

**R-5AC to M-2C
25.251 Ac.**

C-37C-08
Zoning
 Office & Industrial Equipment Storage
 Varina District

400 Feet

PS October 2008 Ref: 806-710-8061



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

February 17, 2009

Virgil R. Hazelett, P.E.
County Manager

Metromont Corporation
Attn: Mr. Jimmy Knight
P.O. Box 2486
Greenville, SC 29602

Re: Conditional Rezoning Case C-37C-08

Dear Mr. Knight:

The Board of Supervisors at its meeting on February 10, 2009, granted your request to conditionally rezone from R-5AC General Residence District (Conditional) to M-2C General Industrial District (Conditional), Parcels 806-710-8061, 806-711-6674 and 807-711-0058, described as follows:

Commencing at the Point of Beginning; thence North 05°06'59" East 156.96 feet; thence South 85°46'44" East 576.52 feet; thence North 06°35'40" East 769.97 feet; thence North 06°45'01" East 19.74 feet; thence North 84°14'57" West 33.07 feet; thence North 05°14'48" East 710.10 feet; thence North 72°12'15" East 145.66 feet; thence North 87°27'15" East 96.45 feet; thence South 09°05'32" West 72.98 feet; thence South 08°59'44" West 295.98 feet; thence South 83°37'27" East 514.44 feet; thence South 09°03'33" West 370.58 feet; thence North 89°15'16" West 230.75 feet; thence South 03°04'50" West 868.82 feet; thence South 42°26'07" West 226.82 feet; thence South 53°15'15" West 372.99 feet; thence South 59°47'29" West 149.46 feet to the beginning of a curve concave to the southwest having a radius of 1176.00 feet and a central angle of 0°52'41" and being subtended by a chord which bears North 45°58'42" West 18.02 feet; thence northwesterly along said curve 18.02 feet; thence North 46°25'09" West 649.37 feet to the Point of Beginning, containing 25.251 acres, more or less.

The Board of Supervisors accepted the following proffered conditions, dated January 26, 2009, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Prohibited Uses.** The following uses shall be prohibited:
 - a. asbestos processing;
 - b. coal yard;
 - c. crematory;
 - d. meat or fish products manufacturing;
 - e. poultry slaughtering and packing;
 - f. perfume manufacturing;
 - g. racetracks, for the racing of animals;
 - h. billiard, bagatelle, video game or a bingo parlor;

- i. flea markets or antique auctions;
- j. billboards;
- k. funeral homes, mortuaries, crematories and/or undertaking establishments;
- l. dance halls;
- m. gun shop, sales and repair;
- n. *parking garages or commercial parking lots*;
- o. sign painting shops;
- p. communication towers;
- q. general hospitals, sanitoriums and charitable institutions for human care;
- r. adult business as defined in the Henrico County Zoning Ordinance;
- s. 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);
- t. *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*;
- u. off-track betting parlor;
- v. private club, lodge, meeting hall or fraternal organization;
- w. automotive service station;
- x. automotive storage, towing business or washing facility;
- y. drapery making and furniture upholstery shop;
- z. radio and television station and studios or recording studio;
- aa. self-storage facility;
- bb. sewer/water pump station;
- cc. 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*;
- dd. *Laundromats and self-service dry cleaning establishments*;
- ee. *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*;
- ff. *Outdoor professional installation of retail goods, such as the professional installation of car stereos*;
- gg. *Automobile and boat sales*;
- hh. *Child care centers*;
- ii. *Hotels*;
- jj. *Rifle or pistol ranges; and*
- kk. *Fortunetellers.*

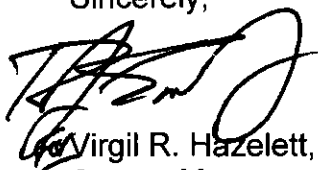
In addition, no uses shall be permitted on the two northern parcels (which are identified as Parcel II and Parcel III on the Zoning Map by EDA dated September 18, 2008) (see case file) within three-hundred feet (300') of any residentially-zoned property.

2. **Buffer Areas.** Landscaped or natural buffer areas shall be provided and maintained around the perimeter of the Property, except to the extent necessary for entrance drives, utility easements, drainage easements or other purposes required or permitted by the Planning Commission or the Director of Public Works. A buffer and planting strip easement a minimum of fifteen (15) feet in width shall be provided from the ultimate right-of-way line of Darbytown Road, which shall be planted to a Transitional Buffer 10 standard, unless otherwise requested and approved at the time of landscape plan review. Buffers of a minimum of one-hundred feet (100') in width shall be maintained along the western and northern boundaries of the Property which abut residentially-zoned property, except to the extent necessary for entrance drives, utility easements, drainage easements or other purposes required or permitted by the Planning Commission or the Director of Public Works, unless otherwise approved at the time of landscape plan review.
3. **Lighting.** The fixtures of lighting for parking lots or security shall not exceed thirty-five (35) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested and approved at the time of Plan of Development. Lighting shall be designed to minimize glare and impact on Darbytown Road and adjacent residential properties.
4. **HVAC.** Heating and air conditioning equipment shall be screened from public view from ground level at Darbytown Road in a manner approved at the time of Plan of Development. Wall mounted heating and air conditioning units servicing the interior of structures on the Property shall complement the architecture in a manner approved at the time of Plan of Development.
5. **Fencing.** No barbed wire shall be used on any fences or building.
6. **Paved Areas.** Permanent driveways and public parking lots shall be paved.
7. **Outside Speakers.** No outside speakers that can be heard from adjacent residential properties, except for lightning warning devices, shall be permitted on the Property.
8. **Signage.** Any freestanding sign on the Property shall be a ground-mounted, monumental-type sign that shall not exceed ten (10) feet in height above-grade.
9. **Limited Ingress and Egress.** Non-residential vehicles may not enter and/or exit the Property through residential neighborhoods that exist to the north and west of the Property.

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.
11. **Permanent Structures and Parking Lot.** The temporary modular units permitted by temporary use permit UP-023-08 shall be placed on permanent foundations with brick exteriors on or before the expiration of UP-023-08. The parking area permitted by temporary use permit UP-023-08 shall be paved on or before the expiration of UP-023-08.
12. **Plan of Development.** A plan of development for the office structures, parking facility, and other possible improvements shall be filed with the Planning Department no later than twelve months from the date of the approval of this zoning case, C-37C-08.
13. **Exterior Building Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of any commercial retail or office building on the Property, excluding those structures that are the subject of the temporary use permit UP-023-08 and that will be made permanent in accordance with these proffers, or any other structures used for industrial purposes, shall have exposed exterior walls (above finished grade) of brick, stone, split face block, E.I.F.S., or a material of similar quality (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.
14. **Hours of Operation for Retail.** Hours of operations of any commercial retail businesses on the Property shall be limited to the hours between 6:00 a.m. and 12:00 a.m.

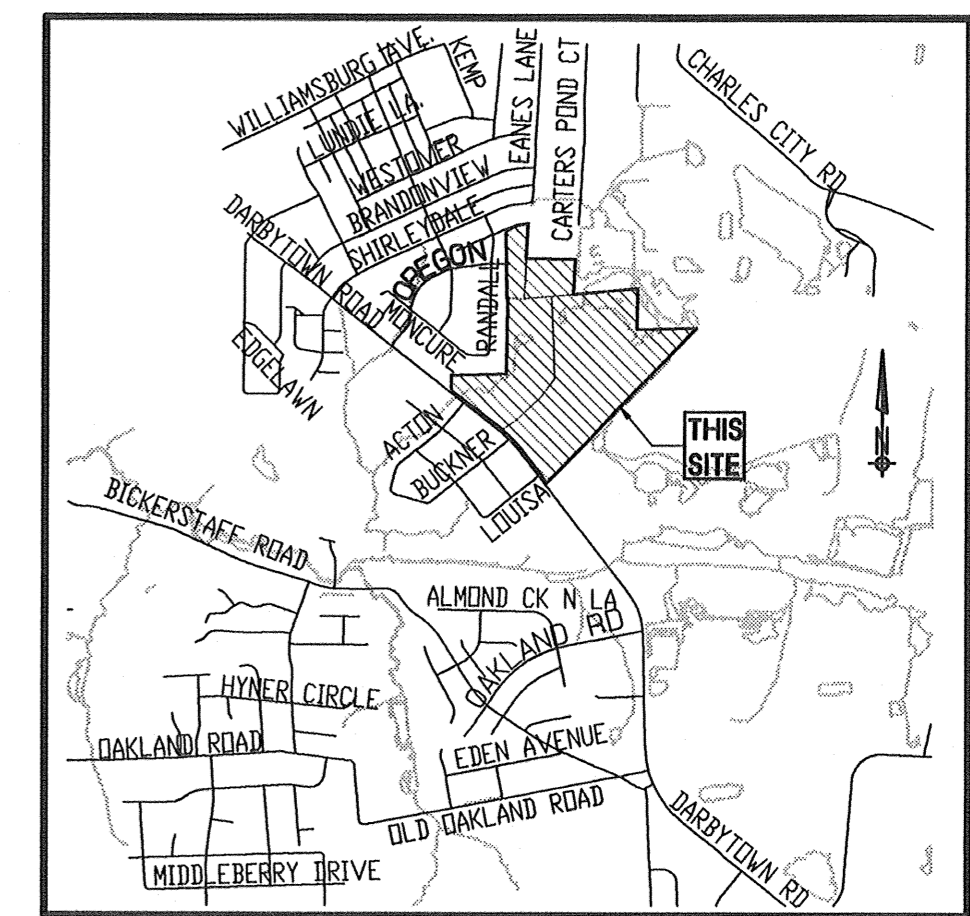
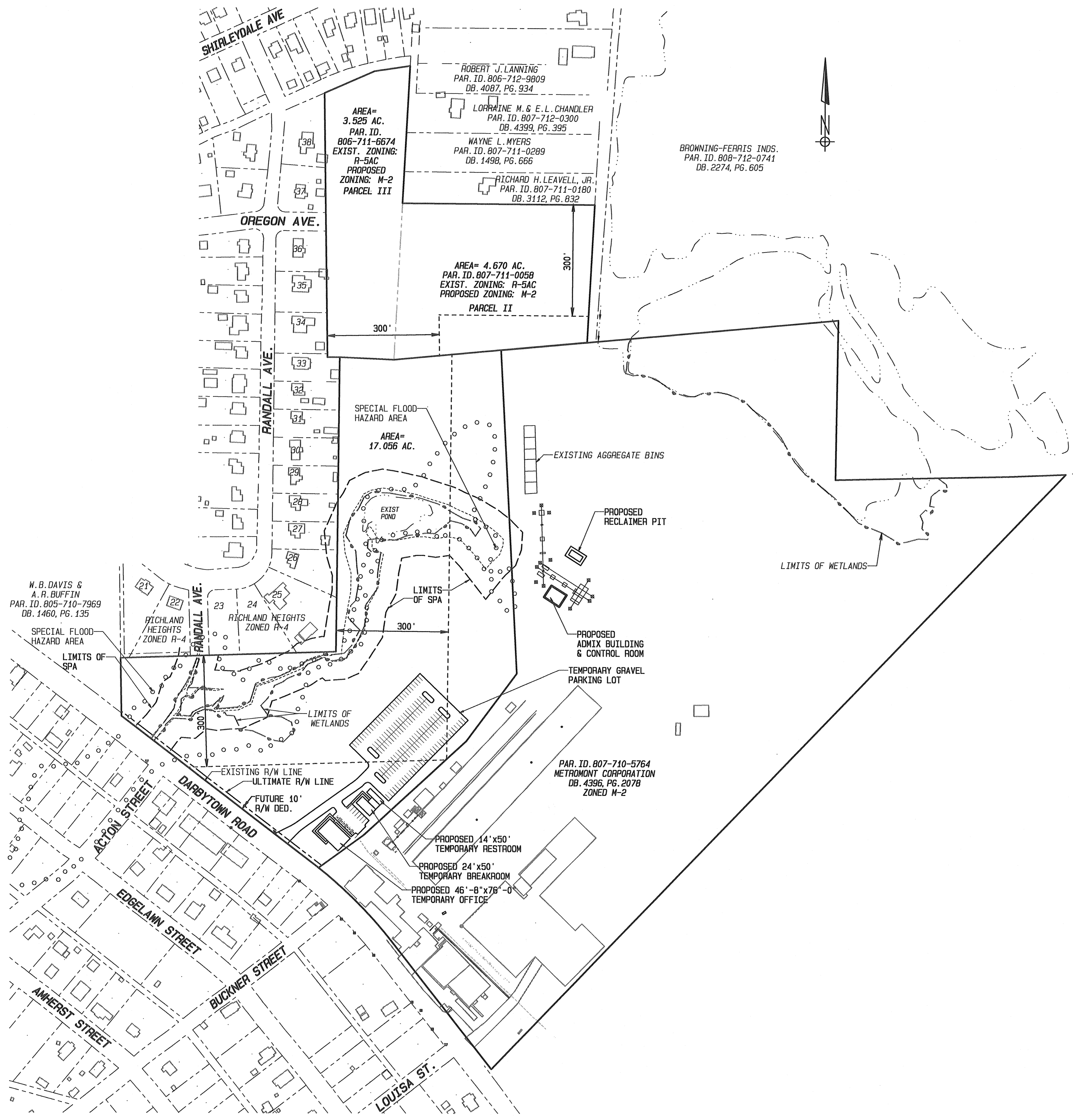
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



Virgil R. Hazelett, P.E.
County Manager

pc: Caroline L. Peters, Esquire
Director, Real Estate Assessment
Conditional Zoning Index



VICINITY MAP
SCALE: 1"=2000'

SITE DATA

SITE ADDRESS: 1650 DARBYTOWN ROAD RICHMOND, VA 23231
 GPIN NO.: 807-710-5764, 806-710-8061, 807-711-0058 AND 806-711-6674
 EXISTING ZONING: M-2 AND R-5AC
 PROPOSED ZONING: M-2 AND M-2C
 WATER: COUNTY SYSTEM
 SEWER: COUNTY SYSTEM
 PROPERTY ACREAGE: 64.967 ACRES
 OWNER:
 METROMONT CORPORATION
 PO BOX 2486
 2802 WHITE HORSE ROAD
 GREENVILLE, SC 29602
 PHONE: 864.295.5375
 FAX: 864.269.8183

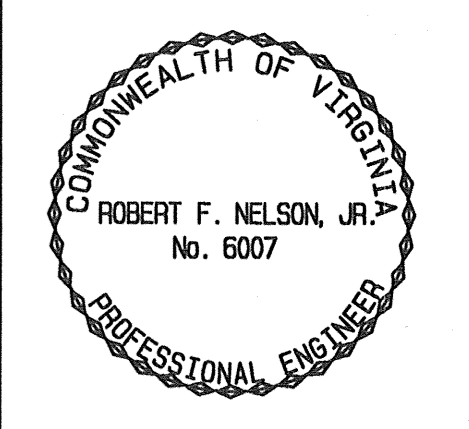
CONTACT:
 JIMMY KNIGHT
 VICE PRESIDENT/GENERAL MANAGER
 PH: 864-295-5332
 FAX: 864-269-1125
 E-MAIL ADDRESS: JKKNIGHT@METROMONTUSA.COM

ENGINEER
 ROBERT F NELSON JR.
 ENGINEERING DESIGN ASSOC.
 5625 SOUTH LABURNUM AVE
 RICHMOND, VA 23231
 (804) 236-0190
 (804) 236-0194 fax
 RFN3LSBEDAENGR.COM

EDA
ENGINEERING DESIGN ASSOCIATES
 ARCHITECTS • ENGINEERS • CONSTRUCTION MANAGERS
 SURVEYORS • ENVIRONMENTAL SCIENTISTS

5625 S. LABURNUM AVENUE
 RICHMOND, VIRGINIA 23231
 PHONE: 804-236-0190
 FAX: 804-236-0194

PO BOX 616
 WICOMICO CHURCH,
 VIRGINIA 22579
 PHONE: 804-580-2227
 FAX: 804-580-3334



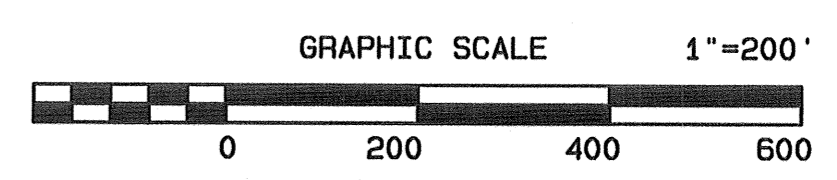
REVISION NO.	DATE	DESCRIPTION

METROMONT CORPORATION
CONSTRUCTION AND UTILITY PLAN
 VARINA DISTRICT, HENRICO COUNTY, VIRGINIA

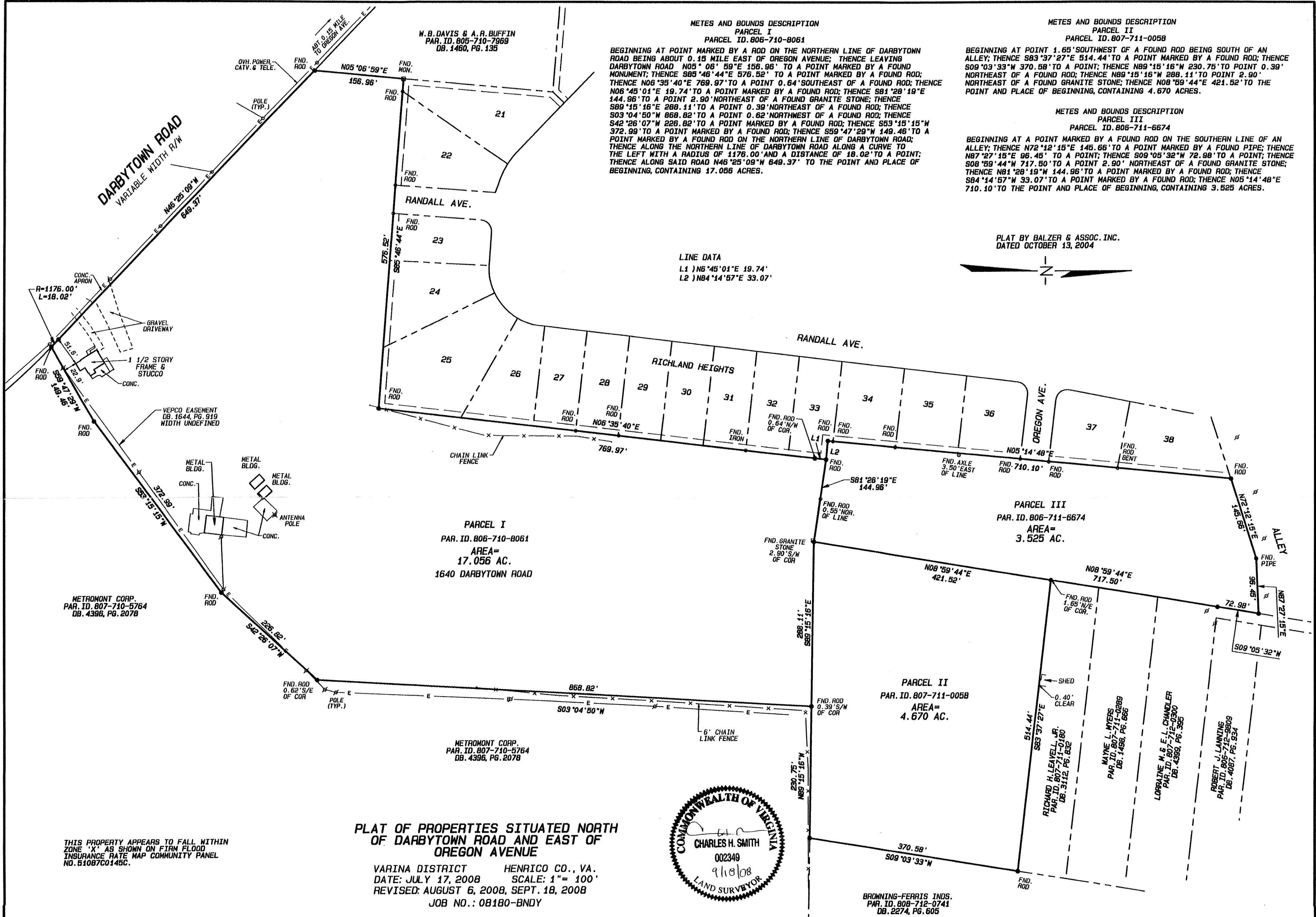
ZONING MAP

DRAWN BY: CIA DESIGNED BY: BRR CHECKED BY: RFN
 SCALE: 1" = 200' DATE: JANUARY 13, 2009 PROJECT NO: 07354

C-37C-08



DRAWING NO:
1 OF **1**



METES AND BOUNDS DESCRIPTION
PARCEL I
PARCEL ID. 806-710-8061

BEGINNING AT POINT MARKED BY A ROD ON THE NORTHERN LINE OF DARBYTOWN ROAD BEING ABOUT 0.15 MILE EAST OF OREGON AVENUE; THENCE LEAVING DARBYTOWN ROAD N05°06'59"E 156.96' TO A POINT MARKED BY A FOUND MONUMENT; THENCE S85°46'44"E 576.52' TO A POINT MARKED BY A FOUND ROD; THENCE N06°35'40"E 769.97' TO A POINT 0.64' SOUTHEAST OF A FOUND ROD; THENCE N06°45'01"E 19.74' TO A POINT MARKED BY A FOUND ROD; THENCE S81°28'19"E 144.96' TO A POINT 2.90' NORTHEAST OF A FOUND GRANITE STONE; THENCE S89°15'16"E 288.11' TO A POINT 0.39' NORTHEAST OF A FOUND ROD; THENCE S03°04'50"W 868.82' TO A POINT 0.62' NORTHWEST OF A FOUND ROD; THENCE S42°26'07"W 226.82' TO A POINT MARKED BY A FOUND ROD; THENCE S53°15'15"W 372.99' TO A POINT MARKED BY A FOUND ROD; THENCE S59°47'29"W 149.46' TO A POINT MARKED BY A FOUND ROD ON THE NORTHERN LINE OF DARBYTOWN ROAD; THENCE ALONG THE NORTHERN LINE OF DARBYTOWN ROAD ALONG A CURVE TO THE LEFT WITH A RADIUS OF 1176.00' AND A DISTANCE OF 18.02' TO A POINT; THENCE ALONG SAID ROAD N46°25'09"W 649.37' TO THE POINT AND PLACE OF BEGINNING, CONTAINING 17.056 ACRES.

METES AND BOUNDS DESCRIPTION
PARCEL II
PARCEL ID. 807-711-0058

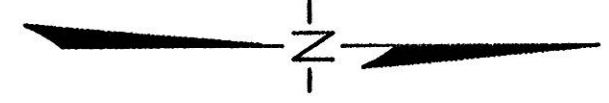
BEGINNING AT POINT 1.65' SOUTHWEST OF A FOUND ROD BEING SOUTH OF AN ALLEY; THENCE S83°37'27"E 514.44' TO A POINT MARKED BY A FOUND ROD; THENCE S09°03'33"W 370.58' TO A POINT; THENCE N89°15'16"W 230.75' TO POINT 0.39' NORTHEAST OF A FOUND ROD; THENCE N89°15'16"W 288.11' TO POINT 2.90' NORTHEAST OF A FOUND GRANITE STONE; THENCE N08°59'44"E 421.52' TO THE POINT AND PLACE OF BEGINNING, CONTAINING 4.670 ACRES.

METES AND BOUNDS DESCRIPTION
PARCEL III
PARCEL ID. 806-711-6674

BEGINNING AT A POINT MARKED BY A FOUND ROD ON THE SOUTHERN LINE OF AN ALLEY; THENCE N72°12'15"E 145.66' TO A POINT MARKED BY A FOUND PIPE; THENCE N87°27'15"E 96.45' TO A POINT; THENCE S09°05'32"W 72.98' TO A POINT; THENCE S08°59'44"W 717.50' TO A POINT 2.90' NORTHEAST OF A FOUND GRANITE STONE; THENCE N81°28'19"W 144.96' TO A POINT MARKED BY A FOUND ROD; THENCE S84°14'57"W 33.07' TO A POINT MARKED BY A FOUND ROD; THENCE N05°14'48"E 710.10' TO THE POINT AND PLACE OF BEGINNING, CONTAINING 3.525 ACRES.

LINE DATA
 L1) N6°45'01"E 19.74'
 L2) N84°14'57"E 33.07'

PLAT BY BALZER & ASSOC. INC.
 DATED OCTOBER 13, 2004



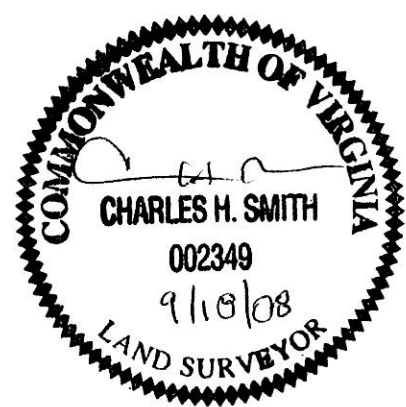
PARCEL I
PAR. ID. 806-710-8061
AREA=
17.056 AC.
1640 DARBYTOWN ROAD

PARCEL III
PAR. ID. 806-711-6674
AREA=
3.525 AC.

PARCEL II
PAR. ID. 807-711-0058
AREA=
4.670 AC.

METROMONT CORP.
 PAR. ID. 807-710-5764
 DB. 4396, PG. 207B

METROMONT CORP.
 PAR. ID. 807-710-5764
 DB. 4396, PG. 207B



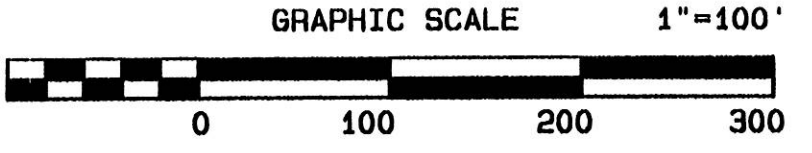
PLAT OF PROPERTIES SITUATED NORTH OF DARBYTOWN ROAD AND EAST OF OREGON AVENUE

VARINA DISTRICT HENRICO CO., VA.
 DATE: JULY 17, 2008 SCALE: 1" = 100'
 REVISED: AUGUST 6, 2008, SEPT. 18, 2008
 JOB NO.: 08180-BNDY

THIS PROPERTY APPEARS TO FALL WITHIN ZONE "X" AS SHOWN ON FIRM FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 51087C014BC.

BROWNING-FERRIS INDS.
 PAR. ID. 808-712-0741
 DB. 2274, PG. 605

ENGINEERING DESIGN ASSOCIATES
 ARCHITECTS - ENGINEERS - CONSTRUCTION MANAGERS
 SURVEYORS - ENVIRONMENTAL SCIENTISTS
 P.O. BOX 50067 RICHMOND, VA., 23250 (804) 236-0190



C-37C-08

I HEREBY CERTIFY THAT THIS SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS.