



M-1C

O-2

R-3

O-2 to B-1C
1.49 Ac.

O-1C

Brook Hill Heights

A-1

WILMER AVENUE

WILMER AVENUE

B-3

O-2

R-3

B-2



May 2004

ZONING

PRIVATE SCHOOL & OFFICE

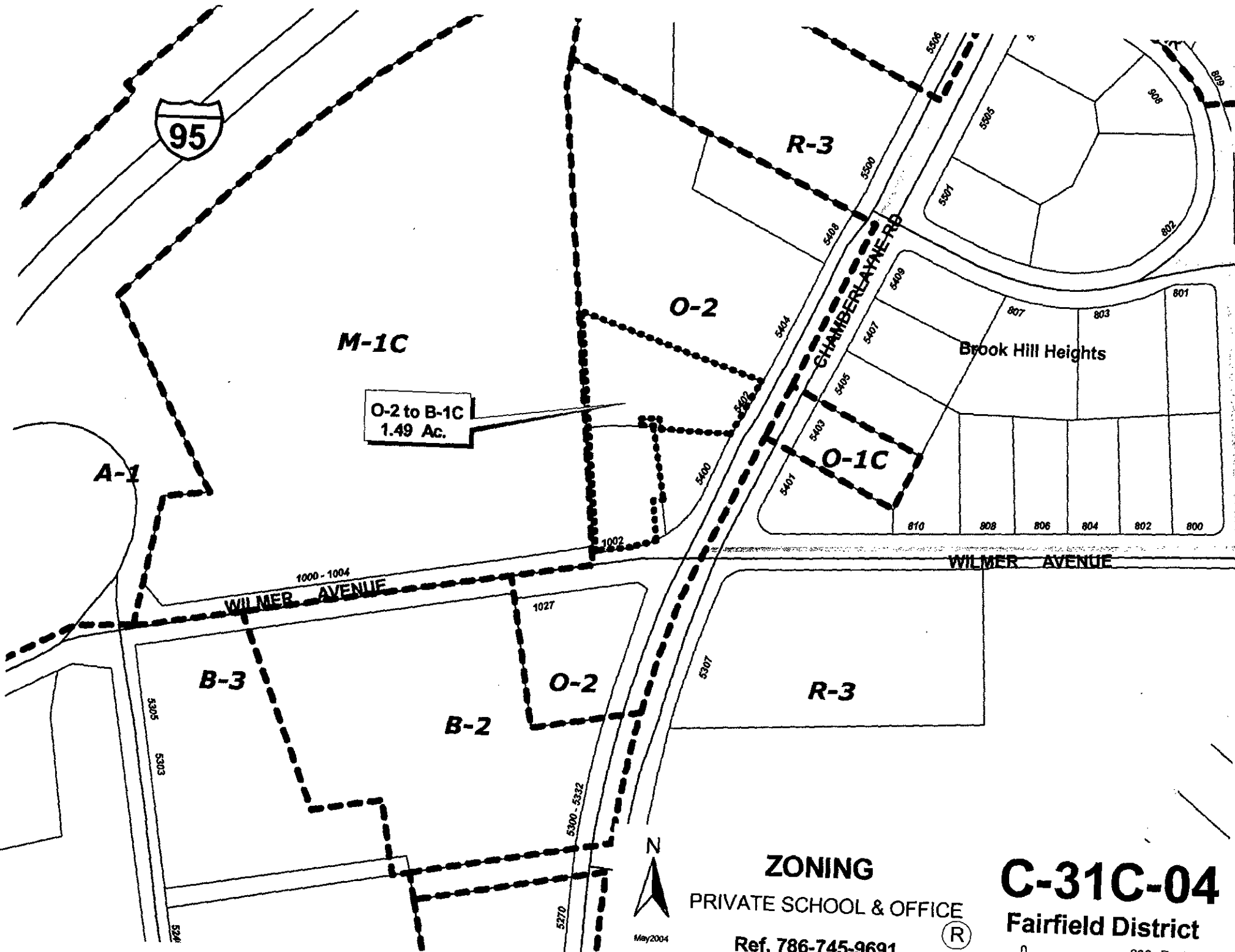
Ref. 786-745-9691



C-31C-04

Fairfield District

0 200 Feet





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

October 19, 2004

Mr. John Cabell Chenault
& Mrs. Marion S. Chenault
c/o Mr. Andrew M. Condlin, Esquire
Williams Mullen
P. O. Box 1320
Richmond, VA 23218-1320

Re: Conditional Rezoning Case C-31C-04

Dear Mr. Condlin:

The Board of Supervisors at its meeting on October 12, 2004, granted your request to conditionally rezone property from O-2 Office District to B-1C Business District (Conditional), Parcels 786-745-9691 and 787-746-0309, described as follows:

1002 Wilmer Avenue

Beginning at a point approximately 15.07' north of a stone found along Wilmer Avenue as shown on that certain plat of survey entitled "plat of 0.55 ac. of land located on the N/L of Wilmer Avenue Henrico County, Virginia" prepared by Holly & Spain, Ltd. dated September 11, 2001; thence, along Wilmer Avenue N86°55'55"E a distance of 112.22' to a rod set; thence N01°47'10"W a distance of 72.58' to a rod set; thence N88°12'50"E 20.40' to a rod set; thence N01°47'10"W a distance of 121.98 to a point; thence S87°45'17"W a distance of 120.44' to a point; thence S02°14'43"W a distance of 206.13' to the point of beginning, containing 0.55 acres, more or less.

5402 Chamberlayne Rd.

Beginning at a point designated by a rod found located at the western line of U.S. Route 301 which point is 197.12' from the northern line of Wilmer Avenue extended; thence N81°47'53"W a distance of 133.94' to a point; thence N2°14'43"E a distance of 8.52' to a point; thence N87°45'17"W a distance of 30' to a point; thence S2°14'43"W a distance of 8' to a point; thence N87°45'17"W a distance of 95.44' to a point designated by a rod found; thence N2°14'43"E a distance of 199.14' to a point designated by a rod found; thence S65°21'45"E a distance of 335.14 to a point designated by a pipe found; thence S33°03'00"W a distance of 100' to a point designated by a rod found which is the point and place of beginning, containing 0.946 acre. Together with a non-exclusive 5' utility easement located adjacent and parallel to the western line of U.S. Route 301; such

easement being shown on a plat recorded in the Clerk's Office, Circuit Court, County of Henrico, Virginia (the "Clerk's Office"), in Deed Book 1857, page 1350, entitled "5' Utility Easement to Utilities located along Wilmer Avenue" to which plat reference is hereby made for a more particular description of the location of such easement. Such easement shall be used for the benefit of the Property for the purpose of bringing utilities from the northern line of Wilmer Avenue to the Property and includes the right to install, repair, replace, etc., all utilities which may be required to service the Property. Such easement shall include the right to remove trees, shrubs, bushes, etc., as may reasonably be required to so install, repair, replace, etc., such utilities, provided, however, any portion of the easement area so disturbed in such installation, repair, replacement, etc., must be graded and seeded within a reasonable time after completion of same. Such easement shall be a covenant running with the land. Together with an additional 5' utility easement perpendicular to such 5' easement aforesaid to any other utilities presently located on the property now or formerly owned by ABCO Investments, a Virginia general partnership, in a close proximity to such 5' easement aforesaid provided the use of such additional 5' easement does not interfere with adjoining property owner's use of its property. Subject to a drainfield and repair drainfield easement (collectively, the "Drainfield Easements") located in the southwestern portion of the property hereby conveyed, such drainfield easements being outlined in red on the plat recorded in the Clerk's Office, in Deed Book 1857, page 1353, and designated "Prior Drainfield Easement" and "Proposed Repair Drainfield Easement"; to which plat reference is hereby made for a more particular description of the location of such Drainfield Easements. Such Drainfield Easements shall be covenants running with the land and are reserved for the use of the property adjoining the Property. Such property being shown on the plat recorded in the Clerk's Office, in Deed Book 1857, page 1350, and designated "Now or Formerly Jameson George Buston, II."

The Board of Supervisors accepted the following proffered conditions, dated October 8, 2004, which further regulates 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 Plan of Development review.
8. **Buffering and Fencing.**
 - a. **Eastern Boundary Line/Chamberlayne Road.** Prior to the issuance of a certificate of occupancy for the operation of a school on the property which is the subject of this rezoning, if deemed necessary by the Director of Planning at the time of application for a certificate of occupancy, landscaping and/or fencing shall be installed along the eastern most boundary line of the property that fronts on Chamberlayne Road. The landscaping shall be at least the equivalent of the landscaping required for transitional buffer 35, as referenced in the County Zoning Ordinance. Such buffer will not be solid hedge of landscaping, but will offer opportunities for surveillance into the area from the roadway. Such landscaped buffer area shall include, if requested by the Director of Planning, a non-opaque fence which will tie into the fence along the northern property line. The fence may be a split rail fence or of similar construction as approved by the Director of Planning.
 - b. **Northern Boundary Line.** To the extent a fence is not already provided along the common boundary line of the northern boundary line of the Property and the adjacent parcel to the north of the Property and if deemed necessary by the Director of Planning at the time of application for a certificate of occupancy, a non-opaque fence consistent with the existing fence along such common boundary line shall be installed and maintained along such common boundary line. The fence will tie into the fence along Chamberlayne Road and along the western boundary line as such fences are constructed. Upon a request for a Plan of Development on existing parcel number 787-746-0309, if requested by the Planning

Commission at the time of such Plan of Development review, a non-opaque fence at least six feet in height and in a location deemed appropriate by the Planning Commission at the time of Plan of Development review shall be installed and maintained along all or part of the northern boundary line of the Property.

- c. **Western Boundary Line.** Any request for a Plan of Development on existing parcel number 787-746-0309 shall include landscaping along the western boundary line of the Property that is at the minimum the equivalent of transitional buffer 25, as referenced in the County Zoning Ordinance. Such landscape area shall include, if requested by the Planning Commission at the time of such Plan of Development review, a non-opaque fence which will tie into the fence along the northern property line.
9. **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.
10. **Playground Security.** Any playground or recreation area located on the Property shall be secured as required at the time of Plan of Development review.
11. **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.

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

pc: J. G. Buston Trust
RMH Property Co. II, LLC
Mr. Andrew M. Condlin, Esquire
Director, Real Estate Assessment
Conditional Zoning Index