

REZ2019-00033

Zoning

Restaurant / Office / Retail
Brookland District

400 Feet

PS September 2019 Ref: 768-743-5186



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoulkas
County Manager

December 17, 2019

Mr. Henry A. Shield, II
Stanley Shield Partnership LLC
4900 Augusta Avenue, Suite 130
Richmond, VA 23230

Re: Rezoning Case REZ2019-00033

Dear Mr. Shield:

The Board of Supervisors at its meeting on December 10, 2019, approved your request to conditionally rezone from O-3 Office District to B-2C Business District (Conditional) Parcel 768-743-5186 containing 1.662 acres located at the northeast intersection of W. Broad Street (U.S. Route 250) and Dickens Road, described as follows:

Beginning at a rod found on the east line of W. Broad Street, U.S. Route 250, at its intersection with the north line of Dickens Road; thence, leaving the north line of Dickens Road, along the east line of W. Broad Street, U.S. Route 250, N 10°27'04" W, 295.45' to a rod set; thence, leaving the east line of W. Broad Street, U.S. Route 250, N 71°43'57" E, 212.45' to a point; thence S 10°27'39" E, 369.84' to a point on the north line of Dickens Road; thence, along the north line of Dickens Road, the following two courses: S 84°56'50" W, 185.88' to a rod found; thence N 52°45'08" W, 37.87' to the point of Beginning containing 1.662 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated October 23, 2019, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Existing Plan.** The Property shall remain in general conformance with the approved Plan of Development (Henrico POD# 2017-00246 and 2018-00268), which may be amended to include dumpster enclosures, grease trap, and other associated infrastructure, as may be applicable to accommodate the uses permitted on this Property upon approval of this rezoning case.
2. **Landscaping.** A landscaped strip a minimum of fifteen (15) feet in width shall be provided along the western boundary line of the Property adjacent to West Broad Street and a landscape strip a minimum of ten (10) feet shall be provided along the southern boundary line of the Property adjacent to Dickens Road, all as generally shown on the Plan. Sidewalks, utility easements, fencing/walls and signage shall be permitted within such buffer.

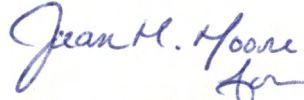
3. **Trash Receptacles/Recycling Activities.** Dumpsters, trash receptacles, not including convenience cans, and recycling receptacles shall be screened from public view with masonry enclosures compatible with the architectural design of the buildings at ground level at the Property lines. The gates and doors on the masonry refuse screens shall be of a substantial and durable material. Convenience cans shall be within or part of a decorative container. There shall be no trash pickup between the hours of 8:00 p.m. and 6:00 a.m.
4. **Parking Lot Cleaning.** Parking lot cleaning on the Property shall be limited to the hours between 6:00 a.m. and 8:00 p.m., exclusive of snow removal.
5. **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.
6. **Parking Lot and Exterior Lighting.** Parking lot lighting standards within the Property shall not exceed twenty-five (25) feet, which is the maximum height of existing fixtures on this Property. All new parking lot lighting installed on the Property shall be produced from concealed lighting sources to minimize the impact of such lighting on adjacent properties. All lighting shall be reduced to no more than a security level following the close of business operations each day. If the existing lighting on the Property is revised, the new lighting shall be designed with a cohesive plan so that all exterior lighting shall use compatible design elements.
7. **Speakers.** No public address, speaker or paging systems shall exceed a decibel level of 65 at the boundary line of the Property.
8. **Use Restrictions.** The following uses shall be prohibited:
 - a. Laundromats and self-service dry-cleaning establishments;
 - b. Automotive filling and service stations including towing service and convenience stores with gas;
 - c. self-storage facilities;
 - d. off-track betting parlors;
 - e. sewer/water pump stations;
 - f. skating rinks (unless such ice-skating areas are an amenity of the pedestrian-oriented shopping center), roller skating rinks, model racing tracks, bingo halls and billiard parlors unless such billiard parlors are associated with a restaurant;
 - g. flea markets or antique auctions;
 - h. billboards;
 - i. permanent on-site recycling collection facilities;
 - j. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - k. dance halls;
 - l. truck stops;
 - m. gun shop, sales and repairs, except that such sales and repairs shall be permitted in a store that sells a variety of sporting goods;
 - n. hotels, motels and motor lodges;
 - o. sign printing and painting shops;

- p. communication towers, not to exclude, however, any concealed antennae array for communications if approved through the Provisional Use Permit process;
 - q. car washes;
 - r. adult businesses as defined by Section 24-3 of the Henrico County Code;
 - s. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 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);
 - t. car title loan operations;
 - u. radio/TV stations; and
 - v. restaurant with drive-through windows.
9. **Signage.** Any detached signs shall be ground mounted, monumental-type signs and shall not exceed ten (10) feet in height.
10. **Exterior Elevations.** The existing building constructed on the Property shall remain as generally built, unless otherwise requested and specifically approved with a Plan of Development or Building Permit if a Plan of Development is otherwise not required. 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. 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 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.
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. **Access.** No direct access, from the Property to West Broad Street, shall be allowed, provided the existing access from Forest Avenue and West Broad Street remains unchanged.

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

Sincerely,

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

John A. Vithoulkas
County Manager

pc: Simon Mueller, Esquire
Director, Real Estate Assessment
Police, Special Services

