

SUBJECT PROPERTY

C-1C-09
Zoning
 Amend Proffered Conditions
 (C-2C-03)
 Three Chopt District

400 Feet

PS November 2008 Ref: 754-744-6868



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

February 17, 2009

Kroger Limited Partnership I
C/O Ms. Annette Morgan
P.O. Box 14002
Roanoke, VA 24038

Re: Conditional Rezoning Case C-1C-09

Dear Ms. Morgan:

The Board of Supervisors at its meeting on February 10, 2009, granted your request to amend proffered conditions accepted with Rezoning Case C-2C-03, on part of Parcel 754-744-6868, described as follows:

BEGINNING at a point 408.6 feet plus or minus west of the intersection of the western line of Three Chopt Road, and the northern line of Eastridge Road, said point being the Point of Beginning; thence along the northern line of Eastridge Road, S 61°56'18" W, 450.78 feet to a point; thence along a curve to the right with a radius of 679.20 feet, a length of 18.46 feet to a point; thence departing the northern line of Eastridge Road, N 09°38'24" W, 657.87 feet to a point; thence N 18°09'41" E, 147.97 feet to a point; thence S 77°11'06" E, 253.57 feet to a point; thence S 24°15'51" E, 562.07 feet to a point on the northern line of Eastridge Road, being the Point of Beginning, containing 250,110 square feet or 5.742 acres of land, more or less.

The Board of Supervisors accepted the following proffered conditions, dated January 29, 2009, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

Proffered Conditions 1. and 3.m. of Case No. C-2C-03 are hereby amended and restated, and Proffered Condition 12 is added, as follows:

1. **Concept Plan; Elevations.** The Property shall be developed in general conformance with the Concept Plan and Elevations entitled "Revised Kroger Food and Drug Store, Henrico County, Virginia" dated March; 10, 2003 prepared by VHB and filed herewith (the "Concept Plan" and the "Elevations"), (see case file); subject, however, to such traffic, engineering and other changes as may be requested and approved at the time of Plan of Development. In the event a fuel center is developed on the Property, such fuel center shall be developed in general conformance with the Alternative Concept Plan entitled "Kroger - Store

R-524, Schematic Layout Plan 'A', Three Chopt District, Henrico County, Virginia" prepared by Balzer and Associates, Inc., dated October 21, 2008, last revised October 31, 2008, and filed herewith (the "Alternative Concept Plan"), and in general conformance with the Fuel Center Elevations entitled "Kroger - Store R-524, Gas Canopy Color Scheme", dated January 28, 2009 and filed herewith (the "Fuel Center Elevations"), (see case file); subject, however, to such traffic, engineering and other changes as may be requested and approved at the time of Plan of Development. Canopy lighting over any fuel pumps shall be recessed, flat lens fixtures, and the canopy roof shall incorporate a mansard treatment generally consistent with the materials and colors of the standing seam portions of the roof of the existing grocery store, unless otherwise requested, and specifically approved, at the time of Plan of Development. The columns and kiosk of any fuel center shall primarily be of brick, the style and color of which shall match the existing grocery store to the extent practicable, unless otherwise requested, and specifically approved, at the time of Plan of Development.

3.m. Intentionally deleted; and

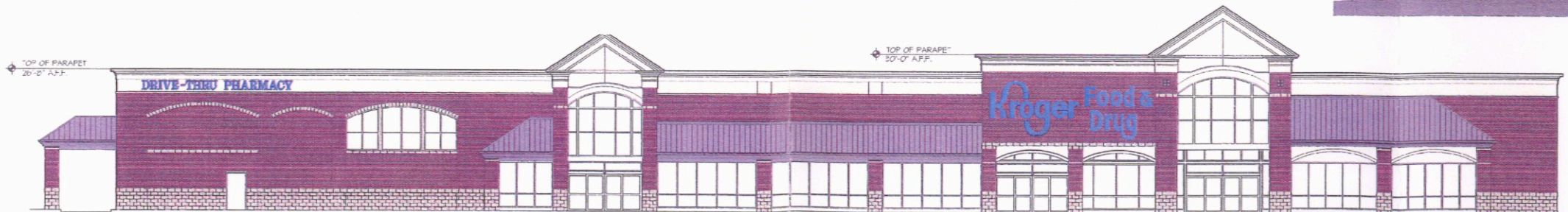
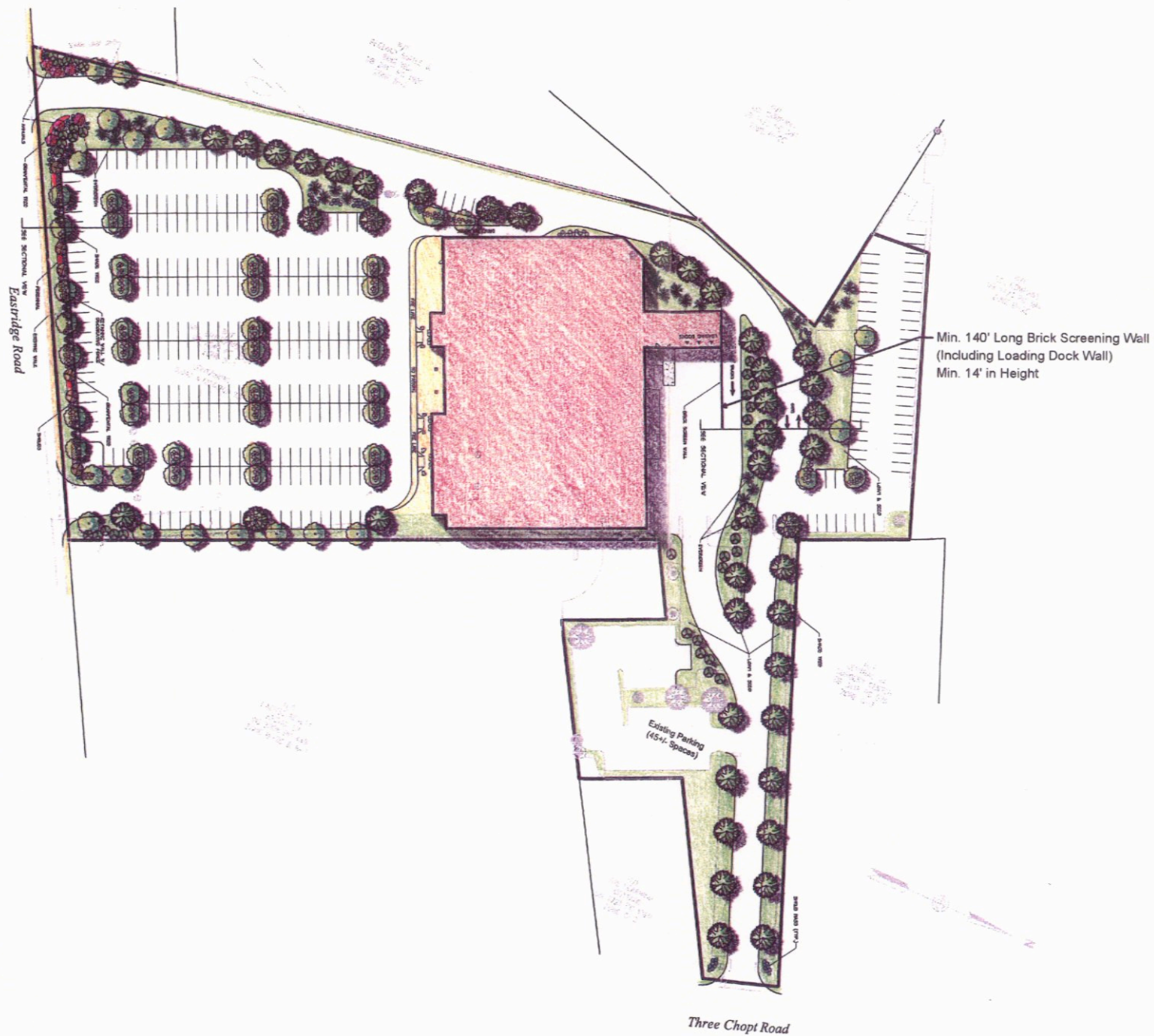
12. **Fuel Delivery Trucks.** If, as determined by the Director of Planning after consultation with the Department of Public Works, fuel delivery trucks entering from Eastridge Road cause an unsafe condition, such fuel delivery trucks shall be directed to enter the Property from Three Chopt Road.

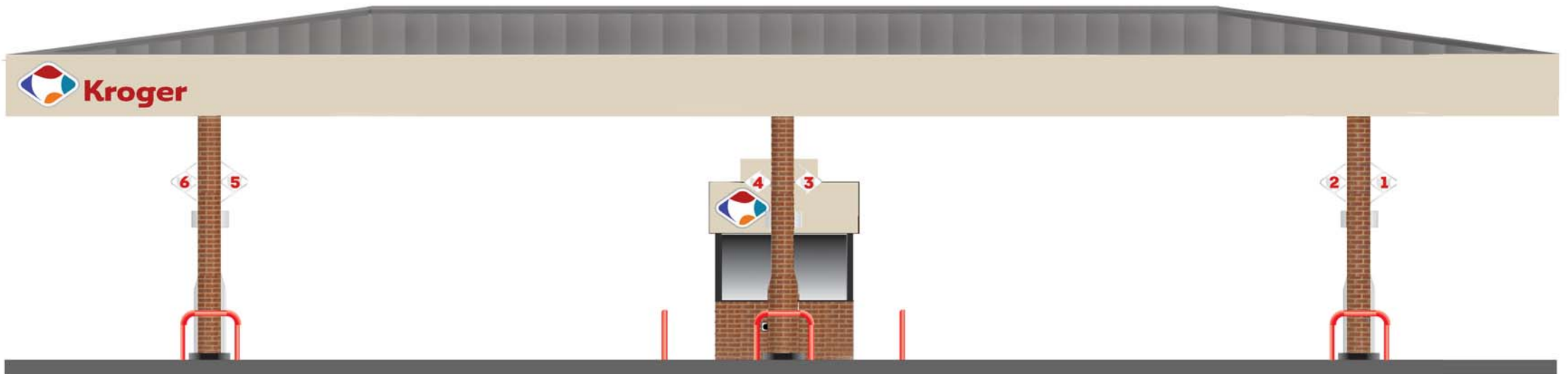
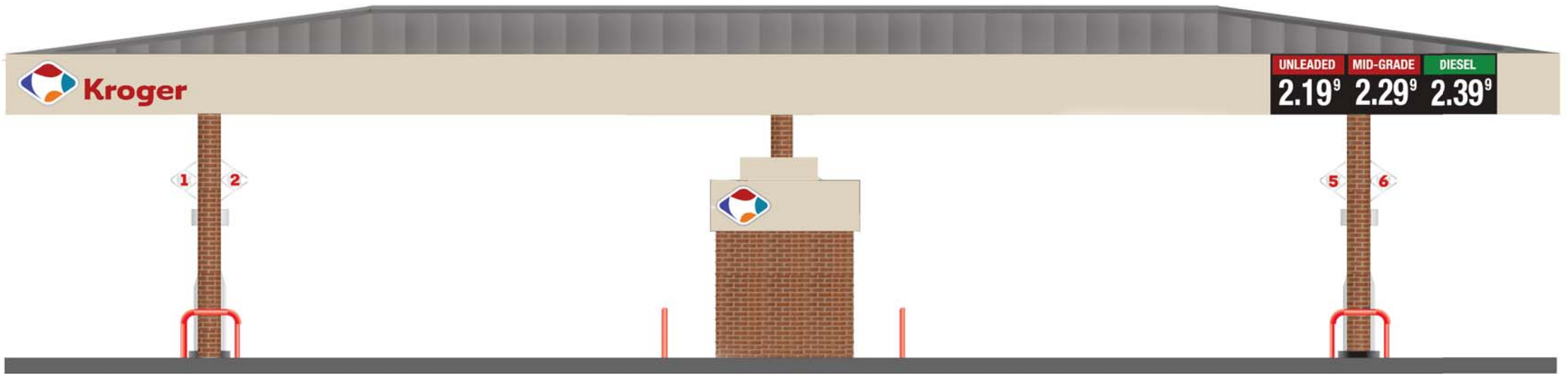
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,


Virgil R. Hazelett, P.E.
County Manager

pc: James W. Theobald, Esquire
Director, Real Estate Assessment
Conditional Zoning Index





Kroger - Store R-524 Gas Canopy Color Scheme
January 28, 2009

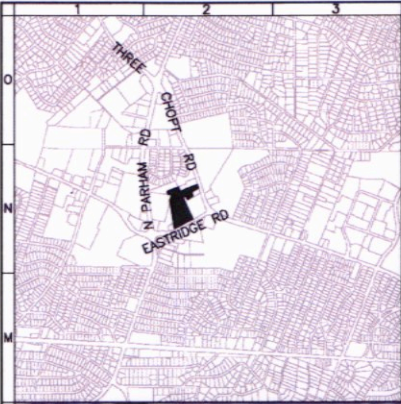
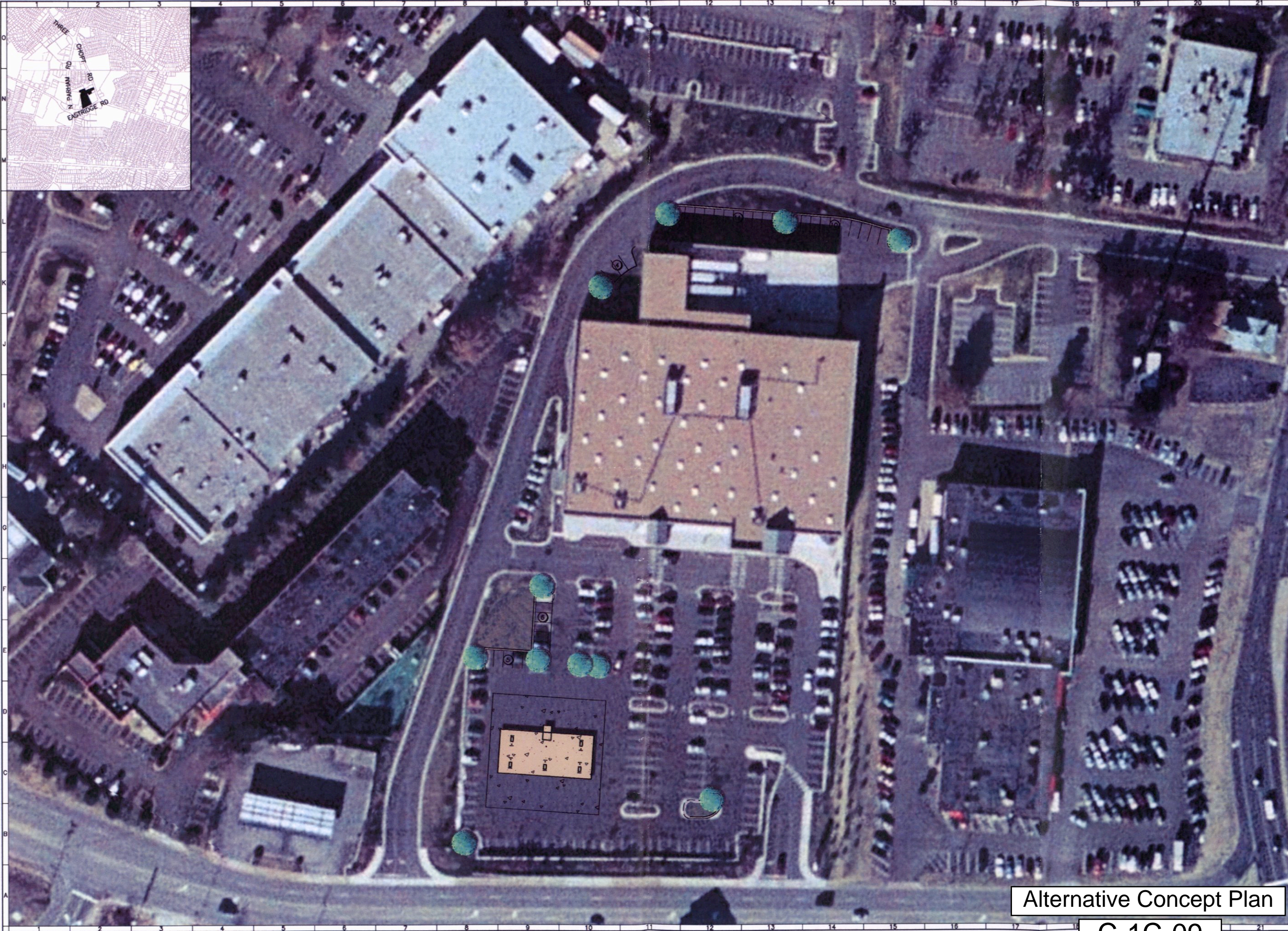
Scale 1/8" = 1'

This is a three inch scale to confirm size of document.



Fuel Center Elevations

C-1C-09



BALZER
AND ASSOCIATES, INC.
BALZER

REFLECTING TOMORROW

www.balzer.cc
 Chesterfield
 Henrico
 New River Valley
 Roanoke
 Shenandoah Valley

RESIDENTIAL LAND DEVELOPMENT ENGINEERING
 SITE DEVELOPMENT ENGINEERING
 LAND USE PLANNING & ZONING
 LANDSCAPE ARCHITECTURE
 LAND SURVEYING
 ARCHITECTURE
 STRUCTURAL ENGINEERING
 GEOTECHNICAL ENGINEERING
 TRANSPORTATION ENGINEERING
 ENVIRONMENTAL & SOIL SCIENCE
 WETLAND DELINEATIONS & STREAM EVALUATIONS

Balzer and Associates, Inc.
 15871 City View Drive
 Suite 200
 Midlothian, VA 23113
 804-794-0571
 FAX 804-794-2635

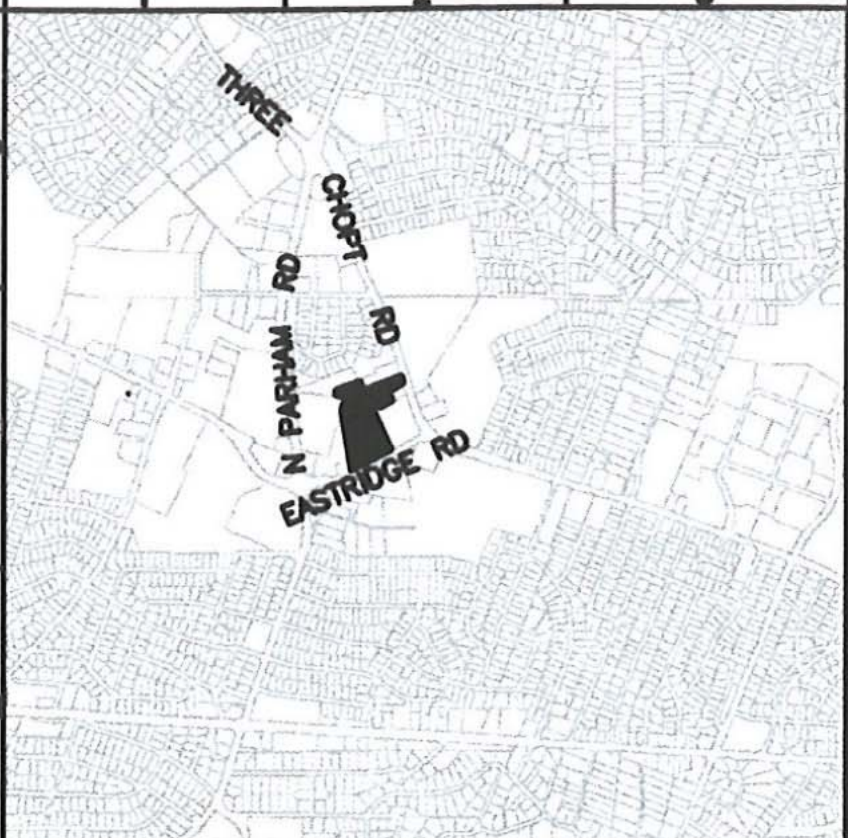
KROGER - STORE R-524
SCHEMATIC LAYOUT PLAN 'A'
 THREE CHOPT DISTRICT
 HENRICO COUNTY, VIRGINIA

DRAWN BY CMS
 DESIGNED BY CMS
 CHECKED BY CMS
 DATE 10-21-08
 SCALE 1" = 40'
 REVISIONS:
 10-31-08

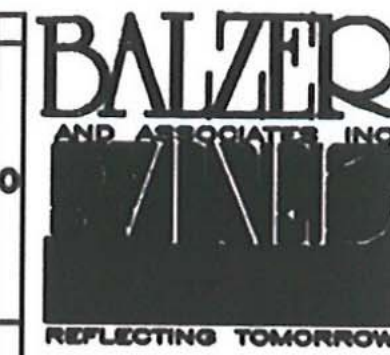
SHEET NO.
1 of 1
 JOB NO. C0800324.00

Alternative Concept Plan

C-1C-09



VICINITY MAP
SCALE: 1" = 2000'



www.balzer.cc
Chesterfield
Henrico
New River Valley
Roanoke
Shenandoah Valley

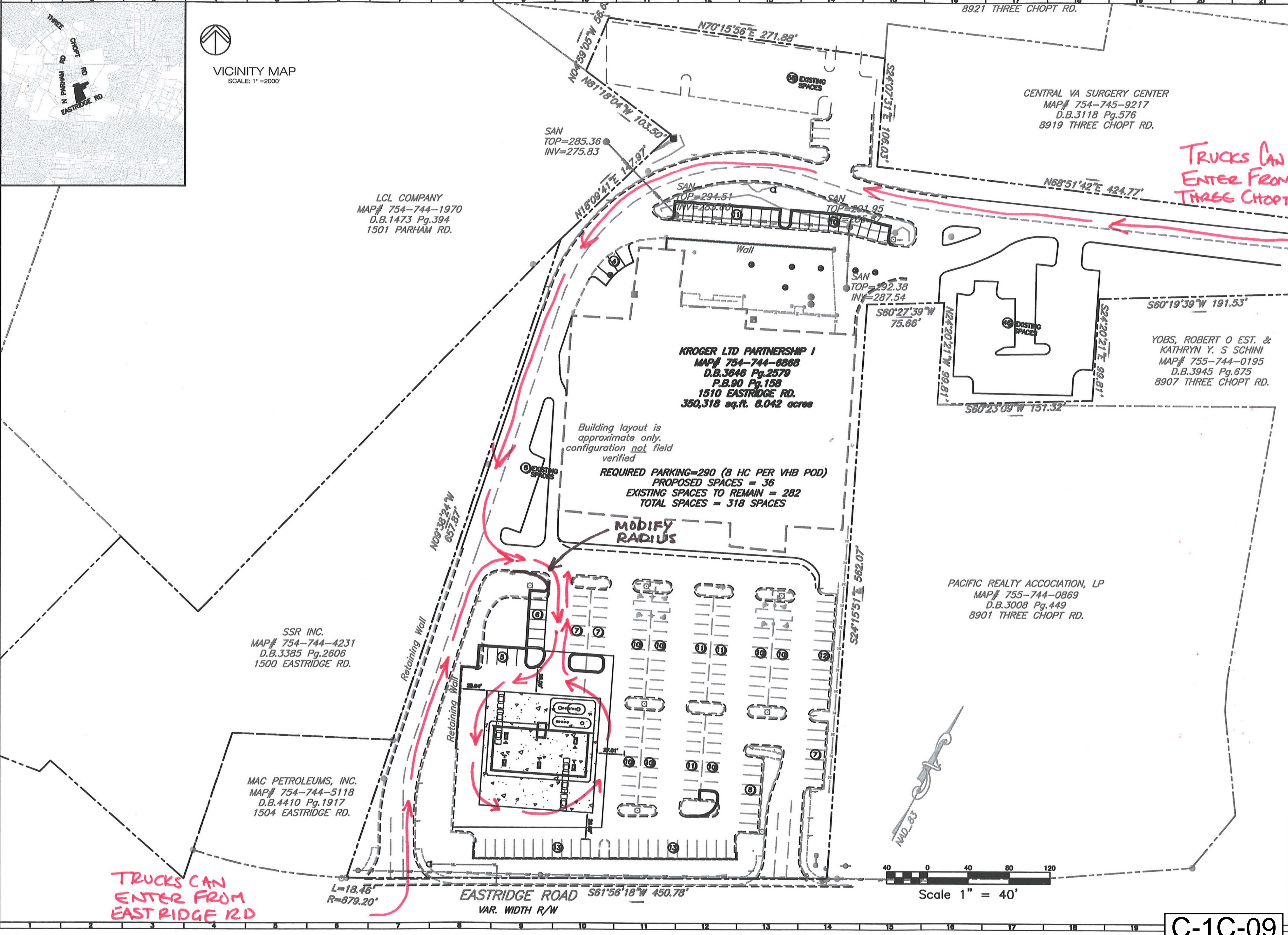
RESIDENTIAL LAND DEVELOPMENT ENGINEERING
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KROGER - STORE R-524
SCHEMATIC LAYOUT PLAN 'A'
TUCKAHOE DISTRICT
HENRICO COUNTY, VIRGINIA

DRAWN BY CMS
DESIGNED BY CMS
CHECKED BY CMS
DATE 10-21-08
SCALE 1" = 40'
REVISIONS:
10-31-08

SHEET NO.
1 of 1
JOB NO. C0800324.00



C-1C-09