





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

August 17, 2004

The Rebkee Company
c/o Mr. Kevin T. McFadden
1020 Old Bon Air Road
Richmond, VA 23235

Re: Conditional Rezoning Case C-32C-04

Dear Mr. McFadden:

The Board of Supervisors at its meeting on August 10, 2004, granted your request to conditionally rezone property from A-1 Agricultural District to B-2C Business District (Conditional), Parcels 834-713-8189, 834-714-9609 and part of Parcel 834-714-5632, described as follows:

Commencing at a point of intersection of the northern line of Williamsburg Road and the western line of Drybridge Road; thence N56°54'59"W 49.48' to a point on the northern line of Williamsburg Road, said point being the point of beginning; thence along and following the northern line of Williamsburg Road to the eastern line of Paul R. Stanovick N56°54'59"W 462.39' to a point; thence along and following the eastern line of Paul R. Stanovick N20°49'23"W 451.29' to a point; thence departing the eastern line of Paul R. Stanovick N83°58'54"E 24.82' to a point on the southern line of Robert L. & Sue B. Carraway; thence along and following the southern line of Robert L. & Sue B. Carraway N83°58'54"E 116.79' to a point; thence departing the southern line of Robert L. & Sue B. Carraway N82°30'17"E 303.55' to a point on the southern line of Mary Elizabeth Gooch & Robert S. Gooch, III, Trustees; thence along and following the southern line of Mary Elizabeth Gooch & Robert S. Gooch, III, Trustees N83°58'54"E 159.47' to a point on the eastern line of Rickie E. & Donna Jo Guisinger and Claude B. & Helen S. Allen; thence along and following the eastern line of Rickie E. & Donna Jo Guisinger and Claude B. & Helen S. Allen S25°51'36"E 482.49' to the western line of Drybridge Road; thence along and following the western line of Drybridge Road S34°18'10"W 24.87' to a point; thence S33°04'31"W 330' to a point; thence S78°23'50"W 70.29' to a point on the northern line of Williamsburg Road, said point being the point of beginning; containing 8.770 acres, more or less.

The Board of Supervisors accepted the following proffered conditions, dated August 10, 2004, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Concept Plan Elevations.** The Property shall be developed in general conformance with the Concept Plan entitled "Foodlion Sandston Schematic Plan Henrico County, Virginia" dated November 20, 2003, prepared by Balzer and Associates, Inc., and the elevations filed herewith (the "Concept Plan" and the "Elevations") (see case file), subject, however, to such traffic, engineering and other changes as may be requested and approved at the time of Plan of Development.
2. **Exterior Materials.** The building shall have an exposed exterior front and eastern façade (above finished grade) comprised primarily of brick with accent materials such as, E.I.F.S., split face block, cementitious, vinyl or composite-type siding, or a combination of the foregoing, as shown on the Elevations, and rear and western side walls comprised primarily of split face block, as shown on the Elevations, 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. No building shall be covered with or have exposed to view any painted or unfinished concrete block.
3. **Prohibited Uses.** The following uses shall be prohibited:
 - a. billiard, bagatelle, video game or a bingo parlor;
 - b. flea markets or antique auctions;
 - c. billboards;
 - d. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - e. dance halls;
 - f. attention getting devices;
 - g. truck stops;
 - h. gun shop, sales and repair;
 - i. parking garages or commercial parking lots;
 - j. sign painting shops;

- k. bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control;
 - l. restaurants with drive through windows;
 - m. adult business as defined in the Henrico County Zoning Ordinance;
 - n. 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);
 - o. private club, lodge, meeting hall and fraternal organizations;
 - p. self-service storage facilities;
 - q. automobile repair, filling and service stations; and
 - r. recycling collection facilities.
4. **Refuse and Containers.** Except for access doors, all screening for refuse containers/dumpsters shall be constructed of a material consistent with the predominant material on the main building(s) on the site.
5. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed twenty-five (25) feet in height as measured from the grade at the base of the lighting standard and such lighting shall be produced from concealed sources, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Lighting shall be directed to minimize glare on public roads and adjacent properties.
6. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level from the Property lines in a manner approved at the time of Plan of Development.
7. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.

8. **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.
9. **Signs.** Any detached signs on the Property shall be ground mounted monumental-type signs and shall not exceed fifteen (15) feet in height above grade. The sign's base shall be landscaped.
10. **Trash Removal/Parking Lot Cleaning.** Pick up of refuse and parking lot cleaning shall be limited to the hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday.
11. **Fence/Transitional Buffer.** A six (6) foot tall solid board fence, the design of which shall be approved at the time of Plan of Development, and which shall include a decorative top, shall be provided along the centerline of the required transitional buffer on the eastern property line adjacent to GPINs 834-714-8665 and 835-713-4573. Required landscaping shall be provided on both sides of such fence.
12. **Front Transitional Buffer.** The required 25' transitional buffer along the front of the Property shall be increased to 35', which buffer may include access drives, easements, BMP's and signage as may be approved by the Planning Commission at the time of Plan of Development.

The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,

A handwritten signature in black ink, appearing to read "Virgil R. Hazelett", followed by the word "For" in a smaller, handwritten font.

Virgil R. Hazelett, P.E.
County Manager

pc: Mr. Robert S. Gooch, III and Ms. Mary E. Gooch
Mr. Robert S. Gooch, III and Ms. Diane C. Gooch
Mr. James W. Theobald, Esquire
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal – Director, Research and Planning



