O-2 to B-2C
2.93 Ac.
October 21, 2008

DYS Holding Company, LLC
C/O Paul S. Miller
8401 Mayland Drive, Suite C
Richmond, VA 23294

Re: Conditional Rezoning Case C-32C-08

Dear Mr. Miller:

The Board of Supervisors at its meeting on October 14, 2008, approved your request to conditionally rezone from O-2 Office District to B-2C Business District (Conditional), Parcel 787-746-0532, described as follows:

Beginning at a found rod located on the west line of Chamberlayne Road running thence S 33°00'05" W a distance of 219.97' to a found rod; thence N 65°21'45" W a distance of 335.19' to a found rod; thence N 02°12'27" E a distance of 367.42' to a found rod; thence N 17°40'32" E a distance of 55.98' to a found rod; thence S 56°53'35" E a distance of 254.56' to a found rod; thence S 18°45'28" W a distance of 103.68' to a found rod; thence S 57°00'55" E a distance of 254.45' to a found rod being the place and point of beginning. These boundaries and distances should contain a total of 2.931 acres.

The Board of Supervisors accepted the following proffered conditions, dated August 27, 2008, 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 substantially similar in architecture to the existing house 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 substantially similar 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 review.

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) Offices, medical, dental and optical, and laboratories.
   c) Employment service or agency.
   d) Child care centers in accordance with Section 24-106 of the Henrico County Zoning Ordinance.
   e) Schools (including child care, charitable, cultural, and other community service activities on school property), trade or business schools as defined by Section 24-50.11(g) of County Code, 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 confirmed 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. Changeable message signs, inflatable and/or
attention getting devices shall be prohibited. Any sign lighting shall be from an external source.

7. **Access.** Unless otherwise approved by the Planning Commission at the time of any required Plan of Development review, the existing access to Chamberlayne Road shall be closed by a locked wrought iron style gate substantially similar to the type shown in Exhibit C (see case file); this gated access shall only be available for emergency vehicles; and, no additional access shall be made to Chamberlayne Road from the Property.

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 provers or the unaffected part of any such proffer.

11. **Campus Master Plan.** The use of the Property shall be in substantial accordance with the Campus Master Plan dated 8/15/08 attached as Exhibit B (see case file).

12. **Pond.** Any wet pond on the Property shall be aerated.

13. **Site Plan Review.** For the purpose of ensuring the provision of any required utilities improvements and emergency access, an administrative site plan or Plan of Development shall be submitted as required by the Director of Planning for review and approval prior to the issuance of a Change of Use Permit for the Property.

14. **Cross Access Agreement.** A cross access agreement between the owners of the parcels identified as GPN 787-746-0532 (5404 Chamberlayne Road) and GPN 786-745-9691 (1002 Wilmer Avenue) shall be executed, and a copy provided to the Department of Planning, prior to the issuance of a Change of Use Permit for 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,

[Signature]

Virgil R. Hazelett, P.E.
County Manager

cc: Donnovan Miller
Director, Real Estate Assessment
Conditional Zoning Index
PLAT SHOWING A 10 G SANITARY SEWER EASEMENT ACROSS THE PROPERTY OF VIRGIL C. & EVELYN D. MANSFIELD, TAX MAP NUMBER 105-B1-11 DB. 219 PG. 1560 BROOKLAND DISTRICT HENRICO COUNTY, VIRGINIA

NOTE: ALL BEARINGS AND DISTANCES TO CENTERLINE OF SEWER EASEMENT

APPROVED FOR LOCATION AND DESIGN
BY DPW DATE: 
BY REVISION DATE: 

U.S. ROUTE 301

Date: JULY 11, 1989
Scale: 1"=40'
Job No.: R-574

COMMONWEALTH OF VIRGINIA

KENNETH E. CARLTON
BALZER & ASSOCIATES
KENTUCKY STREET
C-32C-08
Exhibit B

Paved parking
44 spaces
TOTAL

1002 WILMER

0.37 ACRES

5400

OPEN FIELD
FOR RECREATION & CLASS ACTIVITY
2.931 ACRES

OPEN FIELD
RECREATION & CLASS ACTIVITY

SPLIT-RAIL FENCE

TREES

IVY

TREES

CHAIN-LINK FENCE

WILMER AVE.

GRASS AREA

Paved parking

CLOSE OFF

GRAVEL DRIVE

EXISTING PATH

GRASS

CHAMBERLAYNE Rd.

5408

EXHIBIT B

C-32C-08
Colonial Aluminum™ Imperial style is an outstanding value because of quality construction, durability, numerous options and affordable pricing. Imperial style fences and gates provide an exceptional ornamental picket fence system. Imperial is an ideal choice for use where elegant simplicity is desired. As with all Colonial Aluminum fences, the pickets are spaced less than 4" apart.

Estate - With Flat Top Pickets

Colonial Aluminum Estate style with flat top pickets is the most contemporary look offered in the Estate series. Good looking and long lasting, this fence with the flat top pickets will complement any architectural design.

Every Colonial Aluminum fence is strong, secure and requires low maintenance. The discriminating buyer who selects a Colonial Aluminum fence will be proud of their choice. The fence will look far more expensive than it costs.

Estate - With Pressed Point Top Pickets

Colonial Aluminum Estate style with pressed point top pickets is contemporary in design. The pressed point tops add security and have an attractive look that is reminiscent of very early English and European iron work, the pressed point tops are noted for their spear like appearance.

To avoid injury, this style is not recommended when the tops of the pickets are less than six feet above the ground.