

**REZ2020-00003**

**Zoning**

Life Care & Retail  
Three Chopt District

400 Feet

PS November 2019 Ref: 748-771-3527



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

John A. Vithoulikas  
County Manager

May 19, 2020

Nuckols Road LLC  
1801 Bayberry Ct., Suite 100  
Richmond, VA 23229

Re: Rezoning Case REZ2020-00003

Dear Sir/Madam:

The Board of Supervisors at its meeting on May 12, 2020, approved your request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (Conditional) and B-2C Business District (Conditional) Parts of Parcels 748-771-3527 and 749-771-2999 containing 16.408 acres located on the east line of Nuckols Road at its intersection with Fords Country Lane, described as follows:

Parcel I

BEGINNING at the point of intersection of the eastern boundary of the right of way line of Nuckols Road and the northern boundary of the right of way line of Ford's Country Lane, thence proceeding along the eastern boundary of the right of way line of Nuckols Road in a northwesterly direction the following four (4) courses and distances:

N 15°54'45" W 162.73 feet to a point; Thence N 18°59'31" W 208.96 feet to a point; Thence N 21°22'16" W 58.87 feet to a point; Thence N 11°00'14" W 76.98 feet to a point; Thence leaving the eastern boundary of the right of way line of Nuckols Road and proceeding in a northeasterly direction the following twenty-one (21) courses and distances: N 59°54'28" E 572.92 feet to a point; Thence S 81°04'47" E 5.71 feet to a point; Thence S 75°23'09" E 37.18 feet to a point; Thence S 52°37'36" E 10.59 feet to a point; Thence S 62°16'50" E 24.70 feet to a point; Thence S 80°42'47" E 17.66 feet to a point; Thence S 21°08'52" E 21.62 feet to a point; Thence S 56°04'48" E 59.89 feet to a point; Thence S 13°19'38" E 16.46 feet to a point; Thence S 34°04'35" E 11.89 feet to a point; Thence S 45°30'29" E 8.69 feet to a point; Thence S 70°16'37" E 30.19 feet to a point; Thence N 61°51'58" E 24.29 feet to a point; Thence S 68°20'54" E 20.90 feet to a point; Thence N 82°09'28" E 18.72 feet to a point; Thence S 31°57'16" W 170.67 feet to a point; Thence S 35°48'41" W 110.07 feet to a point; Thence S 58°12'10" E 186.44 feet to a point; Thence S 00°53'21" E 93.84 feet to a point; Thence S 27°59'55" E 439.68 feet to a point; Thence S 68°36'15" W 227.45 feet to a point on the northern boundary of the right of way line of Ford's Country Lane; Thence proceeding along the northern boundary of the right of way line of Ford's Country Lane in a northwesterly direction the following two (2) courses and distances: N 11°07'07" W 97.69 feet to a point; Thence along a curve to the left having a radius of 200.00 feet, a delta angle of 98°09'42" and

an arc length of 342.65 feet to a point, said point being the Point and Place of Beginning of Parcel I, containing 8.517 Acres, more or less.

Parcel II

COMMENCING at the point of intersection of the eastern boundary of the right of way line of Nuckols Road and the northern boundary of the right of way line of Ford's Country Lane, thence proceeding along the northern boundary of the right of way line in a southeasterly direction the following two (2) courses and distances: Along a curve to the right having a radius of 200.00 feet, a delta angle of 98°09'42" and an arc length of 342.65 feet to a point; Thence S °11'07"07" E 97.69 feet to a point; Thence leaving the northern boundary of the right of way line of Ford's Country Lane and proceeding in a northeasterly direction N 68°36'15" E 227.45 feet to a point, said point being the Actual Point and Place of Beginning of Parcel II; Thence proceeding in a northwesterly direction the following twenty (20) courses and distances: N 27°59'55" W 439.68 feet to a point; Thence N 00°53'21" W 93.84 feet to a point; Thence N 58°12'10" E 186.44 feet to a point; Thence N 35°48'41" E 110.07 feet to a point; Thence N 31°57'16" E 170.67 feet to a point; Thence S 60°23'31" E 42.73 feet to a point; Thence S 60°23'31" E 10.07 feet to a point; Thence S 57°29'20" E 60.21 feet to a point; Thence S 15°12'11" E 6.09 feet to a point; Thence S 74°51'55" E 14.97 feet to a point; Thence S 56°56'05" E 36.72 feet to a point; Thence S 30°56'27" E 31.21 feet to a point; Thence S 03°50'32" E 69.35 feet to a point; Thence S 11°28'17" E 52.49 feet to a point; Thence S 11°19'32" W 25.03 feet to a point; Thence S 50°12'23" E 7.04 feet to a point; Thence N 64°14'12" E 84.75 feet to a point; Thence S 25°45'48" E 289.48 feet to a point; Thence S 37°47'44" W 248.46 feet to a point; Thence S 68°36'15" W 354.79 feet to a point, said point being the Point and Place of Beginning of Parcel II, containing 7.510 Acres, more or less.

Parcel III

COMMENCING at the point of intersection of the southern boundary of the right of way line of Holman Ridge Road and the eastern boundary of the right of way line of Hickory Park Drive; thence proceeding along the eastern boundary of the right of way line of Hickory Park Drive in a southwesterly direction S 43°24'36" W 66.00 feet to a point; Thence leaving the eastern boundary of the right of way line of Hickory Park Drive and proceeding along a curve to the right having a radius of 617.00 feet, a delta angle of 11°05'43" and an arc length of 119.48 feet to a point, said point being the Actual Point and Place of Beginning of Parcel III; Thence proceeding in a southeasterly direction the following fourteen (14) courses and distances: Along a curve to the right having a radius of 617.00 feet, a delta angle of 9°43'53" and an arc length of 104.79 feet to a point; Thence S 25°45'48" E 172.18 feet to a point; Thence S 64°14'12" W 84.75 feet to a point; Thence N 50°12'23" W 7.04 feet to a point; Thence N 11°19'32" E 25.03 feet to a point; Thence N 11°28'17" W 52.49 feet to a point; Thence N 03°50'32" W 69.35 feet to a point; Thence N 30°56'27" W 31.21 feet to a point; Thence N 56°56'05" W 36.72 feet to a point; Thence N 74°51'55" W 14.97 feet to a point; Thence N 15°12'11" W 6.09 feet to a point; Thence N 57°29'20" W 60.21 feet to a point; Thence N 60°23'31" W 10.07 feet to a point; Thence N 65°59'53" E 94.30 feet to a point, said point being the Point and Place of Beginning of Parcel III, containing 0.381 Acres, more or less.

The Board of Supervisors accepted the following proffered conditions, dated May 8, 2020, 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. **Conceptual Plan.** Development of the Property shall be in general conformance with the Conceptual Site Plan dated October 31, 2019, last revised May 8, 2020, prepared by Fall Line LLC, attached hereto (the "Conceptual Plan") (see case file), which Conceptual Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development.
2. **Underground Utilities.** All utility lines on the Property shall be underground, except for junction boxes, meters, existing and/or relocated existing overhead utility lines and lines in wetland areas. Electrical junction boxes and meters shall be screened from public view at ground level at the perimeter of the tract with use of a wall, fencing, landscaping, or such other method as may be approved at the time of Plan of Development and/or subdivision review.
3. **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, at the time of Plan of Development. Lighting shall be directed to minimize glare on public roads and adjacent properties. Direct embedded light poles and standards shall be prohibited.
4. **Refuse Containers/Trash Receptacles/Recycling Activities.** Dumpsters, trash receptacles, not including convenience cans, and recycling receptacles, shall be screened from public view with masonry enclosures compatible with the architectural design of the buildings at ground level at the property lines as approved at the time of Plan of Development. The gates and doors on the masonry refuse screens shall be of a substantial and durable material as determined at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined at the time of Plan of Development. The number of refuse containers shall be adequate for the development as determined at the time of Plan of Development. Convenience cans shall be within or part of a decorative container.
5. **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.
6. **Outdoors Speakers.** Any outdoor speakers shall not be heard beyond the Property lines.

7. **Best Management Practice.** Best Management Practice structures shall be located outside of any landscaped buffer within the Property, except as a landscaping amenity or water-related feature and if requested and specifically permitted by the Director of Planning or the Planning Commission at the time of subdivision and/or Plan of Development review for any tract. Any above-ground wet Best Management Practice structure shall include an aeration feature to move water within such structure.
8. **Exterior Construction and Maintenance Activity.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, and trash pick-up, parking lot cleaning, leaf blowing, and similar exterior maintenance activities (excluding snow removal) shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 8:00 a.m. and 4:00 p.m. on Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. No exterior construction or the aforesaid maintenance activities shall occur on Sunday. All clearing, grading and construction contracts will contain these provisions. Signs, in both English and Spanish, stating the above-referenced construction provisions shall be posted and maintained at all entrances prior to any land disturbance activities on the Property.
9. **Sidewalks.** Subject to all applicable governmental approvals, a five (5) foot sidewalk for pedestrian access shall be constructed along the Property's Nuckols Road frontage as development occurs where not constrained by existing steep grades, utilities, storm drainage, floodplain, RPA or wetlands.
10. **Entrance Feature.** Any detached entrance signage shall be ground-mounted, monument style, externally lit and not exceed ten (10) feet in height. The base of any such sign shall be brick or stone and be landscaped with plantings.
11. **Road Improvements.** The Applicant shall make only the following traffic-related improvements, subject to all applicable government approvals:
  - a. Right turn lane on northbound Nuckols Road at the access point, with approximately a 100-foot taper and 125 feet of storage.
  - b. Two-lane extension of Hickory Park Drive to the rear access point and dedication of a four-lane section across the rear of the Applicant's property when requested by the Director of Public Works.
  - c. Right turn lane on eastbound Hickory Park Drive at the access between Opaca Lane and Holman Ridge Road, with approximately a 100-foot taper and 100 feet of storage.
  - d. Winding asphalt path between Opaca Lane and rear access point.

#### APPLICABLE TO R-6 ZONED PARCELS

12. **Use.** The only permitted principal use on the Property shall be for a Life Care Facility.
13. **Elevation.** Development shall be in general conformance with the architectural appearance shown on the elevation attached hereto entitled "CA Ventures Glen Allen Senior Living" (see case file), unless otherwise requested and specifically approved at the time of Plan of Development.
14. **Exterior Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of any building shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade and exclusive of trim) of stone, stone veneer, brick, cementitious siding, or a combination of the foregoing unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development.
15. **Foundations.** There shall be a minimum vertical height of twelve (12) inches of brick, stone or stone veneer above grade utilized on slab-on-grade foundations to present the appearance of a crawl space.
16. **Height.** Building height shall be limited to fifty-five (55) feet.
17. **Guardrail.** Subject to receipt of all necessary approvals, a guardrail shall be installed opposite the rear egress on to the extension of Hickory Park Drive.
18. **Density.** The number of units shall not exceed 179, of which no more than 92 shall be independent living units.

#### APPLICABLE TO B-2 ZONED PARCELS

19. **Exterior Materials/Architecture.** The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade and exclusive of trim) of brick, glass, E.I.F.S., stone, stone veneer, split face block, cementitious, composite-type siding, architectural-grade metal panels, or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development. A minimum of forty (40) percent of each facade of buildings which face Nuckols Road, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, stone or stone veneer construction. No building shall be covered with or have exposed to view any

painted or unfinished concrete block, or industrial-grade metal, unless otherwise specifically approved at the time of Plan of Development. Any sloped roofs shall be constructed of slate, simulated slate, standing seam metal or textured fiberglass shingles, architectural shingles, cedar shakes, concrete or composition shingles. Retail users will be permitted to include prototypical or corporate identification architectural elements in the design of their building or space.

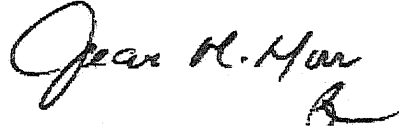
20. **Prohibited Uses.** The following uses shall be prohibited:

- a. billiard, bagatelle, video game or a bingo parlor;
- b. flea markets or antique auctions;
- c. billboards;
- d. recycling facilities;
- e. funeral homes, mortuaries, crematories and/or undertaking establishments;
- f. dance halls;
- g. truck stops;
- h. gun shop, sales and repair;
- i. parking garages or commercial parking lots as a principal use;
- j. sign painting shops;
- k. free-standing communication towers;
- l. car washes as a principal use;
- m. car title loan operations;
- n. adult businesses as defined by Section 24-3 of the Henrico County Code;
- o. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
- p. automotive filling and service stations including towing service;
- q. fast food with drive thrus, not to exclude, however, fast-casual restaurants such as Panera, restaurants with dedicated parking for the pick-up of carry-out food, nor restaurants whose primary business is the sale of specialty coffees or other non-alcoholic beverages or pastry;
- r. Lawnmower, yard and garden equipment, rental, sales and services;
- s. Garden center/plant nursery;
- t. Private club, lodge, meeting hall and fraternal organization;
- u. Laundromats and self-service dry-cleaning;
- v. Service for commercial or heavy-duty trucks;
- w. Farming, dairy farming, livestock, rabbit and poultry raising; agriculture;
- x. Hotels/motels.

Nuckols Road LLC  
May 19, 2020  
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The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Vithoukas". The signature is fluid and cursive, with a large initial "J" and a distinct "A" at the end.

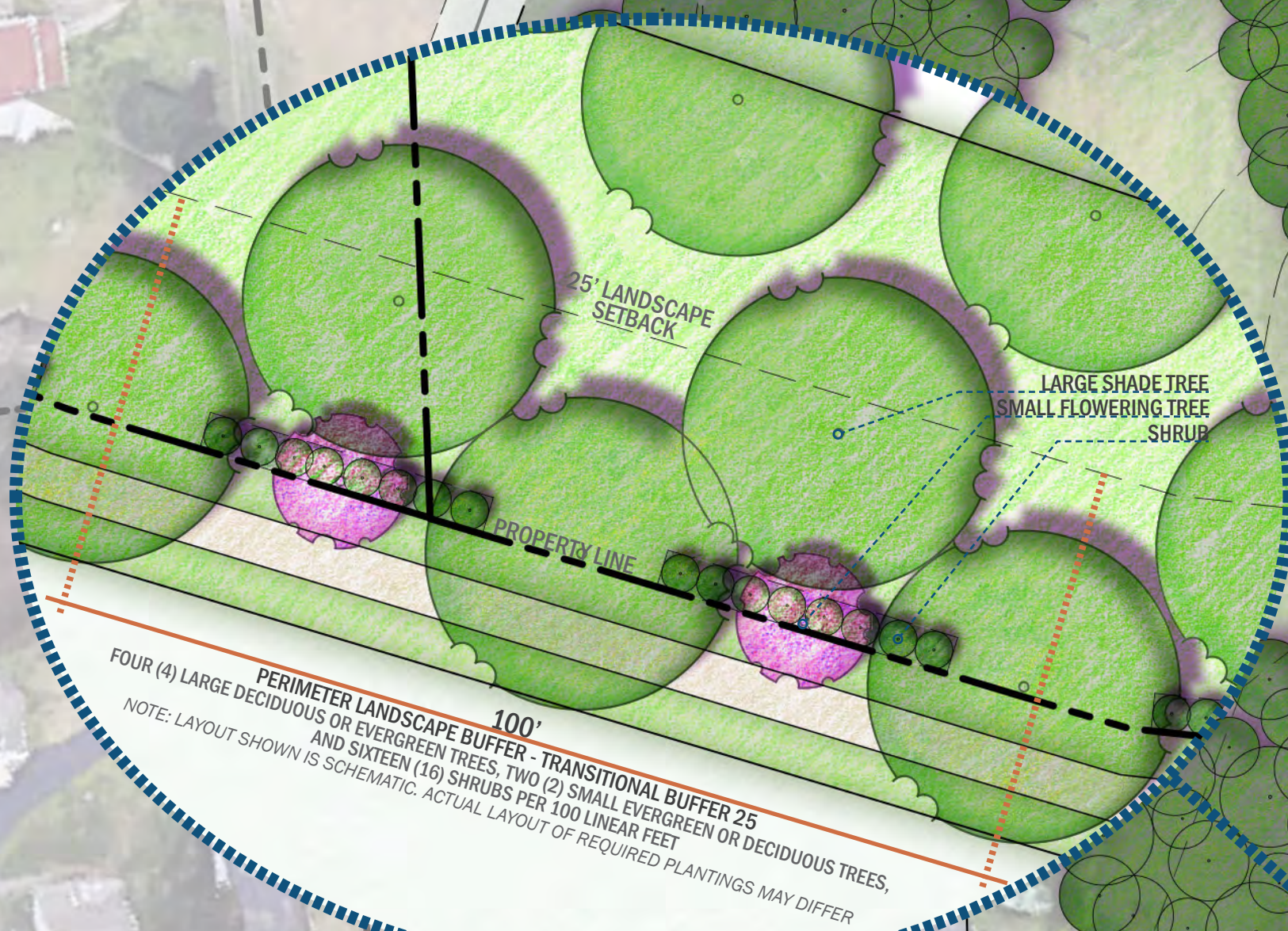
John A. Vithoukas  
County Manager

pc: HHHunt Holloway, LLC  
James W. Theobald, Esquire  
Director, Real Estate Assessment  
Police, Special Services



SUBJECT PROPERTY

FOUR STORY ELDER CARE RESIDENCE FACILITY (180 UNITS)



REZ2020-00003







1 East Elevation



2 South Elevation



3 West Elevation



4 North Elevation

