

SUBJECT PROPERTY

### ZONING

Amend Proffered Conditions

Ref. 732-750-7894

# C-45C-05

## Tuckahoe District





COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

Virgil R. Hazelett, P.E.  
County Manager

September 20, 2005

Aspen Gayton Terrace, LLC  
c/o Bill Henry, The Broe Companies  
252 Calyton Street, 4<sup>th</sup> Fl.  
Denver, CO 80206

Re: Conditional Rezoning Case C-45C-05

Dear Mr. Henry:

The Board of Supervisors at its meeting on September 13, 2005 granted your request to amend proffered conditions on Conditional Rezoning Case C-95C-96, Parcel 732-750-7894 described as follows:

ALL that certain parcel of real property containing 9.874 acres of land located in the Tuckahoe Magisterial District of Henrico County, Virginia, described on plat dated June 13, 2005, prepared by E.D. Lewis & Associates P.C., entitled "Plat for Rezoning Parcel 732-750-7894, Tuckahoe District, Henrico County, VA." and being more particularly described as follows:

BEGINNING at a point on the eastern right-of-way line of Gayton Road and the southeastern-most point of the property to the north known as Ginter Hall West, said point being the True Point and Place of Beginning; thence S 73°26'52" E 708.61' to a point on the western right-of-way line of Poplar Forest Drive; thence along a curve to the left having a radius of 3046.43' for a distance of 358.25' to a point; thence S 1°26'41" W 137.00' to a point; thence leaving the western right-of-way line of Poplar Forest Drive N 88°38'36" W 739.61' to a point on the eastern right-of-way line of Gayton Road; thence N 3°50'31" E 309.57' to a point; thence along a curve to the right having a radius of 1403.82' for a distance of 294.53' to a point; thence N 15°51'46" E 82.72' to the True Point and Place of Beginning, containing 9.874 acres.

The Board of Supervisors accepted the following proffered conditions, dated August 9, 2005, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Use.** The existing structure and any additional structures on the subject property shall be used for an assisted living-type facility, which is an adult care residence for adults who may have physical or mental impairments and require at least moderate assistance with the activities of daily living, or for "housing for older persons" as defined in Code Section 36-96.7 in the Virginia Fair Housing Law.
2. **Mechanical Equipment.** Ground level or roof-mounted mechanical equipment shall be screened from public view from the perimeter of the Property in a manner approved at the time of Plan of Development.
3. **Deliveries and Trash Pick Up.** Hours of deliveries and trash pick up will be restricted to the hours between 7:30 a.m. and 6:00 p.m. Monday through Saturday. There will be no deliveries or trash pick up on Sundays.
4. **Conceptual Master Plan.** The property shall be developed in general conformance with the Conceptual Master Plan prepared by Edward H. Winks, James D. Snowa Architects P.C., dated August 8, 2005, a copy of which is attached hereto (see case file); unless otherwise approved at the time of Plan of Development.
5. **Architecture on Any Additional Building.** The facades of the proposed addition will be generally consistent with the exterior elevation prepared by Edward H. Winks, James D. Show Architects P.C., dated August 2, 2005, a copy of which is attached hereto (see case file), unless otherwise approved at the time of Plan of Development, which facades shall be articulated by offsets, corresponding gables, architectural treatments at the head of windows, and brick treatments and/or other treatments utilizing other materials; brick veneer will be applied to the first three (3) stories, with a complementary material such as EIFS or stucco on the top floor. The brick color on any addition will be complementary to the existing structure. Upon construction of that portion of any new addition which faces Gayton Road, that portion of the existing structure which faces Gayton Road shall be altered to include multi-pane-appearing windows, architectural treatment which resembles the treatment of the new addition applied to various windows, belt courses between the 1<sup>st</sup> and 2<sup>nd</sup> floors and between the 3<sup>rd</sup> and 4<sup>th</sup> floors, and a sloped roof, that are substantially in accordance with the proposed addition.
6. **Access.** There shall be no vehicular access to or from the subject property to or from Poplar Forest Drive.
7. **Buffer.** A buffer of a minimum of 90' in width will be provided along and adjacent to the eastern property line of the subject property, said line being the western right-of-way line of Poplar Forest Drive. All existing vegetation within the buffer shall be preserved except to the extent necessary or required for utility or

drainage easement or other purposes requested and specifically permitted at the time of Plan of Development. Any such drainage or utility easements shall run generally perpendicular to the western right-of-way line of Poplar Forest Drive and shall not run through the buffer in a parallel fashion.

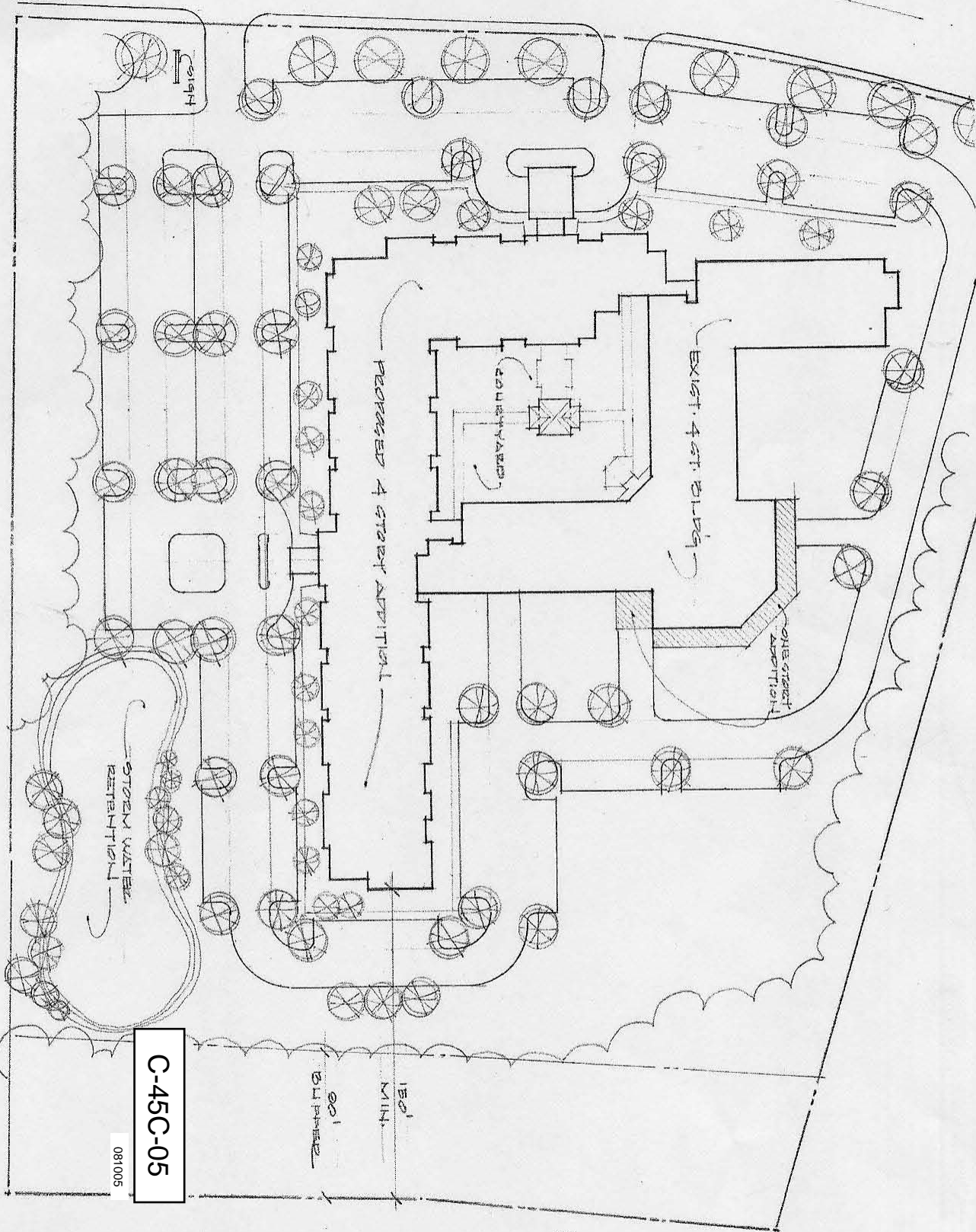
8. **Construction Activity.** There shall be no construction entrance to or from the Property, to or from Poplar Forest Drive. Signs, in both English and Spanish, stating the above-referenced prohibition, shall be posted and maintained at all construction entrances prior to any land disturbance activities on the Property.
9. **Storm Water Facilities.** Any storm water facilities for treatment on the Property shall be landscaped bio-retention facilities, unless otherwise approved at the time of Plan of Development. Any storm water facilities for retention shall be above ground and shall be dry, unless otherwise approved at the time of Plan of Development.
10. **Building Height.** Buildings shall not exceed the lesser of four (4) stories or sixty-five (65) feet exclusive of architectural features.
11. **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.
12. **Gayton Road Landscaping.** Additional landscaping shall be provided along Gayton Road pursuant to a landscape plan submitted by the owner and approved by the Planning Commission at the time of Landscape Plan review.

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,

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

pc: James W. Theobald, Esquire  
Director, Real Estate Assessment  
Conditional Zoning Index



Conceptual Master Plan  
 Gayton Terrace Proposed Addition



0 30' 60' 120'



SCALE: 1" = 60'-0"

08-08-2005



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

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**GAYTON TERRACE PROPOSED ADDITION**  
 ASPEN GAYTON TERRACE, LLC  
 HENRICO COUNTY, VIRGINIA  
 PROPOSED ELEVATION FACING GAYTON ROAD



**EDWARD H. WINKS  
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