

ZONING
 Senior Independent
 Living Center
 Ref. 783-749 507

C-33C-04
 Fairfield

COUNTY OF HENRICO



Virgil R. Hazelett, P.E.
County Manager

October 19, 2004

Atlantic Senior Development, LLC
P. O. Box 54
Somerset, VA 22972-0054

Re: Conditional Rezoning Case C-33C-04

Dear Sir:

The Board of Supervisors at its meeting on October 12, 2004, granted your request to conditionally rezone property from B-3C Business District (Conditional), R-5 General Residence District and C-1 Conservation District to R-5C General Residence District (Conditional), on part of Parcel 783-748-5077, described as follows:

To find the true point and place of beginning for parcels 7A and 7B commence at a ½ " rod set in the west line of U.S. Route 1 (Brook Road), which point is 356.24' north of the northern end of Wilmer Avenue; thence leaving the west line of said road along a curve to the left with a radius of 45', an arc length of 76.38', a chord bearing of N63°22'3"W and a chord distance of 67.54' to a 5/8" rod found; thence along a curve to the left having a radius of 320.29', an arc length of 99.89', a chord bearing of S59°4'14"W and a chord distance of 99.48' to a ½" rod set; thence S50°8'10"W a distance of 67.67' to a ½" rod set; thence along a curve to the left having a radius of 1,848.68', an arc length of 134.89', a chord bearing of S48°2'45"W and a chord distance of 134.86' to a ½" rod set; thence along a curve to the right having a radius of 275', an arc length of 194.61', a chord bearing of S66°15'4"W and a chord distance of 190.57' to a ½" rod set; thence along a curve to the right having a radius of 275', an arc length of 106.60', a chord bearing of N82°22'16"W and a chord distance of 105.93' to a point; thence N71°16'00"W 97.76' to a point; thence N71°16'00"W 16.23' to a point; thence along a curve to the left having a radius of 255.33', an arc length of 65.06 and a chord bearing of N78°33'59"W and a chord distance of 64.88' to a point; thence N85°51'58"W 186.33' to a point; thence N2°15'12"E 1096.29' to a point; thence along a curve to the left having a radius of 190', an arc length of 11.23', a chord bearing of N00°33'35"E and a chord distance of 11.23' to a point; thence N01°08'03"W 150.80' to a point; thence along a curve to the right having a radius of 210, an arc length of 12.42, a chord bearing of N00°33'35"E and a chord distance of 12.41' to a point; thence

N2°15'12"E 546.96' to a point; thence N87°44'48"W 69.78' to a point; thence N30°57'44"W 85.50' to a point; thence N58°45'51"W 65.26' to the true point and place of beginning.

Tract One – Parcel 7A

Commencing at the true point and place of beginning as referenced above, thence N30°17'13"E 144.82' to a point; thence N06°26'08"E 402.83' to a point; thence N28°11'54"E 230.01' to a point; thence S82°19'07"E 208.48' to a point; thence S07°40'35"W 211.92' to a point; thence S82°19'23"E 318.96' to a point; thence S07°40'37"W 205.67' to a point; thence S82°19'23"E 127.67' to a point; thence S07°40'37"W 60' to a point; thence S52°21'06"W 115.46' to a point; thence S78°53'46"W 557.92' to a point; thence S02°15'12"W 99.22' to a point; thence N87°44'48"W 69.78' to a point; thence N30°57'44"W 85.50' to a point; thence N58°45'51"W 65.26' to the true point and place of beginning.

Tract Two – Parcel 7B

Commencing at the true point and place of beginning as referenced above, thence N58°45'51"W 206.29' to a point; thence N13°25'25"E 612'± to a point; thence 107'± along the center line of a creek known as Upham Brook; thence N9°15'10"E 290'± to a point; thence S67°43'50"E 39.38' to a point; thence S2°15'12"W 80'± to a point; thence along the center line of a creek known as Upham Brook as it meanders, approximated by a tie line going N86°36'23"E 241.25' to a point; thence S70°00'00"E 268.47' to a point; thence S62°55'55"E 606.24' to a point; which ends the tie line; thence S7°40'37"W 110'± to a point; thence N82°19'23"W 207.29' to a point; thence S07°40'37"W 180' to a point; thence N82°19'23"W 526.29' to a point; thence N07°40'35"E 211.92' to a point; thence N82°19'07"W 208.48' to a point; thence S28°11'54"W 230.01' to a point; thence S06°26'08"W 402.83' to a point; thence S30°17'13"W 144.82' to the true point and place of beginning.

The Board of Supervisors accepted the following proffered conditions, dated October 12 2004, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Use and Density.** The property shall be used for an age-restricted elderly living facility which shall contain no more than 240 residential living units. No other principal uses allowed in the R-5 use category shall be permitted.
2. **Age Restriction.** In accordance with the regulations promulgated by the United States Department of Housing and Urban Development ("HUD"), all residential living units will be restricted to "housing for older persons" 62 years of age as provided in 42 U.S.C. §3607 and 24 C.F.R. 100.303.

3. **Enforcement of Age Restrictions.** In order to enforce the age restrictions, the developer shall:

- a. Record a Declaration of Restrictions in accordance with HUD regulations to restrict the use of the property on which the building(s) are constructed to housing for older persons 62 years of age and above, as provided in 42 U.S.C. §3607 and 24 C.F.R. 100.303.
- b. Impose in any residential lease the following restrictions (which may be in these words or words of like purport):

All permanent residents of any individual unit must be at least 62 years of age. No person under the age of 62 may reside in any unit. No person under the age of 62 may stay with a resident for more than seven (7) consecutive days or, in the aggregate, for more than thirty (30) days in any consecutive twelve (12) month period. Lessee(s) acknowledge that violation of this provision is a material default and constitutes grounds for immediate termination of the lease.

4. **Buildings; Phased Development.** The development will consist of a maximum of two buildings. Each building will be four (4) stories tall and will contain a maximum of 120 residential living units. The developer shall have the right to develop the property in two phases as indicated on the conceptual plan attached hereto as Exhibit A, dated May 12, 2004 (see case file).

5. **Amenities.** Each building shall offer the following amenities or provide the following areas for use by its residents:

- a. **Leisure; Exercise and General Purpose Rooms.** Each building will contain multiple areas where residents can engage in various activities including reading, watching television and using computers. Additionally, each building will have exercise rooms or areas where residents can use fitness equipment or participate in exercise programs established for the residents.
- b. **Laundry and Sitting Areas.** Each building will contain laundry facilities and a separate sitting area on at least three floors.
- c. **Pull cords.** Each individual unit will have an emergency "pull cord" which will be connected to the front desk or other monitoring system.

- d. Storage rooms and individual storage lockers will be available to the residents at an additional charge.
 - e. Each building shall be wired to provide an electrical connection to permit an emergency generator to be used for running emergency lighting and one elevator.
6. **Conceptual Site Plan.** The Property shall be developed substantially similar to the conceptual plan attached hereto as Exhibit A (see case file), dated May 12, 2004 (the "Conceptual Plan") which layout plan is conceptual in nature and may vary in detail as approved by the Planning Commission (which shall take into consideration changes designed to accommodate environmental, drainage and topographical conditions, the need for accessory or maintenance buildings, as well as the requirements imposed by various County departments and agencies) at the time of Plan of Development review. Except for utility facilities as approved at the time of Plan of Development review, no improvements shall be made in that portion of the property currently zoned C-1 (as shown on the Conceptual Plan) and such area shall remain in its natural state unless a different landscaping plan is approved at the time of Plan of Development review.
7. **Utilities.** Except for junction boxes, meters and existing overhead utility lines, all new utility lines shall be underground. All junction boxes and meters located at ground level shall be screened.
8. **Trash receptacles.** Trash receptacles, other than convenience cans, shall be screened from public view at ground level at the property line of the property in a manner approved at the time of Plan of Development review. All dumpster enclosures shall comply with the multifamily development standards. Concrete pavement shall be used where the refuse container pad and apron are located.
9. **Exterior Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of any buildings on the property intended for occupancy by persons shall comply with the requirements for the architectural treatment and materials specified herein. All buildings located on the property intended for use for occupancy by persons shall have exposed exterior walls (above finished grade and exclusive of rooftop screening materials for mechanical equipment, architectural features, doors and windows) of face brick, glass, exterior insulating finishing systems (E.I.F.S.), cementitious, composite-type or vinyl siding, or 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. The architectural elevation of the front façade of the buildings shown on the Conceptual Plan shall be in substantial conformity with the elevations attached to these proffers as Exhibit B (see case file) unless otherwise approved at the time of Plan of Development review. The

architectural elevations of the rear and side façade of each building shown on the Conceptual Plan shall be in substantial conformity with the elevations attached to these proffers as Exhibit C (see case file) unless otherwise approved by the Director of Planning or Planning Commission at the time of Plan of Development; except that the side façade of the northernmost building (i.e., its southern face) shall be in substantial conformity with the front façade elevations attached to these proffers as Exhibit B (see case file) unless otherwise approved by the Director of Planning or Planning Commission at the time of Plan of Development.

10. **HVAC**. Heating and air conditioning equipment on the property shall be screened in accordance with the multifamily development standards in a manner approved at the time of Plan of Development review.
11. **Storm Water Management Ponds**. If the storm water management ponds for the property are wet ponds, they shall be aerated to minimize the risk of West Nile Virus and shall be approved by the Director of Public Works. At least one pond shall be designed as an attractive water feature (which may include a fountain) and an amenity to the project and shall be used for water-oriented decks, walking trails and/or seating (benches or gazebos) appropriate for such a water feature. The decks, walking trails and/or seating shall be located around Relocated Detention Pond #1 in the areas shown on the conceptual plan attached hereto as Exhibit A (see case file). In any case, any storm water management pond located on the property shall be landscaped as approved at the time of any Plan of Development review.
12. **Pedestrian Circulation**. Pedestrian walkways shall be provided along at least one side of major circulation driveways. These walkways shall be hard surface sidewalks with a width of at least five (5) feet.
13. **Landscaping/Street Trees**. There shall be a landscaping buffer between the proposed development and adjacent commercially-zoned properties on the southern and eastern boundaries of the property. Unless otherwise approved at the time of Plan of Development review, the landscaping buffer shall be consistent with that transitional buffer category referenced as "Transitional buffer 25" by the Henrico Zoning Ordinance but shall allow for driveway/roadway and/or utility crossings. Street trees shall be provided at an average of fifty (50) foot intervals along the circulation roadways internal to the property. Such trees shall be minimum of 2 ½ inch caliper and eight (8) feet in height.
14. **Parking Lot Lighting**. Parking lot lighting shall be produced from concealed sources of light and the lighting standards shall not exceed twenty-five (25) feet in height and shall be positioned in such a manner as to minimize the impact of such lighting off site unless otherwise approved at the time of Plan of Development review.

15. **Fencing.** Any fencing required by the approved Plan of Development shall be similar in appearance to other fences in the vicinity (i.e., aluminum with wrought iron appearance) unless otherwise approved at the time of Plan of Development review.
16. **Floodplain Conservation.** The applicant agrees that following final Plan of Development approval, it will file an application seeking to rezone those areas of the Property that are within the 100-year floodplain to C-1 Conservation area. Such rezoning shall have no effect on those areas within the floodplain that are being used for utility lines and/or structures or for drainage purposes (including the enhancing and expanding of any storm water management ponds), or any improvements related thereto.

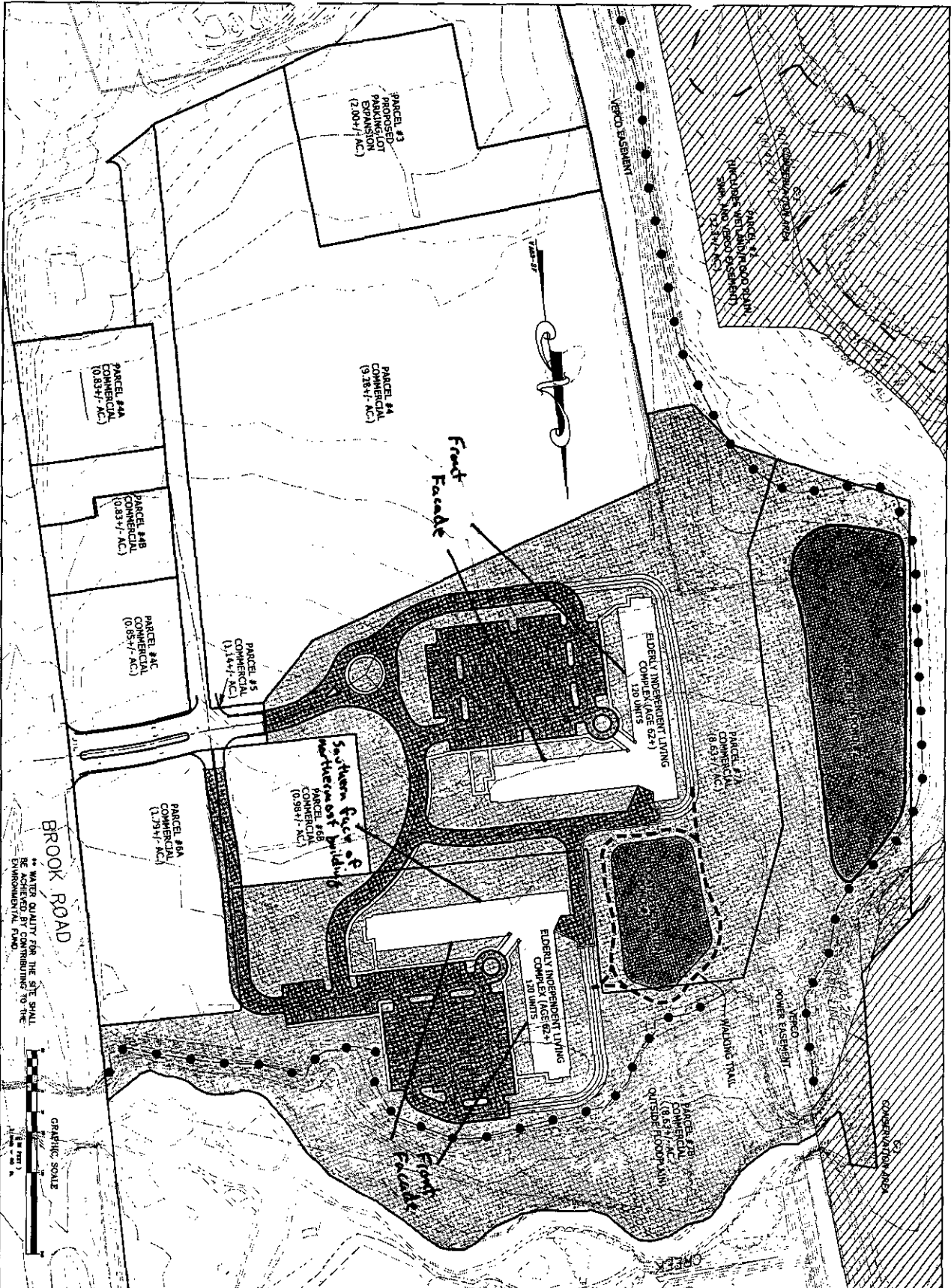
The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



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

pc: Tetra Associates, LLC
Mr. J. Thomas O'Brien, Jr., Esquire
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal – Director, Research and Planning



TIMMONS GROUP

BROOK RUN SHOPPING CENTER - LAYOUT AND DRAINAGE

FAIRFIELD DISTRICT • HENRICO COUNTY, VA

PARCEL 7A & 7B - ELDERLY INDEPENDENT LIVING COMPLEX (AGE 62+)

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Site Development		Residential	
DATE	DATE	DATE	DATE

VIRGINIA NORTH CAROLINA WEST VIRGINIA
 THIS DRAWING PREPARED AT THE
 CORPORATION OFFICE
 712 AL COURTHOUSE ROAD (N. AVENUE) OF STATE HOUSE
 TEL: 604-744-7400 FAX: 604-744-7400
 2000 S. PINE STREET, SUITE 1000
 RICHMOND, VA 23220

C-536-04

EXHIBIT

A



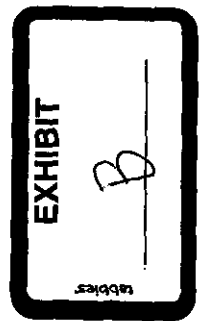


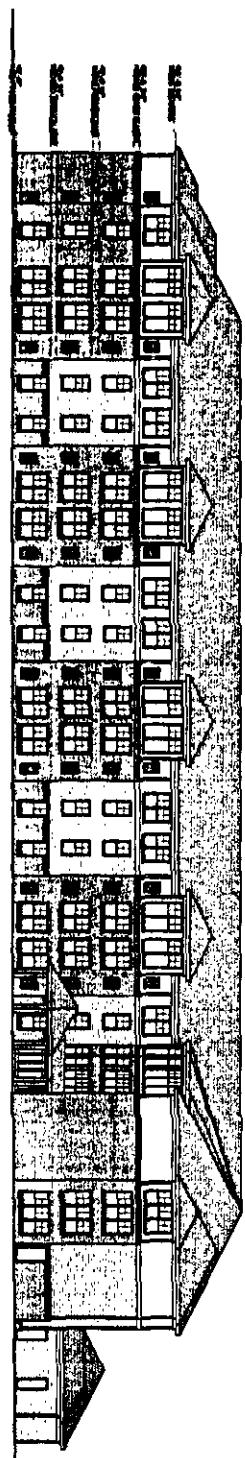
brown on building
represents brick

BROOK RUN SENIOR INDEPENDENT LIVING

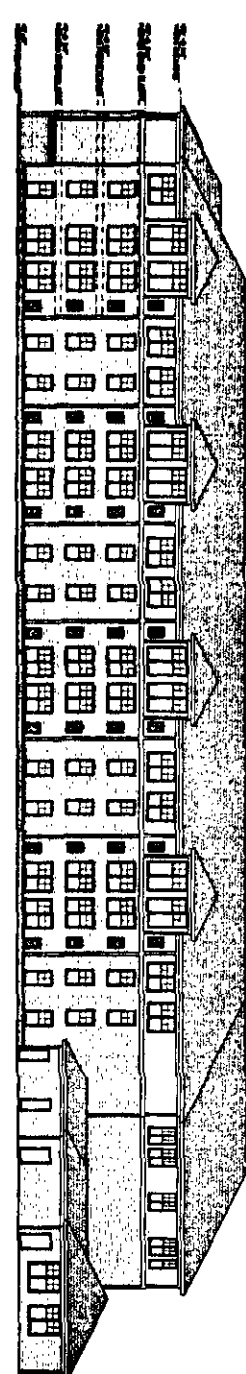
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C-33C-04

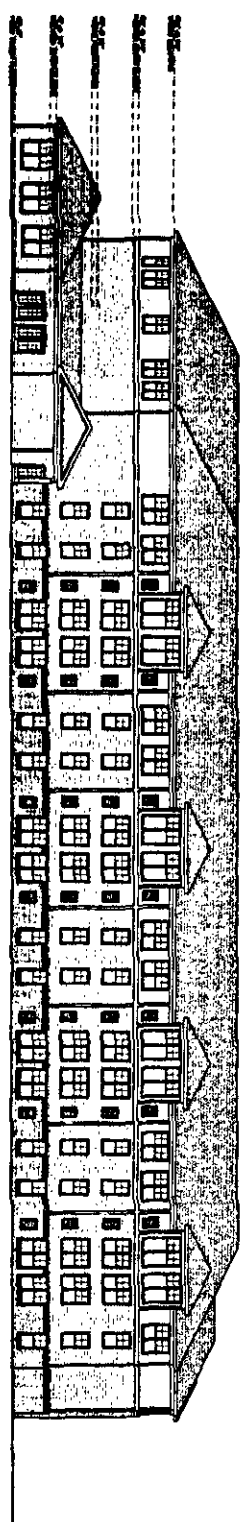




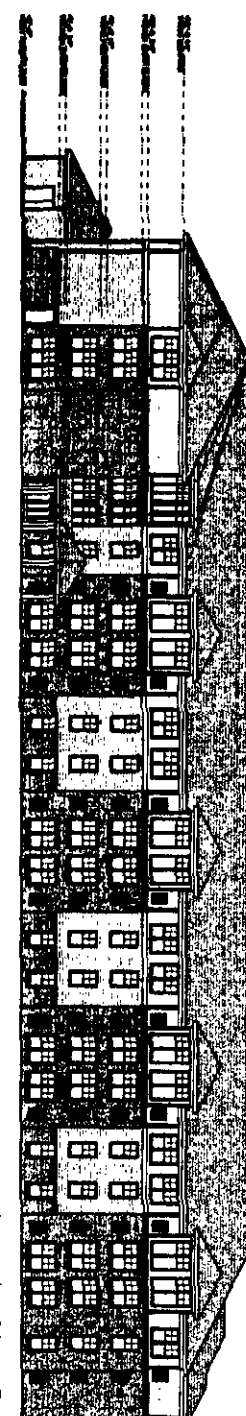
FRONT ELEVATION



REAR ELEVATION (FACING POWER LINE)



SIDE ELEVATION



FRONT ELEVATION

C-33C-04



BROOK RUN
SENIOR INDEPENDENT LIVING
 HENRICO COUNTY, VIRGINIA

EDWARD H. WINKS
JAMES D. SNOWA
ARCHITECTS P.C.

A2.01
 ARCHITECTURAL ELEVATIONS