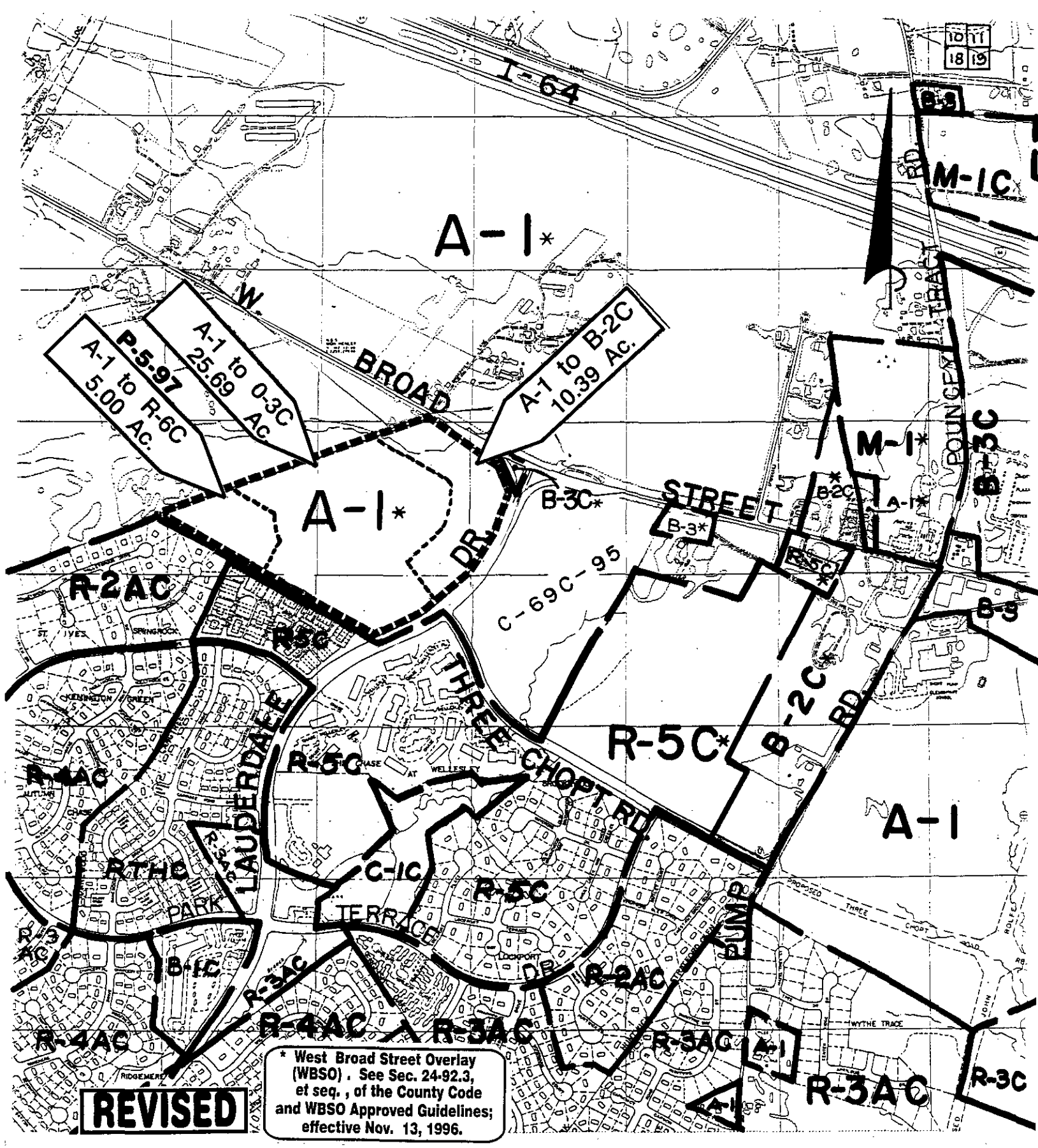

HEALTH CARE FACILITIES, ASSISTED LIVING ACCOMODATIONS AND COMMERCIAL

PT. OF 36-A-49

THREE CHOPT DISTRICT

C-68C-95

0 400' 800'

HENRICO COUNTY PLANNING OFFICE

COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

VIRGIL R. HAZELETT, P.E.
County Manager

June 5, 1997

Re: Conditional Rezoning Case 68C-95

Mr. Edward F. Gerardo
Bon Secours-Richmond Health System, Inc.
5801 Bremo Road
Richmond, VA 23226

Dear Mr. Gerardo:

This is a correction of our letter to you dated May 20, 1997.
The Board of Supervisors at its meeting on May 14, 1997, granted your request to conditionally rezone property from A-1 Agricultural District to R-6C General Residence District (Conditional), O-3C Office District (Conditional) and B-2C Business District (Conditional), Part of Parcel 36-A-49, described as follows:

Parcel A: B-2C Business District (Conditional)
Beginning at a point on the southern right-of-way line of U.S. Route 250 Broad Street Road where Tax Parcels 36-A-48 and 36-A-49 intersect; thence S. 57° 44' 32" E., 36.19' to a point; thence S. 61° 30' 54" E., 268.03' to a point; thence S. 43° 09' 04" E., 14.27' to a point; thence S. 61° 55' 45" E., 214.86' to a point, which point is the True Point of Beginning; thence along a curve to the right having a radius of 200.00' for a length of 298.72' to a point; thence N. 66° 21' 08" W., 50.00' to a point; thence along a curve to the left having a radius of 170.68' for a length of 182.28' to a point; thence N. 28° 04' 15" E., 100.00' to the True Point of Beginning, containing 0.45 acre.

Parcel B: B-2C Business District (Conditional)
Beginning at a point on the southern right-of-way line of U.S. Route 250 Broad Street Road where Tax Parcels 36-A-48 and 36-A-49 intersect, which point is the True Point of Beginning; thence S. 57° 44' 32" E., 36.19' to a point; thence S. 61° 30' 54" E., 268.03' to a point; thence S. 43° 09' 04" E., 14.27' to a point; thence S. 61° 55' 45" E., 214.86' to a point; thence S. 28° 04' 15" W., 100.00' to a point; thence along a curve to the right having a radius of 170.68' for a length of 182.28' to a point; thence S. 66° 21' 08" E., 50.00' to a point; thence S. 23° 38' 55" W., 224.75' to a point; thence along a curve to the right having a radius of 1,237.52' for a length of 154.38' to a point; thence N. 61° 10' 00" W., 309.97' to a point; thence along a curve to the left having a radius of 431.79', 169.93' to a point; thence along a curve to the left having a radius of 119.57', 165.60' to a point; thence N. 61° 30' 54" W., 589.26' to a point; thence N. 69° 28' 00" E., 395.34' to the True Point of Beginning, containing 7.12 acres.

(804) 672-4206 PARHAM & HUNGARY SPRING ROADS/P.O. BOX 27032/RICHMOND, VIRGINIA 23273
FAX (804) 672-4162

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Parcel C: O-3C Office District (Conditional)
Beginning at the southwest corner of Parcel B adjacent to Tax Parcel 36-A-48, which is the True Point of Beginning; thence S. 61° 30' 54" E., 589.26' to a point; thence along a curve to the right having a radius of 119.57', 165.60' to a point; thence along a curve to the right having a radius of 431.79', 176.07' to a point; thence S. 41° 12' 03" W., 211.73' to a point; thence along a curve to the right having a radius of 414.02', 330.06' to a point; thence S. 86° 52' 36" W., 261.56' to a point; thence along a curve to the right having a radius of 377.01', 516.71' to a point; thence along a curve to the right having a radius of 293.46', 84.11' to a point; thence N. 61° 10' 00" W., 371.79' to a point; thence N. 69° 28' 00" E., 1,051.69' to the True Point of Beginning, containing 18.81 acres.

Parcel D: B-2C Business District (Conditional)
Beginning at the southeastern corner of Parcel B on the western right-of-way line of Lauderdale Drive, which point is the True Point of Beginning; thence along a curve to the right having a radius of 1,237.52' for a length of 93.62' to a point; thence S. 42° 26' 34" W., 144.97' to a point; thence along a curve to the right having a radius of 1,227.52' for a length of 175.27' to a point; thence S. 46° 56' 25" W., 51.77' to a point; thence N. 34° 34' 19" W., 315.72' to a point; thence along a curve to the left having a radius of 414.02' for a length of 102.81' to a point; thence N. 41° 12' 03" E., 211.73' to a point; thence along a curve to the left having a radius of 431.79' for a length of 6.14' to a point; thence S. 61° 10' 00" E., 309.97' to the True Point of Beginning, containing 2.82 acres.

Parcel E: O-3C Office District (Conditional)
Beginning at the southeastern corner of Parcel D on the western right-of-way line of Lauderdale Drive, which point is the True Point of Beginning; thence S. 46° 56' 25" W., 52.33' to a point; thence along a curve to the right having a radius of 1,237.52' for a length of 178.28' to a point; thence S. 63° 06' 40" W., 225.67' to a point; thence N. 61° 10' 00" W., 836.77' to a point; thence N. 28° 50' 00" E., 237.21' to a point; thence along a curve to the left having a radius of 377.01', 438.75' to a point; thence N. 86° 52' 36" E., 261.56' to a point; thence along a curve to the left having a radius of 414.02' for a length of 227.25' to a point; thence S. 34° 34' 19" E., 315.72' to the True Point of Beginning, containing 6.88 acres.

Parcel F: R-6C General Residence District (Conditional)
Beginning at the southwest corner of Parcel C, which point is the True Point of Beginning; thence S. 61° 10' 00" E., 371.79' to a point; thence along a curve to the left having a radius of 293.46', 84.11' to a point; thence along a curve to the left having a radius of 377.01', 77.97' to a point; thence S. 28° 50' 00" W., 237.21' to a point; thence N. 61° 10' 00" W.,. 785.00' to a point; thence N. 69° 28' 00" E., 401.86' to the True Point of Beginning, containing 5.00 acres.

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):

APPLICABLE TO ALL PARCELS

1. Architectural Treatment. The exposed portions of the exterior wall surfaces (front, rear and sides) of any buildings constructed on the Property shall be similar in high quality of construction, compatible architectural design (incorporating compatible design elements and color), architectural style and use of compatible construction materials. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) constructed primarily of face brick, and glass and may have varying amounts of drivit, stucco if applied to a masonry surface, or an equivalent permanent architecturally finished material, unless different architectural treatment and/or material, are requested by the owner and specifically approved by the Planning Commission at the time of Plan of Development review. Wood siding, natural stone, marble, pre-cast or cast-in-place architectural concrete, exposed aggregate concrete, exterior insulating finish systems, and/or glass, or an equivalent, permanent, architecturally finished material may be utilized as accent materials. No building shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other materials unless otherwise requested by the owner and specifically approved by the Planning Commission at the time of Plan of Development review. Roof design shall be implemented so as to minimize building mass and offer variations in building appearance. The principal building to be constructed on Parcel C shall be of substantially the same architectural consistency, character and quality as shown on the architectural rendering prepared by Odell dated April 14, 1997, a copy of which is attached hereto as Exhibit B (see case file), subject to such building being constructed in phases and such changes as may be requested by the County or owner and specifically approved by the Planning Commission at the time of Plan of Development review. Prior to approval of a Plan of Development for any building to be constructed on any property zoned B-2, an architectural elevation of the principal medical building to be developed on Parcel C shall be submitted with such Plan of Development, such architectural elevation being of sufficient detail as to architectural style, exterior colors and materials so as to enable the Planning Commission to decide whether or not there is compatibility compliance herewith.

2. Buffer Areas.

   a. Landscaped and/or natural buffer areas, and/or berms shall be provided along the boundaries of the Property as set forth below. except to the extent necessary, or allowed for entrance drives,

sidewalks, utility easements, grading, fencing and signage and other purposes requested and specifically approved, or if required, by the Planning Commission at the time of Plan of Development review:

(i) Fifty (50) feet in width parallel and adjacent to the W. Broad Street right-of-way,

ii) Fifty (50) feet in width parallel and adjacent to the Lauderdale Drive right-of-way,

iii) Twenty-five (25) feet in width along the western boundary of the Property adjacent to property zoned A-1; and

iv) Fifty (50) feet in width along the southern boundary of the Property adjacent to property zoned R-2AC and R-5C.

All such buffer areas shall be maintained in accordance with high standards which shall be established in Protective Covenants governing the Property. Any dead, diseased or fallen trees and vegetation shall be replaced as required.

b. Any entrance drives within the buffers set forth above shall be extended generally perpendicular to the buffer area, unless otherwise requested and specifically approved or if required, by the Planning Commission at the time of Plan of Development review.

c. Adjacent to the R-2AC zoned land along the southern boundary of the property, easements, other than existing easements, if any, shall not run parallel through said buffer, and grading shall not be permitted therein unless specifically approved by the Planning Commission at the time of Plan of Development review, in which case said buffer shall be supplemented with additional landscaping.

3. Site Coverage. No more than seventy (70) percent of the Property in the aggregate may be covered by buildings, parking areas and driveways.

4. Dedication of Entrance. The principal access to the Property from Lauderdale Drive shall be located opposite the termination of Three Chopt Road at Lauderdale Drive and shall remain a private access unless otherwise required by any governmental body.

5. Parking Lot Lighting. Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested, described and specifically approved, or if required, by the Planning Commission at the time of Plan of

Development review or by any other governmental body. Lighting shall not exceed one-half (1/2) foot candle at the boundaries of the Property. Except for decorative or period style lighting fixtures or landscape lighting, parking lot lighting shall be produced from concealed sources of light.

6. Sidewalks and Pedestrian Access Ways. Subject to obtaining all required governmental easements, approvals and permits, a standard size pedestrian sidewalk shall, concurrent with the development of any portion of the Property, be installed in accordance with County standards in the County's right-of-way along the western right-of-way line of Lauderdale Drive if requested by the County at the time of Plan of Development review. Pedestrian access ways between major project areas shall be provided in a manner approved by the Planning Commission at the time of Plan of Development review.

7. Access. Vehicular access to the Property shall be limited to no more than one (1) on West Broad Street and two (2) on Lauderdale Drive, one of which shall be located opposite the termination of Three Chopt Road at Lauderdale Drive unless otherwise requested and specifically approved, or if required, by the County and/or any other governmental body.

8. Original Conceptual Master Plan. The layout of buildings on the Property shall be in substantial conformity with the Conceptual Master Plan prepared for Bon Secours-Richmond Health System, Inc. by Odell Associates, dated February 28, 1997, 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 specifically 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 the other provisions of these proffers and the County Code as same may be amended from time to time; provided, however, the portion of Parcel B at the intersection of West Broad Street and Lauderdale Drive shown on Exhibit A (see case file), as an open, landscaped area shall remain as an open, landscaped area as shown on Exhibit A (see case file), and shall not be utilized for building or parking purposes.

9. Updated Conceptual Master Plan. A conceptual master plan showing the coordinated planned development scheme for roads, driveways, utilities and buffers for the entire Property shall be filed with the Planning Commission at the time of the first Plan of Development review and approval by the Planning Commission and will be updated with each Plan of Development thereafter.

10. Protective Covenants. Prior to or concurrent with the conveyance of any

part of the Property covered by a Plan of Development approved by Henrico County (other than for the conveyance of easements, roads, or utilities), the owner of the portion of the Property covered by such Plan of Development, or its successors and assigns, shall record a document in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the quality and type of development of such portion of the Property. The covenants shall also provide for high standards of uniform maintenance (consistent with office and commercial "Class A" projects) of individual sites, common areas, open spaces, landscaping and private streets, and provide for minimum development and operational standards for each site.

11. Trash Removal. Trash pick up from the Property shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday and between 9:00 a.m. and 8:00 p.m. on Saturday. No trash receptacles shall be placed within one hundred (100) feet of the southern boundary of the Property adjacent to property zoned R-2AC and R-5C.

12. Trash Receptacles. Dumpsters and trash receptacles, not including convenience cans, shall be screened from public view at ground level in a manner approved by the Planning Commission at the time of Plan of Development review.

13. Underground Utilities Lines. Except for junction boxes, meters and existing overhead utility lines and wetlands, if any, all utility lines shall be underground.

14. Gravel. Gravel shall not be used as a primary landscaping material.

15. Entertainment. There shall be no live outside entertainment on the Property.

16. Architectural Control Committee. There shall be an Architectural Control Committee to govern the development of the Property and the Wellesley Homeowners Association, Inc. shall be entitled to appoint one voting member to serve on this committee.

17. Chain Link Fence. No chain link fencing shall be permitted on the Property within view from West Broad Street, Lauderdale Drive, Three Chopt Road and the southern boundary of the Property adjacent to property zoned R-2AC and R-5C unless otherwise requested and specifically permitted, or if required, by the Planning Commission at the time of Plan of Development review.

18. Irrigation. Landscaped buffers parallel to W. Broad Street, Lauderdale Drive and Three Chopt Road shall be served by an underground irrigation system.

19. 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 the other proffers or the unaffected part of any such proffer.

APPLICABLE TO B-2 (PARCEL A)

20. Use Restrictions. Parcel A shall be used as a landscaped area with the only development permitted thereon being entrance walls and/or gateways, landscaping, ground or wall-mounted non-commercial project identification signage as permitted in a B-2 District, and if required, sidewalks, utilities and other uses as permitted in a C-1 District and specifically approved by the Planning Commission at the time of Plan of Development review.

APPLICABLE TO B-2 (PARCELS B AND D)

21. Use Restrictions. The following uses shall not be, permitted on Parcels B and D:

a. A facility for the sale or display of pornographic material (as determined by community standards for the area in which the Property is located);
b. Dance halls;
c. Flea markets and antique auctions;
d. Gun shop, sales and repairs;
e. Automobile sales, parts, rental repair, service, or towing services;
f. Car wash;
g. Sale of gasoline;
h. Convenience store. (freestanding);
i. Restaurants with drive through windows;
j. Private club, lodge, meeting hall and fraternal organization,
k. Christmas tree sales;
l. Off-track betting parlors;
m. Outside storage or sales, exclusive of outdoor dining;
n. Permanent on-site recycling collection facility;
o. Theaters, bowling alleys, ice and roller skating rinks, model racing tracks, electronic video game rooms, bingo halls, billiard parlors, archery ranges and substantially similar activities; and
p. Fortune teller, palmist, etc.

Further, the uses permitted on Parcel D shall be restricted to a health club, fitness and/or rehabilitation center and uses permitted in the O-3 classification, along with uses incidental and accessory thereto.

22. Size Restriction. No retail business shall be located on Parcel B which exceeds 25,000 gross square feet of floor area, and no retail building shall be located on Parcel B which exceeds 30,000 gross square feet of floor area, unless specifically approved the Planning Commission at the time of Plan of Development review. Notwithstanding the foregoing, more than one business may be located in any one building on the Property.

23. Orientation. Utility boxes, dumpsters and loading docks shall not be oriented toward West Broad Street or Lauderdale Drive, unless-screened from public view in a manner approved by the Planning Commission at the time of Plan of Development review.

24. Building Height.

a. Parcel B: No building constructed on Parcel B shall exceed the lesser of two (2) stories or thirty-eight (38) feet in height above grade to the midline of the roof, exclusive of mechanical equipment, penthouses associated therewith, chimneys, towers or other architectural design features, unless otherwise requested by the owner and specifically approved by the Planning Commission at the time of Plan of Development review.

b. Parcel D: No building constructed on Parcel D shall exceed the lesser of three (3) stories or forty-five (45) feet in height above grade to the midline of the roof, exclusive of mechanical equipment, penthouses associated therewith, chimneys, towers or other architectural design features, unless otherwise requested by the owner and specifically approved by the Planning Commission at the time of Plan of Development review.

APPLICABLE TO O-3 PARCELS (PARCELS C AND E)

25. Building Height. No building constructed on Parcels C and E shall exceed the lesser of four (4) stories or sixty-eight (68) feet in height above grade to the midline of the roof, exclusive of mechanical equipment, penthouses associated therewith, chimneys, towers or other architectural design features, unless otherwise requested by the owner and specifically approved by the Planning Commission at the time of Plan of Development review.

26. Hospital Related Restriction. Overnight hospitalization shall be restricted to parcel C unless otherwise requested by the Owner and specifically approved by the Planning Commission at the time of Plan of Development review.

APPLICABLE TO R-6 PARCEL (PARCEL F)

27. Use. Permitted uses on Parcel F shall be limited to a life care facility and/or nursing home including assisted living, convalescent home or home for the aged and child/adult day care centers and uses incidental and accessory thereto.

28. Building Height and Setback. No building constructed on Parcel F shall exceed the lesser of three (3) stories or forty-eight (48) feet in height above grade to the midline of the roof, exclusive of mechanical equipment, penthouses associated therewith, chimneys, towers or other architectural design features, unless otherwise requested by the owner and specifically approved by the Planning Commission at the time of Plan of Development review. Any building which is three (3) stories in height and/or any playground associated with a child care facility must be setback a minimum of seventy-five (75) feet from the southern boundary of Parcel F adjacent to property zoned R-2AC.

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,

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

cc: Director, Real Estate Assessment
Conditional Zoning Index
Messrs. Jay M. Weinberg &
James W. Theobald, Esquires
The Edmund A. Saunders Trust

EXHIBIT

A

ALL-STATE® INTERNATIONAL

LEGEND

KEY	LAND USE	ZONING CLASSIFICATION	ACREAGE
EAST OF LAUDERDALE DRIVE			
A	GREEN SPACE	(B-2C) Business	.45 AC
B	RETAIL	(B-2C) Business	7.16 AC
C	AFFILIATED OFFICE	(O-3C) Office	20.06 AC
WEST OF LAUDERDALE DRIVE			
A	GREEN SPACE	(B-2C) Business	.45 AC
B	RETAIL	(B-2C) Business	7.12 AC
C	MEDICAL/AMBULATORY CARE	(O-3C) Office	18.81 AC
D	HEALTH/FITNESS CENTER OR OFFICE	(B-2C) Business	2.82 AC
E	AFFILIATED OFFICE	(O-3C) Office	6.88 AC
F	ASSISTED LIVING	(R-6C) Residential	5.0 AC
		TOTALS	68.75 AC

ZONING CONCEPTUAL MASTER PLAN-

Henrico County, Virginia

February 28, 1997

Prepared for:
Bon Secours-Richmond Health System, Inc.

ODELL
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C-68C-95

EXHIBIT

B

ALL-STATE® INTERNATIONAL

April 14, 1997

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C-68C-95