



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoukas
County Manager

January 31, 2017

P&F, LLC
and North American Holdings, Inc.
c/o Frank Pearson
9530 Midlothian Turnpike
North Chesterfield, VA 23235

Re: Rezoning Case REZ2016-00044

Dear Mr. Pearson:

The Board of Supervisors, at its meeting on January 24, 2017, approved your request to conditionally rezone from B-3C Business District (Conditional) and O-2C Office District (Conditional) to B-3C Business District (Conditional) Parcels 761-754-4773 and 761-754-2053 containing 4.01 acres located between the south line of W. Broad Street (U.S. 250) and Skipwith Road approximately 600' west of their intersection with N. Parham Road, described as follows:

From the point of beginning (P.O.B.), thence S 45°13'07" W for a distance of 509.55' to a point; thence N 18°35'34" W for a distance of 9.4+/-' to a point; thence S 78°57'44" W for a distance of 251.19' to a point; this point also being on the Eastern Line of Skipwith Road; thence N 10°44'09" W for a distance of 90.00'; thence N 10°27'22" W for a distance of 95.00'; thence N 10°27'22" W for a distance of 95.00'; thence N 79°27'48" E for a distance of 212.69'; thence N 38°87'47" W for a distance of 294.86'; this point being on the Southern Line of West Broad Street - U.S. Route 250, thence S 63°19'22" E for a distance of 8.96'; thence S 38°87'47" W for a distance of 14.00'; thence S 63°19'22" E for a distance of 12.00'; thence N 38°87'47" E for a distance of 14.00'; thence S 63°19'22" E for a distance of 77.00'; thence S 38°87'47" W for a distance of 12.00'; thence S 63°19'22" E for a distance of 12.00'; thence N 38°87'47" E for a distance of 12.00'; thence S 63°01'05" E for a distance of 63.01'; thence a curve to the right with a Chord Bearing of S 58°24'04" E for a Chord distance of 107.64' a radius 1377.39' with a length of 107.66'; thence S 30°59'28" W for a distance of 12.00'; thence S 58°46'08" E for a distance of 11.44'; thence N 31°28'16" E for a distance of 12.00'; thence a curve to the right with a Chord Bearing of S 55°14'41" E for a Chord distance of 13.87' a radius 1377.39' with a length of 13.87' to the Point of Beginning.

These parcels encompass 4.01 acres.

The Board of Supervisors accepted the following proffered conditions, dated December 20, 2016, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Architectural Treatment.** Except for windows, doors and exterior trim, there shall be no exposed metal on the front exterior facades on any building facing Broad Street and on the exterior side of such building or buildings for a distance equal to the depth of such building used for sales and administrative offices. There may be exposed metal on the front, rear and sides of other buildings constructed on the Property, provided that the portion of any building facing toward and within two hundred feet of any public street shall not be more than 50% metal. Further and as the same is not inconsistent with the foregoing, the architectural design of buildings on Broad Street shall be similar to the architectural design as shown on the photograph marked Exhibit "1" (see case file) attached to and made a part of Case No. C-54C-89.
2. **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 by the Planning Commission at the time of Plan of Development review.
3. **Central Trash Receptacles.** Dumpsters, trash receptacles, not including convenience cans, and recycling receptacles shall be screened from public view with opaque enclosures compatible with the architectural design of the building at ground level at the Property lines as approved at the time of Plan of Development. The gates and doors on the opaque refuse screens shall be of a substantial and durable material as determined at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined at the time of Plan of Development. The number of refuse containers shall be adequate for the development as determined at the time of Plan of Development. Convenience cans shall be within or part of a decorative container.
4. **Building Heights.** No building constructed on the Property shall exceed thirty-five (35) feet in height, exclusive of chimneys or other architectural design features.
5. **Outside Speakers.** No outside loud speakers, which can be heard beyond the boundaries of the Property, shall be permitted on the Property.
6. **Signage.** Signage on the Property shall be restricted to the B-2, Business District, requirements.

7. **Hours of Operation.** Any car dealership shall not be open for the conduct of business to the public between the hours of midnight and 6:00 a.m. The foregoing shall not preclude servicing of vehicles in a completely enclosed building with bay doors closed between midnight and 6:00 a.m. The hours of operation for any other uses on the Property shall be limited to 6:00 a.m. to midnight.
8. **No Body Repair.** No body repair work shall be performed on the Property or in buildings on the Property.
9. **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.
10. **Landscaped and Natural Area.** A landscaped and natural area a minimum of twenty-five (25) feet in width shall be provided along the right-of-way line of West Broad Street. Any automobiles parked within said twenty-five (25) feet area shall only be parked or displayed on no more than two (2) vehicle pads designated for such use on the Plan of Development.

Applicable to GPIN 761-754-4773 (West Broad Street Frontage)

11. **Parking Lot Lighting.** All parking lot lighting standards will not exceed twenty-five (25) feet in height above grade level. Parking lot lighting shall be produced from a concealed source of light (such as "shoe box" type).
12. **Permitted Uses.** The only permitted B-3 uses shall be limited to automobile sales, service and repair, and uses accessory thereto. All uses permitted in a B-2 business district shall be permitted, except the following uses:
 - a. billiard, bagatelle, video game or a bingo parlor;
 - b. flea markets or antique auctions;
 - c. recycling facilities;
 - d. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - e. dance halls;
 - f. truck stops;
 - g. gun shop, sales and repair;
 - h. recreational facilities;
 - i. parking garages or commercial parking lots as a principal use;
 - j. sign painting shops;
 - k. 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);

- l. 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;
- m. establishments whose primary business is the making of motor vehicle title loans as defined and regulated by Section 6.2-2200 et seq. of the Code of Virginia.
- n. recording studios; and
- o. private club, lodge, meeting hall and fraternal organization.

13. **Vehicular Access.** Vehicular access from West Broad Street to and from GPIN 761-754- 4773 shall be limited to the two existing entrances/exits.

Applicable to GPIN 761-754-2053 (Skipwith Road Frontage)

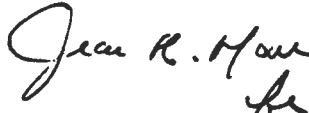
14. **Uses.** The only use permitted on GPIN 761-754-2053 shall be for an automobile inventory lot for fully operative new or used cars, not to include recreational vehicles and/or commercial trucks.
15. **Vehicular Access.** Any direct vehicular access to and from GPIN 761-754-2053 to and from Skipwith Road shall be gated. No loading or unloading of vehicles shall be within the Skipwith Road right-of-way.
16. **Fencing/Landscaping.** A decorative "wrought iron-style" fence shall be provided along the Skipwith Road frontage of the Property. A variable width landscaped area a minimum of twenty-five (25) feet in width adjacent the Skipwith Road frontage of the Property shall be provided, except to the extent necessary or allowed for utility easements (including drainage), site distance easements, berms, BMPs, fencing, grading, and access driveways and other purposes requested and specifically permitted, or if required, at the time of Plan of Development or Landscape Plan approval. New utility lines within the buffers/setback shall be generally perpendicular to the buffers/setback to the extent practical and permitted by the respective providers of such utilities. Such landscaping shall meet the TB 25 standards, unless otherwise requested and specifically approved at the time of Plan of Development or Landscape Plan approval.
17. **Parking Lot Lighting.** All parking lot lighting standards shall not exceed twenty-five (25) feet in height above grade level. Parking lot lighting shall be produced from a concealed source of light (such as "shoe box" type) and shall be reduced to no more than one-half (1/2) foot candle at the property lines following the close

of business operations. Parking lot lighting shall be reduced to a security level following the closing of business operations daily.

18. **Skipwith Road Right-of-Way Dedication.** Prior to any Plan of Development approval, right-of-way dedication to the ultimate cross section of Skipwith Road shall be dedicated, free and unrestricted, to and for the benefit of Henrico County. Should the dedicated property not be used for its intended purpose within thirty (30) years of the date of dedication, title to the dedicated property shall revert to the owner or its successors in interest.

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: James W. Theobald, Esquire
Director, Real Estate Assessment