

O-2 to B-1C
0.37 Ac.

C-56C-06 Zoning

Private School and Office

Fairfield District

400

Feet





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

December 19, 2006

DYS Holding Company, LLC
8401 Mayland Drive, Suite C
Richmond, VA 23294

Re: Conditional Rezoning Case C-56C-06

Dear Sir:

The Board of Supervisors at its meeting on December 12, 2006, granted your request to conditionally rezone from O-2 Office District to B-1C Business District (Conditional), Parcel 787-745-0794, described as follows:

BEGINNING at a Found Rod located at the intersection of the north line of Wilmer Avenue and the west line of U.S. Route No. 301, running thence N. 1° 47' 10" W. a distance of 72.58' to a Found Rod, thence N. 88° 12' 50" E., a distance of 20.40' to a Found Rod; thence N. 1° 47' 10" W., a distance of 121.98' to a Found Rod; thence N. 87° 45' 17" W. a distance of 24.90' to a Found Rod; thence N. 2° 14' 43" E. a distance of 8.00' to a Found Rod; thence S. 87° 45' 17" E. a distance of 30.00' to a Found Rod; thence S. 2° 14' 43" W. a distance of 8.52' to a Found Rod; thence S. 81° 47' 53" E. a distance of 133.94' to a Found Rod; thence S. 33° 03' 00" W. a distance of 145.33' to a Found Rod; thence S. 59° 05' 51" W., a distance of 18.22' to a Found Rod; thence S. 33° 03' 00" W., a distance of 19.17' to a Found Rod; thence running in a southwesterly direction, along a curve with a Radius of 62.00' and a Length of 56.27' to a Found Rod, being the place and point of beginning.

The Board of Supervisors accepted the following proffered conditions, dated November 7, 2006, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Exterior Materials.** Any improvements to be constructed on the Property shall be similar in architecture to the existing building on the Property. The exposed portions, exclusive of windows, trims and special architectural treatments, appointments and decorations, shall be predominately of brick, wood, stone, treated or textured masonry, stucco or exposed aggregate. In no event shall any exposed or untreated cinderblock be used.

All buildings built on the Property shall be harmonious in color, design and materials. If

materials are used that require finish coloring, then such colors, except for trim and special architectural treatments, appointments and decorations, shall be of earth tones or natural colors (brown, ivory, gray, beige, white or blends thereof). Roof colors shall be of complementary colors and materials.

All construction materials and colors shall be submitted to and approved by the Planning Commission at the time of any required Plan of Development approval.

2. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade of the base of the lighting standard. All lighting from such parking lot fixtures shall be produced from concealed sources of light.

Parking lot lighting shall produce a maximum lighting intensity of one-half (1/2) foot candle at the boundary lines of the Property.

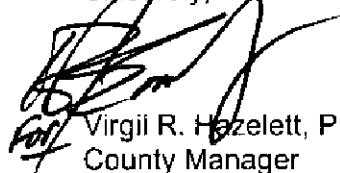
Parking lot lighting shall be reduced to a minimum level necessary for security purposes following the close of business conducted on the Property.

3. **HVAC.** Heating and air conditioning equipment shall be screened from public view at ground level at the property lines.
4. **Trash Receptacles.** Trash receptacles shall be screened from public view at ground level.
5. **Use Restrictions.** Only the following principal uses shall be permitted on the Property:
 - a. Offices and office buildings, business, professional or administrative.
 - b. Banks, savings and loan or small loan offices and similar financial institutions, but not check cashing or payday loan establishments.
 - c. Offices, medical, dental and optical, and laboratories.
 - d. Employment service or agency.
 - e. Child care centers in accordance with Section 24-106 of the Henrico County Zoning Ordinance.
 - f. Dwelling units as permitted by Section 24-55(g) of the Henrico County Zoning Ordinance if approved by the Board of Supervisors in accordance with Section 24-122.1 of the Henrico County Zoning Ordinance.
 - g. Group care facilities.
 - h. Schools (including child care, charitable, cultural, and other community service activities on school property), and colleges and universities (including educational, scientific and other related research facilities); provided, however, the boarding of students or allowing any student to stay overnight on the Property shall not be permitted without approval by the Board of Supervisors in accordance with Section 24-122.1 of the Henrico County Zoning Ordinance. Further, any school must at all times be licensed by the Virginia Department of Education or such other state or federal agency as may be approved by the Director of Planning.

6. **Signage.** Any detached signs shall be monolithic style signs, the base of which shall be landscaped and shall not exceed six (6) feet in height. Signage on the Property shall be regulated as provided for in the O-2 district in the Henrico County Zoning Ordinance.
7. **Access.** No access shall be made to Chamberlayne Road from the Property unless approved by the Planning Commission at the time of any required Plan of Development review.
8. **Security Alarms.** Outside speakers shall be prohibited. No external alarm bells or external warning devices that are audible beyond the boundary lines of the Property shall be permitted on the Property.
9. **Playground Security.** Any playground or recreation area located on the Property shall be secured as required at the time of any required Plan of Development review.
10. **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 any of the other proffers or the unaffected part of any such proffer.
11. **Fencing.** Within sixty (60) days of final unappealable zoning approval and, in any case, prior to the Property being used as a school, the applicant will install and maintain a two rail white vinyl fence along the eastern property line adjacent to Chamberlayne Road which fence shall be comparable in quality and style with the fence shown on Exhibit A (see case file) and in the general location shown as "Proposed Fence" on Exhibit B (see case file). The fence will be maintained so long as a school is operated on the Property.

The Planning Department 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,



Virgil R. Hazelett, P.E.
County Manager

pc: The Security Group, LLC
Andrew M. Condlin, Esquire
Director, Real Estate Assessment
Conditional Zoning Index



EXHIBIT A

C-56C-06