

REZ2020-00042

Zoning

Amendment of Proffers
(C-42C-90)
Brookland District

400 Feet

PS October 2020

Ref: 769-757-9710



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoulkas
County Manager

February 2, 2021

Baker-Properties Limited Partnership
1059 Technology Park Drive
Glen Allen, Virginia 23059

Re: Rezoning Case REZ2020-00042

Dear Sir/Madam:

The Board of Supervisors at its meeting on January 26, 2021 approved your request to amend proffers accepted with rezoning case C-42C-90 on Parcels 769-757-9710, 769-757-8802, parts of 770-757-2519, and 770-757-1644 located on the east line of Old Staples Mill Road approximately 645' north of its intersection with Staples Mill Road (U.S. Route 35).

The Board of Supervisors accepted the following proffered conditions, dated December 28, 2020 which further regulates the above-described properties in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

All proffers from Rezoning Case C-42C-90 shall be amended, restated and replaced in their entirety with the following:

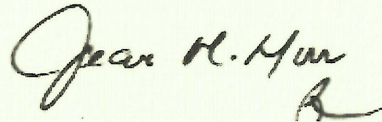
1. Except as specifically requested and specifically permitted at the time of Plan of Development review, the exposed portions of the exterior building wall closest to the facing (generally parallel to) Old Staples Mill Road shall be predominately of brick. The exposed portions of all other exterior building wall surfaces on the property shall be similar in architectural treatment and materials to each other and shall be predominantly of masonry. Other architectural materials may be used on any exterior wall for trim, architectural decorations or design elements. No exposed portion of any such exterior wall surface shall contain untreated or painted cinder block. Notwithstanding anything contained herein to the contrary, any exterior building wall facing (generally parallel to) Old Staples Mill Road will incorporate various design elements to break up the massing of such front facade, including, but not limited to the following: varying colors of brick, architectural bands of different colors or materials other than brick, brick accents (such as accent coloring different from any main brick coloring), and faux windows or real windows to allow natural light into the building. These design elements will not be required on any other walls or facades other than those facing (generally parallel to) Old Staples Mill Road.
2. No building constructed on the property shall be located within 50 feet of the right-of-way of Old Staples Mill Road as such right-of-way line is determined at the time of Plan

- of Development review. No loading docks or bay doors shall face (generally parallel to) Old Staples Mill Road.
3. A landscaped buffer area having a minimum width of 20 feet shall be maintained along the right-of-way line of Old Staples Mill Road with such landscaping and planting as required at the time of Plan of Development review. Ingress and egress access and utility easements may be allowed in such buffer area as approved at the time of Plan of Development review. This landscaped area may also be breached as required by the County or any other applicable governmental body.
 4. Parking lot lighting shall be produced from concealed sources of light, be positioned in such a manner as to minimize the impact of such lighting on adjacent property and be reduced to a security level following the close of business conducted on the property.
 5. All roof top heating and air conditioning equipment and all trash receptacles on the property shall be screened from the public view at ground level on adjacent property in a manner approved at the time of plan of Development review.
 6. The following principal uses shall be prohibited:
 - a. Gun shop, sales and repair;
 - b. 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);
 - c. Bars, which, for the purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises, but shall not preclude a brewery with an on-premises bar or a restaurant with a bar;
 - d. Adult businesses, as defined by Section 24-3 of the Henrico County Code;
 - e. Funeral homes;
 - f. Vehicle storage lots;
 - g. Bulk storage of fuel;
 - h. Massage parlors;
 - i. Flea market;
 - j. Billboard;
 - k. Outside car washes;
 - l. Off-track betting parlors;
 - m. Permanent recycling collection facilities;
 - n. Manufactured home sales and/or display;
 - o. Rifle/pistol range;
 - p. Indoor archery range;
 - q. Bag/carpet/rug cleaning;
 - r. Blacksmithing;
 - s. Dyeing and cleaning work;

- t. Rebuilding/capping of tires; and
- u. Milk processing or distribution.

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: Frederick G. Pruitt, Jr. & OJ Trustees, Et Al
North Gayton Company
Andrew M. Condlin, Esquire
Director, Real Estate Assessment