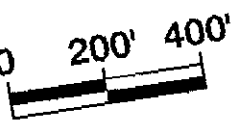


**R-4 & A-1 to R-5C
12.62 Acres**

NOTE:
This Rezoning Case Lies Within The Airport Safety Overlay District as Adopted by the Board of Supervisors June 12, 1991, in Accordance with Chapter 24, Zoning Ordinance

**MULTI - FAMILY RESIDENTIAL
[A Senior Community]
C-67C-00**



**162-A-31 &
VARINA DISTRICT
HENRICO COUNTY PLANNING**

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

December 19, 2000

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-67C-00

HC One, L.P.
808 Newton Rd.
Virginia Beach, VA 23462

Gentlemen:

The Board of Supervisors at its meeting on December 12, 2000, granted your request to conditionally rezone property from R-4 One Family Residence and A-1 Agricultural Districts to R-5C General Residence District (Conditional), Parcels 162-A-31 and 38, described as follows:

Beginning at a point in the southern right-of-way line of Gay Avenue approximately 800 feet from the intersection with said right-of-way line with the eastern right-of-way line of Miller Lane; thence from said point of beginning running along the southern right-of-way line of Gay Avenue N 54° E approximately 720 feet to a point; thence leaving said Gay Avenue turning and running S 10° E approximately 136 feet to a point; thence S 02° W approximately 475 feet to a point; thence turning and running S 72° E approximately 100 feet to the rear line of Lawndale Farms - Section 2 (P.B.33, Pg.5); thence turning and running along said subdivision in a southerly direction approximately 197 feet to the intersection of the centerline of a large drainage ditch with said subdivision line; thence turning and running along the centerline of said ditch, which forms the northern boundary of Lawndale Farms (P.B.26, Pg.151), in a southwesterly direction approximately 1,075 feet to the northwest corner of Lot 11 - Lawndale Farms; thence turning and running along the west line of said Lot 11, S 20° W approximately 238 feet to the southwest corner of Lot 11 being a point in the northern right-of-way line of Denison Road; thence turning and running along said right-of-way line N 71° W approximately 18 feet to a point; thence leaving said Denison Road turning and running N 20° E approximately 1,167 feet to a point; thence turning and running N 74° W approximately 71 feet to the point of beginning. containing 12.6 acres more or less.

The Board of Supervisors accepted the following proffered conditions, dated December 12, 2000, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Number of Units. No more than 104 units will be built on the property.
2. Limited to One Story. None of the units shall be more than one story in height in order to be compatible with the adjacent single family neighborhoods.

3. Age Restriction. The improvements to be constructed on the Property shall provide multi-family independent living residences for senior persons. For purposes, hereof, the term "senior" persons shall mean at least one person who resides in the household must be at least fifty-five (55) years of age for the single family independent living residences. No person under age eighteen shall occupy the unit. The use shall comply with Virginia Fair Housing Act (VA Code §36-96.7), as it may be amended. The apartments will meet the requirements of the Americans with Disabilities Act.
4. Trash Enclosures and Pickup. Containers for refuse and recyclable materials shall be located in an enclosed area conveniently accessible to all residents. Enclosures shall be constructed of finished masonry materials with the exception of gates and doors. Gates and doors shall be opaque, substantial and oriented to minimize views of the enclosures from public rights of way. Concrete pavement shall be used where the refuse container pad and apron are located. Support posts, gate frames, hinges and latches shall be of sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore. The numbers of refuse containers and the level of servicing shall be adequate for the development. Trash pickup from each resident's unit will be provided on a twice a week basis and deposited in the refuse containers located within the development. Trash will be picked up from the refuse containers on a regular basis by a commercial trash hauling service, but not during the hours of 8:00 p.m. and 6:00 a.m.
5. Mechanical Equipment. All ground level and rooftop HVAC and mechanical equipment shall be screened from view. Screening shall consist of landscaping or materials used in the principal building's exterior. If HVAC wall units are used, they will be architecturally compatible with the building.
6. Lighting.
 - a. Parking Lot Lighting. Parking lot lighting shall be directed to minimize glare.
 - b. Exterior Lighting. Street light standards shall not exceed fifteen (15) feet in height. The street lights shall be non-glare and be residential in character. The street lights will directed as to minimize glare on public roads. Sufficient lighting will be provided from a combination of street lights and lighting attached to the buildings on the property.
 - c. Minimize Impact on Adjacent Properties. All illumination shall be positioned in such a manner as to minimize its impact on adjacent residential properties, unless otherwise requested by the Lawndale Farms Neighborhood Watch Program, as part of P.O.D. approval.

7. Exterior Materials and Sound Suppression. The exposed portion of each exterior wall surface (front, rear and sides) of any building including windows, doors, breezeways and other architectural design features shall be of quality materials (brick, stone, quality vinyl, etc.). A minimum of thirty percent (30%) of each principal building, including the foundations constructed on the Property shall be of brick. The visible portions of exterior building foundations shall be constructed of brick.

8. Buffers.

- a. General. Landscaped buffer areas, as indicated below, will be provided around portions of the perimeter of the Property, except to the extent necessary for utility easements, signage, roads, driveways or other purposes required or permitted as part of the P.O.D. review. No perimeter fencing will be provided along the boundaries of the project.

The landscaping package will provide extensive landscaping and planting of entrances, recreational areas, parking areas, street frontage and areas surrounding buildings and open spaces. Large mature trees will be protected unless removal is required by the County as part of P.O.D. review.

Roads, signage and utility easements may pass through the buffers in a generally perpendicular manner (unless currently existing). Other uses as may be required or permitted at the time of Plan of Development review may also pass through the buffers. Where permitted or practicable, areas disturbed for the placement of utilities within the buffer areas shall be restored. Existing vegetation and underbrush, and fallen, diseased or dead plant growth shall be removed from such buffer areas, and if so removed additional plantings shall be added.

The perimeter of the project will be landscaped. In areas where the natural screening or other vegetative and tree cover is not present, a planted buffer will be provided and include at a minimum 4 large deciduous or evergreen trees, 2 small trees and 16 shrubs for every 100 feet.

- b. Buffers Adjacent to Lawndale Farms. A buffer area of a minimum of thirty five (35) feet in width which is landscaped and/or contains existing vegetation in such a manner to visually screen the area of the single family independent living residences and any parking and service areas shall be provided along the Property line adjacent to Lawndale Farms. The

plantings within this buffer will comply with the Transitional Buffer 25 requirements and will be approved as part of the P.O.D review.

- c. Buffers Along Gay Avenue. A buffer a minimum of thirty-five (35) feet in width, measured from the ultimate right of way, which will be landscaped to an enhanced standard, shall be provided along the Property line adjacent to Gay Avenue. The plantings within this buffer will comply with the Transitional Buffer 25 requirements and will be approved as part of the P.O.D. review.
- d. Buffers Along the Property Line Adjacent to the Virginia Power Easement. A buffer a minimum of twenty five (25) feet in width shall be provided along the Property line adjacent to the Virginia Power Easement. The plantings within this buffer will comply with the Transitional 25 Buffer requirements and will be approved as part of the P.O.D. review.
9. Detached Signage. Any detached signs on the Property shall be ground mounted, monolithic-type signs. Such signs shall not exceed eight (8) feet in height as measured from the grade of the base of the sign and shall be externally lit employing ground-mounted floodlight or spotlight-type fixtures directed toward such signs and away from public rights-of-way.
10. Best Management Practices (BMP) Areas. The BMP area, if located in the interior of the property, will be designed as a water feature and will have a water circulation system which creates a fountain like appearance. The exact location of the BMP will be determined as part of the P.O.D. approval.
11. Construction Hours. No land clearing, grading, road or water/sewer line construction or construction of any building shall occur on Sunday or other days between the hours of 8:00 p.m. and 6:00 a.m., except in emergencies or where unusual circumstances require extending these specified hours in order to complete work such as concrete pours or utility connections, but in no case shall work extend beyond 10:00 p.m., unless required by any governmental agency with jurisdiction over the project.
12. Burning Restrictions. During the period of construction on the Property, there shall be no burning of natural materials or construction debris within 500' of an inhabited residence.
13. Amenities. An amenity package will be provided for residents of this independent seniors community. A community center serving as a multi-purpose building for use by all residents will be at least 1,800 square feet and include spacious meeting space that can be utilized for group or individual activities. The community center

will have a private meeting room available to the residents of the community on a reservation basis, first come, first serve. The community room will also include a library, fireplace, television and dance floor for use by the residents. The community center will include a covered patio at the back of the building for the enjoyment of our residents. The laundry room will be located as part of the maintenance building for easy use by our residents. A shuffleboard game court will also be provided.

The community will have an on site Housing Services Coordinator (Manager or other similar title) to facilitate some or all of the following services depending upon resident desires:

General Services:

Health and wellness screening
Delivered Meals
Physical Fitness
Social Activities
Educational Programs
Transportation
Volunteer and employment opportunities.

Referral services for those times when the resident may require some assistance:

Counseling
Chores and Errands
Home health aide
Housekeeping
Legal and Financial
Secretarial.

These services may or may not be provided depending upon whether there is a sufficient desire on the part of enough residents to justify provision of a particular service or program. The Community may include some of the most requested services as part of its regular amenities to residents and for those services or programs where the resident participation does not justify a full scale community provided service or program, the Housing Services Coordinator will facilitate the resident obtaining a particular service or program from a third party vendor.

In addition to this amenity package, the community will provide a system of sidewalks throughout the property and pathways as needed to create a pedestrian

circulation approved as part of the P.O.D. process. Along the system of sidewalks and paths will be markers indicating the walking distances from various points so residents can better measure their walks for exercise purposes. At the end of the cul-de-sac and connected to the pedestrian pathways will be a "community garden" so residents can make plantings of their choice in a defined land area to be approved as part of the P.O.D.

14. Flood Plain Areas Adjacent to Lawndale Subdivision. This development will not negatively impact any of existing drainage problems in the Lawndale Subdivision. The Applicant will design its on site environmental facilities, to the extent feasible without incurring substantial additional costs to do so, to assist with solving the existing drainage problems in the Lawndale Subdivision. Prior to P.O.D. approval, the Applicant will request C-1 zoning for the flood plain area.
15. Transportation. There shall be no vehicular access to the Property from the Lawndale Farms residential streets (Altair, Denison and Mulford Roads. The roads will be constructed in accordance with Section 24-30.2 of the Ordinance.

Parking will be provided at the ratio of 2 spaces per unit in accordance with the Multi-Family Development Guidelines. The stub shown on the Site Plan will not be used to access the adjacent parcel of property.

16. Architecture. The architectural design of all principal buildings constructed on the Property shall be coordinated in style with and be harmonious with each other. The architecture shall be similar to the renderings submitted by the Applicant with the filing of this case. The renderings are entitled "Independent Senior Living Concepts", Ripley Heatwole Company, Inc., prepared by Cederquist, Rodriguez, Ripley and Maddus, The Architectural Associates.

These renderings provide that the dwellings will be one and two bedroom homes at a minimum of 700 and 900 square feet respectively. Each home will include the following:

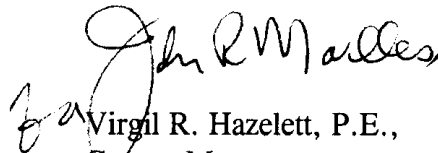
- Living room
- Full kitchen---range, disposal, frost free refrigerator and dishwasher
- Dining area
- Walk-in closet
- Laundry Hookups
- Linen closet
- One and ½ baths (two bedroom units)
- Wall-to-wall carpeting
- Handrails in bathrooms
- Supplementary heat in bathrooms
- Thermal Break windows with screens

Individually controlled heating and air conditioning
Generous storage and cabinet space
Emergency call system
Private entrance
Private patio.

17. Underground Utilities. Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utilities will be underground. Junction boxes will be screened.
18. 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,


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

cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. John G. Dicks, Esquire
Ms. Elsie Mitchell Marsh
Mr. Richard D. Mitchell
Ms. Barbara M. Westman
Mr. Thomas W. Mitchell, Sr.
Mr. Clyde G. MaNamee
Mr. Carper W. Hutchison
Ms. Pauline L. Hutchison