

M-2 & B-2
to O-3C
5.09 Ac.

ZONING

Long-Term Acute Care Hospital

Ref. 775-740-2527

C-34C-05

Brookland District



July 2005





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

August 16, 2005

Mr. R. John Cowgill
c/o Kindred Healthcare
680 South Fourth Street
Louisville, KY 40202

Re: Conditional Rezoning Case C-34C-05

Dear Mr. Cowgill:

The Board of Supervisors at its meeting on August 9, 2005, granted your request to conditionally rezone property from B-2 Business District and M-2 General Industrial District to O-3C Office District (Conditional), Parcel 775-740-2527 as follows:

Beginning at a point on the southern boundary of the right of way line of Bethlehem Road, said point being approximately 849.15' east of the eastern boundary of the right of way line of Staples Mill Road. Said point also being the point of intersection of the southern boundary of the right-of-way line of Bethlehem Road and the western boundary of the right-of-way line of Edward Holland Drive; thence leaving the right of way line of Bethlehem Road in a southerly direction with the western right of way line of Edward Holland Drive with three (3) courses and distances: (1) S31°42'37"E 37.55' to a point; (2) thence S00°26'00"E 206.99' to a point; (3) thence along a circular curve to the right having a delta angle of 01°53'47", a radius of 270', and an arc length of 8.94' to a ¾" rod found on said western right of way line of Edward Holland Drive, said point being the actual point and place of beginning for parcel V; thence continuing with the western boundary of the right of way line of Edward Holland Drive in a southeasterly direction with four (4) courses and distances: (1) along a circular curve to the right having a delta angle of 14°25'11", a radius of 270', and an arc length of 67.95' to a ¾" rod found; (2) thence S15°53'00"W 99.45' to a P.K. Nail; (3) thence along a circular curve to the left having a delta angle of 17°33'16", a radius of 330', and an arc length of 101.11' to a ¾" rod found; (4) thence S01°40'10"E 155.72' to a stone found on the western boundary of the right of way line of Edward Holland Drive; thence leaving the western boundary of the right of way line of Edward Holland Drive in a westerly direction with the five (5) courses and distances: (1) S88°19'50"W 398' to a ¾" rod found; (2) thence N01°40'40"W 17.75' to a 1" pipe found; (3)

thence N05°29'20"W 89.59' to a point; (4) thence N03°28'20"W 100' to a ¾" rod found; (5) thence S88°31'41"W 383.84' to a ¾" rod found on the eastern boundary of the right of way line of Staples Mill Road; thence continuing with the eastern boundary of the right of way line of Staples Mill Road in a northerly direction along a circular curve to the right having a delta angle of 01°13'29", a radius of 2809.79', and an arc length of 60.07' to a ¾" rod found on said right of way line; thence leaving the eastern boundary of the right of way line of Staples Mill Road in an easterly direction with three (3) courses and distances: (1) N88°31'42"E 233.97' to a ¾" rod found; (2) thence N02°52'20"W 150.17' to a point; (3) thence N88°25'25"E 620.22' to a ¾" rod found on the western boundary of the right of way line of Edward Holland Drive, said point being the point and place of beginning for Parcel V, containing 5.096 acres, more or less.

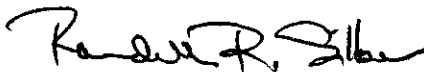
The Board of Supervisors accepted the following proffered conditions, dated July 6, 2005, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Trash receptacles.** Dumpsters and trash receptacles, not including convenience cans, shall be screened from public view at ground level with opaque architectural material similar to the main building using such dumpster or trash receptacle and as otherwise approved by the Planning Commission at the time of Plan of Development review. Trash removal, parking lot cleaning and leaf blowing on the Property shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Saturday, with no such activity permitted on Sunday.
2. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for already existing utilities, junction boxes, meters, utility lines in wetland areas and utility lines required to be above ground by the utility company.
3. **Outdoor speakers.** No public address or speaker systems outside of any building shall be permitted.
4. **Prohibited Uses.** The following uses shall be prohibited on the Property:
 - a. A funeral home, undertaking establishment or crematory;
 - b. Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et esq. and 6.1-444 et seq. of the Code of Virginia (1950), in effect as of the date of the approvals of these proffers (the foregoing shall not preclude automatic teller machines (ATMs), banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
 - c. Sanitoriums;
 - d. Radio or television broadcasting studios or offices using a communication tower on site;
 - e. Private clubs; and

- f. A hospital or any unit within a hospital that has as its primary function the provision of services to prisoners or sex offenders.
5. **Hospital Facilities.** Any use of the Property as a hospital must be as a Long-Term Acute Care (LTAC) hospital and must have received a certificate of public need from the Virginia Department of Health. For purposes of this proffer, a LTAC hospital shall mean a hospital providing extended care to patients who have multiple complex or chronic conditions and require hospital-level services.
- In no case shall the following services be performed within such a LTAC hospital or in a unit within such a LTAC hospital, unless such services are an incidental treatment or are secondary to the primary services for which the patient was admitted:
- (a) Gynecological services
 - (b) Obstetrical services
 - (c) Emergency room services
 - (d) Pediatric services
 - (e) Psychiatric services
 - (f) Alcohol and substance abuse treatment services
 - (g) Sex offenders
6. **Hospital Beds.** Any hospital on the Property shall be limited to ninety-two (92) beds used for patients.
7. **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 Department 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,



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

pc: Mr. Russell & Mrs. Myrtle Holland
Mr. Andrew Condlin, Esquire
Director, Real Estate Assessment
Conditional Zoning Index