

R-3 to B-2C
1.783 Ac.

REZ2018-0022

Zoning
Commercial
Brookland District

400 Feet

PS March 2018 Ref: 761-754-8398



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoukias
County Manager

March 17, 2020

Mr. Victor J. Moes
1504 Chauncey Lane
Henrico, VA 23238-4806

Re: Rezoning Case REZ2018-00022

Dear Mr. Moes:

The Board of Supervisors at its meeting on March 10, 2020, approved your request to conditionally rezone from R-3 One-Family Residence District to B-2C Business District (Conditional) Parcels 761-754-8398, 761-755-5910, 761-755-6607, and 761-755-7503 containing 1.783 acres located on the north side of W. Broad Street (U.S. Route 250) between Hollybrook Avenue and Pine Grove Drive, described as follows:

Commencing at a point at the extended intersection of the north line of West Broad Street and the east line of Pine Grove Drive; thence N 18°24'16" E, 19.25 feet to a point on the east line of Pine Grove Drive, said point being the point of beginning; thence continuing along the east line of Pine Grove Drive N 18°24'16" E, 180.98 feet to a point; thence departing the east line of Pine Grove Drive S 63°17'41" E, 382.68 feet to a point on the west line of Hollybrook Avenue; thence continuing along the west line of Hollybrook Avenue S 17°32'06" W, 194.82 feet to a point; thence departing the west line of Hollybrook Avenue S 74°28'00" W, 31.43 feet to a point on the north line of West Broad Street; thence continuing along the north line of West Broad Street along a curve to the left having a radius of 1487.39 feet, an arc length of 140.18 feet, and a chord of N 59°18'20" W, 140.13 feet to a point; thence N 27°59'40" E, 8.00 feet to a point; thence N 62°14'44" W, 12.53 feet to a point; thence S 27°30'52" W, 8.00 feet to a point; thence along a curve to the left having a radius of 1487.39 feet, an arc length of 25.92 feet, and a chord of N 62°59'05" W, 25.92 feet to a point; thence N 63°29'02" W, 3.04 feet to a point; thence along a non-tangent curve to the left having a radius of 1474.96 feet, an arc length of 118.18 feet, and a chord of N 60°45'38" W, 118.15 feet to a point; thence N 63°17'41" W, 42.68 feet to a point; thence departing the north line of West Broad Street N 22°55'35" W, 29.41 feet to a point on the east line of Pine Grove Drive and the point of beginning.

Containing 77,689 square feet or 1.783 acres of land more or less.

The Board of Supervisors accepted the following proffered conditions, dated February 18, 2020, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Access Plan.** Development of the Property shall be in general conformance with the Access Plan attached hereto entitled "Access Plan" prepared by RK&K, dated January 14, 2020, (the "Access Plan"), (see case file) which Access Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development.
2. **Exterior Materials/Architecture.** The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural style and materials. Any building shall have exposed exterior walls (above finished grade and exclusive of trim) of brick, brick veneer, glass, stone, stone veneer, or a combination of the foregoing, 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. No building shall be covered with or have exposed to view any painted or unfinished concrete block, or industrial-grade metal, unless otherwise specifically approved at the time of Plan of Development.
3. **Buffer Area.** A six (6) foot tall solid vinyl fence shall be provided in the rear (north) within the transitional buffer.
4. **Parking Lot Lighting.** Parking lot lighting fixtures adjacent to West Broad Street shall not exceed twenty-three (23) feet in height, and shall not exceed twenty (20) feet in height elsewhere, as measured from the grade at the base of the lighting standard. Lighting shall be directed to minimize glare on public roads and adjacent properties, however, parking lot lighting shall be designed to provide lighting for pedestrians along West Broad Street in a manner approved at the time of lighting plan review. Direct embedded light poles and standards shall be prohibited.
5. **Prohibited Uses.** The following uses shall be prohibited:
 - a. billiard, bagatelle, video game or a bingo parlor;
 - b. flea markets or antique auctions;
 - c. billboards;
 - d. recycling facilities;
 - e. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - f. dance halls;
 - g. truck stops;
 - h. gun shop, sales and repair;
 - i. parking garages or commercial parking lots as a principal use;

- j. sign painting shops;
- k. free-standing communication towers;
- l. car title loan operations;
- m. adult businesses as defined by Section 24-3 of the Henrico County Code; and
- n. 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).

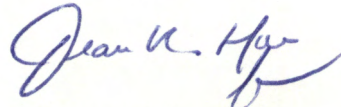
6. **Refuse Containers/Trash Receptacles/Recycling Activities.** Dumpsters, trash receptacles, not including convenience cans, and recycling receptacles shall be screened from public view with masonry enclosures compatible with the architectural design of the building at ground level at the Property 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. 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.
7. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at Property lines as approved at the time of Plan of Development.
8. **Underground Utilities.** All utility lines on the Property shall be underground, except for junction boxes, meters, gas meters, traffic control, irrigation backflow preventers, existing and/or relocated existing overhead utility lines and lines in wetland areas. Electrical junction boxes and meters shall be screened from public view at ground level at the perimeter of the tract with use of a wall, fencing, landscaping, or such other method as may be approved at the time of Plan of Development and/or subdivision review.
9. **Hours of Trash Pickup; Parking Lot Cleaning.** Trash pickup from the Property shall be limited to the hours between 6:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 7:00 pm. on Saturday. There shall be no trash pickup on Sundays. Parking lot cleaning on the Property shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday, exclusive of snow removal. There shall be no parking lot cleaning on Sundays, exclusive of snow removal.
10. **Hours of Construction.** The hours of exterior construction shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours, utility connections and right-of-way

improvements. Hours shall be posted in both English and Spanish until the roads are accepted by Henrico County for maintenance.

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.
12. **Sidewalk.** Subject to all applicable government approvals, a five (5) foot sidewalk for pedestrian access shall be constructed along the Property's West Broad Street frontage where not constrained by utilities and storm drainage.

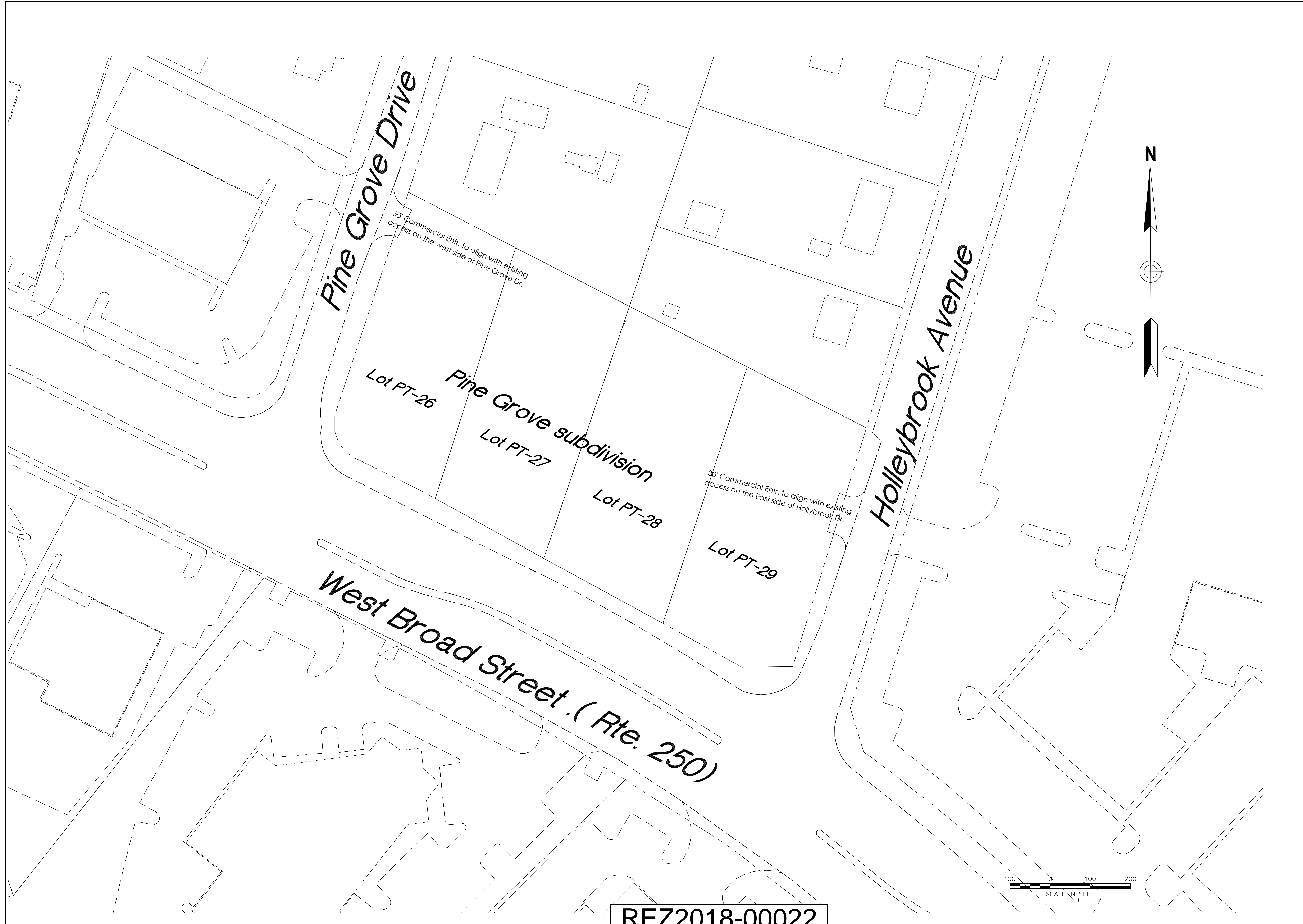
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,



John A. Vithoukas
County Manager

pc: James W. Theobald, Esquire
Director, Real Estate Assessment
Police, Special Services



REZ2018-00022

DATE: 1/14/2020		ENGINEER: MMM		CHECKED:		CAD: W. Johns		JOB#: 13170-xxx	
2100 EAST CARY STREET, SUITE 309		RICHMOND, VIRGINIA 23223		(P) 804 782-1903 (F) 804 782-2142		RUMMEL, KLEPPER & KAHL, LLP		Engineers/Construction Managers/Planners/Scientists	
8300 West Broad Street		HENRICO COUNTY,		VIRGINIA		Access Plan		SHEET _____ OF _____ SCALE 1"=30'	
PLAN REVISIONS -									