

SUBJECT PROPERTY

REZ2022-00014

Zoning

Amend Proffered Conditions
 Brookland District

400 Feet

PS February 2022 Ref: 753-759-7208



John A. Vithoukas
County Manager

May 17, 2022

Weinstein Associates, LLC
P.O. Box 31335
Henrico, VA 23294

Re: Rezoning Case REZ2022-00014

Dear Sir/Madam:

The Board of Supervisors at its meeting on May 10, 2022, approved your request to amend proffers accepted with C-50C-90 on Parcel 753-759-7208 located at the northwest intersection of W. Broad Street (U.S. Route 250) and Stillman Parkway. The applicant proposes to amend proffers regarding permitted uses and building and site design to allow an oil change facility on the site described as follows:

Beginning at a point at the intersection of the west line of Stillman Parkway and the north line of W. Broad Street, said point being the point of beginning; thence continuing along the north line of W. Broad Street N 63°34'11" W 152.00 feet to a rod found; thence departing the north line of W. Broad Street N 26°30'16" E 298.09 feet to a rod found, passing through a rod found at 248.09 feet; thence S 63°31'34" E 176.70 feet to a rod found on the west line of Stillman Parkway; thence continuing along the west line of Stillman Parkway S 26°28'26" W 274.62 feet to a point; thence S 73°16'08" W 34.11 feet to the point of beginning. Containing 52,395 square feet or 1.203 acres of land more or less.

The Board of Supervisors accepted the following proffered conditions, dated March 24, 2022, which further regulate the above-described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Architectural Materials.** The new building on the Property shall have exposed exterior walls (above finished grade and exclusive of trim) of brick, brick veneer, glass, stone, stone veneer, EIFS, metal, or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review and approval. No building shall be covered with or have exposed to view any painted or unfinished concrete block, or industrial-grade metal.

2. **Elevation.** The architectural style and the extent of masonry material for the new building to be constructed on the Property shall be in general conformance with one (1) of the two (2) elevations attached hereto as Exhibit A (see case file) unless a different architectural style is specifically requested and approved by the Planning Director at the time of Plan of Development approval. The selection of the building elevation to be used shall be made by the applicant at the time of plan of development review. The extent of masonry material to be provided on the new building shall be based on the elevation selected by the applicant at the time of plan of development review.
3. **Building Height.** No new building constructed on the Property shall exceed thirty-five (35) feet in height at its maximum height.
4. **Permitted Uses.** Principal uses permitted on the Property shall be limited to an automobile filling station and a convenience food store and those uses permitted in a B-1 zoning district, together with the provisional use of an automotive parts and installation and minor servicing use, subject to the approval of a Provisional Use Permit for this use, except that the following uses shall not be permitted on the Property:
 - (a) Establishments operated primarily as amusement or video game parlors;
 - (b) Funeral homes, mortuaries and/or undertaking establishments; and
 - (c) Private clubs, lodge, meeting halls and fraternal organizations.
5. **Signage.** Any free-standing sign constructed on the Property shall be of the monolithic ground mounted type, shall be lit from internal sources. The existing non-conforming detached sign may be replaced by new signage with dimensions not exceeding twelve (12) feet in height above grade and shall not exceed seventy-seven (77) square feet in area exclusive of the base (except for traffic directional signals). Notwithstanding this legal, non-conforming allowance, any modification to the existing detached signage dimensions shall require the new dimensions to comply with B-2 District sign code. No spotlights or floodlights of any type shall be permitted for any purpose on the Property. Electronic changeable message signs and attention getting devices used for longer than thirty (30) days are prohibited.
6. **Parking Lot Lighting.** No parking lot lighting shall exceed twenty (20) feet in height as measured from the grade of the base of the lighting standard. Parking lot lighting shall be produced from concealed sources of light and shall be reduced to no more than a security level following the close of business.

7. **Flag Poles.** No flagpole shall be permitted on the Property in excess of forty-five (45) feet in height.
8. **Speaker Systems.** No outside speaker systems shall be permitted on the Property.
9. **Building Size.** The footprint of the principal building to be constructed on the Property shall not exceed 2,500 square feet.
10. **Buffer Areas.**
 - (a) Landscaped or natural buffer areas shall be provided along the boundaries of the Property as set forth below:
 - i. Along the southern and eastern boundaries of the Property, a minimum of twenty-five (25) feet in width.
 - ii. Along the western boundary of the Property, a minimum of ten (10) feet in width.
 - iii. Measurement of the aforesaid buffer areas shall be from the right-of-way line of the respective roadways as determined at the time of Plan of Development review.
 - (b) Utility easements, signage, roads, sidewalks, access drives and other purposes required or permitted at the time of Plan of Development review may be permitted within the aforesaid buffer areas except that any driveway or utility easement within any such buffer area shall run generally perpendicular thereto. Where permitted and practical, areas disturbed for the placement of utilities within buffer areas shall be restored.
 - (c) Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer areas, and if so removed, additional plantings or landscaping shall be added.
11. **Access.** Vehicular access from Parcels 753-759-5312 and 753-759-8339 (which adjoin the Property on the west and north) to Stillman Parkway shall be permitted across the existing 50' wide access way on terms and conditions set forth in an existing, recorded agreement.
12. **Dumpster Enclosure.** The screening for the dumpster enclosure shall use metal gates.

Weinstein Associates, LLC

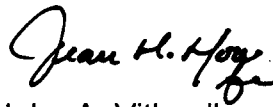
May 17, 2022

Page 4

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.

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 – Hirschler
Director, Real Estate Assessment

EXHIBIT A
REZ2022-00014



