C-25C-08

Zoning

Daycare
Varina District

Ref: 803-701-3978

R-2AC & B-1C to B-1C
5.22 Ac.
October 21, 2008

Tuckaway Child Development Center
2125 Tuckaway Lane
Richmond, VA 23229

Re: Conditional Rezoning Case C-25C-08

Dear Sir:

The Board of Supervisors at its meeting on October 14, 2008, granted your request to conditionally rezone from B-1 Business District and R-2AC One-Family Residential District (Conditional) to B-1C Business District (Conditional), Parcels 803-701-3978 and 803-701-8673 and, described as follows:

**GPIN 803-701-3978**

Beginning at a point on the southern line of Midview Road, 36.01 feet east of the extended intersection of the northern line of New Market Road and the southern line of Midview Road, said point being the POINT OF BEGINNING; thence, along the southern line of Midview Road, N 89°41'58" E, 60.41 feet to a point; thence N 06°21'18" E, 2.00 feet to a point; thence S 83°38'42" E, 333.90 feet to a point; thence departing the southern line of Midview Road S 06°21'18" W, 104.41 feet to a point; thence S 32°07'12" E, 26.47 feet to a point; thence S 57°44'04" W, 241.64 feet to a point on the northern line of New Market Road; thence along the northern line of New Market Road, along a non-tangent curve to the left having a radius of 2900.00 feet, a length of 331.71 feet, and a chord bearing and distance of N 39°46'27" W, 331.53 feet to a point; thence along a non-tangent curve to the right having a radius of 25.00 feet, a length of 48.20 feet, and a chord bearing and distance of N 31°27'49" E, 41.07 feet to a point on the southern line of Midview Road, being the Point of Beginning, containing 72,919 square feet or 1.674 acres of land, more or less.

**GPIN 803-701-8673**

Beginning at a point on the southern line of Midview Road, 432.32 feet east of the extended intersection of the northern line of New Market Road and the southern line of Midview Road, said point being the POINT OF BEGINNING; thence along the southern
line of Midview Road, S 83°38'42" E, 73.05 feet to a point; thence along a curve to the left with a radius of 3695.00 feet, a length of 199.95 feet, and a chord bearing and distance of S 85°11'42" E, 199.92 feet to a point; thence S 86°44'42" E, 408.34 feet to a point; thence departing the southern line of Midview road, S 39°49'48" W, 351.65 feet to a point; thence N 50°10'12" W, 142.52 feet to a point; thence S 39°50'48" W, 248.64 feet to a point; thence N 32°07'12" W, 370.65 feet to a point; thence N 06°21'18" E, 104.41 feet to a point on the southern line of Midview Road, being the Point of Beginning, containing 154,559 square feet or 3.548 acres of land, more or less.

The Board of Supervisors accepted the following proffered conditions, dated September 22, 2008, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Buffer Areas and Screening.**

   A. A landscaped buffer a minimum of forty (40) feet in width shall be maintained along the western boundary of the property, adjacent to the New Market Road (Route 5) right-of-way. This buffer shall be landscaped to the standards of the thirty-five (35) foot transitional buffer and include a berm similar in size to the one at the front of the adjacent veterinary clinic (1320 New Market Road).

   B. A landscaped buffer a minimum of ten (10) feet in width shall be maintained along all other boundaries of the property. This buffer shall be landscaped to the standards of the ten (10) foot transitional buffer.

   Buffers shall be provided except to the extent necessary for easements, sidewalks, access driveways (which access driveways shall run generally perpendicular to the buffer), and other purposes requested and specifically permitted, or if required, at the time of Plan of Development. Buffers adjacent to public roads shall be measured from the road's ultimate right-of-way.

2. **Vehicular Access.** There shall be no direct access to New Market Road. There shall be a maximum of two vehicular access drives to or from the Property and Midview Road, unless otherwise required by any governmental body having jurisdiction with respect thereto. The exact location to be approved as part of the Plan of Development review process.

3. **Signage.** Any detached signs shall be ground mounted with a brick base, not exceeding eight (8) feet in height, and utilize materials and colors complementary of the main building. The colors and design of any sign on the property shall be subject to the approval of the Planning Commission at the time of Plan of Development review process.

4. **Exterior Lighting.** Other than low intensity, ornamental style fixtures, light shall be produced from a concealed source (i.e. "shoebox" type). No lighting fixtures
on the property shall exceed twenty (20) feet in height or have a glare exceeding one-half (1/2) foot candle at the boundaries of the property.

5. **Interior Landscaping.** The applicant shall provide interior parking lot landscaping that is at least fifty (50) percent greater than the five (5) percent required by Henrico County Code.

6. **Building Design and Materials.** Any building constructed on the Property shall be as follows:
   
   A. Shall not exceed a height of thirty five (35) feet.
   B. Shall be colonial-style architecture in theme and color and shall be generally consistent with the building located at 1320 New Market Road.
   C. The exterior walls shall be brick, except to the extent other materials are used for windows, doors, trim, signage, architectural decorations or design elements.
   D. Shall be as substantially shown on the Schematic Elevation attached hereto (see case file).
   E. Accessory structures, temporary or permanent, such as awnings, tents or pool houses, shall be compatible with the main building.

   The Planning Commission shall have the authority to reject any building design whose appearance they find objectionable.

7. **Building Setback.** No building shall be constructed within hundred (100) feet of the right-of-way line of New Market Road (Route 5).

8. **Uses.** The only use permitted on the Property shall be a daycare.

9. **Accessory Use.** A swimming pool that is a permitted accessory use to a child care facility shall be used only for programs administered solely by the child care facility and shall not be permitted to be for rent or hire by persons not enrolled in instructional programs run by the facility.

10. **HVAC Screening.** Any heating, ventilating and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property.

11. **Right-of-Way Dedication.** The owner, upon written request of the Director of Public Works, shall dedicate without cost to the County, the right-of-way over the property for the proposed realignment of Midview Road in the location as substantially show on Exhibit A (see case file). Should the dedicated property not be used for its intended purpose within thirty years of the date of dedication, title to the dedicated property shall revert to the owner or its successors in interest.
12. **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.

13. **Trash and Recycling Receptacle Areas.** All dumpsters, trash and recycling receptacles, (not including convenience cans), shall be screened from view at the boundary line of the Property in a manner approved at the time of Plan of Development review.

14. **Conceptual Sketch.** The Property shall be developed in substantial conformance with the attached layout plan prepared by Balzer and Associates Inc., entitled Tuckaway Child Development Center, and attached as Exhibit A (see case file) which layout plan is conceptual in nature and may vary in detail as requested and approved at Plan of Development review or required by any governmental entity having jurisdiction.

15. **Fencing.** Fencing visible from public rights-of-way shall be constructed of durable materials such as vinyl, aluminum, wrought iron and combinations thereof and shall be in substantial conformance with Exhibit C (see case file). The colors and design of any fence on the Property shall be subject to the approval of the Planning Commission at time of Plan of Development review. Fencing immediately adjacent to public rights-of-way shall be constructed with decorative solid posts of a minimum size of ten inches by ten inches and an average spacing of twenty four (24) feet on center, with decorative toppers on the fence sections between such posts.

16. **Trash Pick Up, Parking Lot Cleaning, and Leaf Blowing.** No trash pickup, parking lot cleaning and leaf blowing shall occur before 7:00 a.m. or after 8:00 p.m., Monday through Friday, or before 10:00 a.m. or after 8:00 p.m. on Saturdays. No trash pickup, parking lot cleaning, and leaf blowing shall occur on Sundays.

17. **Aerated BMP.** Any wet BMP shall be aerated and integrated into the site design as a water feature amenity.

18. **Severance.** The unenforceability, elimination, revision or amendment or any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability or any of the other proffers or the unaffected part of any such proffer.
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:  Midview Associates, LLC
     Kristen D. Keatley, Esq.
     Dr. Martha G. Blumenthal, Dir., Research & Planning, Henrico County Schools
     Director, Real Estate Assessment
     Conditional Zoning Index