

CASE REZ2022-00031

~~September 26~~ October 6, 2022

1. **Concept Plan.** The Property shall be developed in general conformance with Exhibit A, attached hereto (see case file), entitled “COMMERCIAL DEV. @ STAPLES MILL AND BREMNER, ZONING EXHIBIT”, prepared by Kimley Horn, and dated ~~September 20~~ October 6, 2022 (the “Concept Plan”). The exact locations, footprints, configurations, size, and details of the lots, drives, roads, buildings and other improvements shown on the Concept Plan are illustrative and are subject to change and may be updated from time to time as required for final engineering design, compliance with governmental regulations or as otherwise approved at the time of Plan of Development review of the Property.
2. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for existing utilities, junction boxes, meters, utility lines in wetlands areas, and utility lines required to be above ground by the utility company.
3. **Best Management Practices.** Best Management Practice (“BMP”) structures shall be located outside of any landscaped buffer within the Property, except as a landscaping amenity or water related feature, or unless approved at the time of subdivision review. Any wet pond BMP structures shall include an aeration feature to move water within such structure.

4. Buffer Tree Preservation Area. All trees within the area of the Property shown on the Concept Plan as “PRESERVATION AREA” (the “Preservation Area”) shall be retained in their natural state and no development shall be permitted therein. The Preservation Area shall have a minimum depth of 100 feet. Notwithstanding the foregoing, as required by the County at the time of plan of development review, an opaque fence a minimum of six feet in height shall be provided along the western boundary line of the Property. The area of the Preservation Area needed for installation of such fence may be cleared. A row of evergreen trees (such as Green Giant Arborvitae or Leyland Cyprus) planted at a minimum height of six (6) feet and in two staggered, offset rows no further apart than ten (10) feet on center, unless otherwise approved at the time of landscape plan review, shall be planted along the eastern edge of the Preservation Area.
5. C-1 Conservation District. Prior to filing a second plan of development on the Property, the Owner/Applicant shall apply to rezone the Preservation Area to a C-1 Conservation District. Such rezoning request shall include, at a minimum, proffer 4 from this case.

#### 4.6. Buffers.

- a. Overall. Any buffer within the Property required herein shall be natural and landscaped and may include supplemental plantings, utilities, berms and/or fencing and other purposes as approved at the time of landscape plan review. Utility easements (including drainage) shall be permitted within such buffer, provided, any such utility easements shall be extended generally perpendicular through such buffer.
- ~~b. Western Boundary. A buffer a minimum of 25 feet in width, as shown on the Concept Plan, and planted to the level of a transitional buffer 25 shall be provided adjoining the western boundary of the Property.~~
- ~~e.b. Southern Boundary. A variable width buffer a minimum of 10 and 25 feet in width, each as shown on the Concept Plan, and planted to the level of transitional buffer 10 and transitional buffer 25 respectively, shall be provided along the southern boundary of the Property.~~

~~d.c.~~ Northern Boundary. A variable width buffer a minimum of 15 and 35 feet in width, each as shown on the Concept Plan, and planted to the level of transitional buffer 10 and transitional buffer 35 respectively, shall be provided along the southern boundary of the Property.

~~e.d.~~ Eastern Boundary. A buffer a minimum of 15 feet in width, as shown on the Concept Plan, and planted to the level of a transitional buffer ~~40~~25 shall be provided adjoining the eastern boundary of the Property along Staples Mill Road, except that small trees may be substituted for any large trees required therein.

## 7. Uses.

~~5.a.~~ The following uses shall not be permitted on the Property:

- i. Funeral home, mortuary and/or undertaking establishment;
- ii. Laundromats;
- iii. Temporary outdoor stand and/or sales area for seasonal decorations sales;
- iv. Automotive repair involving any outside storage of vehicles, including towing service;
- v. Indoor recreation facilities including the following and the those uses similar to such: bowling alleys, skating rinks (ice skating and roller skating), swimming pools, tennis, and model racing tracks;
- vi. 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 (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections).

~~vi.b.~~ Any carwash and related accessory equipment shall operate only between the hours of 8:00 a.m. and 8:00 p.m. Any carwash and related accessory equipment shall be setback a minimum of 150 feet from Staples Mill Road and a minimum of 200 feet from any residential-zoned property.

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**6.8. Architectural Treatment.** Any convenience store building constructed on the Property shall be similar to the style and design and generally in conformance with the renderings entitled “SHEETZ PROTOTYPE”, dated July 21, 2022 (see case file), and attached hereto and by this reference made a part hereof (“Renderings”), unless otherwise approved at the time of Plan of Development review. The determination of compatibility shall be based on scale, materials, form, architectural features, and/or colors. Users will be permitted to include prototypical or corporate identification architectural elements in the design of their building or space. Any other building on the property shall be generally compatible with the Renderings with respect to building materials and treatment, lighting and design.

**7.9. Exterior Materials.**

- a. Any building shall have exposed exterior walls (above finished grade and exclusive of trim, windows and doors), of brick, glass, EIFS, stone, stone veneer (including artificial stone), split-face block, wood, fiber-cement siding, or architectural-grade metal panels, precast concrete panels, or a combination of the foregoing, using a complementary color palette of materials, unless different architectural treatment and/or materials are specifically approved at the time of Plan of Development. No building shall be covered with or have exposed to view any painted or unfinished plain concrete block, sheet or corrugated aluminum, asbestos or metal, unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review. The exposed portion of each exterior wall surface (front, rear and sides) of each building (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any visible sloped roof shall be constructed of slate, simulated slate, standing seam metal, textured fiberglass shingles or shakes, or concrete or composition shingles.
- b. Retaining walls that are visible at ground level of the boundary line of the Property shall be constructed of split face block, concrete masonry units, stone, stone veneer (including artificial stone), pre-cast concrete panels, or a combination of the foregoing, unless different materials are specifically

approved at the time of Plan of Development.

~~8-10.~~ **Loudspeakers.** Outside loudspeakers that can be heard beyond the Property line shall be prohibited. The use of intercom-type systems commonly associated with banks and restaurants shall be permitted.

~~9-11.~~ **Signage.** All detached signs on the Property shall be consistent in type and appearance, and shall be constructed primarily of materials that complement the exterior materials used on any buildings, and shall be ground mounted monument-style signs. No pole signs, changeable message signs, or inflatable or other attention getting devices shall be permitted.

~~10-12.~~ **Lighting.** Any lighting plans submitted as part of a plan of development shall include lighting to accommodate pedestrian movement along Staples Mill Road (Route 33) and into the site.

~~11-13.~~ **Trash Receptacles and Dumpsters.** In addition to the requirements of the County Zoning Ordinance, dumpsters and trash receptacles, not including convenience containers, shall be screened from public view at ground level at the perimeter of the Property, with brick on three (3) sides complementary to the building it serves. The fourth (4th) side shall have a gate or door that is of a substantial and durable material as determined at the time of Plan of Development review. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a nuisance.

~~12-14.~~ **Loading Docks/Doors.** Loading docks and loading doors (doors used exclusively for loading and deliveries) on the Property shall be screened from view from any public street at ground level with use of buildings or structures, fencing or wall, landscaping, or such other method as may be approved at the time of Plan of Development. No loading docks or loading doors shall face Staples Mill Road.

**15. Hours of Construction.** During the construction of the development on the Property the hours of exterior construction shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. Saturday, and none on

Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Exceptions shall require the approval of the Director of Planning. Construction signs shall be posted in English and in Spanish and shall state the hours of construction.

16. **Dumpster Pickup and Parking Lot Cleaning.** Dumpster pickup and unloading and parking lot cleaning (not including individuals sweeping and picking up trash) on the Property shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:30 a.m. to 5:00 p.m. on Saturday.

~~13-17.~~ **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.