

**SUBJECT
PROPERTY**

ZONING

C-29C-03

AMEND PROFFERS

Brookland District

Ref. 771-738-0176

0 400 Feet

July 2003



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

August 19, 2003

Virgil R. Hazelett, P.E.
County Manager

Mr. and Mrs. Tom Coulbourn
103 Virginia Avenue
Richmond, VA 23226

Re: Conditional Rezoning Case C-29C-03

Dear Mr. and Mrs. Coulbourn:

The Board of Supervisors at its meeting on August 12, 2003, granted your request to amend proffered conditions on Conditional Rezoning Case C-51C-80 and C-46C-93, on Parcel 771-738-0176, described as follows:

Beginning at a rod on the east line of Libbie Avenue and the north line of Fitzhugh Avenue; thence extending along the east line of Libbie Avenue $N42^{\circ}21'40''E$, 300' to a rod; thence along a curve to the left with a radius of 1909.86'; a distance of 155.06' to a point on the west line of a 16' alley; thence $S38^{\circ}25'45''E$, 143.20' to a rod; thence along a curve to the left with a radius of 1909.86'; 199.93' to a rod on the east line of a 16' alley; thence $S41^{\circ}52'05''W$, 300.92' to a rod on the north line of Fitzhugh Avenue; thence along a curve to the right with a radius of 2258.60'; 108.06' to a point; thence along a curve to the right with a radius of 1986.42'; 318.60' to a rod; thence $N32^{\circ}42'22''W$, 74.43' to a rod on the east line of Libbie Avenue and the point of beginning, containing 3.402 acres.

The Board of Supervisors accepted the following proffered condition, dated August 8, 2003, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

The following substitute proffered conditions will amend and restate proffers accepted with C-51C-80 and C-46C-93 to read as follows:

1. In order to encourage and facilitate appropriate use of off-street parking, the primary access to buildings shall be from the parking area which shall be located in the interior of the lot.
2. Buildings constructed on the site shall not exceed three stories, or 35 feet in height.


3. There shall be no access to the property from the alley bordering the property on the east.
4. There shall be not less than a 50-foot buffer strip along the eastern boundary of the property. The buffer will be maintained in a natural state except as may be required for installation of utilities and services.
5. Buildings on the property will be a colonial/residential design similar to that used at Village Square, Bon Air, Virginia. No individual building will exceed 16,500 square feet in floor area and the total square footage in the project will not exceed 33,000 square feet of floor area.
6. No building shall be constructed along Fitzhugh Avenue within 100 feet of the alley bordering the property on the east.
7. No ingress/egress driveway shall be constructed on Fitzhugh Avenue within 100 feet of the alley bordering the property to the east unless otherwise required by the County of Henrico.
8. The following uses have been deemed inappropriate for the property and are prohibited: (a) use for residential property, (b) use for tourist homes and motels, (c) use for a meeting place for clubs, fraternities or lodges.
9. The property shall not be used as a hospital or similar in-patient facility whereby patients would remain overnight.
10. Except in the case of emergencies, any medical office use on the property shall operate only on weekdays, shall begin no earlier than 8:30 a.m. and shall end no later than 7:00 p.m.
11. Garbage or refuse shall not be collected from the property before 7:00 a.m. or after 7:00 p.m.
12. Supplies to the property, except for furniture and equipment, shall be delivered by courier car, and not by truck (except commercial services such as the United States Postal Service, Federal Express, United Parcel Service, etc).
13. No medical waste shall be stored or disposed of in containers outside the buildings on the property. All medical waste shall be removed from the property by van.
14. The additional parking required for medical use shall be created by modification to the landscaped areas immediately adjacent to the east side of the buildings, without change in the existing berms and landscaping elsewhere in the present

parking lot (other than slight reduction in the size of the traffic islands closest to the buildings to allow space for additional parking spaces and turning).

15. There shall be no commercial medical laboratory operated in the buildings on the property.
16. There shall be no dialysis facility in the buildings on the property.
17. There shall be no out-patient surgical facility in the buildings on the property.
18. There shall be no mobile medical facilities such as mobile MRI, X-ray, or lithotripsy in trailers or trucks allowed on the property for any purpose.
19. "No Left Turn" and "No Right Turn" signs, as appropriate, will be installed at the exits from the parking lot to encourage drivers to go to Libbie Avenue instead of driving through the neighborhood.
20. Only the northern building at Libbie Square currently designated as 1807 Libbie Avenue may be used for medical and dental office purposes.

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,


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

pc: Ms. Julian Ottley
Director, Real Estate Assessment
Conditional Zoning Index