



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoulkas
County Manager

September 20, 2016

Mr. Earl Templeton
4225 Shore Drive #144
Virginia Beach, VA 23455

Re: Rezoning Case REZ2016-00028

Dear Mr. Templeton:

The Board of Supervisors, at its meeting on September 13, 2016, approved your request to conditionally rezone from R-4 One-Family Residence District and B-1 Business District to B-2C Business District (Conditional) Parcels 784-754-6140, -6324, -6505, -7628, -8004, and -8014 containing 2.910 acres located at the northeast intersection of Brook (U.S. Route 1) and Wilkinson Roads, described as follows:

PARCEL A

Commencing at a point at the intersection of the north line of Wilkinson Road and the east line of Brook Road U.S. Route 1; thence along said east line of Brook Road U.S. Route 1 N 04°54'47" W, 148.00' to a point; thence N 01°28'39" E, 25.16' to a point; thence N 85°05'13" E, 11.20' to a point; thence N 04°54'47" W, 13.00' to a point; thence S 85°05'13" W, 11.20' to a point; thence N 00°43'32" W, 112.30' to a point; thence N 04°54'47" W, 181.01' to a point; thence leaving the east line of Brook Road, U.S. Route 1 along the south line of Beecham Drive N 84°26'11" E, 118.17' to a point thence leaving said Beecham Drive along the west line of a sixteen foot wide alley S 05°33'49" E, 482.91' to a point on the north line of Wilkinson Road; thence along the north line of Wilkinson Road S 75°33'40" W, 110.54' to a point; thence N 55°48'41" W, 33.02' to the point of beginning, containing 1.419 acres of land.

PARCEL B

Commencing at a point on the north line of Wilkinson Road 161.68' east of intersection of the north line of Wilkinson Road and the east line of Brook Road U.S. Route 1; thence leaving said Wilkinson Road along the east line of a sixteen foot wide alley N 05°33'49" W, 491.41' to a point on the south line of Beecham Drive; thence along the south line of Beecham Drive N 84°26'11" E, 135.00' to a point on the West line of Seminary Avenue; thence along the west line of Seminary Avenue S 05°33'49" E 470.99' to a point on the north line of Wilkinson Road; thence along the north line of Wilkinson Road S 75°50'06" W, 136.54' to the point of beginning, containing 1.491 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated August 4, 2016, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Concept Plan.** The Property shall be developed in general conformance with the conceptual rendering attached hereto entitled "7701 Brook Road Retail Development Conceptual Site Layout #3 (CP-3)" (the "Concept Plan"), (see case file), dated June 15, 2016, prepared by Willmark Engineering, PLC, which Concept Plan is conceptual in nature and may vary in detail, unless otherwise requested by the owner and specifically approved at the time of Plan of Development.
2. **Landscaping.** A landscaped strip a minimum of twenty-five (25) feet in width shall be provided along the western boundary line of the Property and extending around the southern boundary line to the entrance on Wilkinson Road, all as generally shown on the Concept Plan (see case file). Landscaping shall be provided per the West Broad Street Overlay standards set forth in Section 24-92.3(e)(2) of the Henrico County Code. Sidewalks, utility easements, fencing/walls and signage shall be permitted within such buffer.
3. **Wall.** A screening wall consisting of a textured precast concrete product which simulates masonry, a minimum of six (6) feet in height, shall be provided parallel to the rear (eastern) property line along Seminary Avenue as shown on the Concept Plan (see case file). Both sides of such wall are to be of a color and brick pattern texture similar to the main building to be constructed, unless otherwise requested and specifically approved at the time of Plan of Development.
4. **Best Management Practice.** Any Best Management Practice structures shall be located outside of the required buffers, except as a landscaping amenity, water-related feature or incorporated as a rain-garden type BMP with landscaping and if specifically permitted at the time of Plan of Development. Any above-ground wet Best Management Practice structure shall include an aeration feature to move water within such structure.
5. **Loading Docks.** Any loading docks, not to include doors for at-grade deliveries, shall be screened from public view at ground level as approved at the time of Plan of Development by use of a wall, landscaping, or such other method as may be approved at the time of Plan of Development.
6. **Trash Receptacles/Recycling Activities.** Dumpsters, trash receptacles, not including convenience cans, and recycling receptacles shall be screened from public view with masonry enclosures compatible with the architectural design of the buildings at ground level at the Property lines as approved at the time of Plan of Development. The gates and doors on the masonry refuse screens shall be of a substantial and durable material as determined at the time of Plan of Development. Convenience cans shall be within or part of a decorative container. There shall be no trash pickup between the hours of 7:00 p.m. and 7:00 a.m.

7. **Parking Lot Cleaning.** Parking lot cleaning on the Property shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, exclusive of snow removal. There shall be no parking lot cleaning on Saturdays or Sundays, exclusive of snow removal.
8. **Drainage and Utilities.** Except for junction boxes, meters, pedestals, transformers, transmission mains, relocated and/or existing overhead utility lines or for technical or environmental reasons, all new utility lines shall be underground.
9. **Parking Lot and Exterior Lighting.** Parking lot lighting standards within the Property shall not exceed twenty-five (25) feet in height as measured from the grade of the lighting standard and shall not exceed twenty (20) feet in height as measured from the grade of the lighting standard within one hundred (100) feet from Seminary Avenue, except as otherwise permitted at the time of Plan of Development. Parking lot lighting on the Property shall be produced from concealed lighting sources to minimize the impact of such lighting on adjacent properties, unless otherwise permitted at the time of Plan of Development. Such lighting shall be reduced to no more than a security level following the close of business operations each day. The exterior lighting on the Property shall be designed with a cohesive plan so that all exterior lighting shall use compatible design elements.
10. **Road Amenities.** Sidewalks shall be installed or refurbished in the rights-of-way for Brook Road and Wilkinson Road parallel to the boundary line of the Property. These sidewalks shall be constructed to the Virginia Department of Transportation and Department of Public Work's standards. Street level lighting shall be provided along the sidewalk on Brook Road as may be required during Plan of Development.
11. **Speakers.** No public address, speaker or paging systems shall be audible beyond the boundary line of the Property.
12. **Use Restrictions.** The following uses shall be prohibited:
 - a. Laundromats and self-service dry-cleaning establishments;
 - b. Lodge and fraternal organizations;
 - c. automotive filling and service stations including towing service and convenience stores with gas;
 - d. self-storage facilities;
 - e. off-track betting parlors;
 - f. sewer/water pump stations;
 - g. skating rinks (unless such ice skating areas are an amenity of the pedestrian oriented shopping center), roller skating rinks, model racing tracks, electronic video game rooms, bingo halls and billiard parlors unless such billiard parlors are associated with a restaurant;
 - h. flea markets or antique auctions;
 - i. billboards;
 - j. permanent on-site recycling collection facilities;

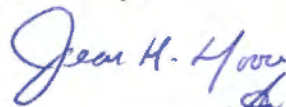
- k. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - l. dance halls;
 - m. truck stops;
 - n. gun shop, sales and repairs, except that such sales and repairs shall be permitted in a store that sells a variety of sporting goods;
 - o. hotels, motels and motor lodges;
 - p. parking lots, commercial (nothing herein shall preclude parking lots as an accessory use to a principally permitted use);
 - q. sign printing and painting shops;
 - r. communication towers, not to exclude, however, any concealed antennae array for communications if approved through the Provisional Use Permit process;
 - s. restaurants with drive-thru windows, not to exclude, however, restaurants with drive-thru windows which primarily serve coffee, donuts, pastries, bagels, breads and ice cream, unless otherwise requested and specifically permitted at the time of Plan of Development;
 - t. car washes;
 - u. general hospitals, sanitoriums and charitable institutions for human care;
 - v. adult businesses as defined by Section 24-3 of the Henrico County Code;
 - w. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
 - x. bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control;
 - y. car title loan operations; and
 - z. radio/TV stations.
13. **Signage.** Any detached signs shall be ground mounted, monumental-type signs and shall not exceed six (6) feet in height.
14. **Exterior Elevations.** Any buildings constructed on the Property shall be generally in conformance with the elevations attached hereto as "O'Reilly Front", "O'Reilly Side" and "Shops Front" (see case file), unless otherwise requested and specifically approved at the time of Plan of Development. All buildings on the Property shall have exposed exterior walls (above finished grade and exclusive of architectural features, windows and doors) constructed of masonry brick, stone, precast concrete, exterior insulating finishing system (E.I.F.S.) and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development. The rear of any buildings shall use the same materials or shall have a similar or compatible

appearance and architectural design as on the front of the building in order to reduce the visual impact on surrounding residential properties, including screening from view of the boundary line of the Property of HVAC and utility systems. No building on the Property shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other materials unless requested and specifically permitted at the time of Plan of Development.

15. **Deliveries.** All leases with tenants shall include language limiting delivery vehicles entering and exiting the Property via Brook Road.
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 the other proffers or the unaffected part of any such proffer.
17. **Wilkinson Road Improvements.** Wilkinson Road shall be widened to its ultimate section with curb and gutter as shown on the Concept Plan (see case file). The existing right turn lane on Brook Road in front of the Property shall be extended as far south as possible as shown on the Concept Plan (see case file).

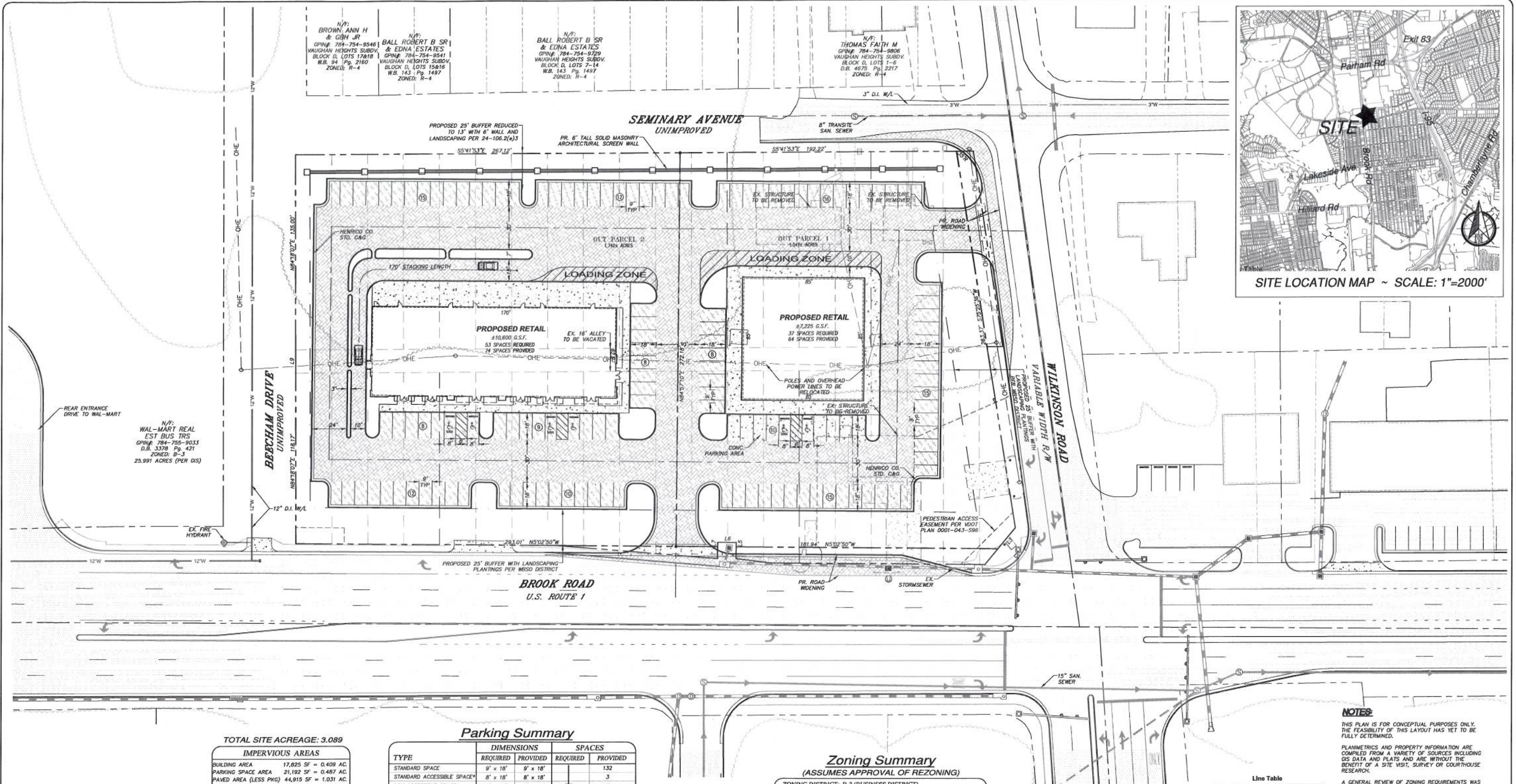
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,



John A. Vithoukas
County Manager

pc: Robert B. Ball, Sr. Family LLC
The Estates of Robert Ball, Sr. and Edna Ball
James W. Theobald, Esquire
Director, Real Estate Assessment
Tiffany S. Hinton, Ph.D., Dir. Research and Planning - Schools



TOTAL SITE ACREAGE: 3.089

IMPERVIOUS AREAS	
BUILDING AREA	17,825 SF = 0.409 AC.
PARKING SPACE AREA	21,192 SF = 0.487 AC.
PAVED AREA (LESS PKG)	44,915 SF = 1.031 AC.
SIDEWALKS	6,677 SF = 0.153 AC.
ON-SITE (OTHER)	5,204 SF = 0.119 AC.
TOTAL IMPERVIOUS AREA = 2.213 AC.	

ON-SITE TABULATION CHART

BUILDINGS	17,825 SF	13.7% OF SITE
IMPERVIOUS SURFACES (PARKING/WALKS/DRIVES)	77,988 SF	58.0% OF SITE
OPEN SPACE	38,144 SF	28.3% OF SITE
TOTAL	3.089 AC. OR 134,557 SF	100% OF SITE

Parking Summary

TYPE	DIMENSIONS		SPACES	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED
STANDARD SPACE	9' x 18'	9' x 18'	132	132
STANDARD ACCESSIBLE SPACE*	8' x 18'	8' x 18'	3	3
VAN ACCESSIBLE SPACE	8' x 18'	8' x 18'	3	3
TOTAL SPACES			90	138

* DENOTES ADA/STATE/LOCAL REQUIREMENTS

PARKING REQUIREMENT CALCULATIONS:
RETAIL FACILITY: 1 PARKING SPACE REQUIRED FOR EACH 200 GSF.
(17,825 GSF TOTAL RETAIL SPACE ON SITE/200) = 89 SPACES REQUIRED

LOADING SPACE REQUIREMENT CALCULATIONS:
RETAIL FACILITY: = 1 SERVICE SPACE OR 1 FULL SIZE LOADING SPACE

Zoning Summary
(ASSUMES APPROVAL OF REZONING)

ZONING DISTRICT: B-2 (BUSINESS DISTRICT)
OVERLAY DISTRICTS:

ZONING REGULATION	REQUIRED	PROVIDED
FRONT YARD SETBACK	15 FT.	>15 FT.
SIDE YARD SETBACK	FRONT YARD*	>15 FT.
REAR YARD SETBACK	50 FT.*	>25 FT.
MAX. BUILDING HEIGHT	45 FT.	<45 FT.

* PER SEC 24-61 ITEM-C, BUILDING SETBACK IS 50 FT WHEN LOCATED ACROSS A R/W LESS THAN 80' IN WIDTH AND FROM ANY R DISTRICT (UNLESS WITHIN A SHOPPING CENTER)(NOTE- SITE AREA BELOW 10AC, THEREFORE THIS DEVELOPMENT CANNOT BE CLASSIFIED AS A SHOPPING CENTER). FURTHER, THE FRONT SETBACK SHALL APPLY TO CORNER AND DOUBLE FRONTAGE LOTS.

Line Table

Line #	Distance	Bearing
L3	18.84	N55° 56' 45"W
L5	3.00	N84° 57' 10"E
L6	13.00	N05° 02' 50"W
L7	3.00	S84° 57' 10"W
L9	16.00	N84° 18' 07"E

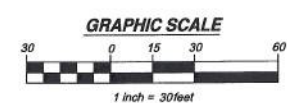
NOTES:
THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY. THE FEASIBILITY OF THIS LAYOUT HAS YET TO BE FULLY DETERMINED.
PLANIMETRICS AND PROPERTY INFORMATION ARE COMPILED FROM A VARIETY OF SOURCES INCLUDING GIS DATA AND PLATS AND ARE WITHOUT THE BENEFIT OF A SITE VISIT, SURVEY OR COURTHOUSE RESEARCH.
A GENERAL REVIEW OF ZONING REQUIREMENTS WAS DONE IN PREPARING THIS CONCEPT; HOWEVER, THE CONCEPT DOES NOT BENEFIT FROM MEETINGS AND REVIEWS FROM THE GOVERNMENTAL AGENCIES HAVING JURISDICTION WHICH MAY UNCOVER ADDITIONAL CONSTRAINTS.
SITE AND DESIGN RELATED CONSTRAINTS INCLUDING BUT NOT LIMITED TO GRADING, STORMWATER MANAGEMENT, WATER, SANITARY SEWER, STORM SEWER, DRY UTILITIES, ENVIRONMENTAL FEATURES, AND EXISTING SOIL CONDITIONS WERE NOT CONSIDERED WITH THIS EARLY CONCEPTUAL LEVEL LAYOUT.
FURTHER REVIEW OF TRAFFIC REQUIREMENTS MAY PROHIBIT THE QUANTITY, LOCATION, AND OR CONFIGURATION OF THE ACCESS LOCATIONS SHOWN ON THIS CONCEPT.

WILLMARK
engineering, PLC
10102 Whitesel Road
Suite B
Ashland, Virginia 23005
804.496.6386



LEGEND

[Pattern]	HEAVY DUTY PAVEMENT	[Pattern]	CONCRETE SIDEWALK
[Pattern]	STANDARD DUTY PAVEMENT	[Pattern]	PROPOSED 1.347 AC OUTPARCEL #1



REZ2016-00028

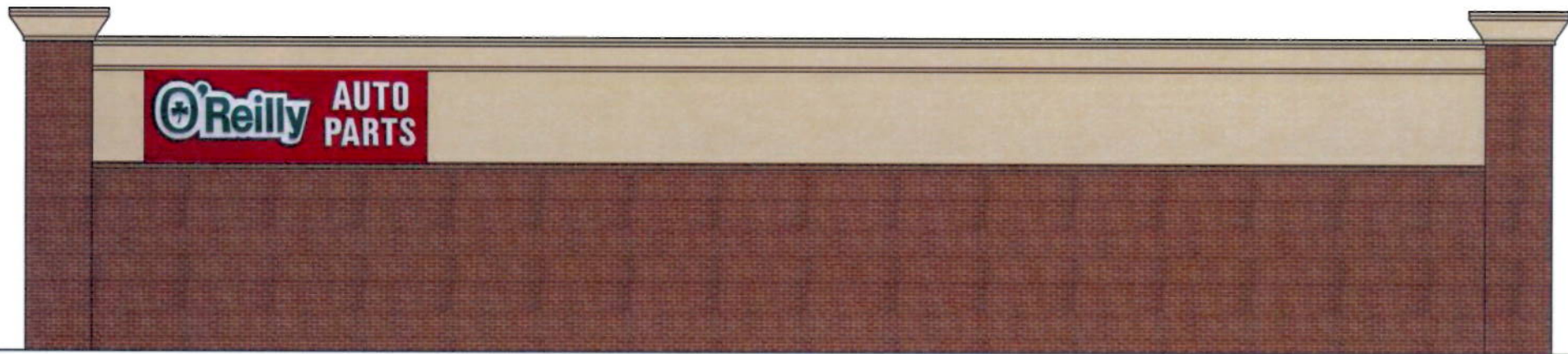
7701 BROOK ROAD RETAIL DEVELOPMENT
CONCEPTUAL SITE LAYOUT #3 (CP-3)
HENRICO COUNTY, VA

WME PROJECT #:	REVISION DATE	REVISION DESCRIPTION
TBD		
DATE:		
JUNE 15, 2016		



O'REILLY FRONT
1/8" = 1'-0"

REZ2016-00028



OREILLY SIDE

$\frac{1}{8"} = 1'-0"$

REZ2016-00028



SHOPS FRONT

$\frac{1}{8"} = 1'-0"$

REZ2016-00028