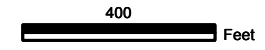


REZ2015-00029

Zoning

Commercial

Brookland District



PS July 2015

Ref: 771-752-7780



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoulkas
County Manager

October 20, 2015

BPTM, LLC
3033 Wilson Boulevard
Arlington, VA 22201

Re: Rezoning Case REZ2015-00029

Dear Sirs:

The Board of Supervisors at its meeting on October 13, 2015, granted your request to conditionally rezone from M-1C Light Industrial (Conditional) to B-3C Business District (Conditional) Parcel 771-752-7780 containing 9.291 acres located at the southeast intersection of Staples Mill Road (U.S. Route 33) and Hermitage Road, described as follows:

Beginning at a point; said point being the intersection of the eastern line of Staples Mill Road and the southern line of Hermitage Road; thence from said point of beginning along the southern line of Hermitage Road N 75°46'33" W a distance of 563.49' to a point; thence from the southern line of Hermitage Road S 11°59'43" E a distance of 797.58' to a point; thence S 86°38'17" W a distance of 517.28' to a point in the eastern line of Staples Mill Road; thence along the eastern line of Staples Mill Road the following seven (7) courses: 1) along a curve to the left having a radius of 5807.58' a length of 58.61', a chord of 58.61' and a chord bearing of N 17°36'36" W to a point; 2) N 72°06'04" E a distance of 33.00' to a point; 3) along a curve to the left having a radius of 5840.58' a length of 85.29', a chord of 85.29' and a chord bearing of N 18°19'02" W to a point; 4) S 71°15'52" W a distance of 32.00' to a point; 5) N 15°23'25" W a distance of 184.56' to a point; 6) along a curve to the left having a radius of 2931.79', a length of 339.76', a chord of 339.57' and a chord bearing of N 22°16'31" W to a point; 7) N 30°37'12" E a distance of 50.17' to a point being the point and place of beginning containing 9.291 acres.

The Board of Supervisors accepted the following proffered conditions, dated September 8, 2015, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. The following uses shall not be permitted:
 - a. dancing establishments and dance halls;

- b. funeral home, mortuaries, crematories and/or undertaking establishments;
 - c. gun shop, sales and repair;
 - d. tattoo parlors;
 - e. adult businesses as defined in the Henrico County Zoning Ordinance;
 - f. bars;
 - g. 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
 - h. flea markets;
 - i. automotive service stations, including fuel sales;
 - j. boat and boat trailer sales, service and storage;
 - k. off-track betting parlors;
 - l. billboards;
 - m. car washes;
 - n. establishments whose primary business is check cashing, making motor vehicle title loans or making payday loans as defined and regulated by Sections 6.2-2100 et seq., 6.2-2200 et seq. and 6.2-1800 et seq. of the Code of Virginia (this shall not preclude banks, savings and loans, or similar institutions that are not regulated by the foregoing Virginia Code Sections);
 - o. restaurants with dancing, provided however that restaurants without dancing shall be permitted;
 - p. and permanent on-site recycling collection facilities;
2. **Facade.** The exposed, portions of all exterior wall surfaces (front end sides) of each building constructed on the Property shall be predominantly of brick, glass and wood paneling; except to the extent that other architectural materials are used for trim or architectural decorations. The style and colors shall be consistent with the buildings shown in the Conceptual Elevations attached hereto as Exhibits A-1 and A-2 dated September 3, 2015 (see case file), subject to such changes as may be approved at the time of Plan of Development review.
3. **HVAC.** All roof mounted mechanical equipment shall be screened, and screening materials shall be compatible with the architectural style of the building. All ground

mounted mechanical equipment shall be screened, with an opaque material, from public view at ground level from the Property lines.

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 consistent with the materials used on the building they serve. The gate(s) shall provide opaque screening.
5. **Concept Plan.** The Property shall be developed in substantial conformance with the plan titled Concept Plan, by Bohler Engineering, a copy of which is attached hereto, as Exhibit B, (see case file) subject, however, to such traffic and engineering changes as may be approved at the time of Plan of Development review.
6. **Site Lighting.** Lights illuminating off-street parking or loading areas shall be arranged and installed so that no material glare or direct light shall spill over into adjacent parcels. Lighting standards shall be mounted on a concrete base, and shall be of directional type capable of shielding the light source from direct view.
7. **Loudspeakers.** No outside pagers or loudspeakers shall be permitted on the Property, except in connection with an outdoor seating area adjacent to a restaurant. However, an intercom system equipped with volume control associated with a drive through window shall be permitted. Sound from any pager, loudspeaker or intercom system shall not be audible beyond one hundred (100) feet from the source.
8. **Best Management Practice.** Any permanently wet above-ground Best Management Practice structure shall include an aeration feature to move water within such structure.
9. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for existing utilities, junction boxes, meters, and utility lines in wetland areas and utility lines required to be above ground by the utility company.
10. **Public Sidewalk.** A 4 foot wide sidewalk with a 2 foot utility strip shall be provided by the developer within the right-of-way along the property frontage of Hermitage Road.
11. **Outdoor Display and Sales.** Areas for outdoor display of merchandise for sale shall be clearly delineated on the Plan of Development for the Property.
12. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the Property, such portions(s) of the Property which lie within a one hundred (100) year flood plain (as determined by definitive engineering studies approved by the Department of Public Works, and excluding those areas for which

permits are issued allowing fill-in and development) may only be used for the following purposes:

- a. Storm-water management and/or retention areas;
- b. Ponds, lakes and similar areas intended as aesthetic features, for recreational amenities, and/or wildlife habitats;
- c. Access drives, parking, infrastructure, utilities, signage, walkways, and recreational facilities installed in a manner to minimize their impacts;
- d. Such additional uses to the uses identified in (a), (b), (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the Henrico County Code.

And the owner shall, prior to issuance of Certificate of Occupancy, apply to rezone such portions of the Property within the flood plain, as are included with the Plan of Development or adjacent thereto, to a C-1 Conservation District.

13. **Landscaped Areas.** A twenty (20) foot landscaped area shall be provided from the ultimate right-of-way line on Staples Mill Road, as determined at the time of the Plan of Development. A ten (10) foot landscaped area (planted equal to the requirements of the Transitional Buffer 10) shall be provided from the ultimate right-of-way line on Hermitage Road.

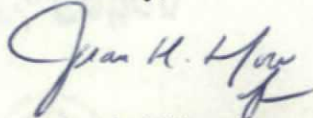
The aforesaid landscaped areas shall allow for necessary or required utility easements, grading, drainage, signage and access driveways and other purposes requested and specifically permitted, or if required at time of Plan of Development review. Any new utility easements or use permitted within the 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.

14. **Signage.** Any freestanding signs shall be monumental in style with base materials consistent with the buildings on the property and not exceeding fifteen (15) feet in height. If lighted, the signs shall be internally so that there are not freestanding spotlights or any type of individually lighting structures. The sign message, if illuminated, shall be illuminated from within the sign structures. The only signage permitted on the Property shall be the aforementioned freestanding signs and the attached signage on the building permitted by the zoning ordinance, except for directional signs and menu boards.

15. **Hours of Operation.** Hours of operation for all uses on the Property shall adhere to B-2 Business District regulations.
16. **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 for the unaffected part of any such proffer.

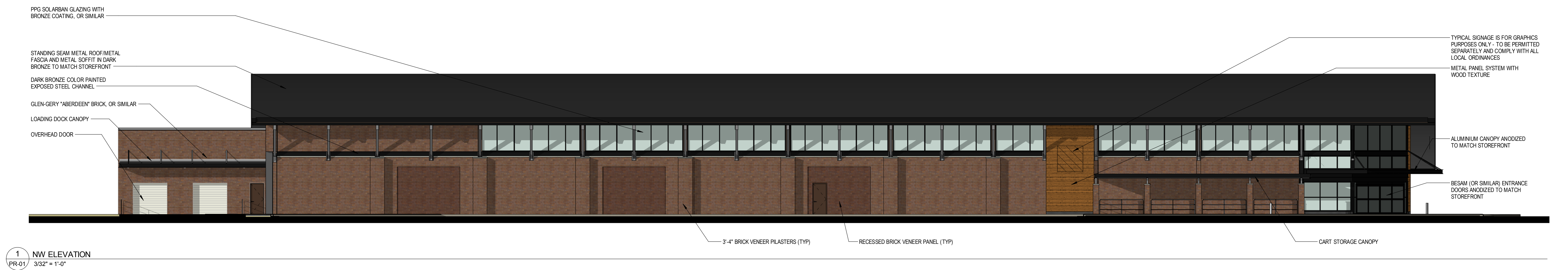
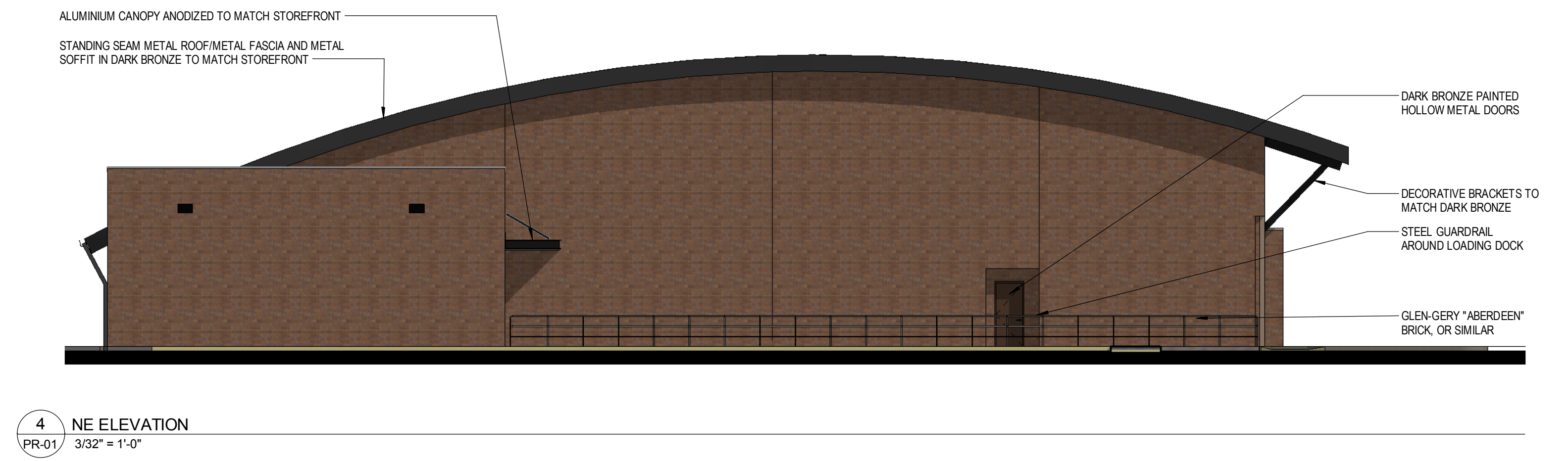
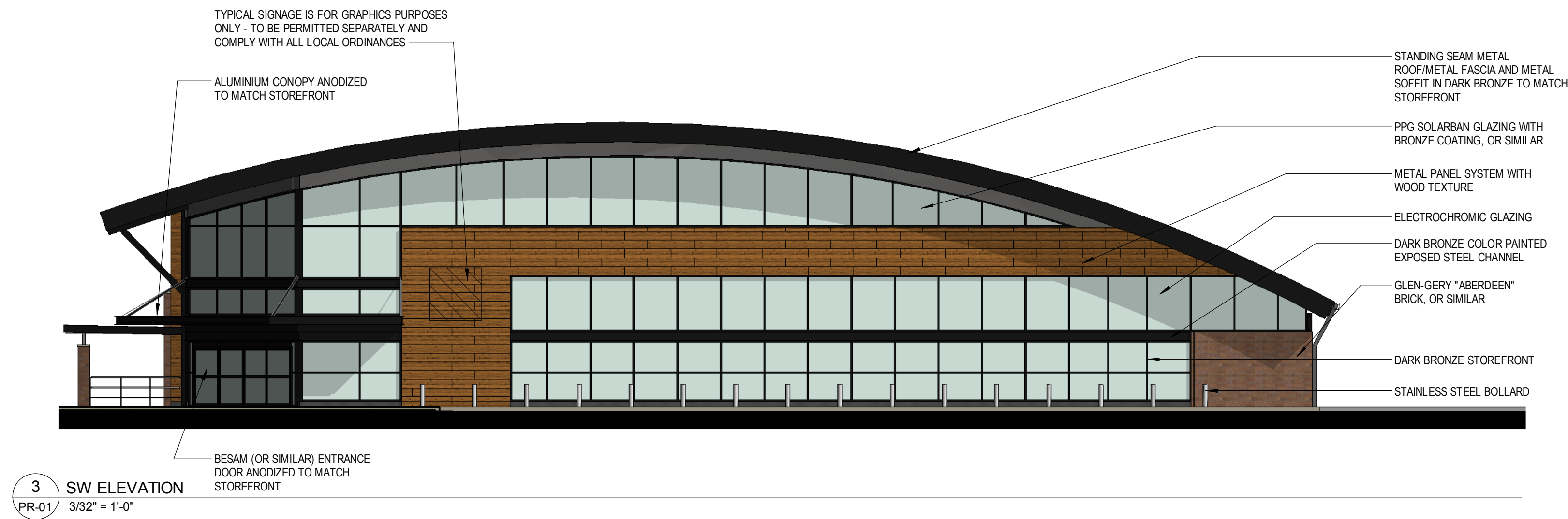
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,



John A. Vithoulkas
County Manager

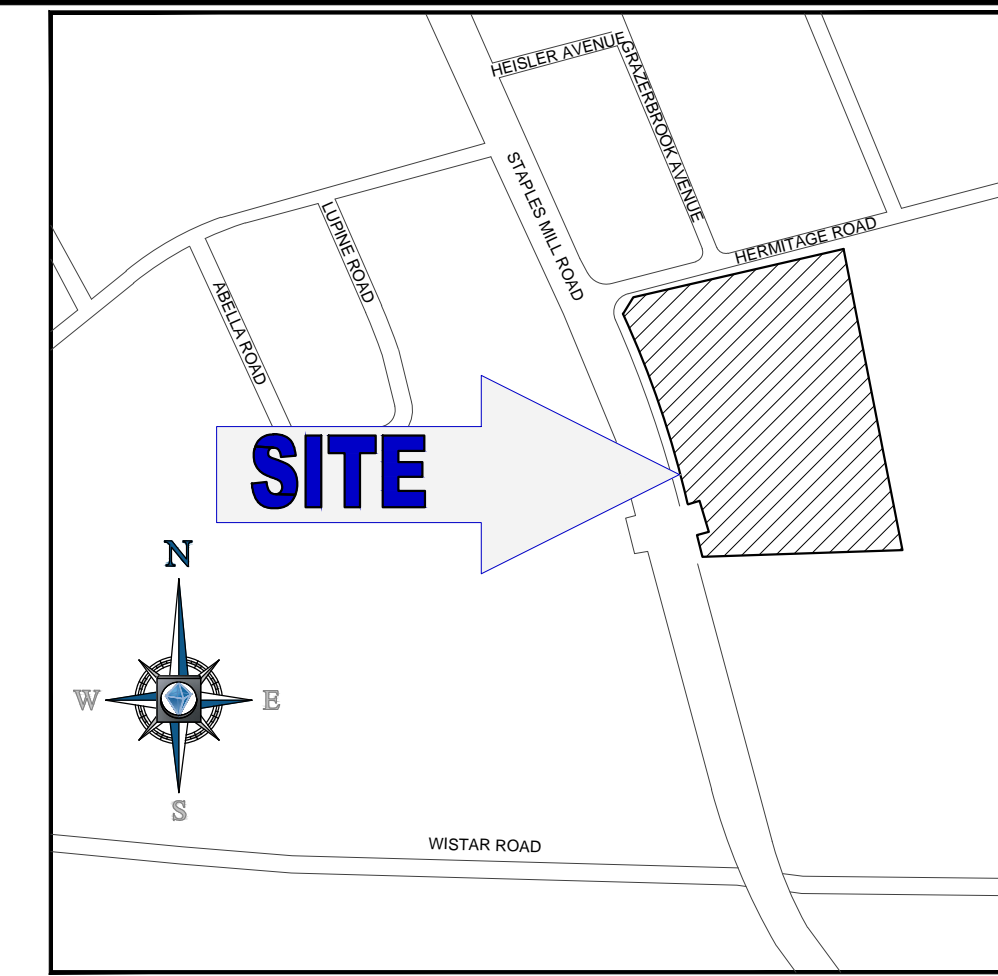
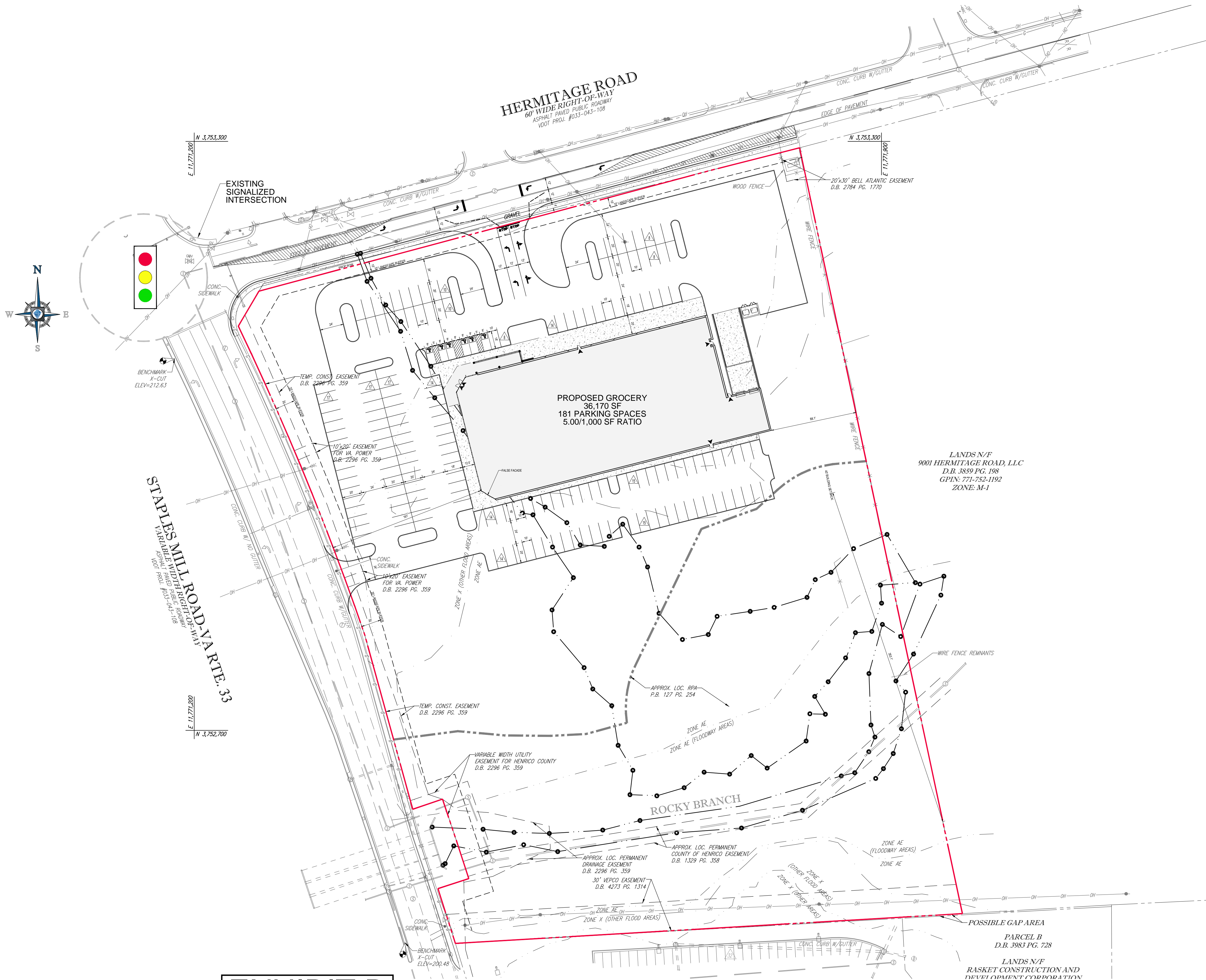
pc: Hermitage Investment Group, LLC
D. Brennen Keene, Esquire/Ann Neil Cosby, Esquire
Director, Real Estate Assessment





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LAND SURVEYING PROGRAM MANAGEMENT LANDSCAPE ARCHITECTURE
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• WASHINGTON, DC
• WILMINGTON, DE
• YORK, PA

REVISIONS			
REV	DATE	COMMENT	BY

NOT APPROVED FOR CONSTRUCTION

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE OF VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND DELAWARE CALL: 811
(VA 1-800-245-4848) (PA 1-800-242-1776) (DC 1-800-287-7777) (MD 1-800-552-7007) (DE 1-800-282-8550)

NOT APPROVED FOR CONSTRUCTION

PROJECT No.: V151004
DRAWN BY: LGS
CHECKED BY: JQR
DATE: 06/04/2015
SCALE: 1"=60'
CAD I.D.: CC1

TEST FIT

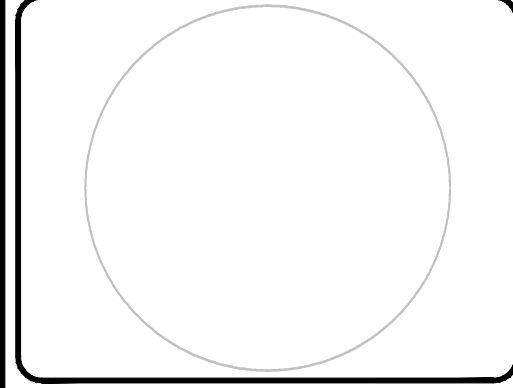
FOR

LIDL

LOCATION OF SITE
9101 HERMITAGE ROAD
HENRICO, VA 23228

BOHLER ENGINEERING

28 BLACKWELL PARK LANE, SUITE 201
WARRENTON, VIRGINIA 20186
Phone: (540) 349-4500
Fax: (540) 349-0321
VA@BohlerEng.com



SHEET TITLE:

TEST FIT

SHEET NUMBER:

1

PRELIMINARY ZONING INFORMATION	
APPROXIMATE ACREAGE (TOTAL)	9.291 AC ±
APPROXIMATE ACREAGE (MGP)	9.291 AC ±
EXISTING ZONING	M-1 (LIGHT INDUSTRIAL DISTRICT)
PROPOSED ZONING	B3-C
PARKING REQUIRED	36,170 S.F. * 1 SP / 200 S.F. = 181 SPACES
PARKING PROVIDED	181 SPACES, INCLUDING 6 ADA SPACES
FRONT BUILDING SETBACK	25'
SIDE BUILDING SETBACK	0' OR 25' WHEN ADJACENT TO R DISTRICT
REAR BUILDING SETBACK	30' OR 60' WHEN ADJACENT TO R DISTRICT
RIGHT-OF-WAY PARKING SETBACK	

NOTE: SITE LIES WITHIN THE ENTERPRISE ZONE. SITE ADDRESS CONSISTS OF ONE PARCEL TOTALING 9.291 ACRES.

EXHIBIT B

REZ2015-00029

