

B-1 to B-2C
1.037 Ac.

C-7C-09
Zoning
Redesign and Reconstruct
Existing Restaurant
Tuckahoe District
400 Feet
PS January 2009 Ref: 753-747-8509



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

May 19, 2009

McDonald's Corporation
Attn: Bill Savage
6903 Rockledge Dr., Suite 1100
Bethesda, MD 20817

Re: Conditional Rezoning Case C-7C-09

Dear Mr. Savage:

The Board of Supervisors at its meeting on May 12, 2009, granted your request to conditionally rezone from B-1 Business District to B-2C Business District (Conditional), part of Parcel 753-747-8509, containing approximately 1.037 acres, located on the west line of N. Parham Road, approximately 230 feet north of Starling Drive, described as follows:

Beginning at rod found on the west line of North Parham Road, which point is 230.0 feet north of the north line of Starling Drive Extended; thence along a line in common with Block B, Section A, of the L. F. Wood Subdivision, N 77°43'03" W 362.78 feet to a point; thence along a line distant 25 feet from and parallel to a boundary line in common with the United States Postal Service, N 51°59'07" E 196.70 feet to a point on a line in common with Block A, Section A, of the Cardinal Square Subdivision; thence with said line S 77°43'03" E 231.54 feet to a nail set on the west line of North Parham Road; thence with said line the following two courses, S 8°04'37" W 76.19 feet to a rod set; thence S 12°16'57" W 75.35 feet to the point of beginning. Said described containing 1.037 acres, more or less.

The Board of Supervisors accepted the following proffered conditions, dated March 31, 2009, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Landscaped Areas.** Natural and/or landscaped areas shall be provided as required by the Code of the County of Henrico, Chapter 24 (the "Zoning Ordinance") and substantially as shown on the Concept Landscape Plan and the Concept Frontage Landscape Plan, both drawings by Carter Design, both dated December 5, 2008, copies of which are attached hereto as Exhibit A (see case file), except to the extent necessary or allowed for utility easements, grading, drainage, signage and access driveways and other purposes requested and

specifically permitted, or if required at the time of Plan of Development review, as defined in the Zoning Ordinance. Any new utility easements or use permitted within the aforesaid landscaped areas shall be extended generally perpendicular to the landscaped areas unless otherwise requested and specifically permitted or if required at the time of Plan of Development review and, where permitted, areas disturbed for utility installation shall be replanted to the extent reasonably practicable.

2. **Lighting.** Parking lot lighting standards shall not exceed twenty (20) feet in height above grade level. Parking lot lighting shall be produced from concealed sources.
3. **HVAC.** Rooftop heating and air conditioning equipment shall be screened from public view at ground level at the Property lines by means of parapets or other architectural features in a manner approved at the time of Plan of Development review.
4. **Central Trash Receptacles.** Central trash receptacles, not including convenience cans, shall be screened from public view at ground level and enclosed in a manner approved at the time of Plan of Development review (the "Trash Enclosure") identified as the "Prop. Trash Corral" on the Plan, as defined in Condition No. 8 below. The access doors for the Trash Enclosure shall not be visible from the public right-of-way (Parham Road). The Trash Enclosure shall be constructed consistent with the predominant material (brick) of the main building.
5. **Building Height.** No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-five (35) feet in height exclusive of architectural design features on any building.
6. **Use Restrictions.** Uses are limited to those permitted in a B-1 District except for the use as a restaurant with drive-through service shall be allowed as regulated in a B-2 District. The following uses shall not be permitted on any portion of the Property:
 - a. Hotels or motels;
 - b. Flea markets;
 - c. Gun shop sales and repair;
 - d. Private clubs and lodges;
 - e. Dancing and recreational use;
 - f. Automotive body shops and repair facilities;
 - g. Billiard parlors;
 - h. Bars and taverns;
 - i. Massage parlors;
 - j. Adult businesses as defined in Section 24-3 of the Henrico County Code; and

- k. Establishments whose primary business is check cashing or making payday loans as defined and regulated by Section 6.1-432 et. Seq. and Section 6.1-444 et. Seq. of the Code of Virginia 1950, as revised.
7. **Architectural Treatment.** *The exposed portion of each exterior wall surface (front, rear and sides) of buildings constructed on the Property shall be similar to the exposed portions of other exterior wall surfaces of such building in architectural treatment and materials. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) predominately of unpainted face brick and glass unless different architectural treatment and/or materials are specifically approved at the time of Plan of Development. No building walls on the Property shall be covered with or have exposed to view any exposed aggregate concrete, unpainted or unfinished concrete masonry units or asbestos. The McDonald's restaurant building shall be in substantial conformance with the "Proposed McDonald's Restaurant" elevation drawing, dated March 25, 2009, by Restaurant Development (the "Elevation"), a copy of which is attached hereto as Exhibit B, (see case file) subject to such changes as may be approved at the time of Plan of Development review.*
8. **Plan.** The Property shall be developed in substantial conformance with the "Site Layout Plan" drawing by Carter Design, last revised February 13, 2009 (the "Plan"), a copy of which is attached hereto as Exhibit C, (see case file) subject, however, to such changes as may be approved at the time of Plan of Development review.
9. **Loudspeakers.** No outside pagers or loudspeakers shall be permitted on the Property. However, an intercom system equipped with volume control associated with the drive through window and customer order display shall be permitted; provided that the intercom system shall not be audible from beyond the boundary lines of the property.
10. **Irrigation.** Landscaped buffers shall be served by an underground irrigation system.
11. **Signs.** The existing freestanding sign on the Property adjacent to North Parham Road shall be maintained without change, provided that the foundation may be redone in connection with the construction of a retaining wall as shown on the Plan. The only signage permitted on the Property shall be (a) the aforementioned freestanding sign or replacement of equal or lesser height, (b) the attached signage on the building, (c) directional signs and the menu board, all as permitted by the Zoning Ordinance. Electronic changeable message boards shall not be permitted.

12. **Access/Interparcel Connection.** There shall be no direct access from the Property to public rights-of-way, except through the existing, recorded, shared interparcel connections to North Parham Road and Starling Drive as shown on the Plan.
13. **Utilities.** All utilities shall be underground except for junction boxes, meters and existing overhead utility lines.
14. **No Exterior Playground.** No outside playground areas shall be permitted on the property.
15. **Dedication and Construction of Sidewalk.** The Applicant shall dedicate up to four feet of additional right-of-way for the benefit of Henrico County adjacent to Parham Road to provide for the installation of a typical sidewalk section of seven feet in width from the face of the existing curb within the public right-of-way, as shown on the Plan. Compliance with this condition will be evidenced with the final Plan of Development approval. Any property so dedicated that is not used for the installation of the sidewalk or if the sidewalk use is abandoned, such property shall remain or revert to the Applicant. The Applicant shall construct a four foot wide sidewalk within the public right-of-way, as shown on the Plan.
16. **Retaining Walls.** *If required due to grade change, the Applicant shall construct a retaining wall on the Applicant's property adjacent to the Parham Road right-of-way consistent with the predominant material (brick) of the principal building or other suitable material approved at the time of Plan of Development. As shown on the Plan, the Applicant shall also construct a retaining wall at the rear of the Applicant's property which shall be of masonry material of a color and texture compatible with the principal building or other suitable material approved at the time of Plan of Development. The Applicant shall not use wood for either of these retaining walls.*
17. **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 any of the other proffers or the unaffected part of any such proffer.

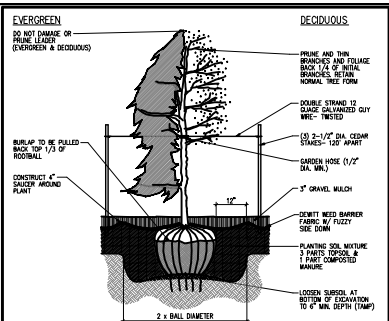
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the *Conditional Zoning Index*.

Sincerely,

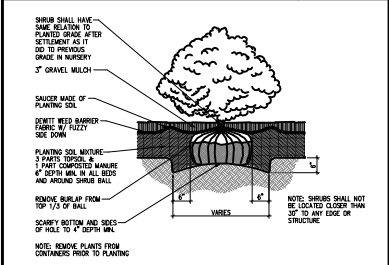
A handwritten signature in black ink, appearing to read "Virgil R. Hazelett".

for Virgil R. Hazelett, P.E.
County Manager

pc: Roger G. Bowers, Esquire
Director, Real Estate Assessment
Conditional Zoning Index



EVERGREEN TREE PLANTING DETAIL NOT TO SCALE



SHRUB PLANTING DETAIL NOT TO SCALE

LANDSCAPE NOTES

1. WORK UNDER THIS CONTRACT SHALL INCLUDE ALL EQUIPMENT, MATERIAL, LABOR REQUIRED FOR EXCAVATION, SPREADING OF TOPSOIL, FINISH GRADING, SEEDING, MULCHING, PLANTING, MAINTENANCE AND GUARANTEE. ALL IN ACCORDANCE WITH SPECIFICATIONS AND DRAWINGS.
2. NO CHANGES TO PLANT SCHEDULE UNLESS FIRST APPROVED BY THE HENRICO COUNTY PLANNING DEPARTMENT PLANS REVIEW SECTION.
3. ALL PLANTS SHALL CONFORM TO STANDARDS OF NURSERY PRACTICE PUBLISHED IN THE U.S.A. STANDARDS FOR NURSERY STOCK (USAS 200.1 LATEST EDITION). ALL PLANTS SUBJECT TO INSPECTION BY THE OWNER AND/OR THE OWNER'S REPRESENTATIVE AT ANYTIME. HIS/HER OPINION REGARDING ALL ASPECTS OF THIS WORK SHALL BE FINAL.
4. ALL WORK SHALL BE COORDINATED WITH OTHER TRACES.
5. DAMAGED PLANTS SHALL BE RECOVERED FROM THE JOB & REPLACED REGARDLESS OF WHETHER THE PLANTS WERE DAMAGED BEFORE, DURING OR AFTER PLANTING AS LONG AS THE CONTRACT IS IN EFFECT. SUCH MATERIAL SHALL BE REPLACED AT NO ADDITIONAL COST.
6. USE NEW BORROW TOPSOIL FOR SHRUB BEDS ALONG FRONT OF BUILDING WHICH IS FERTILE, FINE, STABLE, NATURAL LOAM, SURFACE SOIL, REASONABLY FREE OF SUBSOIL, FOREIGN WATER AND ROOTS, STUMPS AND STONES LARGER THAN 2" IN DIMENSION.
7. REMOVE AND INSTALL MEDIUM GRADE SHREDED HARDWOOD BARK MULCH TO A MINIMUM DEPTH OF 3". UNDERLAY WITH LANDSCAPE FABRIC.
8. CONTRACTOR SHALL ASCERTAIN LOCATION OF ALL UTILITIES PRIOR TO EXCAVATION. PRIOR TO COMMENCING ANY WORK, CONTACT "MISS UTILITY" AT 1-800-552-7001.
9. CONTRACTOR SHALL MAINTAIN PLANT MATERIAL DURING INSTALLATION. MAINTENANCE SHALL BECOME RESPONSIBILITY OF OWNER UPON ACCEPTANCE OF WORK.
10. WHEN THE LANDSCAPE WORK IS COMPLETED, THE OWNER'S REPRESENTATIVE WILL UPON WRITTEN REQUEST, MAKE AN INSPECTION TO DETERMINE ACCEPTABILITY. IF WORK IS NOT ACCEPTABLE, CONTRACTOR SHALL REPLACE REJECTED WORK AND CONTINUE MAINTENANCE UNTIL REINSPECTION AND APPROVAL, MAINTENANCE AND ACCEPTANCE OF LAIN AREAS IS SEPARATE REVIEW AND ACCEPTANCE.
11. CONTRACTOR SHALL GUARANTEE ALL MATERIALS AND LABOR EXCEPT LAMNS, FOR 12 CALENDAR MONTHS AFTER ACCEPTANCE. MAKE REPLACEMENTS OF ALL DEAD PLANTS AND IMPAIRED CONDITIONS IN EARLY FALL FOLLOWING PLANTING. ADD ADDITIONAL PLANT MATERIALS IN THE EARLY SPRING FOR THE SAME OR OTHER MATERIALS WHICH ARE DEAD OR IMPAIRED FROM WINTER CONDITIONS.
12. THE OWNER IS RESPONSIBLE FOR MAINTAINING ALL SHRUBS AND TREES DYING OR DEAD PLANT MATERIAL AND TO BE REPLACED DURING THE NEXT PLANTING SEASON BY THE CONTRACTOR. OWNER IS RESPONSIBLE FOR WATERING PLANT MATERIAL AFTER ACCEPTANCE OF INSTALLED MATERIAL.
13. LANDSCAPING WILL BE INSTALLED AND MAINTAINED SO AS NOT TO INTERFERE WITH SIGHT DISTANCE NEEDS OF DRIVERS IN THE PARKING AREAS AND AT THE ENTRANCE/EXITS LOCATIONS.
14. PLANT MATERIAL QUANTITIES AND SIZES WILL BE INSPECTED FOR COMPLIANCE WITH THE APPROVED PLANS BY A SITE REVIEW AGENT OF HENRICO COUNTY PLANNING DEPARTMENT PRIOR TO RELEASE OF THE CERTIFICATE OF OCCUPANCY.
15. PLANT MATERIALS SHALL HAVE ALL STRINGS OR ROPES AT THE BASE OF THE PLANT CUT AWAY FROM THE TRUNK (INCLUDING BIODEGRADABLE BRANDS OF ROPE).
16. NO LANDSCAPING OF ANY TYPE SHALL BE PLACED WITHIN A THREE FOOT RADIUS OF ANY FIRE HYDRANT, FIRE PUMP TEST HEADER, FIRE DEPARTMENT SPRINKLER SYSTEM CONNECTION, FIRE DEPARTMENT STANDPIPE CONNECTION OR FIRE SUPPRESSION SYSTEM CONTROL VALVE. LANDSCAPING IN THE AREA OF THESE ITEMS SHALL BE OF THE TYPE THAT WILL NOT ENCROACH ON THE REQUIRED THREE FOOT RADIUS ON MATURITY OF THE LANDSCAPING.
17. OWNER IS RESPONSIBLE FOR REPLACEMENT OF ANY PLANTING, I.E. SHRUBS, DAMAGED OR REMOVED BY DPU, OR ITS AGENT, AS REQUIRED FOR MAINTENANCE OF COUNTY OWNED WATER AND/OR SEWER FACILITIES.

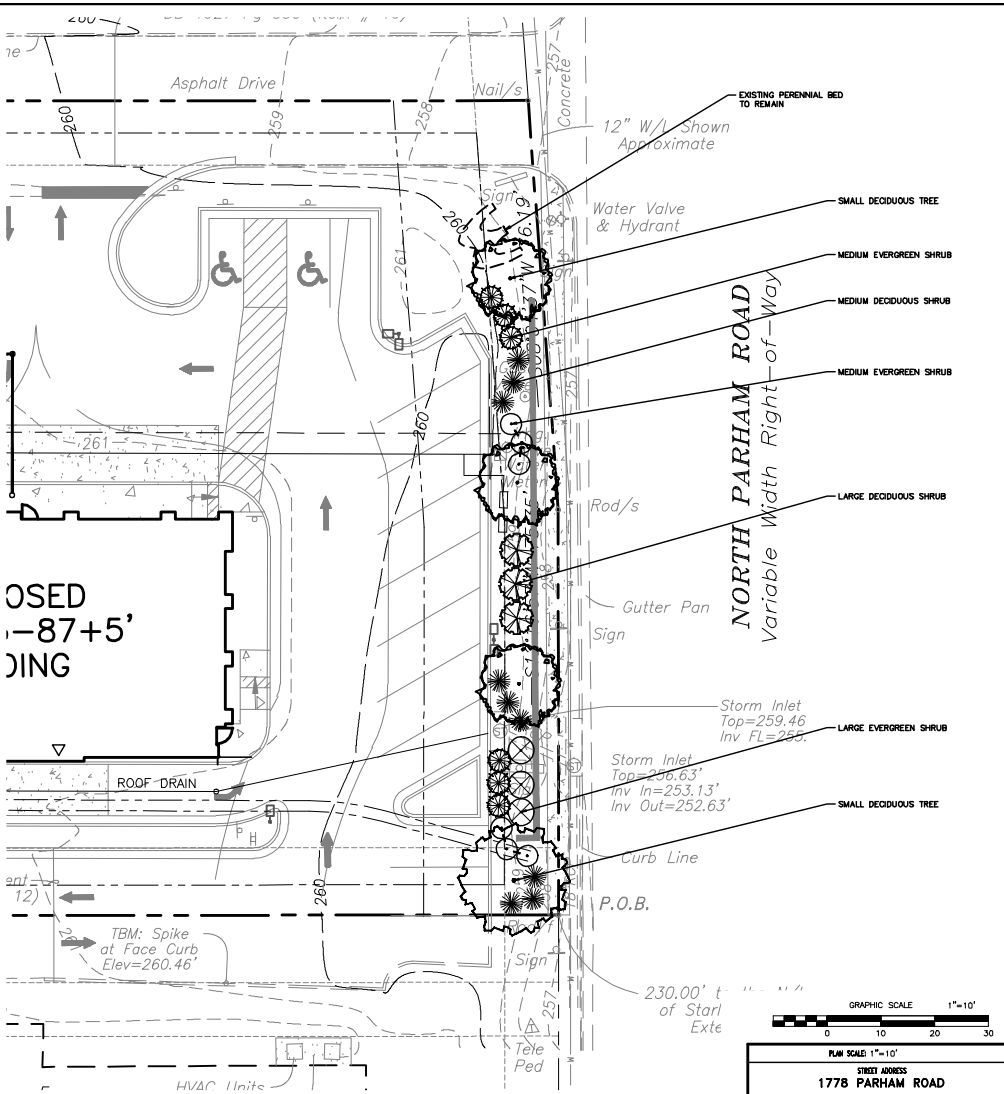


EXHIBIT A

C-7C-09

CARTER DESIGN

SITE DESIGN AND ENGINEERING

1032 PECK ROAD RICHMOND, VIRGINIA 23235
PHONE: 804.272.1146 FAX: 804.272.2276

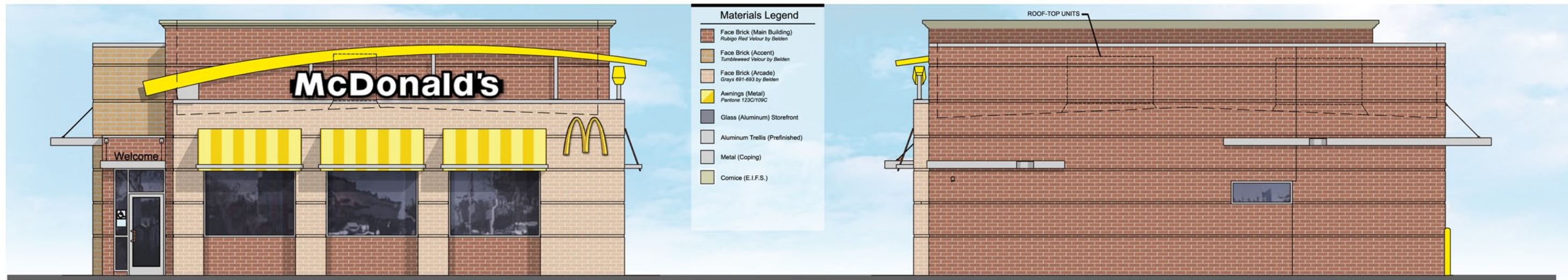
PLAN SCALE: 1"=10'	STREET ADDRESS: 1778 PARHAM ROAD	
CITY: RICHMOND	STATE: VIRGINIA	
COUNTY: HENRICO	STATUS: PRELIMINARY	DATE: 12/3/08
FEDERAL DWG. NO.: 45/0213	PLAN DESCRIPTION: CONCEPT FRONTAGE LANDSCAPE PLAN	BY: AMC
CAD FILE: .zd		CHECKED: 02/02/09
		DATE: 02/02/09

NO.	DATE	DESCRIPTION	BY	CHK

McDonald's.

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF MCDONALD'S CORPORATION AND SHALL NOT BE REPRODUCED WITHOUT THEIR WRITTEN PERMISSION.

DATE: _____	SCALE: _____
DESIGNER: _____	CHECKED: _____
DRAWN: _____	DATE: _____
PROJECT NO. _____	DATE: _____
CUSTOMER: _____	DATE: _____
OWNER: _____	DATE: _____



Materials Legend

- Face Brick (Main Building)
Rubigo Red Velour by Belden
- Face Brick (Accent)
Tumbledwood Velour by Belden
- Face Brick (Arcade)
Grays 691-693 by Belden
- Awnings (Metal)
Pantone 123C/109C
- Glass (Aluminum) Storefront
- Aluminum Trellis (Prefinished)
- Metal (Coping)
- Cornice (E.I.F.S.)

Front Elevation

Rear Elevation



Drive-Thru Side Elevation

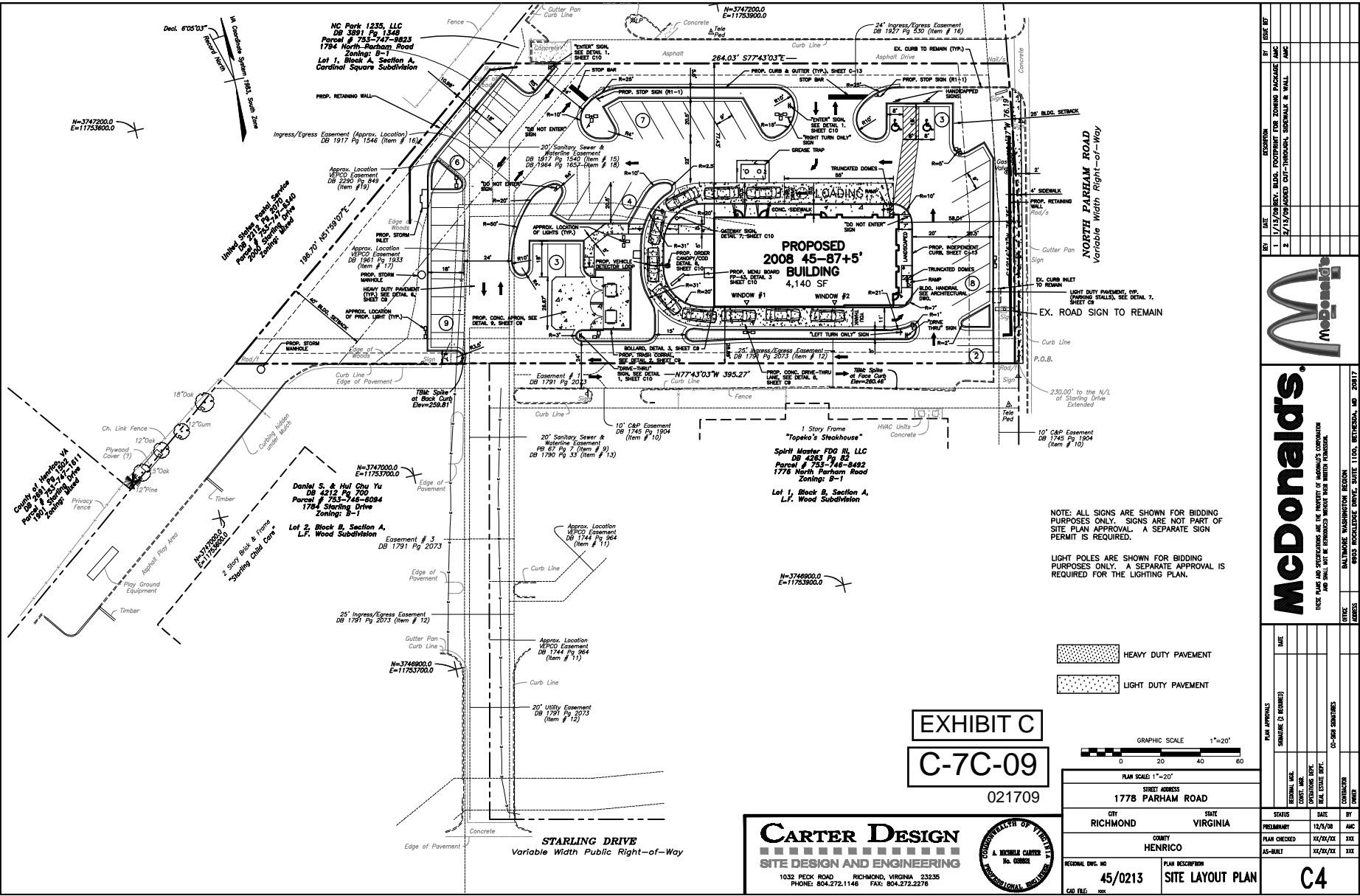


Non-Drive-Thru Side Elevation

EXHIBIT B

C-7C-09

040209



NOTE: ALL SIGNS ARE SHOWN FOR BIDDING PURPOSES ONLY. SIGNS ARE NOT PART OF SITE PLAN APPROVAL. A SEPARATE SIGN PERMIT IS REQUIRED.

LIGHT POLES ARE SHOWN FOR BIDDING PURPOSES ONLY. A SEPARATE APPROVAL IS REQUIRED FOR THE LIGHTING PLAN.

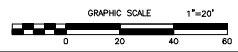
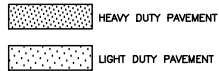


EXHIBIT C
C-7C-09

021709

CARTER DESIGN
SITE DESIGN AND ENGINEERING
1032 PECK ROAD RICHMOND, VIRGINIA 23235
PHONE: 804.272.1148 FAX: 804.272.2276



PLAN SCALE 1"=20'		SHEET NUMBER	
1778 PARHAM ROAD		1	
CITY	STATE	STATUS	DATE
RICHMOND	VIRGINIA	PRELIMINARY	12/5/08
COUNTY		PLAN CHECKED	BY
HENRICO		XX/XX/XX	XXX
REGIONAL ENG. NO.	PLAN DESCRIPTION	AS-BUILT	XX/XX/XX
45/0213	SITE LAYOUT PLAN		
CAD FILE: .DWG			

BY	DATE	REVISION	NO.	DESCRIPTION
1				ISSUE FOR PERMITS
2				FOR CONSTRUCTION
3				FOR BIDDING

McDonald's
Baltimore, Washington Region
1778 Parham Road, Suite 1100, Bethesda, MD 20817

DATE: 12/5/08
DRAWN: [Blank]
CHECKED: [Blank]
SCALE: AS SHOWN
PROJECT: 45-87+5'

McDonald's

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF MCDONALD'S CORPORATION AND SHALL NOT BE REPRODUCED WITHOUT THEIR WRITTEN PERMISSION.

DATE: 12/5/08
DRAWN: [Blank]
CHECKED: [Blank]
SCALE: AS SHOWN
PROJECT: 45-87+5'

CONTRACTOR: [Blank]
OWNER: [Blank]

C4