

RESOLUTION

CASE NO. SUP-0006-2015/Z-0004-2015 WILLIAMSBURG LANDING EXPANSION

SPECIAL USE PERMIT AND PROFFER AMENDMENT; AMENDMENT AND

RESTATEMENT OF CASE NO. SUP-0010-2014

WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board") has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Williamsburg Landing, Inc. owns a parcel of property located at 5560 Williamsburg Landing Dr. on land zoned R-5, Multi-family Residential with proffers, further identified as James City County Real Estate Tax Map Parcel No. 4820100003 (the "Property"), as shown on the exhibit titled "Williamsburg Landing Conceptual Plan" dated November 19, 2015, prepared by RLPS Architects (the "Exhibit"); and

WHEREAS, on January 13, 2009, the Board approved SUP-0018-2008 and Z-0002-2008, and accepted voluntary proffers which allowed for a total of 287 on-site units to be built on the Property, comprised of no more than 100 nursing units, 100 assisted living units and 87 independent living units; and

WHEREAS, on September 13, 2014, the Board approved SUP-0010-2014, restating and amending the conditions associated with SUP-0018-2008; and

WHEREAS, Mr. William Holt, of Kaufman and Canoles (the "Applicant"), on behalf of Williamsburg Landing, Inc. (the "Owner"), has applied to amend the conditions of SUP-0010-2014 to allow for four additional living units on the Property, with no increase in the number of independent living units and no change in the overall density of the site; and to alter the previously approved site design, as approved under SUP-0018-2008/Z-0002-2008; and to amend the adopted, voluntary proffers associated with Z-0002-2008, to allow for the same increase in living units and changes to the approved site design; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Cases SUP-0006-2015 and Z-0004-2015; and

WHEREAS, the Planning Commission, following its public hearing on December 2, 2015, recommended approval of this application by a vote of 6-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this request to be consistent with the 2035 Comprehensive Plan Land Use designation for this site.


NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0004-2015 described herein and accepts the voluntary proffers (the "Amended Proffers").

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing and consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of SUP No. 0006-2015 as described herein with the following conditions, which amend, restate and supersede the conditions of SUP-0010-2014:

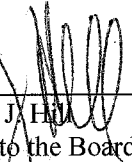
1. *Master Plan.* This SUP shall be valid for the proposed development (the "Project"), existing buildings and accessory structures and other minor improvements on properties located at 5560 Williamsburg Landing Dr. and further identified as James City County Real Estate Tax Map Parcel No. 4820100003 (the "Property"). Development of the Property shall be generally in accordance with the plan entitled "Williamsburg Landing Conceptual Plan" dated November 19, 2015, and prepared by RLPS Architects (the "Exhibit") with such minor changes as the planning director, or his designee, determines do not change the basic concept or character of the development. In the event the planning director finds that the proposed change alters the basic concept or character of the development the applicant may appeal the planning director's determination to the Development Review Committee.
2. *Commencement.* If construction has not commenced on the Project within 36 months from the issuance of the SUP, it shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
3. *Permitted Living Units and Limits.* This SUP shall be limited to the following specially permitted uses:
 - Single-family dwellings
 - Nursing homes and facilities for the residence and/or care of the aged.

These specially permitted uses are in addition to those generally permitted uses specified in Proffer No. 1 of the Amended Proffers. The aggregate number of generally and specially permitted living units on the Property shall not exceed 291, including all independent living units, assisted living units and skilled nursing units; however, no more than 87 independent living units shall be allowed in such total.

4. *Severability.* This SUP 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. Hipple
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 January, 2016.

SUP06-15-Z04-15-res