

RESOLUTION

CASE NO. HW-0001-2017. WILLIAMSBURG LANDING MARCLAY ROAD

HEIGHT LIMITATION WAIVER

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

WHEREAS, Mr. William Holt, of Kaufman and Canoles (the "Applicant"), on behalf of Williamsburg Landing, Inc., has applied for a Height Limitation Waiver to allow for the construction of independent living facility apartment buildings (the "Buildings") that is approximately 60 feet above finished grade at their highest points; and

WHEREAS, the Buildings will be constructed on property zoned R-5, Multifamily Residential, further identified as a portion of James City County Real Estate Tax Map No. 4820100012; and

WHEREAS, the location of the highest point of the Buildings is depicted on the plan prepared by Guernsey Tingle, entitled "Master Plan for Williamsburg Landing Marclay Road Property;" dated February 27, 2017; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. HW-0001-2017.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of James City County, Virginia, finds that the requirements of Section 24-418(c) 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 35 feet in height for the construction of the Buildings.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-0001-2017 to grant a 25 foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of buildings up to 60 feet tall from finished grade as described herein, pursuant to the following conditions:

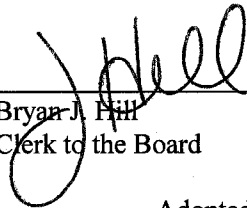
1. **Height Limitations:** This Height Limitation Waiver (the "Waiver") shall be valid for a 25-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of buildings up to 60 feet above ground level (or up to 130 feet above mean sea level) (the "Buildings") on property zoned R-5, Multifamily Residential, further identified as a portion of James City County Real Estate Tax Map Parcel No. 4820100012, as generally shown on the plan prepared by Guernsey Tingle, dated February 27, 2017 and entitled "Master Plan for Williamsburg Landing Marclay Road Property" (the "Master Plan"). 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. **As Built Survey:** An as-built survey shall be submitted to and approved by the Director of Planning for any building exceeding the permitted building height in the zoning district prior to final Certificate of Occupancy. The intent of this condition is to ensure compliance with the Waiver and any permits or conditions set forth by the Federal Aviation Administration and or the Virginia Department of Aviation.
- 3. **Location Applicable to Master Plan:** The Waiver shall only apply to Area II Unit Type D on the Master Plan.
- 4. **Severability:** The Waiver is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.



Kevin D. Onizuk
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"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<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"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of December, 2017.

MarclayR-HeightLW-res