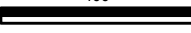



Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulation

REZ2018-00048
Zoning
Industrial
Varina District


400 Feet



PS November 2018 Ref: 834-715-5297



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

John A. Vithoulkas
County Manager

March 19, 2019

MTM Seven Pines
c/o Mark T. Motley, Mgr.
3600 Deepwater Terminal Road, Suite 200
Richmond, VA 23224

Re: Rezoning Case REZ2018-00048

Dear Mr. Motley:

The Board of Supervisors at its meeting on March 12, 2019, approved your request to conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District (Conditional) Parcels 834-715-5297, 834-715-8592 and 834-716-7646 containing 24.08 acres located along the north line of Old Williamsburg Road, described as follows:

Beginning at a point on the north line of Old Williamsburg Road, said point being 0.18 mile west of Drybridge Road; thence, along the north line of Old Williamsburg Road, S 70°47'31" W, 222.36' to a point; thence, leaving the north line of Old Williamsburg Road, N 01°24'59" W, 420.04' to a point; thence S 70°47'46" W, 170.25' to a point; thence S 09°32'09" E, 405.73' to a point on the north line of Old Williamsburg Road; thence, along the north line of Old Williamsburg Road the following two courses: S 70°47'31" W, 50.81' to a point; thence along a curve to the right having a radius of 1875.86', an arc length of 158.36', a chord bearing of S 73°12'37" W, and a chord length of 158.31' to a point; thence, leaving the north line of Old Williamsburg Road N 09°48'26" W, 1961.69' to a point on the south line of interstate 64; thence, along the south line of interstate 64 the following five courses: along a curve to the right having a radius of 11365.16', an arc length of 169.86', a chord bearing of S 73°14'18" E, and a chord length of 169.86' to a point; thence S 72°48'37" E, 208.78' to a point; thence S 58°10'34" E, 147.61' to a point; thence S 63°14'06" E, 243.16' to a point; Thence S 63°52'06" E, 113.53' to a point; thence, leaving the south line of interstate 64, S 01 °39'49" E, 1413.77' to the point of beginning containing 24.08 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated February 20, 2019, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. On site auctioning of vehicles and/or equipment may occur in an enclosed building or in the rear vehicle storage area on-site. On-site auctions shall not be conducted on the Quick-Sale Lot. All other principal uses shall be conducted in completely enclosed buildings.

2. **Safe Conduct of Operations.** All uses shall be conducted so as not to create any danger to the health, safety and welfare or any material adverse impact on the Property or surrounding areas by creating any excessive noise, vibration, smoke, dust, lint, odor, heat or glare beyond the boundaries of the Property.
3. **Buffers.** Buffers consisting of natural areas, berms or landscaping, or combinations thereof, for purposes of lessening the visual impact of the development of the Property on adjacent land, of a minimum width as set forth below, will be provided and maintained, except to the extent necessary for vehicular and pedestrian access ways, utility easements (such access ways and utility easements to be generally perpendicular to the buffer where possible and shall not include within a buffer area manmade storm water detention unless used as a permanent decorative pool), signage or other purposes specifically permitted by the Planning Commission at the time of Plan of Development review, or by any other governmental body:
 - (a) Fifty (50) feet in width of buffer adjacent to any parcel zoned residential or used for residential purposes at the time of the approval and for so long as such parcels are residentially zoned or used for residential purposes.
 - (b) A four hundred (400) foot deep tree preservation buffer shall be provided along the boundary of the property adjacent to Old Williamsburg Road as shown on the attached plat titled "1400 & 1500 Old Williamsburg Road Rezoning Permit Plan" dated October 9, 2018 (Exhibit A) (Revised 01/25/19), (see case file). This proffer shall not prevent appropriate signage as approved by the Planning Commission at the time of Plan of Development review.
 - (c) Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer area, and if so removed additional plantings shall be added. Should it be necessary to run drainage, utility or other easements through the buffer areas, such areas shall be compensated to the extent interrupted by said easement to maintain the integrity of the buffer area. Should it be necessary to locate Storm Water Management (SWM) or Best Management Practices (BMP) facilities into this buffer, additional landscaping will be added as required by the Planning Commission at time of plan review to compensate for any removed vegetation. In the event of a loss or removal of trees or other natural vegetation that creates visibility of the use from Old Williamsburg Road, either: (a) replacement trees and other landscaping shall be planted to restore the opaque screen from Old Williamsburg Road, or (b) all sale and storage of inventory and equipment shall be moved behind the main building.
4. **Underground Utilities.** All utility lines such as electric, telephone, CATV or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within the Property, but not to existing lines on the Property.

5. **Architectural Treatment.** The exterior wall surfaces (front, rear and sides) of each individual building shall be similar in architectural treatment and materials. No portion of an exterior wall surface visible from any adjoining property shall contain painted or untreated concrete or unfinished concrete masonry units, sheet or corrugated aluminum, asbestos, or metal unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review. All rooftop heating and cooling equipment shall be shielded so that it is screened from public view at ground level.
6. **Use Restrictions.** The only uses permitted on the Property shall be as follows:
 - (a) Those uses first permitted as principal uses in M-1 Light Industrial district;
 - (b) Those uses permitted in an O-3 Office district;
 - (c) Data processing centers;
 - (d) Repair facilities;
 - (e) Wholesaling;
 - (f) Showroom sales and service areas, but excluding truck stops;
 - (g) Medical or dental laboratories;
 - (h) Cafeterias or restaurants in association with and in support of and incidental to other permitted uses; and
 - (i) Such other accessory uses, not otherwise prohibited, as are customarily accessory and incidental to any permitted use.
7. **Loading Dock Treatment.** Loading docks and areas shall be located and/or screened so as to shield them from view from Old Williamsburg Road and any adjacent residentially-zoned property, unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review.
8. **Parking Lot Lighting.** Within one hundred (100) feet of any agriculturally or residentially zoned property, parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade of the base of the lighting standard. Parking lot lighting fixtures on the remainder of the Property shall not exceed thirty (30) feet in height as measured from the grade of the base of the lighting standard unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review. Parking lot lighting shall be produced from concealed sources of light (i.e., "shoebox" type).
9. **Open space.** At least twenty percent (20%) of the Property shall be used for permanent open space. This area shall be used for landscaping, lawns, screening and/or buffer area and may include bodies of water, works of art and outdoor recreation areas. The area devoted to the project perimeter buffering may be counted toward this requirement.
10. **Signage.** Signage for parcels adjacent to I-64 shall be controlled by the standards applicable to signage in a B-3 zoned district unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of Plan

of Development review. All free-standing signs located adjacent to Old Williamsburg Road right of way shall be of a ground mounted monument design. Changeable message LED type signs shall not be used on or adjacent to Old Williamsburg Road.

11. **Plan of Development/Master Plan Requirement.** A plan of development as regulated by Section 24-106 of the Henrico County Code shall be submitted for the development/construction of the Property. A Site Plan shall be submitted for review and approved by Henrico County as required prior to any construction on the Property.
12. **Parking Lot Landscaping.** Landscaping shall be maintained in islands on the portion of the property utilized for customer parking. Such islands shall be landscaped with shrubbery and vegetation aesthetically compatible with the landscaping and development of the Property.
13. **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.
14. **Sound Amplification and Public Address System.** All sound emanating from a loud speaker and/or public address system including, but not limited to paging shall occur so the sound is not heard beyond the property boundary lines.
15. **Fencing.** Chain link fencing on the property shall be vinyl coated chain linked either black or dark green in color. This proffer shall not be interpreted to exclude other types of fencing superior to chain link fencing which may be used as part of a landscaping and/or architectural treatment including, but not limited to, masonry, split rail, composite wrought iron, plank and/or board fencing. In the event that any inventory is maintained in an area of the parking lot in front of the building, such inventory shall be separated from the remaining parking lot area by a solid color PVC and/or composite panel fencing or other type of superior fencing.
16. **Time Limit on Inventory.** All inventory for auction and/or sale including, but not limited to, equipment, trucks, motor vehicles, boats and any other mechanized equipment shall not remain on the premises longer than 110 days.
17. **Spill Prevention Control and Counter Measure Plan (SPCC Plan).** While any portion of the property is used for the auctioning of motor vehicles and/or equipment, there shall be a written SPCC Plan in place and followed by the operators of the auction of motor vehicles and equipment. Said plan shall contain the following elements:
 - (a) Advance written notice to, and contractual provision with, the sellers of all motor vehicles and/or equipment that the seller certifies that any motor vehicle and/or equipment brought to the property for auction (i) shall not be discharging or leaking any hazardous substances, as said substances may be defined by the Environmental Protection Agency, including but not limited to, gasoline, diesel

fuel, oil and machinery lubricants or any similar products; and (ii) that seller assumes liability for all prevention and/or cleanup cost for violation of such certification.

- (b) Inspection of motor vehicles and/or equipment by trained personnel for any evidence or discharge or leakage of hazardous substances prior to the motor vehicles and/or equipment coming on to the property for auction.
- (c) While motor vehicles and/or equipment are on site, periodic monitoring by trained personnel to detect any discharge or leakage of hazardous substances.
- (d) Stored and available onsite various sorbents, supplies, equipment and containers to collect and contain any contaminated fluids and contaminated soils.
- (e) Licensed contractor specializing in environmental work on call for response including analysis, removal action, and proper disposal of any contaminants and/or contaminated soils.
- (f) SPCC Plan(s) and records maintained on site and available for inspection by Henrico County officials.

18. **Location Restrictions.** Except as set forth below, use of the site for the auction of motor vehicles and/or equipment shall occur towards the back of the site and away from Old Williamsburg Road. The vehicle auction/storage lot shall be located and situated behind the building(s) housing the auto auction, offices, and enclosed work area. This proffer shall not be interpreted to require the buildings to completely screen the vehicle auction/storage lot. This proffer is intended to confirm the placement of the building(s) between Old Williamsburg Road and the vehicle auction/storage lot and that said buildings and vehicle auction/storage lot are located toward the back of the property and not toward the front along Old Williamsburg Road. Limited use of the site for on-line auction of motor vehicles and/or equipment may also occur in an area of the parking lot between the building and Old Williamsburg Road ("Quick Sale Lot") with the following restrictions: (a) no more than thirty (30) vehicles and/or pieces of equipment; (b) no inventory in this area shall remain in the Quick Sale Lot for longer than forty-five (45) days; (c) all inventory will be intact operating vehicles and/or equipment similar to vehicles/equipment located on retain new and used car lots; and (d) no "on site" auctions would occur in the Quick Sale Lot area.

19. **Sales and Storage Restrictions.** Any vehicle with a damaged or leaking reservoir shall be staged or stored in a designated, paved area that will be monitored daily. Any vehicle with an exposed reservoir will be covered to prevent leakage or spillage of damaging materials. No vehicles will be stacked, crushed or dismantled, and no parts will be "pulled", sold, or stored, and vehicles will be auctioned as intact units.

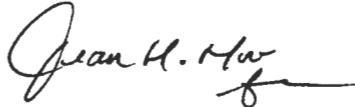
20. **Landscape Plan.** The applicant will obtain a landscape plan approved by the Henrico County Planning Office similar in appearance to the current landscaping in

front of the building located at 5701 Whiteside Road, Sandston, Virginia 23150. This proffer shall not be interpreted to exclude other types of superior landscaping and screening.

21. All vehicles and/or equipment shall be stored with all parts lowered to their minimum height (bucket trucks, fork lifts, buckets, etc.) to reduce visibility from surrounding properties.
22. The one hundred fifty-foot (150') parcel setback from the rear of the Steil parcel (GPIN# 834-715-8140) shall be maintained as existing natural vegetation.

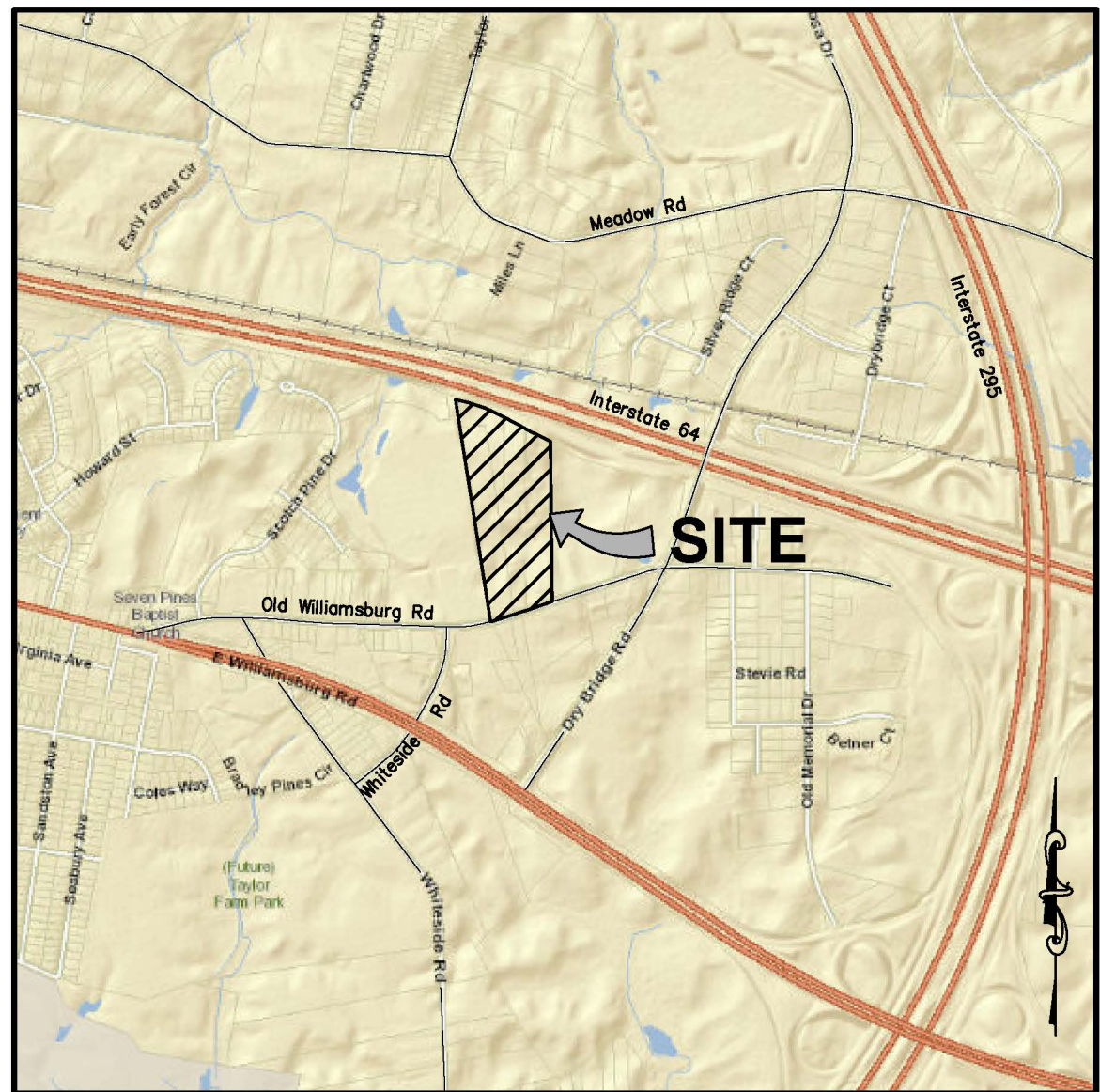
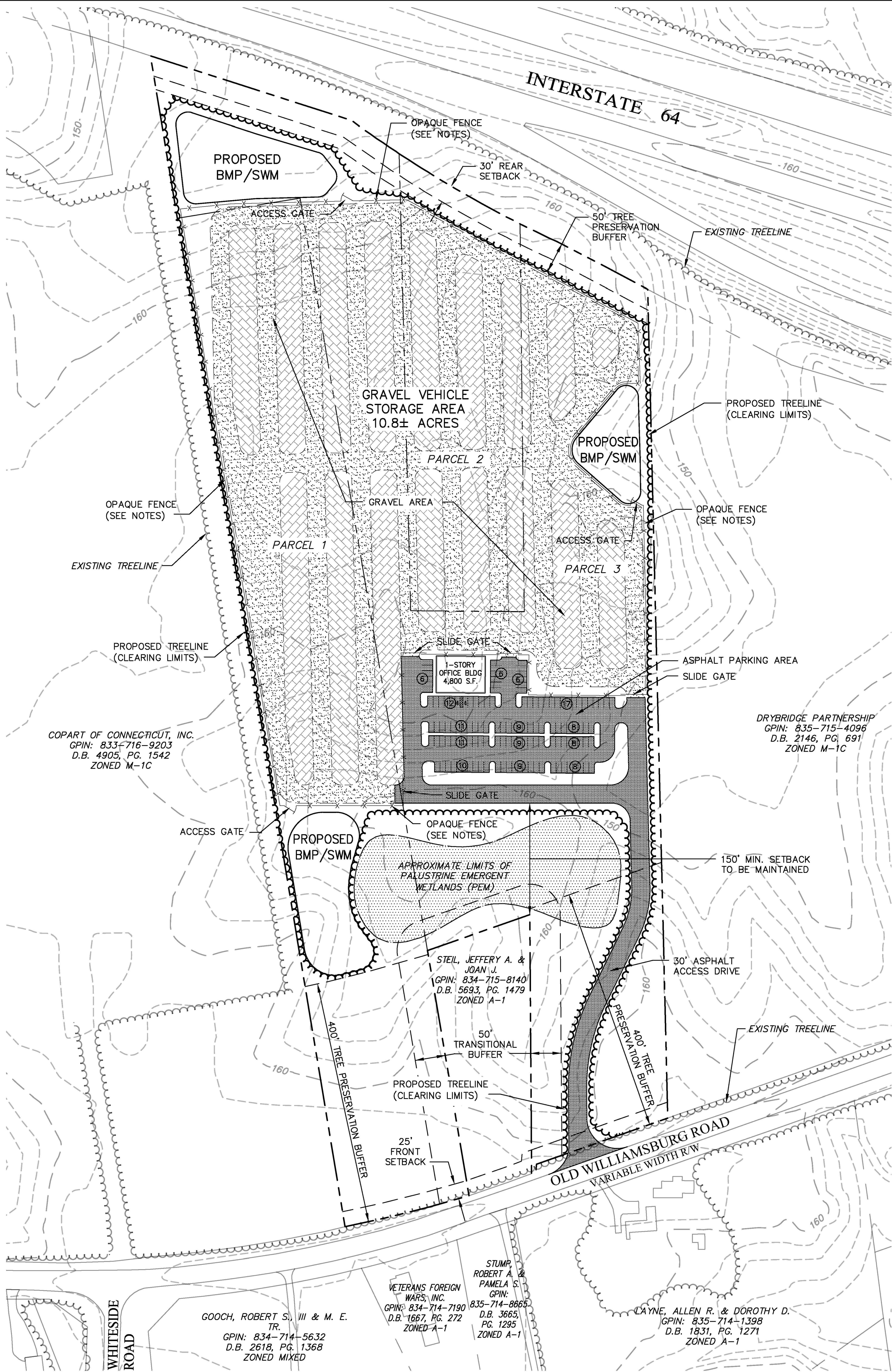
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Vithoulkas", with a stylized flourish at the end.

John A. Vithoulkas
County Manager

pc: Charles E. Moss, Sr. Et Al
Sadie Gaines
Edward W.L. James
Gary Lee Scottow, LA
Director, Real Estate Assessment



VICINITY MAP
SCALE: 1"=2000'

SITE DATA

PURCHASING OWNER

MTM SEVEN PINES, LLC
3000 DEEPWATER TERMINAL ROAD
RICHMOND, VIRGINIA 23234
CONTACT: MARK T. MOTLEY, MGR.
PHONE: (804)647-9690
FAX: (804) 232-3301

ENGINEER

KOONTZ BRYANT JOHNSON WILLIAMS, P.C.
1703 NORTH PARHAM ROAD, SUITE 202
HENRICO, VIRGINIA 23229
CONTACT: GARY LEE SCOTTOW, L.A.
PHONE: (804)200-1913
FAX: (804)740-7338
EMAIL: gscottow@kbjwgroup.com

EXISTING PARCEL OWNERS

PARCEL 1
GPIN: 834-715-5297
MOSS, CHARLES, E., SR. ET AL
14600 STAGE ROAD
LANEXA, VIRGINIA 23089-5310
PHONE: (804)320-8715
PARCEL ADDRESS:
1400 OLD WILLIAMSBURG ROAD
SANDSTONE, VIRGINIA 23150
D.B. 2678, PG. 440

PARCEL 2
GPIN: 834-716-7646
GAINES, SADIE
C/O CAROLYN FULLER
1535 AMERICAN DRIVE
HENRICO, VIRGINIA 23228
PARCEL ADDRESS:
OLD WILLIAMSBURG ROAD
SANDSTON, VIRGINIA 23150
D.B. WB025, PG. 440

PARCEL 3
GPIN: 834-715-8592
JAMES, ELWARD W. L.
2647 RIVER ROAD, W
MAIDENS, VIRGINIA 23102
PHONE: (804)252-9664
PARCEL ADDRESS:
1500 OLD WILLIAMSBURG ROAD
SANDSTON, VIRGINIA 23150
D.B. 4967, PG. 261

PARCEL ZONING INFORMATION

PARCEL 1
CURRENT ZONING: A-1
PROPOSED ZONING: M-1C
ACREAGE: 8.13 ACRES (*)

PARCEL 2
CURRENT ZONING: A-1
PROPOSED ZONING: M-1C
ACREAGE: 3.28 ACRES (*)

PARCEL 3
CURRENT ZONING: A-1
PROPOSED ZONING: M-1C
ACREAGE: 12.67 ACRES (*)

(*) ACREAGE WAS TAKEN FROM AN EXHIBIT SHOWING GPINS 834-715-5297, 834-715-8592, AND 834-716-7646 BY KOONTZ BRYANT JOHNSON WILLIAMS, DATED JANUARY 17, 2019.

PROPOSED SITE INFORMATION

WATER: COUNTY WATER

SEWER: COUNTY SEWER

PROPOSED USE: OFFICE/WAREHOUSE

PROPOSED TOTAL ACRES: ±22.8 ACRES

PARKING CALCULATIONS

PARKING SPACES REQUIRED:

OFFICE:
AREA: 4,800 S.F.
1 SPACE REQUIRED PER 250 S.F.
4,800 / 250 = 20 SPACES REQUIRED

WAREHOUSE:
1 SPACE PER EMPLOYEE/SHIFT
20 EMPLOYEES X 2 SHIFTS
PARKING SPACES PROVIDED: 40

OFFICE = 20 SPACES REQUIRED (INCLUDING 2 H/C SPACES)

WAREHOUSE = 106 SPACES

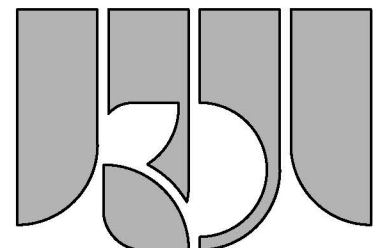
TOTAL = 130 SPACES (INCLUDING 2 H/C SPACES)

VEHICLE STORAGE AREA = 10.8± ACRES

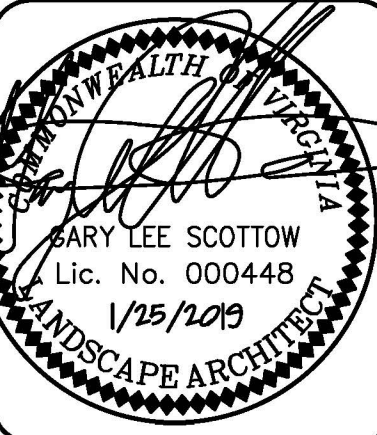
APPROXIMATE VEHICLE STORAGE = ±1115

NOTES

- ALL PROPERTY LINES, TOPOGRAPHY, AND EXISTING FEATURES (TREE LINE, ROADS, BUILDINGS, ETC.) FROM HENRICO COUNTY GEOGRAPHICAL INFORMATION SYSTEM (GIS) SOURCE. KOONTZ BRYANT JOHNSON WILLIAMS CANNOT AND SHALL NOT WARRANT THE ACCURACY AND/OR PRECISION OF THIS DATA.
- FENCE SURROUNDING VEHICLE STORAGE AREA SHALL BE OPAQUE FENCE, 8' IN HEIGHT, TO LIMIT VISIBILITY INTO AREA.
- MATERIALS FOR FENCING SHALL BE METAL (SIMILAR TO FENCE IN ADJACENT COPART SITE), COMPOSITE MATERIAL, OR PVC. WOOD (PRESSURE TREATED) SHALL NOT BE USED FOR THIS OPAQUE FENCE.
- ALL FENCING SHALL BE WEATHER RESISTANT.



KOONTZ BRYANT JOHNSON WILLIAMS
1703 N. Parham Rd. Suite 202
Henrico, Va 23229
(804) 740-9200
FAX (804) 740-7338
www.kbjwgroup.com



NO.	DATE	REVISIONS	DESCRIPTION	POST APPROVAL
1.	12/19/18	REVISE PER COUNTY COMMENTS	REVISE PER COUNTY COMMENTS	
2.	01/17/19	REVISE PER COUNTY COMMENTS	REVISE PER COUNTY COMMENTS	
3.	01/23/19	REVISE PER COUNTY COMMENTS	REVISE PER COUNTY COMMENTS	
4.	01/25/19	REVISE PER COUNTY COMMENTS	REVISE PER COUNTY COMMENTS	

DESIGNED	GLS	DRAWN	RWM	CHECKED
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**1400 & 1500 OLD WILLIAMSBURG ROAD
REZONING PERMIT PLAN**
VARINA MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA
PROPOSED CONCEPTUAL LAYOUT PLAN

SCALE: 1"=100'
DATE: OCTOBER 9, 2018
PROJECT: 18144-001

CP-1

EXHIBIT A

REZ2018-00048

