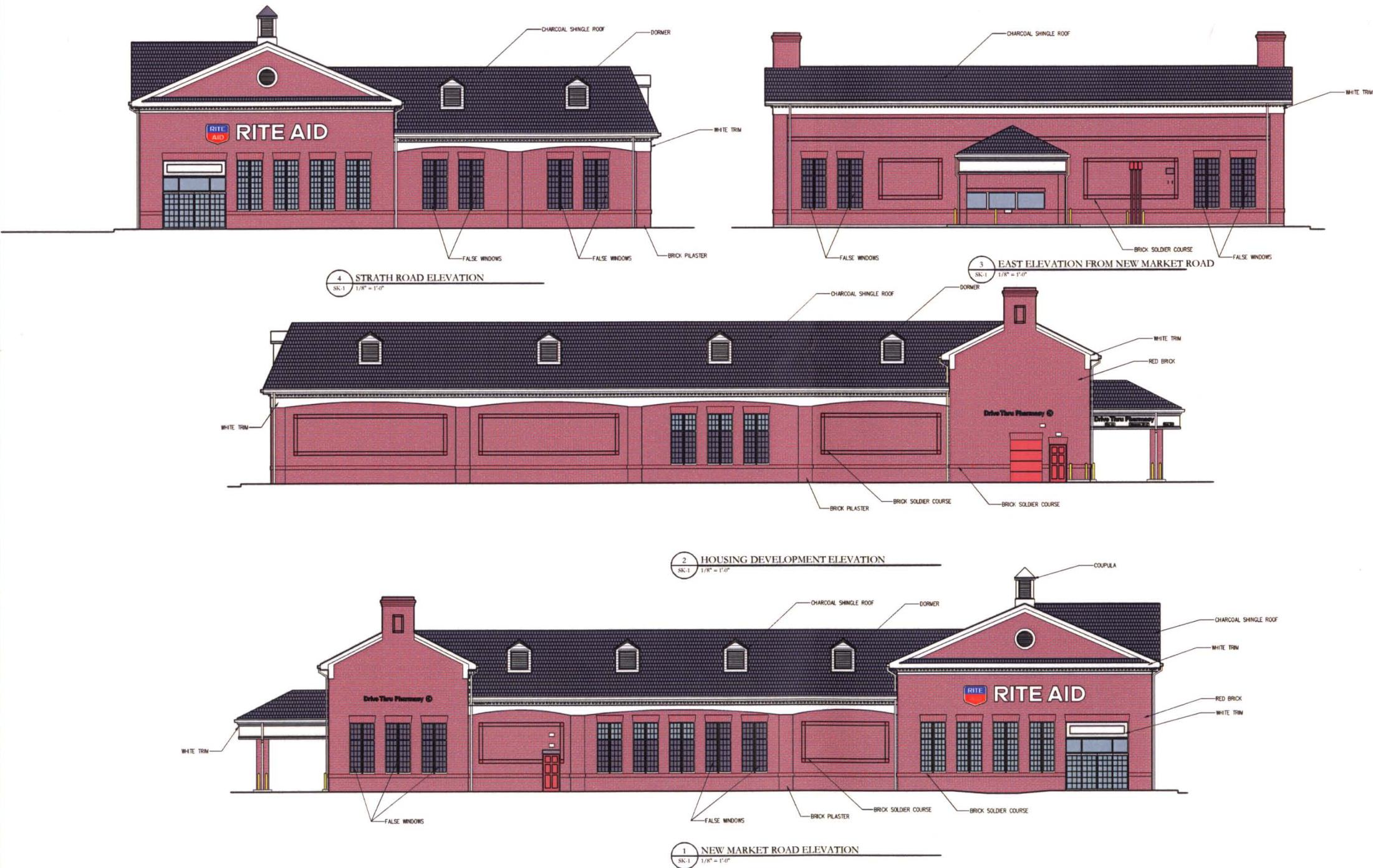


**Newmarket Road (U.S. Route 5)
& Strath Road
Henrico County
Varina, VA**

NOTES

THE LAND OWNER PROPOSES TO PROFFER THESE ELEVATIONS AND THE FOLLOWING CONDITIONS:

- THE BUILDING BRICK AND MORTAR ARE TO MATCH THE EXISTING CONVENIENCE STORE (TAX MAP PARCEL #822-683-5960) BRICK AND MORTAR. JOINTS TO BE RAKED.
- THE SHINGLES WILL BE CHARCOAL COLORED ARCHITECTURAL ASPHALT SHINGLES.
- THERE WILL BE A 6' HIGH BRICK SCREEN LOCATED BETWEEN THE BUILDING AND THE RESIDENTIAL AREA.
- THE SIDEWALKS AROUND THE BUILDING WILL BE EXPOSED AGGREGATE.
- THE SITE SIGN WILL BE A MONUMENT SIGN.



PROPOSED ELEVATIONS

RITE AID PHARMACY #4080
INTERSECTION OF STRATH ROAD AND NEW MARKET ROAD
VARINA, VIRGINIA

REV #/DATE/SUBMISSION

1	06.29.07	COMMUNITY COMMENTS
2	08.04.07	COMMUNITY COMMENTS
3	08.14.07	COMMUNITY COMMENTS
4	08.28.07	COMMUNITY COMMENTS
5	09.05.07	COMMUNITY COMMENTS
6	11.18.07	NOTES
7	11.27.07	REVISED NOTES
8	04.08.08	ADD DORMER

DATE: 05.29.07
SCALE: 1/8" = 1'-0"
DRAWN: DWM
CHKD: DWM
PROJECT: 070407
SHEET 1 OF 1
FILE: 4080 COLOR

EXHIBIT B
C-63C-07

042508

SK-1
Exhibit B