

PT. OF 129-A-45A
 FAIRFIELD DISTRICT

GENERAL RESIDENTIAL USES

C-61C-96 ® 0 200' 400'

HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

VIRGIL R. HAZELETT, P.E.
County Manager

November 21, 1996

Re: Conditional Rezoning Case C-61C-96

Mr. Robert M. Atack
4435 Waterfront Dr.
Glen Allen, Va. 23060

Dear Mr. Atack:

The Board of Supervisors at its meeting on November 13, 1996, granted your request to conditionally rezone property from R-3C One Family Residence District (Conditional) to R-5C General Residence District (Conditional), Part of Parcel 129-A-45A, described as follows:

Beginning at a point being the intersection of the N. line of Creighton Road and E. line of Cedar Fork Road, said point being the point and place of beginning; thence along said E. line of Cedar Fork Road N. 70° 23' 09" W., 40.50' to a point; thence N. 25° 39' 26" W., 536.58' to a point; thence along a curve to the left having a radius of 1305.74' and a length of 421.08' to a point; thence N. 44° 08' 03" W., 236.15' to a point; thence leaving said E. line of Cedar Fork Road N. 45° 51' 57" E., 25.68' to a point; thence N. 82° 15' 18" E., 384.98' to a point; thence N. 79° 46' 28" E., 10.00' to a point; thence S. 13° 45' 39" E., 1114.12' to the point and place of beginning and containing 4.545 acres as shown on a plat by Draper Aden Associates dated July 1, 1996 entitled "Compiled plat for rezoning showing 4.545 acres of land lying on the east line of Cedar Fork Road, Fairfield District, Henrico County, Virginia.

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. Use Restrictions. Use of the Property shall be restricted to a child care center and those uses customarily accessory and incidental thereto.
2. Buffer. A natural and/or landscaped buffer area, fifty (50) feet in width adjacent to the existing right-of-way line of Cedar Fork Road and two hundred (200) feet in width adjacent to the existing right-of-way line of Creighton Road will be provided and maintained by the Owner, except to the extent necessary for utility easements, signage, sidewalks, access driveways or other purposes permitted or required by the Planning Commission at the time of Plan of Development review, or by any other governmental body. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from the buffer area and, if so removed, additional plantings shall be added.

3. Architecture. The exterior design of the principal building to be constructed on the property shall be residential in architectural character, appearance and materials as determined 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 any 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. Any building constructed on the Property shall have exposed exterior walls (above finished grade) of face brick, wood, natural stone, siding, glass, stucco, drivit or vinyl, 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 shall be covered with or have exposed to view any painted or unfinished 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.
4. Building Height. No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-five (35) feet in height, exclusive of architectural design features on any building.
5. Signage. Any freestanding sign placed on the Property shall be a ground mounted monument-type sign (no pole signs) and shall not exceed ten (10) feet in height and, if lighted, shall be lighted from an internal source or by small spot lights located at ground level and projecting directly on the sign.
6. Exterior Lighting. All exterior lighting shall be limited to a maximum height of twenty (20) feet as measured from the grade at base. Exterior lighting shall be provided by directional fixtures which shall be positioned in such a manner as to minimize the impact of such lighting off-site and to produce a lighting intensity of a maximum of one-half (1/2) foot candle at the boundary of the Property. Parking lot lighting shall be reduced to no more than a security level following the close of business operations on the Property.
7. HVAC. Roof-top heating and air conditioning equipment shall be screened from public view at ground level, in a manner approved at the time of Plan of Development review.
8. Trash Receptacles. Trash Receptacles shall be screened from public view at ground level, in a manner approved at the time of Plan of Development review. There shall be no trash pickup or servicing of trash receptacles on the Property before 7:00 a.m. or after 8:00 p.m. or on Sundays.
9. Fencing. All children's play areas and playground equipment shall be enclosed by a fence with a minimum height of forty-two (42) inches and a maximum height of seventy-two (72) inches, unless otherwise required by any governmental body. Any fencing that is visible from public roads or residential housing shall be

Mr. Henry L. Wilton
Wilton Development Corp.
November 21, 1996
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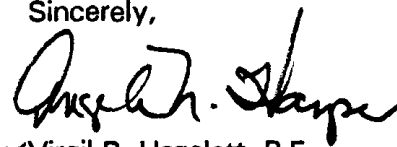
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constructed out of wood or "Buff-Tech" - Style Synthetic Wood. Chain link fencing may only be used in areas not visible from public view at ground level.

10. Sidewalk Repair. Any portions of the sidewalk located along the front of the Property adjacent to Cedar Fork Road, if damaged or removed during construction, shall be repaired or replaced by the Owner except for permanent entrances into the Property.
11. Hours of Operation. The child care center shall not operate before 6:00 a.m. or after 10:00 p.m.
12. Layout Plan. The Property shall be developed in substantial conformance with the Conceptual Master Plan prepared by The Clower Group, dated September 4, 1996 and revised September 9, 1996, a copy of which is attached hereto as Exhibit "A", (see case file), subject, however, to such traffic, engineering and other changes as may be requested by the County or Owner and approved by the Planning Commission at the time of Plan of Development review. This provision does not prohibit future modifications in the development of the Property, but such future modifications shall be consistent with other provisions of these proffers and the County Code.
13. Severance: The unenforceability or 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 any unaffected part of said 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 condition in the Conditional Zoning Index.

Sincerely,


for Virgil R. Hazelett, P.E.,
County Manager

cc: Clerk, Board of Supervisors
Director, Real Estate Assessment
Conditional Zoning Index