

RESOLUTION

CASE NO. HW 0002-2015. PATRIOT'S COLONY EXPANSION

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by ordinance specific land uses that shall be subjected to a Height Limitation Waiver process; and

WHEREAS, Mr. Todd Martin of Riverside Healthcare Association, Inc. (the "Owner") has applied for a Height Limitation Waiver to allow for four hybrid buildings (the "Buildings"), up to a maximum height of 70 feet above finished grade on property zoned R-4, Residential Planned Community with proffers, that is further identified as James City County Real Estate Tax Map Parcel No. 4520100013; and

WHEREAS, the proposed locations of the Buildings are depicted on the plan prepared by Bowman Consulting, dated February 17, 2016 and entitled "Master Plan Patriot's Colony (Land Bay M-10 of Greensprings);" and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. HW-0002-2015; and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-286 of the James City County Zoning Ordinance have been satisfied, in order to grant a Height Limitation Waiver to allow for the erection of structures in excess of 60 feet in height.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver No. HW-0002-2015 to grant a ten-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of the Buildings up to 70 feet tall from finished grade as described herein, pursuant to the following conditions:

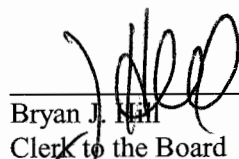
1. **Plan:** This Height Limitation Waiver (the "Waiver") shall be valid for a ten-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of four hybrid buildings (the "Buildings") up to 70 feet above finished grade on property zoned R-4, Residential Planned Community, further identified as James City County Real Estate Tax Map Parcel No. 4520100013, as generally shown on the plan prepared by Bowman Consulting, dated February 17, 2016 and entitled "Master Plan Patriot's Colony (Land Bay M-10 of Greensprings)" (the "Master Plan"). For the purposes of the Waiver, the maximum "finished grade" for the Buildings shall be 41 feet above mean sea level. The height of the Buildings shall be calculated in accordance with the Zoning Ordinance definition for "Building, height of" in effect as of the adoption date of the Waiver.
2. **Landscaping:** The area along Patriot's Colony Drive that is shown on the Master Plan as "Approx. Area of Landscape Screening" shall be preserved and supplemented as needed and/or replanted with low, mid and high canopy vegetation that is primarily evergreen to provide effective visual screening (the "Visual Buffer"). The Owner shall submit a landscape plan for the Visual Buffer for review and approval by the Director of Planning, or his designee, prior to final site plan approval for any portion of development of the area on the Master Plan identified as "Phase B, Future Institutional, 120 beds/units proposed."

3. **Lighting:** No building-mounted lighting shall be installed on the side of the Buildings adjacent to the 50-foot historical buffer as shown on the Master Plan (the "Historical Buffer"). Any parking lot lighting along the Historical Buffer shall be directed downward and shall not illuminate the vertical surfaces of the Buildings. The Owner shall demonstrate compliance with this by submitting a lighting plan for review and approval by the Director of Planning or his designee prior to final site plan approval for any building adjacent to the Historical Buffer.
4. **Severability:** This Waiver is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.


Michael J. Hipple

Chairman, Board of Supervisors

ATTEST:


Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of April, 2016.

HW02-15PatColExp-res