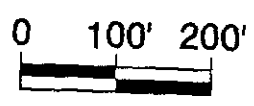


NURSING OR CONVALESCENT HOME

69-A-92 & PT. 59-A-97
THREE CHOPT DISTRICT

C-4C-98 ®



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

March 17, 1998

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-4C-98

Mr. Mark Hirth
Manorhouse Retirement Centers, Inc.
7201 Glen Forest Drive, Suite 101
Richmond, VA 23226

Gentlemen:

The Board of Supervisors at its meeting on March 11, 1998, granted your request to conditionally rezone property from R-3 One Family Residence and R-5 General Residence Districts to R-6C General Residence District (Conditional), Parcel 69-A-92 and Part of Parcel 59-A-97, described as follows:

Beginning at a rod on the west line of Skipwith Road 684.10' from the south line of Parham Road, as widened, thence along the west line of Skipwith Road S. 4° 29' 49" E., a distance of 338.85' to a rod, thence N. 86° 01' 40" W., a distance of 666.27' to a rod, thence N. 28° 29' 15" E., a distance of 54.70' to a rod, thence N. 01° 10' 40" W., a distance of 405.49 to a point, thence S. 85° 57' 52" E., a distance of 60.31' to a point, thence S. 01° 10' 40" E., a distance of 116.16' to a point, thence S. 85° 57' 52" E., a distance of 169.08' to a stone, thence S. 85° 39' 30" E., a distance of 390.25' to the place and point of beginning, containing 5.2 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):

1. **Use.** The only use permitted on the Property shall be for a residential living facility as permitted in Section 24-35(b) of the Henrico County Zoning Ordinance as a nursing home, convalescent center or home for the aged and for accessory uses thereto.
2. **Building.** Any residential living facility built on the Property shall have an exterior architectural style in substantial conformance to the Exterior Elevation Plans entitled "PROPOSED EXTERIOR ELEVATIONS SKIPWITH ASSISTED LIVING, SKIPWITH ROAD, RICHMOND, VIRGINIA," prepared by Freeman & Morgan Architects, P.C., dated February 9, 1998 and attached hereto as Exhibit A (See case file).

The visible portions of the exterior wall surfaces (front, rear and sides) of such facility shall be a combination of brick, EIFS (exterior insulation and finish systems), and siding, except to the extent that other architectural materials are used for windows, fringe, architectural decorations or design elements, all as approved by

the Planning Commission at the time of Plan of Development approval. The residential living facility built on the Property shall have no more than 55,000 total square feet of finished floor area and shall consist of no more than 87 residential living units.

3. Conceptual Plan. The Property shall be developed in substantial conformance with the Conceptual Plan entitled "CONCEPTUAL PLAN SKIPWITH ASSISTED LIVING, SKIPWITH ROAD, RICHMOND, VIRGINIA," prepared by Freeman & Morgan Architects, P.C., dated February 9, 1998, and attached hereto as Exhibit B (See case file), unless otherwise requested and specifically permitted or as required by the Planning Commission at the time of Plan of Development review, or by any governmental body.
4. Height. No building constructed on the Property shall exceed thirty-five (35) feet in height, as measured at the front entrance of the building facing Skipwith Road from the finished elevation of the first floor to the ridge line of the roof, exclusive of chimneys and architectural design features.
5. 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, and shall be reduced to a security level no later than 10:00 p.m. Parking lot lighting shall be of low intensity and shall be positioned in such a manner as to minimize the impact of such lighting on adjacent property. Parking lot lighting shall produce a maximum light intensity of one-half (1/2) foot candle at the boundary line of the Property.
6. HVAC. Heating and air conditioning equipment shall be screened from public view at ground level at the property line in a manner approved by the Planning Commission at the time of Plan of Development review.
7. Landscaped Buffer - Skipwith Road. A landscaped buffer at least fifty (50) feet in width shall be provided along the boundary of the Property that is adjacent to the right-of-way line of Skipwith Road as such right-of-way line is determined at the time of Plan of Development review. This landscape buffer shall be as determined appropriate by the Planning Commission at the time of Plan of Development review.

Any utilities or access drives in such buffers would have to be perpendicular to Skipwith Road so as to minimize the impact on the buffer protection.

A single detached sign as described in Proffer 13 may be located in the landscaped buffer.

No Best Management Practices facility or other drainage or retention pond shall be located in this buffer.

8. Building Setback - Skipwith Road. Any building constructed on the property shall be setback at least one hundred (100) feet from the right-of-way line of Skipwith Road as such right-of-way line is determined at the time of Plan of Development review.

9. Natural or Landscaped Buffer Along the Southern and Western Property Lines. A natural or landscaped buffer of at least thirty-five (35) feet in width shall be provided along the southern and western property lines as shown on Exhibit B (See case file). The buffer shall consist of natural vegetation and any additional landscaping as determined appropriate by the Planning Commission at the time of Plan of Development review.

Utility easements may be permitted in such buffers and, to the extent practical, such utility easements will be located generally perpendicular to the buffer area. Should it be necessary to locate easements through the buffer area, such buffer area shall be compensated to the general extent interrupted by said easement to maintain the integrity of the buffer area.

No Best Management Practices facility or other drainage or retention pond shall be located in these buffers.

Existing vegetation and underbrush and any fallen, diseased or dead plant material may be removed from such buffer areas. If they are so removed, additional plantings shall be planted. No access drives shall be permitted in such buffer.

A wooden fence at least five feet in height shall be constructed along the boundary line between the Property and Parcel 69-A-93. The smooth side of such fence shall face Parcel 69-A-93.

10. Landscape Buffer along that Portion of Northern Property Line Adjacent to Parcel 69-A-91. A landscape buffer of at least thirty-five (35) feet in width shall be provided along that portion of the northern property line adjacent to Parcel 69-A-91. The buffer shall consist of landscaping as determined appropriate by the Planning Commission at the time of Plan of Development review.

Utility easements may be permitted in such buffer and, to the extent practical, such utility easements will be located generally perpendicular to the buffer area. Should it be necessary to locate easements through the buffer area, such buffer area shall be compensated to the general extent interrupted by said easement to maintain the integrity of the buffer area.

No Best Management Practices facility or other drainage or retention pond shall be located in the buffer.

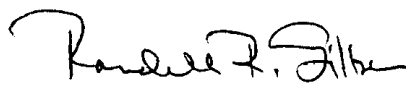
11. Building Setback - Southern and Western Property Lines. No building on the Property shall be located within fifty (50) feet of the southern property line. No

building on the Property shall be located within one hundred fifty (150) feet of the western property line.

12. **Access.** All access to and from the Property shall be limited to Skipwith Road; there shall be no access to the property by existing Rudolph Road and Merrick Road except to permit vehicles servicing the Virginia Power easement.
13. **Signage.** There shall be permitted no more than one (1) free standing identification sign on the Property, which sign shall be a monument style sign and not more than six feet in height. The base of such sign shall be landscaped.
14. **Trash Receptacles.** Trash receptacles shall be screened from public view at ground level in a manner approved by the Planning Commission at the time of Plan of Development approval. No trash pick ups shall occur before 7:00 A.M. or after 7:00 P.M Monday through Saturday. There shall be no trash pick ups on Sundays.
15. **Outdoor Speakers.** Outdoor public address, paging or speaker systems, outside any building shall not be permitted on the Property.
16. **Irrigation.** All landscaped and open lawn areas shall be irrigated by an underground irrigation system.
17. **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.

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,


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

cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. Daniel J. Kelley
Mr. & Mrs. Paul O. Flynn
Messrs. Ralph L. Axselle, Jr. &
Andrew M. Condlin, Esquires