

A-1 TO R-5C
12.311 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, Addendum 58 (Zoning Ordinance Amendment)

Zoning Map #3

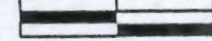
R-5C
SENIOR HOUSING

C-4C-02

AS APPROVED BY THE BOARD OF SUPERVISORS

Ⓜ A 4 / 9 / 02

0 200' 400'



146-A-94,96 & 97
VARINA DISTRICT

HENRICO COUNTY PLANNING OFFICE

COUNTY OF HENRICO



April 16, 2002

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-4C-02

Nine Mile Road, LLC
Better Housing Coalition
Mr. Robert L. Newman
100 W. Franklin Street, Suite 300
Richmond, VA 23241

Henrico Community Housing Corporation
Ms. Elizabeth Palen
2500 Parham Road
Richmond, VA 23255

Dear Mr. Newman & Ms. Palen:

The Board of Supervisors at its meeting on April 9, 2002, granted your request to conditionally rezone property from A-1 Agricultural District to R-5C General Residence District (Conditional), part of Parcel 807-723-9052 (146-A-94), and part of Parcels 807-723-6957 (96) and 807-723-4861 (97) described as follows:

Beginning at the intersection of the eastern right of way line of Dabbs House Road and northern right of way line of Nine Mile Road; thence, along the right of way of Nine Mile Road a distance of 789.70' to the True Point of Beginning; thence N 01°54'45" E, a distance of 400.18'; thence N 83°23'39" W, a distance of 557.70'; thence N 02°06'27" E, a distance of 490.62'; thence N 89°54'38" E, a distance of 398.87'; thence N 02°21'41" E, a distance of 50.49' to the beginning of a curve to the right having a radius of 50.00' and a central angle of 15°09'09", an arc length of 13.22', and chord which bears N 07°11'10" E 13.18', a tangent of 6.65'; thence N 02°17'50" E, a distance of 948.50', thence S 60°49'55" E, a distance of 6.12'; thence S 50°51'26" E, a distance of 37.51'; thence S 02°38'06" E, a distance of 95.81'; thence S 70°41'10" E, a distance of 48.47'; thence S 47°31'48" E, a distance of 56.20'; thence N 83°34'12" E, a distance of 33.04'; thence N 26°48'31" W, a distance of 48.94'; thence N 65°49'42" E, a distance of 7.75'; thence S 67°03'01" E, a distance of 14.99'; thence S 34°49'46" E, a distance of 17.50'; thence N 77°57'20" E, a distance of 36.20'; thence S 01°54'45" W, a distance of 1833.78' to a point of cusp on a curve, thence along said curve to the right having a radius of 1766.00' and a central angle of 1°56'58", an arc length of 60.09' and chord which bears N 85°18'21" W 60.08', a

Nine Mile Road, LLC
Better Housing Coalition
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2

Henrico Community Housing Corporation
Ms. Elizabeth Palen

April 16, 2002

tangent of 30.05' to a point, said point being the True Point of Beginning and containing 12.311 acres.

The Board of Supervisors accepted the following proffered conditions, dated April 9, 2002, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Conceptual Site Plan. The Property shall be developed generally consistent with the layout plan entitled "Nine Mile Road Site - Zoning Site Plan" prepared by Urban Design Associates (UDA), dated March 27, 2002 attached hereto as Exhibit A (see case file) (the "Conceptual Site Plan"). The Conceptual Site Plan is conceptual in nature and may vary in detail as approved by the Planning Commission at the time of Plan of Development approval. The exact locations, footprints, configurations, sizes and details of the building(s) and roads shown on the Conceptual Site Plan are illustrative and may be revised and updated from time to time as approved by the Planning Commission at the time of Plan of Development approval.
2. Trash Pickup, Parking Lot Cleaning, Leaf Blowing. Trash pickup, parking lot cleaning and leaf blowing on the Property shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday.
3. Setbacks. All buildings, parking lots and access drives shall be setback at least seven hundred fifty (750) feet from the northern boundary line of the Property. All residential buildings to be constructed on the Property shall be setback at least 300 feet from the right-of-way line of Nine Mile Road.
4. Utilities. Except for junction boxes, meters and existing overhead utility lines and utility lines running through or over wetlands, if any, all new utility lines shall be underground. All junction and access boxes and meters located at ground level shall be screened.
5. 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 and shall be architecturally compatible with the primary building(s) located on that portion of the Property.
6. Parking Lot Lighting. Parking lot lighting shall be produced from concealed

Henrico Community Housing Corporation
Ms. Elizabeth Palen

April 16, 2002

sources of light and the lighting standards shall not exceed fifteen (15) feet in height and shall be positioned in such a manner as to minimize the impact of such lighting off site.

7. Signage. Any detached signs on the Property shall be ground-mounted monolithic-type signs and, if lighted, internally lit or with ground-mounted light.
8. Exterior Materials. The exposed portion of each exterior wall surface (front, rear and sides) of any building on the Property intended for occupancy by persons shall be compatible to the exposed portions of other exterior walls of similar buildings in architectural treatment and materials. 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, natural stone, glass, exterior insulating finishing systems (E.I.F.S.), cementitious or composite-type siding, or a 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.
9. Street Trees. 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 a minimum of 2 ½ inch caliper and eight (8) feet in height.
10. Foundations. The visible portions of exterior dwelling foundations shall be constructed of brick.
11. HVAC. Heating and air conditioning equipment on the Property shall be screened from public view at ground level at the property lines in a manner approved by the Planning Commission at the time of Plan of Development review.
12. Storm Water Management Pond. Any storm water management pond located on the Property, including any landscaping and fencing, shall be approved by the Planning Commission at the time of any Plan of Development on the Property.
13. Sound Suppression. Any walls between residential units located on the

Henrico Community Housing Corporation
Ms. Elizabeth Palen

April 16, 2002

Property shall have a minimum sound transmission coefficient rating of 50. Any ceilings between residential units located on the Property shall have a minimum sound transmission coefficient rating of 55.

14. Tree Preservation. To the extent practicable, the developer of the Property shall attempt to save any mature trees located on the Property.
15. Gravesites. Any graves found on the Property shall either be (a) preserved with access provided as is required by law, or (b) removed pursuant to all applicable federal, state, and local legal requirements.
16. Uses. The improvements to be constructed on the Property shall be used only to provide multi-family independent living residences for older persons as defined by the Virginia Fair Housing Law, as may be amended, the Federal Fair Housing Law and other such applicable federal, state or local legal requirements. For purposes hereof, independent living residences for older persons shall mean that no person under age sixty-two (62) shall reside in any unit on the Property, so long as such restriction shall comply with the Virginia Fair Housing Act (VA Code Section 36-96.7 (1950), as amended), and such other applicable federal, state or local legal requirements. Notwithstanding the foregoing, such restriction shall not apply to one unit if occupied by a resident manager.
17. Architectural Treatment. Any building constructed on the Property shall have an exterior architectural style generally consistent with the exterior elevation plans prepared by Urban Design Associates and Winks Snowa Architects, dated December, 2001, which are attached hereto as Exhibits B, B-1, B-2 and B-3 (see case file), subject to such changes as may be requested by the County or owner of the Property and approved at the time of Plan of Development review.
18. Bedroom Units. Any residential units within any building constructed on the Property shall consist of only one and two bedrooms. Any one bedroom unit shall contain at least 500 square feet and any two bedroom unit shall contain at least 800 square feet.
19. Height Limitation. No building constructed on the Property shall exceed the lesser of three (3) stories or forty-five (45) feet in height above grade to the

Henrico Community Housing Corporation
Ms. Elizabeth Palen

April 16, 2002

roof, exclusive of mechanical equipment, elevator penthouses associated therewith, chimneys, towers or other architectural design features, unless otherwise requested by the owner and specifically approved at the time of Plan of Development review. No sign attached to any building shall be placed higher than the façade, architectural features or wall in place on the front of such building.

20. Density. No more than one hundred sixty (160) residential dwelling units shall be constructed on the Property.
21. Open Space. Impervious cover on the Property resulting from buildings, parking areas and drive aisles shall not exceed forty (40) percent of the entire area of the Property.
22. Bunkers. The civil war earthworks shown on the Conceptual Site Plan as "Bunkers" shall be preserved to the extent practicable in their existing condition; provided, however, the Bunkers shall be maintained in such a manner that any litter or other garbage, or dead or diseased trees or bushes shall be removed. Any changes to the Bunkers, including, without limitation, any pedestrian walkways adjacent to or within the area of the Bunkers, shall be approved by the Planning Commission at the time of Plan of Development. The developer will cooperate with the County by allowing the placement of appropriate historical markers either on the site or at the entrance.
23. Henrico Community Housing Corporation. Membership on the committee and/or board of directors of the Henrico Community Housing Corporation overseeing the independent living residences located on the Property shall be available to a representative from the surrounding community.
24. Building Access and Emergency Features. Each building containing residential units on the Property shall contain, at a minimum, the following access and emergency features: (a) access to any residential building shall be limited to invitees, guests, employees and persons having an electronic key card or equivalent system capable of recording the time and date such key card or other system was used, (b) video surveillance cameras will be located at all entry points, and (c) all common areas shall include a sprinkler system and smoke detectors.

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6

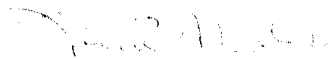
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April 16, 2002

25. Dwelling Unit Emergency Features. Each dwelling unit constructed on the Property shall contain, at a minimum, the following emergency features: (a) entry doors and window shall have separate locks, (b) two emergency pull-cord stations, or the equivalent, with a relay to any emergency dispatcher, and (c) a sprinkler system and smoke detectors.
26. 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

pc: Director, Real Estate Assessment
Conditional Zoning Index
George T. Jamerson
Ralph W. & Osie O. Ziegler
Andrew M. Condlin, Esquire