

AN ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF THE TOWN OF ASHLAND, VIRGINIA TO ACCEPT CERTAIN CONDITIONS UPON THE REZONING OF A PROPERTY LOCATED ON MEDICAL DRIVE AT THOMPSON STREET KNOWN AS TAX PARCEL 46-21 (CARL DE PANICIS, JR., CONTRACT OWNER) FROM R-2, RESIDENTIAL LIMITED, TO R-3, RESIDENTIAL MEDIUM, WITH CONDITIONS, AT THE REQUEST OF SAID CONTRACT OWNER, CARL DE PANICIS, JR.

WHEREAS, the contract owner has requested the Town of Ashland to rezone Tax Parcel 46-21 (the "Property") from R-2, Residential Limited to R-3, Residential Medium, with conditions, such property being approximately 3.00 acres in size; and

WHEREAS, R-3, Residential Medium zoning allows single family and other uses as a permitted use; and

WHEREAS, the contract owner desires to develop the property and use it only for child care - day school uses; and

WHEREAS, the contract owner has voluntarily proffered the following conditions under provisions of Section 21-13.1 of the Zoning Ordinance of the Code of the ***Town of Ashland, Virginia***:

- a. The applicant agrees, upon the rezoning from R-2 Limited to R-3, Medium, with conditions, the uses of the property and the improvements proposed to be constructed thereon will be limited to child, adult or family day care, day nursery, day school, and or kindergarten and such outdoor playground and recreation, parking and storage uses as appropriate.
- b. The applicant agrees to provide the Town of Ashland Planning Commission, as soon as practicable, the actual building elevations which reflect a residential character for the exterior appearance of the proposed day care building. The applicant further agrees to construct the building in substantially the manner depicted on said elevations.
- c. The applicant agrees ingress and egress access to the property and the proposed improvements will be from Route 626, Medical Drive and no access will be permitted to Route 54, Thompson Street from the property.
- d. The applicant agrees that all signage for the site and the improvements will be constructed in accordance with existing sign ordinances and all signs will adhere to the residential character of the building.
- e. The applicant agrees that exterior sign, building and security lighting will adhere to appropriate lighting standards for the residential character of the neighborhood.

- f. The applicant agrees to dedicate such fee simple rights of way along Route 54, Thompson Street and Route 626, Medical Drive, as may be required to provide for public uses which may include, but are not limited to, future widening of the streets, traffic turn lanes, pedestrian and/or bike lanes, and public utilities.
- g. The applicant proffers with reference to the proposed development and drainage of the site that there will be no net increase in the pre-development and post-development run off coefficient. The applicant further proffers he will dedicate such on-site drainage easements as may be determined appropriate by the Town of Ashland and the applicant's engineer.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Ashland, Virginia that:

- 1. Tax parcel 46-21 is hereby rezoned R-3, Residential Medium zoning with the following conditions:
  - a. The applicant agrees, upon the rezoning from R-2 Limited to R-3, Medium, the uses of the property and the improvements proposed to be constructed thereon will be limited to child, adult or family day care, day nursery, day school, and or kindergarten and such outdoor playground and recreation, parking and storage uses as appropriate.
  - b. The applicant agrees to provide the Town of Ashland Planning Commission, as soon as practicable, the actual building elevations which reflect a residential character for the exterior appearance of the proposed day care building. The applicant further agrees to construct the building in substantially the manner depicted on said elevations.
  - c. The applicant agrees ingress and egress access to the property and the proposed improvements will be from Route 626, Medical Drive and no access will be permitted to Route 54, Thompson Street from the property.
  - d. The applicant agrees that all signage for the site and the improvements will be constructed in accordance with existing sign ordinances and all signs will adhere to the residential character of the building.
  - e. The applicant agrees that exterior sign, building and security lighting will adhere to appropriate lighting standards for the residential character of the neighborhood.
  - f. The applicant agrees to dedicate such fee simple rights of way along Route 54, Thompson Street and Route 626, Medical Drive, as may be required to provide for public uses which may include, but are not limited to, future widening of the streets, traffic turn lanes, pedestrian and/or bike lanes, and public utilities.

2. The Zoning Map of the Town shall show by an appropriate symbol the existence of conditions attached to the zoning of this parcel.
- 3 All sections of the ***Code of the Town of Ashland, Virginia***, Ordinance, or parts of Ordinances inconsistent with and/or in conflict with this Ordinance are hereby repealed.
4. The provisions of this Ordinance shall be in force upon adoption.

This is a certified true copy of an Ordinance adopted by the Town of Ashland, Virginia on December 13, 1994.

ATTEST:

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Elizabeth C. Kennon, Clerk of Council

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