

C-6C-12

Zoning

Commercial

Tuckahoe District

400

Feet

PS December 2011

Ref: 762-753-4189



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

April 17, 2012

Buz and Ned's of Parham and Broad Land, LLC
Attn: Bruce D. "Buz" Grossberg, Managing Member
1119 N. Boulevard
Richmond, VA 23230

Re: Rezoning Case C-6C-12

Dear Mr. Grossberg:

The Board of Supervisors, at its meeting on April 10, 2012, approved your request to conditionally rezone from B-1 Business District to B-2C Business District (Conditional) Parcel 762-753-4189 containing approximately 1.8 acres located at the southwest intersection of Old Parham Road and W. Broad Street (US Route 250), described as follows:

Commencing at a point situated at the intersection of the southerly right-of-way line of W. Broad Street, U.S. Route 250 and the easterly property line of the subject parcel, said point being the place and point of beginning; thence leaving said right-of-way line of W. Broad Street S 47°33'43" W a distance of 368.51' to a found rod in pipe; thence N 07°16'02" W a distance of 427.03' to a point; said point being situated on the southerly right-of-way line of Old Parham Road; thence along said property line of Old Parham Road S 87°31'03" E a distance of 157.32' to a found monument; thence S 61°59'36" E a distance of 39.22' to a set rod; thence along the southerly right-of-way line of W. Broad Street along a curve to the left having a radius of 5784.58' and arc length of 150.56', a chord bearing of S 41°31'03" E and a chord of 150.56' to a found monument; thence S 42°25'46" E a distance of 50.47' to a point, said point being the Place of Beginning and containing 1.796 ac. of land.

The Board of Supervisors accepted the following proffered conditions, dated February 29, 2012, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Prohibited Uses. All principal uses permitted in the B-2 district shall be permitted except for the uses listed below which shall be prohibited:
 - a. Adult businesses as defined by Section 24-3 of the Henrico County Code including adult video stores;
 - b. Attention getting devices;
 - c. Automotive body shops and repair facilities;
 - d. Automotive service stations;
 - e. Automotive, truck, or recreational vehicle storage lot for new/used cars;
 - f. Automotive, truck, trailer, motorcycle, or bus sales, rental and repair.
 - g. Bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premise

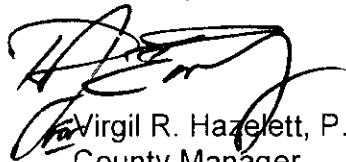
consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control;

- h. Billboards, changeable message signs and/or outdoor advertising;
 - i. Billiard, bagatelle, video game, or bingo parlor;
 - j. Boat and boat trailer sales and service storage;
 - k. Car wash except by non-profit;
 - l. Commercial parking lots;
 - m. Communication tower;
 - n. Dance halls;
 - o. Drapery making and furniture upholstering shops;
 - p. Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Section 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia, provided the foregoing shall not preclude banks, credit unions, savings and loans, or other similar financial institutions that are not regulated by the foregoing Virginia Code sections;
 - q. Flea market or auction, except by non-profit;
 - r. Fortune teller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader;
 - s. Funeral home, mortuary, crematories or undertaking;
 - t. Grocery or convenience store in excess of 10,000 sf.;
 - u. Gun shop, sales and repairs;
 - v. Hospital, clinic or boarding for small animals (dogs, cats, birds, etc.);
 - w. Hotel, motel or motor lodge;
 - x. Laundromats and self-service dry cleaning establishments;
 - y. Lawn mower or equipment sales and repair;
 - z. Making of "motor vehicle title loans" or "title loans" as defined and regulated by Section 6.2-2200 et seq. of the Code of Virginia, provided the foregoing shall not preclude banks, credit unions, savings and loans, or other similar financial institutions that are not regulated by the foregoing Virginia Code sections;
 - aa. Off-track betting parlors;
 - bb. Outside food or beverage vending machines or automated teller machines;
 - cc. Private clubs lodges, meeting hall and fraternal organization;
 - dd. Radio stations, TV stations and studios, and recording studios;
 - ee. Recreation facilities, indoor, including theaters, movie houses, bowling alleys, skating rinks, swimming pools, tennis, model racing tracks, electronic video game rooms, bingo halls, archery ranges, and similar activities;
 - ff. Recycling facilities;
 - gg. Sign painting shop;
 - hh. Temporary outdoor stand and/or sales area for the sale of Christmas trees, wreaths, etc. except by non-profit.
2. In accordance with our meeting addressing the County's request that adequate screening for the required Transitional Buffer adjacent to Pine Dell Subdivision be provided, the owner shall submit or have submitted on his behalf, a landscape plan as part of this request, with a proffer stating the property shall be developed in general conformance with this approved landscape plan.

3. Lighting. Exterior lighting on property shall be positioned in such a manner as to minimize the impact of such lighting on adjacent property and shall be of such general type required by the Planning Commission at the time of Plan of Development review and shall be reduced to the level needed for security during hours when the store is not open to the general public.
4. Trash Receptacles. Trash receptacles, not including convenience cans, shall be screened from public view at ground level and enclosed with material similar to material of the existing building approved at the time of Plan of Development.
5. Buildings. Any future buildings constructed on the property shall be architecturally similar in color, style and material with the existing buildings on the property as determined by the Planning Commission at the time of Plan of Development.

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", is written over a printed name and title.

Virgil R. Hazelett, P.E.
County Manager

pc: Director, Real Estate Assessment
Conditional Zoning Index