

RESOLUTION

CASE NO. SUP 19-0020 FOREST HEIGHTS

WHEREAS, on December 1, 2011, the Board of Supervisors of James City County, Virginia (the “Board”) rezoned approximately 47.1 acres from R-2, General Residential to MU, Mixed Use, with proffers applicable to the properties owned by the County and the Salvation Army (the “Forest Heights MU District”); and

WHEREAS, on August 13, 2019, the Board adopted a resolution initiating the consideration of rezoning the Forest Heights MU District from MU, Mixed Use and MU, Mixed Use with proffers to R-3, Residential Redevelopment and R-3, Residential Redevelopment with proffers; and

WHEREAS, in conjunction with this rezoning, Mr. Doug Harbin of Wayne Harbin Builder, Inc. on behalf of the Salvation Army, applied for a 50-unit independent living facility on ± 11.42 acres located at 6015 Richmond Road, further identified as James City County Real Estate Tax Map No. 3220100081 within the Forest Heights R-3, Residential Redevelopment District; and

WHEREAS, in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended, and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. SUP 19-0020; and

WHEREAS, on November 6, 2019, the Planning Commission recommended approval of Case No. SUP 19-0020 by a vote of 6-0; and

WHEREAS, the Board finds Case No. SUP 19-0020 to be required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve Case No. SUP 19-0020 with the following conditions:

1. Master Plan: This Special Use Permit (“SUP”) shall allow an independent living facility of up to fifty (50) units (the “Facility”) on an approximately 2.97 developable acre portion of property located at 6015 Richmond Road, further identified as a portion of James City County Real Estate Tax Map Parcel No. 3220100081 (the “Property”). The Property is designated as “senior living facility” on the Master Plan entitled, “Master Plan Amendments for Forest Heights Neighborhood” prepared by LandTech Resources and dated September 25, 2019 (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Subdivision: Prior to final site plan approval, a plat of subdivision shall be recorded for the Property to allow the Facility to be located on an independent parcel of property.
3. Architecture: Prior to final site plan approval, the Director of Planning shall review and approve the final architectural design of the Facility. The Facility shall be reasonably consistent, as determined by the Director of Planning, with the architectural elevations titled “Forest Heights” submitted with this SUP application, dated September 26, 2019 and drawn by DBF Associate Architects.

4. Water Conservation: Water conservation standards shall be enforced on the Property. Water conservation standards shall be submitted to and approved by the James City Service Authority prior to site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
5. Landscaping & Buffering: A landscape plan for the Property shall be submitted for review and approval by the Director of Planning with the initial plan of development for the Facility. The landscape plan shall show landscaping meeting the 50-foot Urban/Suburban Character Corridor landscape buffer consistent with the Community Character Corridor Buffer Treatment Guidelines policy. All landscaping on the landscape plan shall be installed or guaranteed prior to the issuance of the initial final Certificate of Occupancy for the Facility. The amount of any surety guaranteeing installation of landscaping shall be determined by the Director of Planning or designee.
6. Screening: Dumpsters shall be screened with a brick enclosure or other materials substantially in accordance with the architectural character of the Facility, as shown on architectural elevations titled "Forest Heights" submitted with this SUP application, dated September 26, 2019 and drawn by dBF Associate Architects.
7. Commencement of Construction: If construction has not commenced on the Facility within thirty (36) months from the issuance of this SUP, the SUP shall automatically be void. Commencement of construction shall be defined as satisfying both:(i) obtained permits for building construction, and ii) footings and/or foundation passed required inspections.
8. Severability: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

James O. Icenhour, Jr.
Chairman, Board of Supervisors

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of December 2019.