

COUNTY OF HENRICO PLANNING OFFICE

86-A1-4,5,6,7,8,9 Pt. 3,10,58

THREE CHOPT DISTRICT

RETAIL

C-35C-91



JAS



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

December 5, 1991

W.F. LaVECCHIA, P.E., AICP  
County Manager

Re: Conditional Rezoning Case C-35C-91

Circuit City Stores, Inc.  
9950 Mayland Drive  
Richmond, Virginia 23233-1464

Attention: Mr. George Pasini

Gentlemen:

The Board of Supervisors at its meeting on November 27, granted your request to conditionally rezone property from O-2C Office (Conditional), A-1 Agricultural, and O-2 Office Districts to B-2C Business District (Conditional), Part of Parcels 86-A1-3, 86-A1-10 & 86-A1-58; and all of Parcels 86-A1-4, 5, 6, 7, 8, and 9, described as follows:

Beginning at a point, said point being the intersection of the N. line of Broad Street (Route 250) with the E. line of Gaskins Road; thence along the E. line of Gaskins Road N. 32° 17' 42" E., 45.70'; thence along a curve to the left having a radius of 3751.50' and an arc length of 150.04', being subtended by a chord of N. 31° 08' 58" E., 150.03'; thence along a curve to the right having a radius of 3751.50' and an arc length of 150.04', being subtended by a chord of N. 31° 08' 58" E., 150.03'; thence N. 32° 17' 42" E., 138.09'; thence along a curve to the right having a radius of 2251.83' and an arc length of 147.89', being subtended by a chord of N. 34° 10' 36" E., 147.86'; thence S. 57° 34' 37" E., 108.03'; thence S. 57° 35' 05" E., 876.51'; thence S. 32° 37' 20" W., 387.69'; thence S. 57° 24' 30" E., 81.72'; thence S. 32° 37' 20" W., 298.09'; thence N. 57° 27' 07" W., 663.66'; thence N. 49° 46' 23" W., 89.81'; thence N. 57° 27' 07" W., 235.00'; thence N. 28° 58' 37" W., 83.94' to the true point of beginning; and containing 15.910 acres, together with and subject to covenants, easements and restrictions of record.

The Board of Supervisors accepted the following proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance):

1. Protective Covenants. Prior to or within sixty (60) days of the approval of a Plan of Development by the County for any portion of the Property but before the conveyance of any portion of the Property (other than for the dedication of easements, roads or utilities), there shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, a document setting forth controls on the development and maintenance of such portions of the Property and a copy of said document and the recordation receipt therefor shall be mailed or delivered to the Director of Planning within ten (10) days of the recordation thereof. Notwithstanding anything herein contained to the contrary, the County shall have no obligation or liability of any kind or nature whatsoever for the enforcement of any of the specific terms and conditions of said protective or restrictive covenants.

2. Conceptual Master Plan. A Conceptual Master Plan for the entire project to be constructed on the Property shall be submitted with the first request for Plan of Development approval and shall be updated with each subsequent request for Plan of Development approval.
3. Architectural Treatment.
  - (a) Circuit City Building. The exposed portion of any Circuit City building constructed on the Property shall be similar in architectural appearance to the building shown in the rendering entitled "Circuit City Prototype", a copy of which is attached as Exhibit A (see case file), and by this reference made a part hereof, unless otherwise specifically requested and approved by the Planning Commission at the time of Plan of Development review. Any subsequent change in the architectural appearance of the Circuit City building initially constructed on the site shall comply with the provisions of subparagraph (b) and (c) hereof.
  - (b) Other Buildings. The exposed portion of each exterior wall surface (front, rear and sides) of every building, other than the Circuit City building, constructed on the Property (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. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) of either, or a combination of, face brick, split-face block, natural stone, glass, drivit or stucco if applied to a masonry surface or an equivalent permanent architecturally finished material, 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. No building on the Property, other than the Circuit City building which phototypically uses a sheet aluminum composite product, (as shown on Exhibit A) (See case file), shall be covered with or have exposed to view any sheet or corrugated aluminum or metal, exposed aggregate concrete, unpainted or unfinished concrete masonry units or asbestos, unless otherwise specifically requested and approved by the Planning Commission at the time of Plan of Development review.
  - (c) Complementary Architecture. The exterior materials and architectural design of all buildings to be constructed on the Property (including out parcels) shall be coordinated with and be complementary to the Circuit City building and each of the other buildings to be constructed on the Property as determined by the Planning Commission at the time of Plan of Development review.
4. Square Footage Restriction. No more than 130,000 square feet of finished floor area devoted to permitted principal uses, inclusive of outparcels, shall be constructed on the Property.
5. Installation Department Restrictions. The automobile radio and stereo installation service area in the Circuit City building shall only install electronic products which are purchased from Circuit City and this area shall not exceed five percent (5%) of the

aggregate gross floor area contained in the Circuit City building.

6. Out Parcels. There shall be a maximum of three (3) out parcels permitted on the Property, none of which shall have direct vehicular access to or from Broad Street or Gaskins Roads and none of which shall be a "fast food" restaurant.
7. Sidewalks. Subject to obtaining all required governmental approvals, a standard size pedestrian sidewalk shall, with the development of each phase of the Property, be installed in the State's right-of-way along the Broad Street Road frontage of the Property and along the Gaskins Road frontage of the Property.
8. Landscaped Buffers.
  - (a) Broad Street and Gaskins Road. A natural and/or landscaped buffer will be provided twenty-five (25) feet in width adjacent to the right-of-way lines of Broad Street and Gaskins Road, except to the extent necessary or allowed for sidewalks, utility easements, grading, drainage, stormwater management, signage and access driveways and other purposes requested and specifically permitted, or if required, by the Planning Commission at the time of subdivision approval and/or Plan of Development review, or by any other governmental body. Any utility easement or use permitted within the aforesaid buffer areas shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically permitted, or if required, by the County at the time of Plan of Development review and where permitted, areas disturbed for utility installations shall be restored to the extent reasonably practical.
  - (b) Multi-Family Residential Property Adjacent to Northern Property Line. A natural and/or landscaped buffer will be provided for a width of twenty (20) feet for a distance of 385 +/- linear feet from Gaskins Road along the northern boundary of the Property and fifty (50) feet in width along remaining 600 +/- linear feet of the northern boundary of the Property, except to the extent necessary or allowed for sidewalks, utility easements, grading, drainage, stormwater management and access driveways and such other purposes as may be requested and specifically permitted, or if required, by the Planning Commission at the time of subdivision approval or Plan of Development review or by any other governmental body. Such buffer shall be landscaped as required by the Planning Commission at the time of Plan of Development review. Any utility easement or use permitted within the aforesaid buffer area, except sidewalks, shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically permitted, or if required, by the Planning Commission at the time of Plan of Development review and where permitted, areas disturbed for utility installations shall be restored to the extent reasonably practical.
  - (c) Tree Protection Plan. Prior to any clearing or land disturbing activity on the Property, a tree protection plan shall be submitted which shows the existing trees on the Property which are within the buffer areas and are in excess of

eight (8) inches in diameter. The plan shall identify each tree, marking its location, species, caliper, and identify those trees proposed for retention. The Plan should, inasmuch as reasonably practical, attempt to incorporate the existing trees on the Property into development of the grading plan. Such tree protection plan shall be submitted to and approved by the Director of Planning, subject to appeal of such decision to the Planning Commission at the time of Plan of Development approval.

- (d) Irrigation. The landscaped buffer areas along Broad Street Road and Gaskins Road shall, with the development of each phase of the Property, be irrigated.
9. Detention Basins. Stormwater detention basins shall be continually maintained, including but not limited to regular grass cutting with a bagging-type mower or a substantially equivalent service, pick up of trash, debris, dead plant material, leaves and any other foreign matter which may serve to either degrade the proper functioning of the basin or create an eyesore or nuisance.
10. Vehicular Access Points. There shall be no more than two (2) vehicular access drives to or from the Property to or from Broad Street Road, and no more than two (2) vehicular access drives to or from the Property to or from Gaskins Road. Prior to the time that Stillman Parkway is closed to through vehicular traffic by the County, there shall be no more than one (1) additional vehicular access drive to or from the Property to or from Stillman Parkway and the egress portion thereof shall be constructed so as to permit vehicles exiting the Property to make a right turn only towards Broad Street Road. In the event the County authorizes the closure of Stillman Parkway to through vehicular traffic within eighteen (18) months from the date hereof, then there shall be no more than two (2) vehicular access drives to or from the Property to or from Stillman Parkway; provided, however, that one (1) of such vehicular access drives shall be constructed within one hundred fifty (150) feet of the northernmost portion of the northern boundary of the Property (but not within any required buffer areas provided herein) and extend from Gaskins Road to Stillman Parkway.

The foregoing restriction shall apply unless other vehicular access drives to or from the Property are specifically approved by the Planning Commission at the time of Plan of Development review or required by any governmental body having jurisdiction with respect thereto.

11. Lighting.
- (a) Parking Lot. Parking lot lighting standards shall not exceed twenty-five (25) feet in height above grade level. Parking lot lighting shall be produced from a concealed source of light (such as "shoe box" type) and shall be reduced to no more than one-half (1/2) foot candle at the property lines following the close of business operations.
- (b) Building. Maximum ground level illumination at front entrances of buildings during the hours of operation shall not exceed four (4) foot candles, and shall

not exceed two (2) foot candles elsewhere on the Property during the hours of operation. Lighting on buildings shall be produced from a shielded "wall pack" type source and shall be reduced to no more than one-half (1/2) foot candle at the property lines following the close of business operations and shall at no time exceed one-half (1/2) foot candle at the northern property line.

12. HVAC. Rooftop heating and air conditioning equipment shall be screened from public view at ground level at the property lines by means of parapets or other architectural features, in a manner approved by the Planning Commission at the time of Plan of Development review.
13. Central Trash Receptacles. Central trash receptacles, not including convenience cans, shall be screened from public view at ground level, in a manner approved by the Planning commission at the time of Plan of Development review and trash pick up from the site shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday.
14. Green Spaces. No more than seventy-five percent (75%) of the Property may be covered by buildings, sidewalks, driveways and parking areas.
15. Building Heights. No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-five (35) feet in height, exclusive of the Circuit City tower, chimneys or other architectural design features on any building.
16. Outside Speakers. No outside loud speakers, which can be heard beyond the boundaries of the Property, shall be permitted on the Property.
17. Signage.
  - (a) Lighting. Except for the Circuit City building, illuminated business signs shall be the "back-lit" type, i.e., back-lit meaning the background of the sign shall be dark and the logos and lettering on such sign shall be illuminated from within the sign structure.
  - (b) Restrictions. Pennants, banners, streamers, propellers, discs and all other fluttering, spinning or similar type signs and advertising devices shall not be permitted on the Property.
18. Phasing Plan. No Building Permit shall be issued for any outparcel on the Property unless a Building Permit has been issued for the Circuit City Building and/or any other non-outparcel building to be constructed on the Property and construction thereof is diligently pursued; provided, however, that nothing herein contained shall prevent utilities and site work from proceeding pursuant to all required permits and approvals.
19. Permitted Uses. All uses permitted in a B-2 business district shall be permitted on the Property, except the following uses:

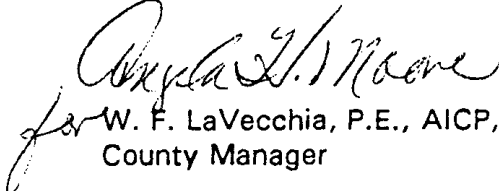
Circuit City Stores, Inc.  
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- (a) a billiard, bagatelle, video games or a bingo parlor;
  - (b) a convenience food store;
  - (c) a massage parlor;
  - (d) a funeral home;
  - (e) a facility for the sale or display of pornographic material (as determined by community standards for the area in which the Property is located);
  - (f) a skating rink;
  - (g) a banquet hall, auditorium or other place of public assembly;
  - (h) a theatre of any kind;
  - (i) a gymnasium, sport or health club or spa;
  - (j) an automobile filling and service station;
  - (k) a miniature or putt-putt golf course; or
  - (l) a radio or television broadcasting station.
20. Intersection Restriction. No building shall be constructed on the Property within two hundred fifty (250) feet of the intersection of Gaskins Road and West Broad Street.
21. Truck Traffic. Prior to the time that Stillman Parkway is closed to through vehicular traffic (but not thereafter), signs shall be erected and maintained on the Property restricting trucks from exiting on to Stillman Parkway from the Property.
22. Deliveries. Deliveries to buildings, the rear of which face the northern boundary line of the Property, shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday.
23. 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 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,

  
for W. F. LaVecchia, P.E., AICP,  
County Manager

cc: Clerk, Board of Supervisors  
Director, Real Estate Assessment  
✓ Conditional Zoning Index  
Gaskins Associated Limited Partnership  
Mr. Jay M. Weinberg, Esquire  
Ms. Gloria L. Freye, Esquire