

PTS. OF 48-A-37A, 67 & 10

VEHICLE PARKING FOR ADJACENT OFFICE USE

THREE CHOPT DISTRICT

**C-15C-97**



HENRICO COUNTY PLANNING OFFICE

COUNTY OF HENRICO



April 11, 1997

Virgil R. Hazelett, P.E.  
County Manager

Re: Conditional Rezoning Case C-15C-97

Circuit City Stores, Inc.  
9950 Mayland Dr.  
Richmond, VA 23233

Gentlemen:

The Board of Supervisors at its meeting on April 9, 1997, granted your request to conditionally rezone property from O-3C Office District (Conditional) and A-1 Agricultural District to M-1C Light Industrial District (Conditional), Part of Parcels 48-A-37A, 48-A-67, 48-4-A-10, described as follows:

**Parcel 48-A-67:**

Beginning at a point on the N. line of Old Cox Road, said point being 0.1 mile more or less from Cox Road; thence S.  $55^{\circ} 52' 32''$  E., 52.75' to a point; thence S.  $55^{\circ} 13' 28''$  E., 358.34' to a point; thence S.  $54^{\circ} 22' 17''$  E., 161.93' to a point; thence S.  $63^{\circ} 23' 33''$  E., 61.21' to a point; thence S.  $49^{\circ} 45' 33''$  E., 125.11' to a point; thence S.  $54^{\circ} 13' 07''$  E., 549.29' to a point; thence N.  $69^{\circ} 25' 38''$  E., 36.08' to a point; thence S.  $54^{\circ} 20' 18''$  E., 54.89' to a point; thence S.  $27^{\circ} 58' 56''$  E., 101.80' to a point; thence S.  $29^{\circ} 05' 25''$  W., 37.33' to a point; thence S.  $61^{\circ} 24' 14''$  E., 146.04' to a point; thence S.  $27^{\circ} 19' 49''$  W., 20.33' to a point on the N. line of Interstate Route 64; thence along Interstate Route 64, N.  $54^{\circ} 14' 23''$  W., 1620.73' to a point; thence N.  $29^{\circ} 29' 44''$  E., 46.37' to a point and being the point of beginning, together with and subject to covenants, easements, and restrictions of record, containing 1.909 acres more or less.

**Part of Parcel 48-37A:**

Commencing at a point on the N. line at the southern terminus of Deep Rock Road; thence N.  $52^{\circ} 53' 21''$  W., 353.36' to a point; thence N.  $39^{\circ} 58' 30''$  E., 79.76' to the said "Point of Beginning;" thence S.  $39^{\circ} 58' 30''$  W., 165.45' to a point; thence S.  $45^{\circ} 33' 30''$  W., 310.02' to a point; thence S.  $51^{\circ} 29' 00''$  W., 212.73' to a point; thence N.  $41^{\circ} 01' 45''$  W., 251.52' to a point; thence N.  $48^{\circ} 58' 15''$  E., 634.30' to a point; thence S.  $54^{\circ} 18' 40''$  E., 222.47' to the said point of beginning; together with and subject to covenants, easements, and restrictions of record, containing 3.77 acres more or less.

**Part of Parcel 48-37A:**

Commencing at a point on the S. line of Broad Street Road; thence along the eastern boundary line of S.F.P. Company S.  $43^{\circ} 38' 34''$  W., 1319.58' to the "Point of Beginning;" thence S.  $41^{\circ} 01' 45''$  E., 924.94' to a point; thence S.  $51^{\circ} 29' 00''$  W., 169.62' to a point; thence S.  $52^{\circ} 45' 30''$  W., 205.23' to a point;

thence N. 63° 39' 36" W., 836.42' to a point; thence N. 43° 19' 28" E., 206.63' to a point; thence N. 26° 49' 28" E., 139.90' to a point; thence N. 35° 19' 28" E., 120.78' to a point; thence N. 39° 04' 28" E., 95.70' to a point; thence N. 43° 38' 34" E., 149.89' to the said "Point of Beginning;" together with and subject to covenants, easements, and restrictions of record, containing 10.672 acres more or less.

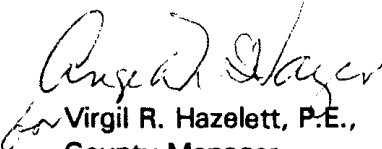
The Board of Supervisors accepted the following proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. No building shall be constructed within fifty (50) feet of the right-of-way of any publicly dedicated road (road based on road rights of way as determined at time of POD) or within twenty-five (25) feet of any property line bordering a side or rear yard.
2. No portion of the Property shall be developed or used as a neighborhood, community or regional shopping center as those terms are defined in the Henrico County zoning ordinance in effect as of this date.
3. A buffer strip of a minimum of fifty (50) feet in width will be provided adjacent to property utilized for residential purposes. In addition to the residential buffer, a six (6) foot high opaque fence within the buffer area shall be maintained along the portion of the property abutting property used for residential purposes. Such fence shall be installed prior to site work and construction of a building on a site contiguous to the residential buffer provided such buffer is still required as defined herein. A buffer strip of twenty-five (25) feet in width will be provided for portions of the Property which adjoin properties utilized for nonresidential use to the west and north of and not a part of Deep Run Business Center, except to the extent required for utility easements, driveways or other purposes required or approved by the Planning Commission. Buffers disturbed for easements will be restored following installation of utilities. Clearing limits will be shown on P.O.D's. Underbrush and fallen, diseased or dead plant growth may be removed from any buffer strip.
4. Parking lot lighting standards shall not exceed twenty-five (25) feet in height. Lighting in parking lots shall be provided by concealed source fixtures.
5. The development of each site within the Property shall be subject to Plan of Development approval, in accordance with the terms of Section 24-106 of the Henrico County Code.
6. Except during the period of construction of improvements, all outside storage materials and supplies shall be enclosed on all sides by an opaque fence, wall or other barrier, of at least seven (7) feet in height.
7. The exposed portion of each exterior wall surface including dumpster enclosures, (front, rear and sides) shall be similar in architectural treatment and/or materials.
8. No metal buildings, unfinished block buildings or mini-warehouses will be permitted on the site.
9. Rooftop mechanical equipment shall be adequately screened.

10. Loading areas facing the western and northern boundaries of the Property shall be screened by a wall surface treated the same as the building and sufficiently high to screen such loading areas.
11. The following uses shall not be permitted on the property: (a) Bowling, skating, billiards and similar indoor recreational establishments. (b) Dancing establishments and dance halls. (c) Drive-in theaters, golf driving ranges, baseball batting ranges, miniature golf courses, pony rides and similar amusement establishments. (d) Riding academies, amusement parks and target ranges. (e) Fortune-tellers, palmists, astrologists, numerologist, clairvoyant, crainologist, phrenologist, a card reader, spiritual reader, or advisor. (f) Carnivals, fairs and circuses. (g) adult book stores.
12. Applicant or its successors or assigns shall not request or be entitled to receive Certificates of Occupancy for more than 300,000 square feet of floor space in a 12 month period, on a cumulative basis, commencing with the first day of the month following rezoning of the Property, as requested herein, by the Board of Supervisors. Certificates of Occupancy for more than said amount of square footage shall only be available if in prior years less than said amount of square footage have been developed for which Certificates of Occupancy have been received.
13. Neither Applicant nor its successors or assigns shall request or accept Certificates of Occupancy of predominantly retail business uses in excess of an aggregate of 40,000 square feet of net retail floor area on the Property.
14. No portion of the property shall be used for the storage of recreational vehicles or trucks exceeding an empty weight of 5,000 pounds.
15. 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 Virgil R. Hazelett, P.E.,  
County Manager

cc: Director, Real Estate Assessment  
Conditional Zoning Index  
Ms. Gloria Freye, Esquire