

**REZ2015-00015**  
**Zoning**  
 Amend Proffered Conditions  
 (C-12C-12)  
 Tuckahoe District

400 Feet

PS April 2015 Ref: 749-754-2538



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

John A. Vithoukias  
County Manager

July 21, 2015

MCAP West End LLC  
534 East Main Street, Suite B  
Charlottesville, VA 22902

Re: Rezoning Case REZ2015-00015

Dear Sirs:

The Board of Supervisors, at its meeting on July 14, 2015, approved your request to amend proffered conditions accepted with rezoning case C-12C-12 on part of Parcel 749-754-2538 located on the west line of Gaskins Road approximately 765 feet south of its intersection with Three Chopt Road.

The Board of Supervisors accepted the following proffered conditions, dated June 12, 2015, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

The Proffers previously accepted with cases C-62C-03, C-10C-99, and C12C-12 are hereby deleted in their entirety and the following proffers shall be substituted:

1. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
2. **Use Restriction.** No apartment development shall be permitted on the Property; however, assisted living facilities, nursing homes, convalescent homes or homes for the aged may be constructed on the property.
3. **Trash Enclosures.** Enclosure areas for dumpsters on the Property shall be constructed of brick on three (3) sides complementary to that which is utilized in the primary building. The fourth side shall be gated with an opaque material (e.g., vinyl coated chain link fencing with matching slats) other than wood.
4. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the Property lines in a manner approved at the time of Plan of Development review.
5. **Parking Lot Lighting.** Parking lot lighting shall be produced from concealed sources of light. Parking lot lighting standards shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard and shall be positioned in such a manner as to minimize the impact of such lighting offsite.

6. **Elevations.** Any building constructed on the Property shall be consistent with the architectural style of the currently existing buildings.
7. **Exterior Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be brick, excluding windows, doors, breezeways, and other architectural design features. Columns located at the main entrances to any building facing Gaskins Road shall be constructed of brick, cementitious material, fiberglass or a combination of the foregoing but not Exterior Insulation Finishing System.
8. **Building Height.** No building constructed on the Property shall exceed the lesser of thirty-five (35) feet in height or two (2) stories exclusive of architectural design features.
9. **Density.** No more than eighty-five (85) units or ninety-six (96) beds shall be constructed on the Property.
10. **Buffer.** The following landscaped or natural buffer area shall be maintained along the existing right-of-way line of Gaskins Road with the exception of roads, signage and utility easements that may pass through the buffer in a generally perpendicular manner (unless currently existing), turning lanes on Gaskins Road and such other uses including sidewalks as may be permitted by the Planning Commission at the time of Plan of Development review:

Thirty-five (35) feet in width from the eastern corner of the subject property in common with property now or formerly owned by TLK Holdings, LLC, (GPIN 749-754-5736) and the existing western right-of-way line of Gaskins Road to include entrance to the property on Gaskins Road but not more than a distance of 150 feet south along the existing western right-of-way line of Gaskins Road.

Fifty (50) feet in width from the southern terminus of the thirty-five (35) buffer south along the existing western right-of-way line of Gaskins Road to the southern corner of the subject property in common with property now or formerly owned by Virginia United Methodist HM (GPIN: 747-754-9557) and the existing western right-of-way line of Gaskins Road.

Stormwater detention/BMP facilities shall not be permitted within said buffer unless located underground.

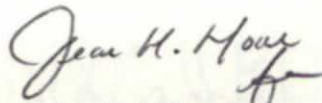
11. **Detached Signage.** Any detached sign on the Property shall be ground mounted monolithic-type signs. Such signs shall not exceed six (6) feet in height measured from the grade of the base of the sign and shall be externally employing ground-mounted floodlight or spotlight-type fixtures directed toward such signs and away from public rights-of-way.
12. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled,

regulated manner by a structure or structures approved by the Department of Public Works, may only be used for the following purposes:

- a. storm water management and/or retention areas;
  - b. ponds, lakes and similar areas intended as aesthetic and/or recreation amenities and/or wildlife habitats;
  - c. utility easements, walkways and recreational facilities installed in a manner to minimize impact;
  - d. such additional uses to the uses identified in a., b., and c. above, as may be deemed compatible and of the same general character by the Planning Administrator Director of Planning) pursuant to Chapters 19 and 24 of the County Code; and the Owner shall, prior to issuance of any Certificate of Occupancy, apply to rezone such portions of the Property to C-1 Conservation District. The location and limits of such portion(s) of said Property shall be established by approved Plan of Development plans.
13. **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.

Sincerely,



John A. Vithoukas  
County Manager

pc: Steven W. Blaine, Esquire  
Director, Real Estate Assessment