

REZ2021-00054

Zoning

Amend Proffered Conditions
(C-70C-97 & C-40C-91)

Fairfield District
400

400 Feet





COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

John A. Vithoulkas
County Manager

December 21, 2021

Kingman Investment Properties, LLC
1140 Wilkinson Road
Richmond, VA 23227

Re: Rezoning Case REZ2021-00054

Dear Sir/Madam:

The Board of Supervisors at its meeting on December 14, 2021 approved your request to amend proffers accepted with rezoning case C-70C-97 on Parcel 789-754-3978 located on the north line of Wilkinson Road approximately 200' west of its intersection with Upham Drive.

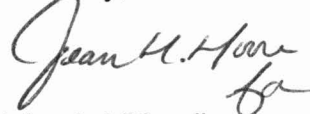
The Board of Supervisors accepted the following proffered conditions, dated November 18, 2021, which further regulate the above-described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Existing Plan.** The Property shall remain in general conformance with the approved Plan of Development, which may be amended as may be applicable to accommodate the uses permitted on this Property upon approval of this rezoning case.
2. **Buildings.** No new development beyond the existing buildings shall be permitted on the Property, unless approved by the County. This proffer shall not preclude the replacement of an existing building in the event of a fire or other catastrophic event.
3. **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 any of the other proffers or the unaffected part of any such proffer.
4. **Permitted Uses and Restrictions.** The use of the Property is limited to (i) all uses allowed by right and as regulated in the B-1 Business District, and (ii) all those restaurant uses allowed and as regulated in the B-2 Business District. Notwithstanding (ii), "restaurant, drive-through" uses are not allowed, except that a take-out service or walk-up window, or both, is allowed.
5. **Hours of Operation.** Hours of operation shall be permitted and as regulated in a B-1 Business District and a B-2 Business District, in accordance with § 24-4315(E) of the Code.

6. **Parking Lot.** The use of the parking lot shall be permitted and as regulated in a B-2 Business District, in accordance with §24-4320 of the Code.
7. **Exterior Lighting.** Shall be reduced to a minimum necessary for security purposes after permitted business hours.
8. **Signage.** Signage for restaurant(s) shall be limited in size to that allowed in a B-1 Business District and may remain illuminated until 12:00 a.m.
9. **Public Address.** No outside pagers or loudspeakers shall be permitted on the Property.
10. **Perimeter Landscaping.** The existing natural and/or landscaped buffer areas around the perimeter of the Property shall be maintained in a good, healthy state by the Owner of the Property and no vehicles shall be parked in the aforesaid buffer areas. Fallen, diseased and dead plant growth shall be removed and replaced with comparable (at maturity) healthy plant materials.
11. **Outside Storage.** Outside storage shall be prohibited. No temporary storage containers, including shipping containers, shall be placed on the property for use as storage.

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. Vithoukas", with a stylized flourish at the end.

John A. Vithoukas
County Manager

pc: Jason Shaber
Director, Real Estate Assessment