

RESOLUTION

CASE NOS. SUP-0001-2017/Z-0001-2017/MP-0001-2017.

WILLIAMSBURG LANDING, MARCLAY ROAD

SPECIAL USE PERMIT, REZONING AND MASTER PLAN

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, Short Neck LLC (the "Owner") owns a parcel of property located at 20 Marclay Road on land zoned R-8, Rural Residential, further identified as James City County Real Estate Tax Map Parcel No. 4820100012 (the "Property"), as shown on the exhibit titled "Master Plan for Williamsburg Landing Marclay Road Property" dated February 27, 2017, prepared by Guernsey Tingle (the "Exhibit"); and

WHEREAS, Mr. William Holt, of Kaufman and Canoles (the "Applicant"), on behalf of the Owner and Williamsburg Landing, Inc., has applied to rezone a portion of the Property from R-8, Rural Residential to R-5, Multifamily Residential and for an SUP to allow for independent living facility units, as shown on the Exhibit; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case Nos. SUP-0001-2017, Z-0001-2017 and MP-0001-2017; and

WHEREAS, the Planning Commission, following its public hearing on November 1, 2017, recommended approval of this application by a vote of 7-0; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. Z-0001-2017 and MP-0001-2017 described herein.

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. 0001-2017 as described herein with the following conditions:

1. **Master Plan:** This SUP shall be valid for the proposed development (the "Project"), on a portion of property located at 20 Marclay Road and further identified as a portion of James City County Real Estate Tax Map Parcel No. 4820100012 (the "Property"). Development of the Property shall be generally in accordance with the plan entitled "Master Plan for Williamsburg Landing Marclay Road Property" made by Guernsey Tingle and dated February 27, 2017 (the "Master Plan"), with any deviations considered pursuant to Section 24-23(a)(2) of the James City County Code, as amended (the "County Code"). Prior to or concurrent with submission of development plans, a conceptual plan shall be turned in for each corresponding area shown on the Master

Plan. The Director of Planning shall approve said conceptual plan(s), which shall, at minimum, describe the dwelling unit land types and identify road locations, recreation areas and improvements, trails or pedestrian paths, common and natural open space, buffers and proposed clearing limits.

2. **VDOA Condition:** Evidence of a determination of “NO hazard” from the Federal Aviation Administration (FAA) shall be submitted to the Director of Planning prior to any final site plan approval for any structure on the Property.
3. **VDOA Condition:** No structure or vegetation growth shall penetrate any surface regulated by 14 CFR Part 77, as amended, or violate any other Federal Aviation Regulation. Documentation verifying compliance with this condition shall be submitted to the Director of Planning prior to any final site plan approval for any structure on the Property. The owner shall be responsible for monitoring and maintaining all vegetation on the Property in compliance with this standard.
4. **VDOA Condition:** As long as there is an operating airport adjacent to the Property, the owner shall include a disclosure of the Property’s proximity to an airport and the possibility of associated noise (i) in its Continuing Care Retirement Community (CCRC) Disclosure Statement required by law to be filed with the Commonwealth of Virginia and provided to, and receipt acknowledged by, each prospective resident prior to that resident’s becoming a resident of a residential structure at the Property, or (ii) in the event a CCRC Disclosure Statement is not provided to such prospective resident or the required disclosure is not by law or other reason included in the CCRC Disclosure Statement provided to a prospective resident, in a separate disclosure document to such prospective resident that shall include a resident acknowledgement of receipt. Resident acknowledgements of receipt shall be kept on file by, or on behalf of the owner. The owner shall submit a copy of the disclosure to the Director of Planning for review and approval prior to final site plan approval for any structure on the Property.
5. **Architectural Elevations/Design:** The Property shall be developed substantially in accordance with the Williamsburg Landing - Marclay Road Property Architectural Guidelines” dated February 27, 2017 (the “Architectural Guidelines”). The colors, design, building materials and architecture (“Elevations”) for any structure constructed on the Property shall be consistent, as determined by the Director of Planning, with the Architectural Guidelines and with the building materials, scale and colors of the existing Williamsburg Landing development. If the Director of Planning finds the Elevations inconsistent with the Architectural Guidelines and/or the existing development, the owner may appeal the decision of the Director of Planning to the Development Review Committee which shall forward a recommendation to the Planning Commission.
6. **Archaeological:** A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for his review and approval prior to site plan preliminary approval. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National

Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to preliminary approval within the study areas. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

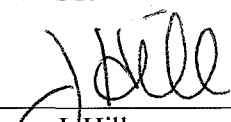
7. **Signage:** With the exception of one 24-square-foot sign at the service entrance location and one 24-square-foot sign at the location of the emergency vehicle entrance, no signage for the Project shall be permitted along the Property's frontage on Marclay Road.
8. **Ingress and Egress:** No public entrances to the Property shall be permitted along Marclay Road other than one service and one emergency vehicle entrance.
9. **Water Conservation Standards:** The owner shall be responsible for developing and enforcing water conservation standards applicable to the Property, which standards shall be submitted to and approved by the James City Service Authority (the "JCSA") in accordance with the Water Conservation Guidelines adopted by the Board of Supervisors on November 27, 2007. The standards shall address but not be limited to, such water conservation measures as limitations on the use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances all to promote water conservation and to eliminate the use of public water resources. The standards shall be submitted to and reviewed by the JCSA General Manager for general consistency with this condition and shall be approved by the JCSA prior to final development plan approval.
10. **JCSA Infrastructure Upgrade:** Prior to site plan approval, an analysis of the existing gravity mains, pump stations and force mains impacted by the Project must show there is adequate capacity to accept the flow based on the Regional Design Guidelines, or what upgrades are required to provide adequate capacity. The analysis shall be approved by the JCSA General Manager and the Director of Planning prior to site plan approval and any upgrades required by the analysis shall be shown on the plan and completed prior to issuance of a Certificate of Occupancy for any unit that would exceed the current pump station's capacity.
11. **Streetscapes:** Streetscape improvements shall be installed along all streets in accordance with the Streetscape Guidelines Policy. The streetscape improvements shall be shown on the plan of development and approved by the Director of Planning or his designee prior to final site plan approval.

- 12. **Landscaping:** A landscaping plan shall be approved by the Director of Planning or his designee prior to final site plan approval and with such approved landscaping installed or guaranteed with a surety to the County in an amount acceptable to the Director of Planning prior to the issuance of a Certificate of Occupancy. The buffer along the portions of the Property adjacent to the airport in Area III on the Master Plan and within the 50-foot buffer in Area I shall be landscaped to the provisions of Section 24-96 of the County Code for General Landscape Areas.
- 13. **Nutrient Management Plan:** A nutrient management plan (the "NMP") shall be prepared by a certified nutrient management planner for all of the area within the defined limits of disturbance for the Project. The purpose of the NMP is to provide for long-term establishment and maintenance of turf grass, pasture, rangeland, or other similar type vegetative cover which preserve the long-term soil health. The NMP shall be approved by the County's Director of Stormwater and Resource Protection Division prior to 50% of final Certificate of Occupancy approvals for the Project.
- 14. **Traffic:** A right-turn lane warrant analysis for the Lake Powell Road and Williamsburg Landing Drive intersection shall be submitted to and approved by the Director of Planning and the Virginia Department of Transportation (VDOT) prior to final site plan approval. Should the approved analysis demonstrate that improvements are warranted, such improvements shall be installed or guaranteed with a surety to the County in an amount acceptable to VDOT and the Director of Planning prior to the issuance of any Certificate of Occupancy.
- 15. **Commencement of Construction:** If construction has not commenced on the Project within 120 months (10 years) from the issuance of this SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
- 16. **Severability:** This SUP 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	✓	—	—
SADLER	✓	—	—
HIPPLE	✓	—	—
LARSON	✓	—	—
ONIZUK	✓	—	—

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

MarclayRd-res