

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

SUBJECT PROPERTY

REZ2021-00032

Zoning

Amend Proffered Conditions

(C-51C-97)

Varina District

800





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoukas
County Manager

August 17, 2021

Sauer Properties, Inc.
Attention: Ashley Peace, President
2000 W. Marshall Street, Suite 1000
Richmond, Virginia 23220

RE: Rezoning Case REZ2021-00032

Dear Ms. Peace:

The Board of Supervisors at its meeting on August 12, 2021, approved your request to amend proffers accepted with C-51C-97 on Parcels 816-703-0009 and 816-704-5428 located at the southeast intersection of S. Laburnum Avenue and Seven Hills Boulevard.

The Board of Supervisors accepted the following proffered conditions, dated July 29, 2021, which further regulate the above-described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Proffered Condition 1 of Case C-51C-97 is hereby deleted and replaced with the following:

Building Materials. Exposed exterior wall surfaces of all individual buildings shall be constructed of decorative concrete block (including without limitation split face block, fluted block and ground face block), tilt-up or pre-cast concrete, brick, glass, metal (other than corrugated metal), stone, cast stone, granite, marble, stucco, synthetic stucco, glass block or ceramic tile, unless otherwise approved by the Planning Director at the time of plan of development review. No exposed exterior front or side wall surfaces on buildings facing South Laburnum Avenue shall be constructed of metal unless specifically approved by the Planning Director at the time of plan of development review. For purposes of these proffers, "wall surfaces" shall not be deemed to include columns, pilasters, trim or accent materials.

2. Proffered Condition 2 of Case C-51C-97 is hereby deleted and replaced with the following:

Greenbelt.

- (A) Generally. A landscaped greenbelt, which may include existing trees, shall be provided a minimum of 50 feet in width along South Airport Drive and 25 feet in width along Seven Hills Boulevard and Olga Sauer Boulevard (as defined in REZ2020-00030).
- (B) Between Street and Loading Bay. In locations where this greenbelt is located between a loading area on a building elevation that is more than 200 feet from the eastern right-of-way line for South Laburnum Avenue and that building elevation is parallel to and immediately adjacent to the South Laburnum Avenue right of way, these specific locations for loading bays may be supplemented with evergreen trees that will be at least 10 feet tall at maturity planted 12 feet on center as may be approved or required at the time of plan of development review. For reference, see proffered condition 9 below for restriction on loading bays within 200 feet of the western right-of-way line for South Laburnum Avenue. In locations where this greenbelt is located between a loading area on a building that faces the street and Olga Sauer Boulevard, these specific sections of the greenbelt shall be supplemented with additional landscaping within the greenbelt to address any gaps within the greenbelt created naturally or due to initial development activities as may be required at the time of plan of development review.
- (C) Other Portions of the Greenbelt. In locations where this greenbelt is not located between a loading area of a building that faces the street and South Airport Drive or Olga Sauer Boulevard and for the greenbelt along Seven Hills Boulevard, this portion of the greenbelt may be used, to the extent necessary or allowed, for entrance drives, utility easements, grading, drainage, Best Management Practice facilities, fencing, decorative landscape walls, fountains and signage and other purposes permitted or required at the time of plan of development review and approval.
- (D) Other Requirements. Within the greenbelt along South Airport Drive, Olga Sauer Boulevard and Seven Hills Boulevard, existing trees over 12 inches in diameter at four feet above grade shall be preserved except those which must be removed for entrance drives, utilities easements, grading, drainage, Best Management Practice facilities, fencing, decorative

landscape walls, fountains, signage or other purposes permitted or required at the time of plan of development review and approval. Where existing trees are preserved, trimming and thinning consistent with accepted landscape practices shall be permitted along with the removal of dead, damaged or diseased vegetation. Any Best Management Practice facilities located within these greenbelts shall be designed to be an aesthetic amenity that is compatible with the spirit and intent of the greenbelt, as approved at the time of plan of development review and approval. No Best Management Practice facility may be located in areas of this greenbelt that are between a loading area of a building that faces the street and South Laburnum Avenue.

3. Proffered Condition 3 of Case C-51C-97 is hereby deleted and replaced with the following:

Setback. No building or any portion thereof shall be constructed within (a) 100 feet of South Laburnum Avenue, and (b) 75 feet of Seven Hills Boulevard.

4. Proffered Condition 5 of Case C-51C-97 is hereby deleted and replaced with the following:

Uses. No retail commercial use first permitted in B-1, B-2 or B-3 Districts, except as permitted in and regulated by the Office/Service District, shall be permitted within 2,000 feet of Seven Hills Boulevard; provided, however, that (1) hotel or motel uses shall be permitted together with accompanying uses thereto (freestanding or otherwise) including without limitation, barber shops, beauty parlors, dining rooms, exercise rooms, newsstands, restaurants (excluding drive-throughs), cocktail lounges, cafeterias, valet service, automobile rental office, travel agency, retail stores (excluding convenience stores), banks, and financial institutions; and (2) retail stores (excluding convenience stores) may be located within or adjacent to a building used for industrial uses. No more than one freestanding building for accessory uses shall be permitted in conjunction with any hotel or motel development or adjacent to a building used for industrial uses. In addition, the following principal uses shall not be permitted on the Property:

- (A) Structural steel fabricating plant.
- (B) Asbestos processing.
- (C) Candle or sperm oil manufacture.
- (D) Coal yards.
- (E) Crematory.
- (F) Forge or foundry works.
- (G) Match manufacturing.

- (H) Meat or fish products manufacturing.
- (I) Perfume manufacturing.
- (J) Poultry slaughtering and packing.
- (K) Racetracks, for the racing of animals.
- (L) Shoe blacking or polish or stove polish manufacturing.
- (M) Tar or asphalt manufacturing.
- (N) Tar distillation or manufacturing.

5. Proffered Condition 8 of Case C-51C-97 is hereby deleted and replaced with the following:

Access. No truck traffic shall use Miller Road unless and until the portion of Miller Road used by such truck traffic shall be improved as required by Proffered Condition 16.c.i. in Case REZ2020-00030, as amended herein. No truck traffic shall have direct access to South Laburnum Avenue.

6. Proffered Condition 9 of Case C-51C-97 is hereby deleted and replaced with the following:

Loading Areas. In the event a building elevation is located within 200 feet of the western right-of-way line for South Laburnum Avenue and that building elevation is parallel to the South Laburnum Avenue right-of-way, no loading area shall be located on that building elevation, unless otherwise permitted at the time of plan of development review. If the building elevation is located more than 200 feet from the western right-of-way line for South Laburnum Avenue and that building elevation is parallel to the South Laburnum Avenue right-of-way, a loading area is permitted on that building elevation and subject to Proffered Condition 2(B) above, unless otherwise permitted at the time of plan of development review

7. Proffered Condition 11 of Case C-51C-97 is hereby deleted and replaced with the following:

Buffers. Any loading dock or street constructed within 200 feet of an occupied single-family dwelling shall be screened by a landscaped buffer at least 50 feet in width which shall include (i) a 10 foot high berm or (ii) a 6 foot high privacy fence supplemented with evergreen trees at least 10 feet tall planted approximately 12 feet on center, between the dwelling and the loading area or street; provided, however, that in the event the construction of a berm or fence would destroy an existing stand of trees, the existing trees may be preserved and/or supplemented with evergreen trees at least 10 feet tall planted approximately 12 feet on center as may be approved or required by the Planning Director at the time of plan of development review.

8. Proffered Condition 12 of Case C-51C-97 is hereby deleted and replaced with the following:

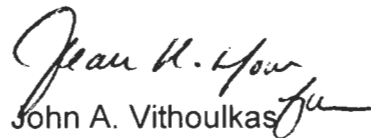
Hours of Construction. Any exterior construction located within 200 feet of an occupied single-family dwelling shall be conducted between 7:00 a.m. and 7:00 p.m. Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours, utility connections and right-of-way improvements.

9. The following Proffered Condition shall be added to Case C-51C-97 as Proffer Condition 13:

Parking Lot Lighting. Any parking lot lighting poles located within 200 feet of an occupied single-family dwelling shall not exceed thirty (30) feet in height as measured from the grade at the base of the lighting standard. Any parking lot lighting located within 200 feet of an occupied single-family dwelling shall be produced from concealed source style fixtures and shall be directed in a way to minimize glare on such properties.

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: Jeffrey P. Geiger, Esq.
Olga Sauer Property LLC
Director, Real Estate Assessment