

O-2 to B-2C  
0.998 Ac.

**REZ2017-00030**

**Zoning**

Restaurant w/Drive-Thru

Brookland District

400 Feet

PS October 2017 Ref: 770-755-3230



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

January 30, 2018

John A. Vithoukias  
County Manager

Mr. Luis Cabral  
C/O The Heritage Group, LLC  
7300 Staples Mill Road  
Richmond, VA 23228

Re: Rezoning Case REZ2017-00030

Dear Mr. Cabral:

The Board of Supervisors at its meeting on January 23, 2018, approved your request to conditionally rezone from O-2 Office District to B-2C Business District (Conditional) Parcel 770-755-3230 containing .998 acres located at the southeast intersection of Staples Mill Road (U.S. Route 33) and E. Parham Road, described as follows:

Beginning at a point on the east line of Staples Mill Road, approximately 200' south of the south line of east Parham Road. From the point of beginning; thence N 23°59'45.0" W for a distance of 46.54 feet to a point on a line; thence N 66°00'42.0" E for a distance of 6.00 feet to a point on a line; thence N 23°59'45.0" W for a distance of 5.00 feet to a point on a line; thence S 66°00'42.0" W for a distance of 6.00 feet to a point on a line; thence N 23°59'45.0" W for a distance of 75.75 feet to the beginning of a non-tangential curve.

Said curve turning to the right through an angle of 47°48'46.2", having a radius of 82.00 feet, and whose long chord bears N 00°02'33.0" E for a distance of 66.46 feet to a point of intersection with a non-tangential line; thence S 67°28'15.0" E for a distance of 9.00 feet to a point on a line; thence N 31°27'42.0" E for a distance of 17.97 feet to a point on a line; thence N 53°18'25.0" W for a distance of 9.00 feet to the beginning of a non-tangential curve.

Said curve turning to the right through an angle of 24°39'33.7", having a radius of 82.00 feet, and whose long chord bears N 50°23'17.0" E for a distance of 35.02 feet to a point of intersection with a non-tangential line; thence N 62°43'59.0" E for a distance of 134.09 feet to a point on a line; thence S 23°14'05.0" E for a distance of 204.83 feet to a point on a line; thence S 62°49'51.0" W a distance of 208.80 feet to the point of beginning.

The Board of Supervisors accepted the following proffered conditions, dated November 16, 2017, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Conceptual Plan.** Development of the Property shall be in general conformance with the Conceptual Plan dated November 16, 2017, entitled "8727 Staples Mill

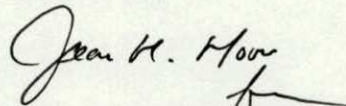
Road - Re-Development, Rezoning Exhibit", prepared by Koontz Bryant Johnson Williams and attached hereto (the "Concept Plan"), which Concept Plan (see case file) is conceptual in nature and may vary in detail as may be approved by County review staff at the time of Plan of Development.

2. **Elevations.** Except for the existing building, any proposed building constructed on the property shall adhere to the following; the exposed portion of each exterior wall surface (front, rear, and side) of any building (excluding rooftop screening materials for mechanical equipment, windows, doors, breezeways, gables, and other architectural design features) shall be predominantly brick with decorative features of alternate materials such as E.I.F.S., vinyl, wood, metal, or cementitious siding, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall at the time of Plan of Development.
3. **Height.** Except for the existing building, no proposed building constructed on the Property shall exceed thirty-five (35) feet in height to the eave of the building (or top of the roof deck beyond the parapet wall if and as applicable), unless otherwise requested and specifically approved at the time of Plan of Development.
4. **Buffers.** A minimum of an eighteen (18) foot wide landscape buffer shall be provided adjacent to the Parham Road right-of-way line and a twenty-five (25) foot wide landscape buffer shall be provided adjacent to the Staples Mill Road right-of-way line. Each buffer shall meet the transitional buffer 25 standards of the Henrico County Zoning Ordinance (section 24-106.2). In calculating the total planting requirements within the buffer, the total length of buffer shall exclude the width of all crossing access entrances and easements.
5. **Parking Lot Lighting.** Except for the existing lighting fixtures, any proposed lighting fixtures shall conform to full cut-off standards, as defined by The Illuminating Engineering Society of North America (IESNA), and shall have a maximum pole height (excluding the height of a concrete base, if applicable) of 25 feet.
6. **Use Restrictions.** The use of the Property will be restricted to those uses permitted in the B-1 Business District with the exception for the use as a restaurant with drive-thru services. In addition, the Property shall not be utilized for any of the following:
  - a. 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 (1950), in effect as the date of the approvals of these proffers (the foregoing shall not preclude banks, savings and loans, or similar financial institutions that are not regulated by the foregoing Virginia Code Section);

- b. permanent on-site recycling collection facilities.
7. **Underground Utilities.** Except for junction boxes, meters, existing overhead utility lines and those utility services required to be above grade for technical or environmental reasons, all proposed utility lines serving the building shall be underground.
  8. **Trash Enclosures.** Except for the existing trash enclosure, any proposed enclosure area for dumpsters on the Property, if provided, shall be constructed of brick on three (3) sides that is complementary to that which is utilized in the primary building. The fourth side shall be gated with an opaque material other than wood. The location of any proposed enclosures for dumpsters shall be determined at the time of Plan of Development.
  9. **HVAC.** Except for the existing heating and air conditioning equipment, any proposed heating and air conditioning equipment shall be screened from the public, where viewed at ground level from the property lines, in a manner approved at the time of Plan of Development.
  10. **Public Address.** No outside pagers or loudspeakers shall be permitted on the Property. 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 feet (100') from the source.
  11. **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.

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

Sincerely,



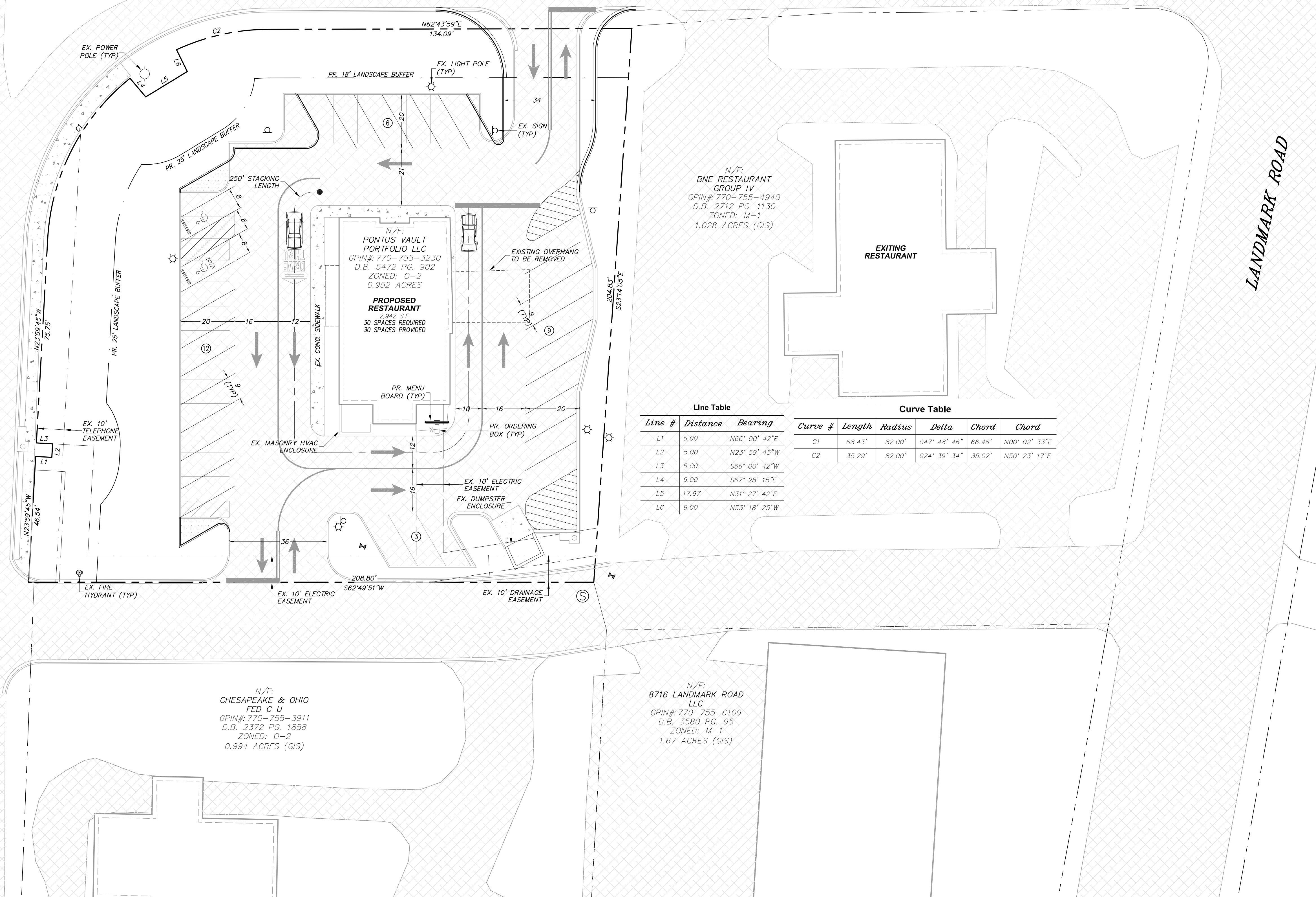
John A. Vithoutkas  
County Manager

pc: Pontus Vault Portfolio, LLC  
Mr. Mark Williams  
Director, Real Estate Assessment

STAPLES MILL ROAD  
VARIABLE WIDTH R.O.W.

EAST PARHAM ROAD  
VARIABLE WIDTH R.O.W.

LANDMARK ROAD



N/F:  
BNE RESTAURANT  
GROUP IV  
G.P.I.N.#: 770-755-4940  
D.B. 2712 PG. 1130  
ZONED: M-1  
1.028 ACRES (GIS)

N/F:  
PONTUS VAULT  
PORTFOLIO LLC  
G.P.I.N.#: 770-755-3230  
D.B. 5472 PG. 902  
ZONED: O-2  
0.952 ACRES

N/F:  
CHESAPEAKE & OHIO  
FED C U  
G.P.I.N.#: 770-755-3911  
D.B. 2372 PG. 1858  
ZONED: O-2  
0.994 ACRES (GIS)

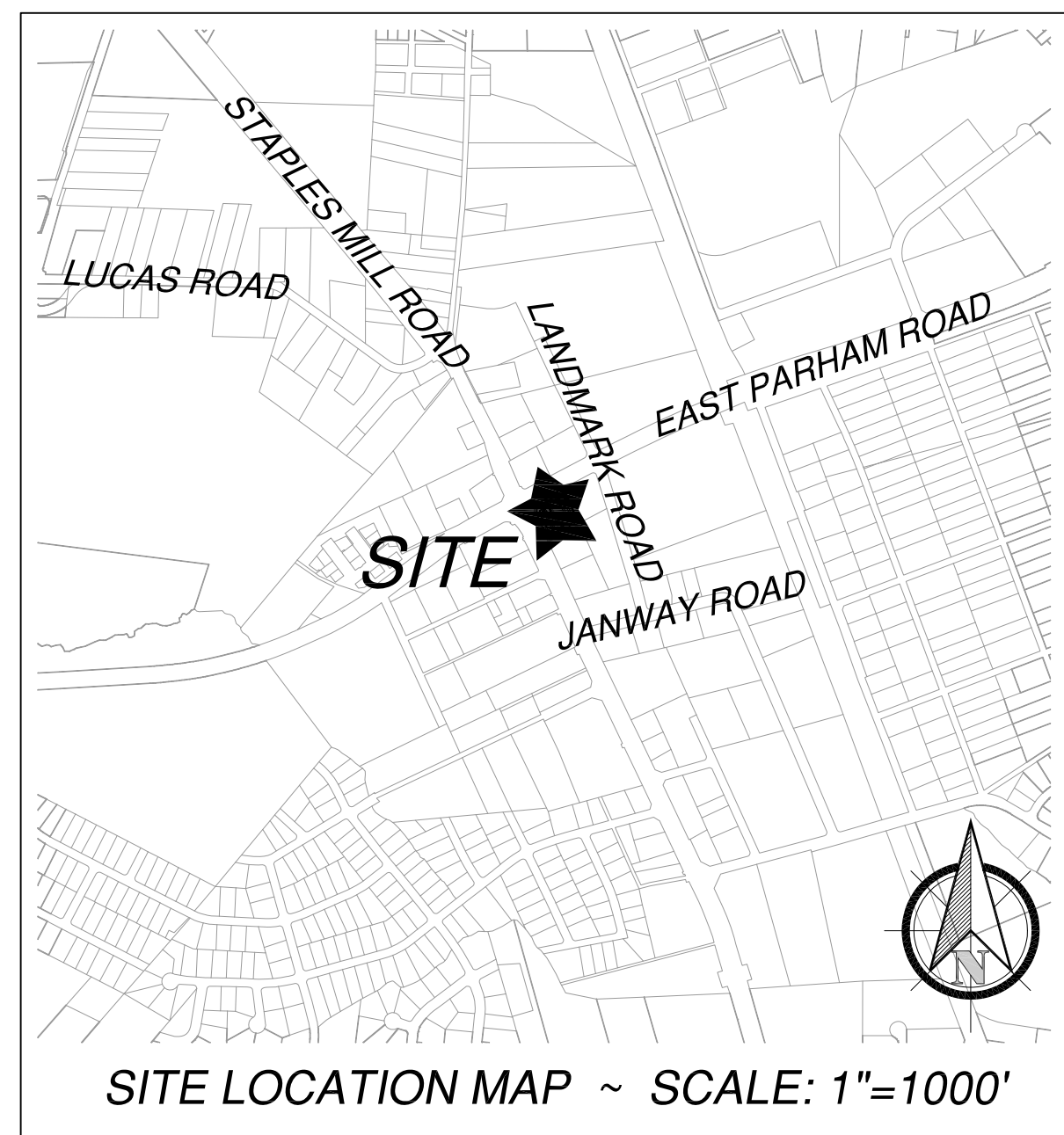
N/F:  
8716 LANDMARK ROAD  
LLC  
G.P.I.N.#: 770-755-6109  
D.B. 3580 PG. 95  
ZONED: M-1  
1.67 ACRES (GIS)

**Line Table**

Line #	Distance	Bearing
L1	6.00	N66° 00' 42"E
L2	5.00	N23° 59' 45"W
L3	6.00	S66° 00' 42"W
L4	9.00	S67° 28' 15"E
L5	17.97	N31° 27' 42"E
L6	9.00	N53° 18' 25"W

**Curve Table**

Curve #	Length	Radius	Delta	Chord	Chord
C1	68.43'	82.00'	047° 48' 46"	66.46'	N00° 02' 33"E
C2	35.29'	82.00'	024° 39' 34"	35.02'	N50° 23' 17"E



**GENERAL 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, PLATS OBTAINED FROM THE COUNTY COURTHOUSE, VGIN AERIAL PHOTOS, AND OBSERVATIONS FROM A SITE VISIT. NO FIELD SURVEY WORK WAS DONE WITH THIS CONCEPTUAL LAYOUT. THEREFORE THE PARCEL LINES SHOWN MAY NOT BE ACCURATE. THIS CONCEPT ASSUMES OWNER WILL PROVIDE SURVEY LEVEL BOUNDARY INFORMATION PRIOR TO ADVANCING THE PROJECT BEYOND THIS CONCEPTUAL LAYOUT.  
A GENERAL REVIEW OF ZONING REQUIREMENTS WAS DONE IN PREPARING THIS CONCEPT; HOWEVER, THE CONCEPT DOES NOT BENEFIT FROM FORMAL 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 FULLY CONSIDERED WITH THIS EARLY CONCEPTUAL LEVEL LAYOUT.  
FURTHER REVIEW OF TRAFFIC REQUIREMENTS MAY PROHIBIT THE QUANTITY, LOCATION, AND OR CONFIGURATION OF THE ACCESS LOCATION SHOWN ON THIS CONCEPT.

**Parking Summary**

TYPE	DIMENSIONS		SPACES	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED
PARALLEL SPACE	9' x 18'	9' x 20'	2	1
STANDARD ACCESSIBLE SPACE*	8' x 18'	8' x 20'	1	28
VAN ACCESSIBLE SPACE	8' x 18'	8' x 20'	1	1
TOTAL SPACES			30	30

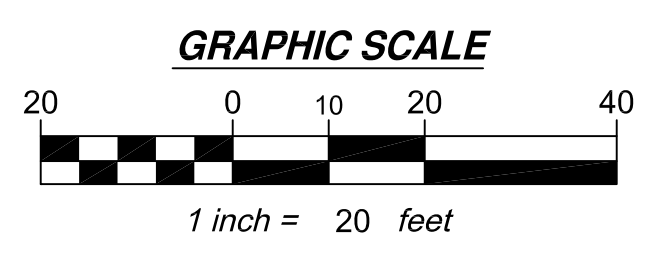
\* DENOTES ADA/STATE/LOCAL REQUIREMENTS - AN ADDITIONAL 5' & 8' MIN STRIPED AREA SHALL BE PROVIDED FOR STANDARD & VAN ACCESSIBLE SPACES RESPECTIVELY

**PARKING REQUIREMENT CALCULATIONS:**  
RESTAURANTS: 1 PARKING SPACE PER 100 S.F.  
(2,942 S.F./100) = 30 SPACES REQUIRED

**Zoning Summary**  
(ASSUMES APPROVAL OF REZONING)

ZONING DISTRICT: O-2: OFFICE DISTRICT (CURRENT ZONING)  
B-1: BUSINESS (REQUIRED ZONING)  
(CHART BELOW IS PER B-1 STANDARDS)

ZONING REGULATION	REQUIRED	PROVIDED
FRONT YARD SETBACK	25 FT.	>25 FT.
SIDE YARD SETBACK	NONE	>57 FT.
REAR YARD SETBACK	40 FT.	>40 FT.
MAX. BUILDING HEIGHT	35 FT.	<20 FT.



KB/JW PROJECT #:	REVISION DATE	REVISION DESCRIPTION
17194-001		
DATE:		
NOVEMBER 16, 2017		