

CASE: REZ2022-00018

May 5, 2022

1. **Concept Plan.** The Property shall be developed in general conformance with the concept plans attached hereto as **Exhibit A** prepared by the Timmons Group entitled “CONCEPTUAL SITE LAYOUT PLAN – SP001” dated January 28, 2022 (the “Site Layout Plan”), “CONCEPTUAL LANDSCAPE PLAN” dated May 3, 2022 (the “Landscape Plan”) and “CONCEPTUAL SITE SECTION” dated April 6, 2022 (the “Site Section”) (the Site Layout Plan, the Landscape Plan and the Site Section are collectively, the “Concept Plan”). The exact locations, footprints, configurations, size, and details of the lots, drives, roads, buildings and other improvements shown on the Concept Plan are illustrative and are subject to change and may be updated from time to time as required for final engineering design, compliance with governmental regulations or as otherwise approved at the time of Plan of Development (“POD”) review of the Property.
2. **Buffer Requirements.**
  - a. **Overall.** Any buffer within the Property required herein shall be retained as natural and may also be landscaped, including supplemental plantings, signage berms and/or fencing and other purposes as approved by the Planning Commission at the time of Landscape Plan review. Best tree protection practices shall be followed to minimize large tree clearing for any buffer along the perimeter of the Property. Buffer areas with installed landscaping shall be irrigated unless otherwise approved at the time of Landscape Plan review. Roads, sidewalks, utility easements (including drainage), common owned fencing/walls adjacent to any roads or drives, and signage shall be permitted within such buffer; provided, any such road or utility easements shall be extended generally perpendicular through such buffer unless otherwise approved at the time of Landscape Plan review. All buffers shall be maintained by the owner of the Property.

- b. **Patterson Avenue Buffer.** The area shown on the Landscape Plan as “10’ Landscape Strip” shall be a minimum ten (10) foot natural and landscaped buffer and planted to the level as shown on that plan entitled “TYPICAL PLANT DENSITY DIAGRAM, Patterson Ave. Assisted Living Center” dated May 5, 2022, prepared by Timmons Group, and attached hereto as **Exhibit B**, unless such plantings are not required as a result of existing evergreen vegetation, or as otherwise determined at the time of Landscape Plan review.
        - c. **Maybeury Drive Buffer.** The area shown on the Landscape Plan as “25’ Transitional Buffer” along Maybeury Drive shall be a minimum twenty-five (25) foot natural and landscaped buffer and planted to the level of a Transitional Buffer 25 standard, unless such plantings are not required as a result of existing evergreen vegetation, or as determined at the time of Landscape Plan review.
        - d. **Maybeury Elementary School Buffer.** The area shown on the Landscape Plan as “25’ Transitional Buffer” between the Property and Maybeury Elementary School shall be a minimum twenty-five (25) foot natural and landscaped buffer and planted to the level of a Transitional Buffer 35 standard, unless such plantings are not required as a result of existing evergreen vegetation, or as determined at the time of Landscape Plan review. By way of illustration, the Maybeury Elementary School buffer is shown on the Site Section.
        - e. **Eastern Buffer.** The area shown on the Landscape Plan as “6’ Landscape Strip” along the access road connecting to Patterson Avenue and running along the eastern portion of the Property as shown on the Site Layout Plan (the “Access Road”) shall be a minimum six (6) foot natural and landscaped buffer and planted to the level of a Transitional Buffer 10 standard, unless such plantings are not required as a result of existing evergreen vegetation, or as determined at the time of Landscape Plan review.
3. **Fencing Along Maybeury Elementary School Property.** A black aluminum rail fence a maximum of sixty (60) inches in height shall be provided along the property line of the Maybeury Elementary School.
4. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for existing utilities, junction boxes, meters, utility lines in wetlands areas, and utility lines required to be above ground by the utility company.

5. **Stormwater Retention**. Permanent stormwater retention facilities shall be underground. Stormwater retention facilities used for construction shall be designed to exceed the legally required volume design by twenty percent (20%). The use of "Super Silt Fencing" shall be required during construction and steel posts shall be used to support such silt fencing. Such silt fencing shall be installed on the inlet side of a stormwater sewer or culvert. Sediment deposits shall be removed from behind the silt fencing prior to reaching one-half the height of the fence or a second fence shall be installed.
6. **Maybeury Drive Improvements**. A right turn lane and improvements along Maybeury Drive shall be constructed in general conformance with the Site Layout Plan when required at the time of POD review. Such improvements shall include signal modifications and improvements to the existing facilities at Patterson Avenue and Maybeury Drive, any dedication of right-of-way needed, the installation of curb and gutter, pavement widening, and any necessary storm sewer along this portion of Maybeury Drive.
7. **Sidewalks**. Sidewalks shall be installed or refurbished in or adjacent to the rights-of-way for Patterson Avenue and Maybeury Drive in general conformance with the Site Layout Plan, subject to receipt of all necessary approvals and unless otherwise prohibited by law or government regulation.
8. **Building Materials**. Any building shall have exposed exterior walls (above finished grade and exclusive of trim, windows and doors) of full standard brick, stone, cementitious siding, or a combination of the foregoing except that other materials may be used for trim, architectural decorations, or design elements, or as otherwise approved at the time of POD review.
9. **Architectural Treatment and Building Height**. Any building constructed on the Property shall be representative of the style and design of that shown on the conceptual elevation attached hereto as **Exhibit C** and shall be limited to one (1) story in height and shall not exceed twenty-five (25) feet in height.
10. **Entrance Feature**. The entrance to the Property from Maybeury Drive shall be designed and complemented with landscaping and an externally lit detached monument sign not to exceed thirty-six (36) square feet in area or six (6) feet in height to be located within thirty (30) feet of the entrance off Maybeury Drive. Any signs attached to the building (other than directional signage), changeable message signs, and electronic message centers shall be prohibited.

11. **Uses/Restrictions.** The Property shall only be used as an assisted living facility with memory care and such other accessory uses as are permitted in the R-6 Zoning District.
12. **Density.** The maximum number of residential units shall not exceed 98 units.
13. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the property line in a manner approved at the time of Site Layout Plan review.
14. **Trash Receptacles.** Dumpsters and trash receptacles, not including convenience containers, shall be screened from public view at ground level at the perimeter of the Property, with masonry on three (3) sides complementary to the building it serves. The fourth (4th) side shall have a gate or door that is of a substantial and durable material as determined at the time of POD review. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a nuisance.
15. **Hours of Construction.** The hours of exterior construction (such as earth moving, grading or land clearing activities) including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Signs, in both English and Spanish, stating the above referenced provisions shall be posted and maintained at all entrances to the Property prior to any land disturbances activities thereon.
16. **Construction Traffic and Parking.** Construction vehicles shall only be permitted to access the Property by way of the Access Road and not Maybeury Drive. Parking of construction vehicles and any vehicles belonging to construction contractor or subcontractor employees shall be prohibited in any public right-of-way, on Maybeury Elementary School property or in front of any individual residences within the surrounding area, including, but not limited to the Waterford Rhye community.
17. **Mud Wash.** The construction entrance off the Access Road shall have a mud wash for the washing of vehicle tires as necessary when leaving the Property.
18. **Burning.** There shall be no burning of natural materials or construction debris during construction on the Property.

19. **Temporary Construction Fence.** Prior to the start of any construction on the Property, temporary construction fences (a) a minimum of six (6) feet in height shall be installed along the boundary lines of the Property along Maybeury Drive and along Maybeury Elementary, and (b) a minimum of eight (8) feet in height shall be installed along the boundary line of the Property along Patterson Avenue. The temporary construction fences shall be at exact locations and of designs as approved by the County at the time of POD review. The temporary construction fences may be removed upon completion of exterior construction of the building on the Property.
20. **Forebay Stormwater Facility Cleaning.** The property owner or developer will pay up to \$15,000 toward a one-time cleaning of the forebay stormwater facility generally located along the northern boundary of Patterson Avenue across from the YMCA property abutting the Property to the east.
21. **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.