

RESOLUTION

CASE NO. SUP-0002-2012. COLONIAL MANOR PROFFER AMENDMENT

(EPSTEIN REST HOME)

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 (SUP) process; and

WHEREAS, Mr. Pedro Becerra of NOSA Futura Corp. has applied to amend an existing SUP to convert Colonial Manor (the "Facility") to an independent and assisted living facility for the residence and/or care of the aged and to increase the number of permitted units; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP 0002-2012; and

WHEREAS, the proposed Facility is depicted on the plan dated January 9, 2012, and entitled "Colonial Manor Master Plan Amendment;" and

WHEREAS, the proposed Facility is located in its entirety on property zoned R-5, Multi-family Residential, with proffers, further identified as Parcel No. (1-89) on James City County Real Estate Tax Map No. (52-3) in Grove (the "Property"); and

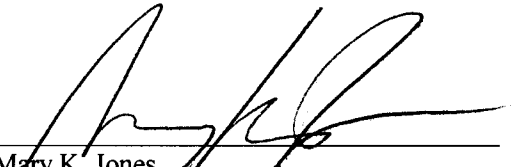
WHEREAS, the Planning Commission, following its public hearing on March 7, 2012, voted 4-0 to recommend approval of Application No. SUP 0002-2012.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby approve Application No. SUP 0002-2012, as described herein, pursuant to the following conditions:

1. This SUP shall allow the establishment and/or continued operation of a 110-bedroom assisted living and independent living facility. The Facility shall maintain at all times a current license from the Virginia Department of Social Services.
2. The required rear landscape buffer shall screen the Facility from adjacent properties and shall be located on the east edge of the Hampton Roads Sanitation District easement.
3. All dumpsters and heating and cooling units shall be screened by landscaping of fencing approved by the Director of Planning prior to final site plan approval.
4. Free-standing signs shall be ground-mounted, monument style and shall be approved by the Director of Planning or his designee prior to final site plan approval.
5. There shall be a 50-foot landscape buffer along Pocahontas Trail right-of-way, containing enhanced landscaping, so that the required number of plants equals up to 133 percent of the County's Landscaping Ordinance requirements with up to 33

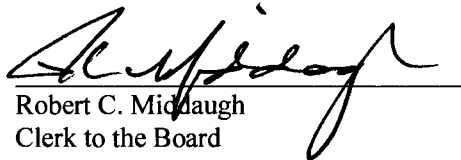
percent of the required number of trees being evergreen. The landscaping plan shall be approved by the Director of Planning prior to final site plan approval.

- 6. All exterior light fixtures on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Director of Planning which indicates no glare outside the property line or any direct view of the lighting source from the street or adjoining residentially designated property.
- 7. Prior to the issuance of a certificate of occupancy, the applicant shall provide documentation to the Director of Planning demonstrating that services or programs shall be provided to all residents within the housing facility. Activities, services, or programs provided may include, but are not limited to, educational classes, health screenings, exercise, and/or crafts, and games. Group transportation, such as a van or shuttle bus, shall be provided to all residents of the facility in order to obtain off-site services.
- 8. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Mary K. Jones
Chairman, Board of Supervisors

ATTEST:



Robert C. Middaugh
Clerk to the Board

SUPERVISOR	VOTE
MCGLENNON	AYE
ICENHOUR	AYE
KALE	AYE
KENNEDY	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of April, 2012.

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