



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

John A. Vithoulkas  
County Manager

February 19, 2013

Copart of Connecticut, Inc.  
Attn: Mr. Paul Styer  
4665 Business Center Drive  
Fairfield, CA 94534-1675

Re: Rezoning Case C-2C-12

Dear Mr. Styer:

The Board of Supervisors, at its meeting on February 12, 2013, approved your request to amend proffered conditions accepted with Rezoning Cases C-38C-89, C-45C-00 and C-31C-02 on Parcels 833-716-9203 and 833-717-8501 located on the north side of Old Williamsburg Road at its intersection with Whiteside Road.

The Board of Supervisors accepted the following proffered conditions, dated February 4, 2013, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Enclosed Building Requirement.** All principal permitted light industrial uses shall be conducted within a completely enclosed building, which may be an office building or a separate, freestanding building used for light industrial uses.
2. **Safe Conduct of Operations.** All uses shall be conducted so as not to create any danger to the health, safety and welfare or any material adverse impact on the Property or surrounding areas by creating any excessive noise, vibration, smoke, dust, lint, odor, heat or glare beyond the boundaries of the Property.
3. **Buffers.** Buffers consisting of natural areas, berms or landscaping, or combinations thereof, for purposes of lessening the visual impact of the development of the Property on adjacent land, of a minimum width as set forth below, will be provided and maintained, except to the extent necessary for vehicular and pedestrian access ways, utility easements (such access ways and utility easements to be generally perpendicular to the buffer where possible and shall not include within a buffer area manmade storm water detention unless used as a permanent decorative pool), signage or other purposes specifically permitted by the Planning Commission at the time of Plan of Development review, or by any other governmental body:

- (a) Sixty-five (65) feet in width of buffer adjacent to the northern property lines of Tax Parcels 15-B2-6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 28, 16, and 77 for so long



as such Tax Parcels are residentially zoned ("R" district) parcels or are used for residential purposes.

(b) Fifty (50) feet in width of buffer along the remaining boundaries of the Property, except as may be adjacent to public rights of way, for so long as much boundaries are adjacent to residentially zoned ("R" district) property or property used for residential purposes. A four hundred (400) foot deep tree preservation buffer shall be provided along the boundary of the Property adjacent to Old Williamsburg Road as shown on the attached plat titled "OVERALL SITE LAYOUT" dated October 4, 2011, revised December 13, 2012 (Exhibit A), (see case file). This proffer shall not prevent appropriate signage as approved by the Planning Commission at the time of Plan of Development review.

Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer area, and if so removed additional plantings shall be added. Should it be necessary to run drainage, utility or other easements through the buffer areas, such areas shall be compensated to the extent interrupted by said easement to maintain the integrity of the buffer area. In the event of a loss or removal of trees or other natural vegetation that creates visibility of the use from Old Williamsburg Road, either: (a) replacement trees and other landscaping shall be planted to restore the opaque screen from Old Williamsburg Road, or (b) all sale and storage of inventory and equipment shall be moved behind the main building and the fence along the western edge of the Quick Sale Lot shall be removed.

4. **Underground Utilities.** All utility lines such as electric, telephone, CATV or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within the Property, but not to existing lines on the Property.
5. **Architectural Treatment.** The exterior wall surfaces (front, rear and sides) of each individual building shall be similar in architectural treatment and materials. No portion of an exterior wall surface visible from any adjoining property shall contain painted or untreated concrete or unfinished concrete masonry units, sheet or corrugated aluminum, asbestos, or metal unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review. All rooftop heating and cooling equipment shall be shielded so that it is screened from public view at ground level.
6. **Use Restrictions.** The only uses permitted on the Property shall be as follows:
  - (a) Those uses first permitted as principal uses in M-1 Light Industrial district;
  - (b) Those uses permitted in an O-3 Office district;
  - (c) Data processing centers;
  - (d) Repair facilities;
  - (e) Wholesaling;



- (f) Showroom sales and service areas, but excluding truck stops;
  - (g) Medical or dental laboratories;
  - (h) Cafeterias or restaurants in association with and in support of and incidental to other permitted uses; and
  - (i) Such other accessory uses, not otherwise prohibited, as are customarily accessory and incidental to any permitted use.
7. **Loading Dock Treatment.** Loading docks and areas shall be located and/or screened so as to shield them from view from Old Williamsburg Road and any adjacent residentially-zoned property, unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review.
8. **Parking Lot Lighting.** Within one hundred (100) feet of any agriculturally or residentially zoned property, parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade of the base of the lighting standard. Parking lot lighting fixtures on the remainder of the Property shall not exceed thirty (30) feet in height as measured from the grade of the base of the lighting standard unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review. Parking lot lighting shall be produced from concealed sources of light (i.e., "shoe box" type).
9. **Open Space.** At least twenty percent (20%) of the Property shall be used for permanent open space. This area shall be used for landscaping, lawns, screening and/or buffer area and may include bodies of water, works of art and outdoor recreation areas. The area devoted to the project perimeter buffering may be counted toward this requirement.
10. **Signage.** Signage for parcels adjacent to I-64 shall be controlled by the standards applicable to signage in a B-3 zoned district unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review. All free standing signs located adjacent to Old Williamsburg Road right of way shall be of a ground mounted monument design.
11. **Plan of Development/Master Plan Requirement.** A plan of development as regulated by Section 22-106 of the Henrico County Code shall be submitted for each development within the Property. A conceptual master plan or update thereof for the entire development shall be submitted with each plan of development. In addition, each plan of development shall provide a cumulative summary of the amount and types of uses preceding the proposed development and any changes in uses then in effect.
12. **Parking Lot Landscaping.** Landscaping shall be maintained in islands on the portion of the property utilized for customer parking. Such islands shall be



landscaped with shrubbery and vegetation aesthetically compatible with the landscaping and development of the Property.

13. **No Access.** Vehicular access to and from the Property shall not be permitted to Tax Parcels 832-717-6312, 832-715-6872, and 833-716-0432 unless otherwise permitted, or if required by, the Planning Commission at the time of Plan of Development review.
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.
15. **Sound Amplification and Public Address System.** All sound emanating from a loud speaker and/or public address system including, but not limited to paging shall occur so the sound is not heard beyond the property boundary lines.
16. **Fencing.** Chain link fencing on the property shall be vinyl coated chain linked either black or dark green in color. This proffer shall not be interpreted to exclude other types of fencing superior to chain link fencing which may be used as part of a landscaping and/or architectural treatment including, but not limited to, masonry, split rail wrought iron, plank and/or board fencing.

Fencing dividing the existing parking lot on the western edge of the area identified as "Quick Sale Lot" on the attached plat titled "OVERALL SITE LAYOUT" dated October 4, 2011, revised December 13, 2012 (Exhibit A), (see case file) shall be solid color PVC panel fencing or other type of superior fencing.

17. **Time Limit on Inventory.** All inventory for auction and/or sale including, but not limited to, equipment, trucks, motor vehicles, boats and any other mechanized equipment shall not remain on the premises longer than 110 days.
18. **Spill Prevention Control and Counter Measure Plan (SPCC Plan).** While any portion of the property is used for the auctioning of motor vehicles and/or equipment, there shall be a written SPCC Plan in place and followed by the operators of the auction of motor vehicles and equipment. Said plan shall contain the following elements:
  - A. Advance written notice to, and contractual provision with, the sellers of all motor vehicles and equipment that the seller certifies that any motor vehicle and equipment brought to the property for auction (i) shall not be discharging or leaking any hazardous substances, as said substances may be defined by the Environmental Protection Agency, including but not limited to, gasoline, diesel fuel, oil, and machinery lubricants or any similar products; and (ii) that seller assumes liability for all prevention and/or cleanup cost for violation of such certification.



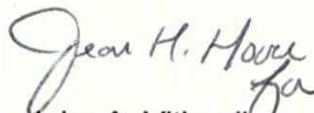
- B. Inspection of motor vehicles and equipment by trained personnel for any evidence or discharge or leakage of hazardous substances prior to the motor vehicles and/or equipment coming on to the property for auction.
  - C. While motor vehicles and equipment are on site, periodic monitoring by trained personnel to detect any discharge or leakage of hazardous substances.
  - D. Stored and available on site various sorbents, supplies, equipment and containers to collect and contain any contaminated fluids and contaminated soils.
  - E. Licensed Contractor specializing in environmental work on call for response including analysis, removal action, and proper disposal of any contaminants and/or contaminated soils.
  - F. SPCC Plan(s) and records maintained on site and available for inspection by Henrico County officials.
19. **Location Restrictions.** Except as set forth below, use of the site for the auction of motor vehicles and equipment shall occur towards the back of the site and away from Old Williamsburg Road. The paved vehicle auction lot shall be located and situated behind the building(s) housing the auto auction, offices, and enclosed work area. This proffer shall not be interpreted to require the buildings to completely screen the paved vehicle auction lot. This proffer is intended to confirm the placement of the building(s) between Old Williamsburg Road and the paved vehicle auction lot and that said buildings and paved vehicle auction lot are located toward the back of the property and not toward the front along Old Williamsburg Road.
- Limited use of the site for the on-line auction of motor vehicles may also occur in the area identified as the "Quick Sale Lot" on the attached plat (Exhibit A), (see case file) with the following restriction: (a) no more than thirty (30) vehicles; (b) no inventory in this area shall remain in the "Quick Sale Lot" for longer than forty-five (45) days; (c) all inventory would be intact operating vehicles similar to vehicles located on retail new and used car lots; and (d) no "on site" auctions would occur in the "Quick Sale Lot" area.
20. **Sales and Storage Restrictions.** Any vehicle with a damaged or leaking reservoir shall be staged or stored in a designated, paved area that will be monitored daily. Any vehicle with an exposed reservoir will be covered to prevent leakage or spillage of damaging materials. No vehicles will be stacked, crushed or dismantled, and no parts will be "pulled", sold, or stored, and vehicles will be auctioned as intact units.

21. **Landscape Plan.** The applicant will obtain a landscape plan for additional screening similar in appearance to the current landscaping in front of the existing building approved by the Henrico County Planning Office for any area other than the "Sales Lot and "Repo Lot", as identified in the attached plat labeled "Overall Site Layout" and dated July 7, 2000 (see case file), prior to staging or storing insurance-damaged vehicles in any area other than the "Sales Lot" and "Repo Lot". This proffer shall not be interpreted to exclude other types of landscaping and screening superior to the current landscaping in front of the existing building.

Additionally, the applicant will obtain a landscape plan for additional screening material similar in appearance to the current landscaping in front of the existing building approved by the Henrico County Planning Office for the "Quick Sale Lot", as identified in the attached plat (Exhibit A), (see case file). This proffer shall not be interpreted to exclude other types of landscaping and screening superior to the current landscaping in front of the existing building.

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,

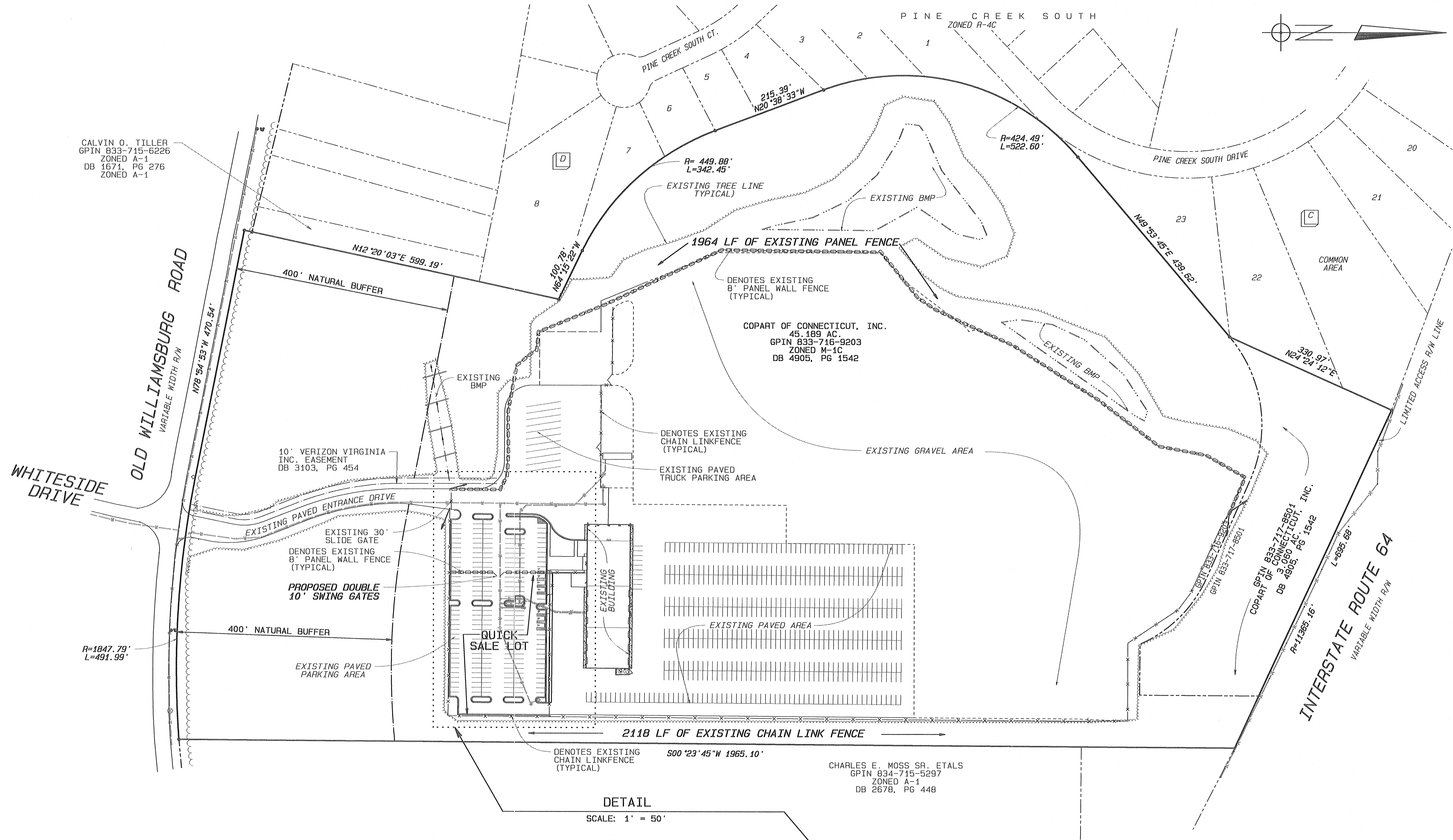
  
John A. Vithoulkas  
County Manager

pc: John W. Montgomery, Jr., Esquire  
Director, Real Estate Assessment  
Conditional Zoning Index

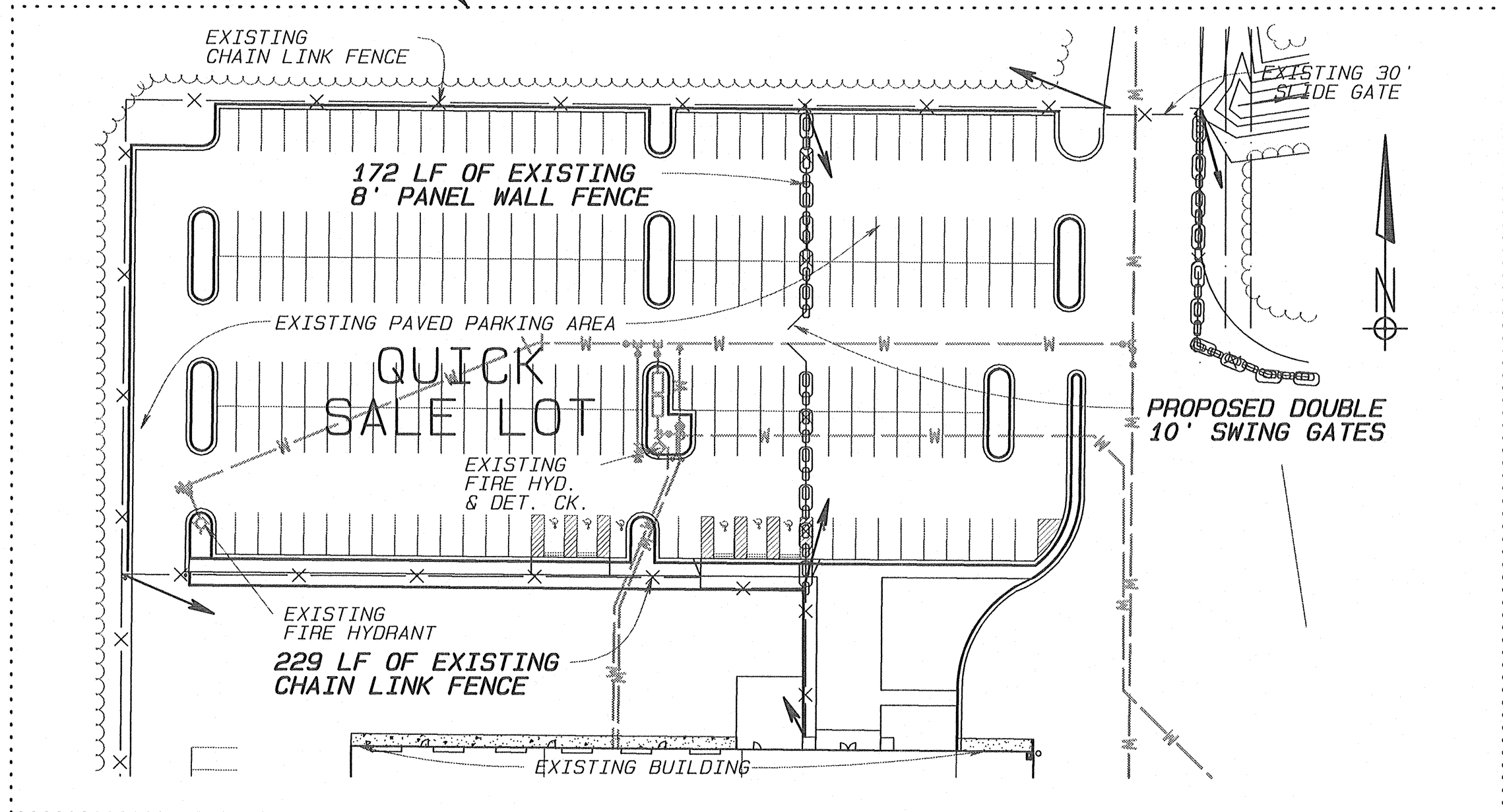


C-2C-12

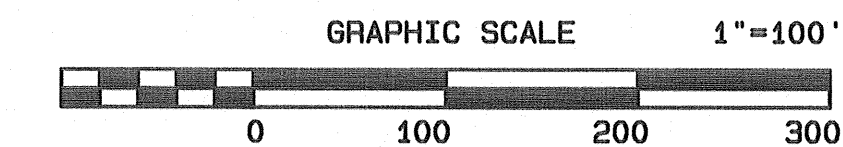
EXHIBIT A



DETAIL  
SCALE: 1" = 50'



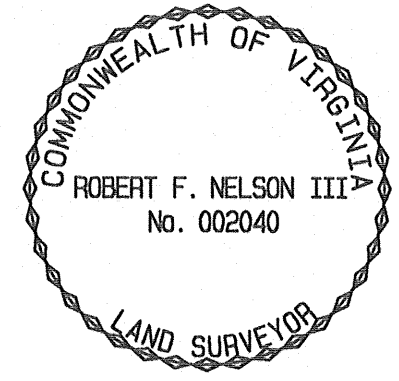
EXISTING FENCE SUMMARY  
TOTAL EXISTING PANEL FENCE= 2136 LF  
TOTAL EXISTING CHAIN LINK FENCE= 2347 LF



**EDA**  
ENGINEERING DESIGN ASSOCIATES

5626 LABURNUM AVENUE  
RICHMOND, VIRGINIA 23231  
PHONE: 804-236-0190  
FAX: 804-236-0194

PO BOX 516  
WICOMICO CHURCH 22679  
PHONE: 804-580-2227  
FAX: 804-580-3334



REVISION:		DESCRIPTION:
NO.	DATE:	
1	8/17/12	LABEL LOT
2	12/13/12	PER OWNER/ADDED BUFFER

**COPART**  
(FORMERLY MOTLEY'S AUCTION GROUP)  
VIRGINIA DISTRICT  
HENRICO COUNTY, VIRGINIA  
**OVERALL SITE LAYOUT**

DRAWING NO: 1 OF 1  
DESIGNED BY: RFN . DRAWN BY: CIA . CHECKED BY: RFN  
SCALE: 1"=100' . DATE: OCT. 4, 2011 . PROJECT NO: 11141