

## RESOLUTION

### CASE NO. SUP-7-99. CAROLINA HOUSE OF WILLIAMSBURG

#### ASSISTED LIVING FACILITY

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance, specific land uses that shall be subjected to a special use permit process; and

WHEREAS, Mr. Vernon Geddy, III, has applied on behalf of Williamsburg Health Investors, L.L.C., to amend the conditions of SUP-8-98, James Point Nursing Facility and Office Development, which was approved on July 14, 1998; and

WHEREAS, the applicant has requested a special use permit to allow for the operation of a 22,000-square foot assisted living facility in lieu of the 20,000 square feet of office space approved under case no SUP-8-98; and

WHEREAS, the property is located on land zoned R-8, Rural Residential, and can be further identified as Parcel No. (1-70) on the James City County Real Estate Tax Map No. (47-3); and

WHEREAS, this case is being approved concurrently with James City County Case No. Z-3-99; and

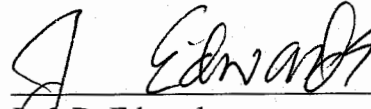
WHEREAS, the Planning Commission, following its public hearing on April 5, 1999, voted unanimously to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-7-99 as described herein with the following conditions:

1. Construction. If construction has not begun on the project within 24 months of the issuance of the special use permit, it shall become void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
2. Uses. The uses of the property shall be limited to a skilled nursing facility no greater than 50,000 square feet and an assisted living facility no greater than 22,000 square feet, and shall be developed in accordance with the master plan entitled, "Carolina House of Williamsburg Assisted Living Facility," prepared by Rickmond Engineering, dated January 15, 1999.
3. Architecture. The developer shall submit with the first site plan for the skilled living facility and for the first site plan for the assisted living facility, architectural elevations of the buildings to include colors and examples of external materials for the roofs and walls, for review and approval by the Director of Planning. Colors and materials shall be used that make the structures blend in with the natural environment of the site. All structures shall have gable roofs. The skilled living facility and the assisted living facility shall be limited to one story in height.

4. Conservation Easement. The owner shall place in a conservation easement acceptable to the County, all land above, and including the 50-foot contour, as generally identified on the conceptual plan entitled "Carolina House of Williamsburg Assisted Living Facility," prepared by Rickmond Engineering, dated January 15, 1999. No land disturbance or grading shall be permitted above the 50-foot contour unless approved by the Director of Planning. In no case shall any land disturbance or grading occur above the 55-foot contour.
5. Buffers and Enhanced Landscaping. There shall be a minimum 100-foot undisturbed wooded buffer between the development and abutting properties generally to the west of the skilled living facility. There shall be a minimum 50-foot undisturbed wooded buffer between the proposed assisted living facility and the residential properties to the east, supplemented with enhanced evergreen landscaping in a manner that provides an effective visual screen as approved by the Director of Planning.
6. Access. Access to the property shall be limited to a single entrance on Jamestown Road. There shall be no access to the property from Sandy Bay Road. The entrance drive shall not have a median strip.
7. Lighting. All light poles shall not exceed 20 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. Security lighting affixed to any building shall be directed downward and shall not glare on adjacent property. All external lighting fixtures shall have recessed fixtures with no bulb, lens, or globe extending below the casing, so as to prevent any view of the light source from the side of the fixture.
8. Accessory Structures. Any storage shed or structure housing utilities on the property shall be subject to Condition 3 above and shall be landscaped as determined by the Director of Planning.
9. Dumpsters. Dumpsters or refuse containers shall be screened from view with a wood fence and shall be located no less than 150 feet from adjacent properties.
10. Archaeological Study. The developer shall submit to the County and to the Virginia Department of Historic Resources (VDHR), an archaeological study prepared in accordance with the County Archaeological Condition Policy on all disturbed areas of the site. The study or studies shall be reviewed and approved by the Director of Planning prior to any land disturbance. The recommendations of the approved study or studies shall be implemented in accordance with the County's Archaeological Condition Policy.
11. Limits of Development. The property zoned LB, Limited Business, on the master plan shall not be developed and shall be maintained as open space as defined in the James City County Zoning Ordinance, except for: the area labeled as "Assisted Living Facility," the single access road generally shown on the plan, and the existing pond proposed for a BMP. The Director of Planning shall approve any and all land disturbance and building demolition activity in this area.

12. Jamestown Road Frontage Land Dedication. Except for the allowed development and land disturbance areas identified in Condition 11 above, and identified on the master plan entitled "Carolina House of Williamsburg Assisted Living Facility," prepared by Rickmond Engineering, dated January 15, 1999, the remainder of the area zoned LB, Limited Business, shall be dedicated in fee or by conservation easement, approved by the County Attorney to an organization acceptable to the Director of Planning prior to final site plan approval.
  
13. Prior to the issuance of a certificate of occupancy for the assisted living facility, the natural open space along Jamestown Road shall be seeded with a native woodland mix to enhance the buffer. The composition of this mix shall be indicated on the site plan and shall be approved by the Director of Planning prior to final site plan approval.
  
14. Single Legislative Act. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Jack D. Edwards  
 Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
 Clerk to the Board

SUPERVISOR	VOTE
NERVITT	AYE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of May, 1999.

SUP-7-99-res