

RESOLUTION

CASE NO. Z-0002-2008/SUP-0018-2008/HW-0004-2008.

WILLIAMSBURG LANDING EXPANSION

- WHEREAS, Williamsburg Landing, Inc. owns a parcel of property located at 5560 Williamsburg Landing Drive and further identified as Parcel No. (1-33) on the James City County Real Estate Tax Map No. (48-1) (the "Property"); and
- WHEREAS, the Property is currently zoned R-5, Multi-family Residential with Proffers, and designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map; and
- WHEREAS, Kaufman and Canoles PC, has applied on behalf of Williamsburg Landing, Inc. to amend the proffers; to obtain a Special Use Permit (SUP) to allow for an increase in assisted living units (not to exceed 100) and nursing units (not to exceed 100) and a decrease in independent living units (not to exceed 87); and to obtain a height limitation waiver to allow for the construction of two three-story buildings to house independent living units; and
- WHEREAS, the proposed expansion is shown on a conceptual plan, entitled "Williamsburg Landing Conceptual Plan" prepared by RLPS Architects of Lancaster, Pennsylvania and dated November 7, 2008; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on December 3, 2008, recommended approval of cases Z-0002-2008 and SUP-0018-2008 by a vote of 6-0; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Land Use Map designation for this site; and
- WHEREAS, the Board of Supervisors finds that the requirements of Section 24-314 (j) of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures up to 50 feet.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve the issuance of a height limitation waiver under Case No. HW-0004-2008.

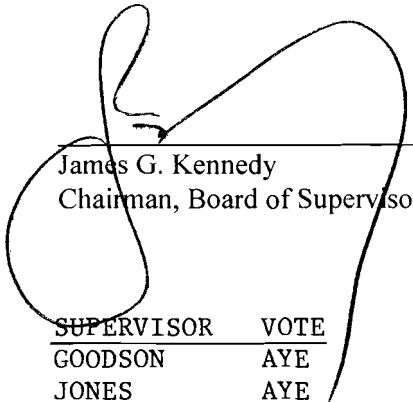
BE IT FURTHER RESOLVED that Case No. Z-0002-2008 is approved and proffers accepted.

BE IT FURTHER RESOLVED that Case No. SUP-0018-2008 is approved with the following conditions:

1. Development of the site shall be generally in accordance with the above-referenced master plan as determined by the Development Review Committee (DRC) of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. 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. 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.

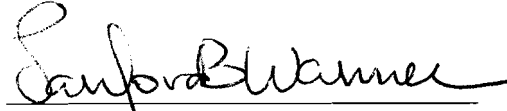
These specially permitted uses are in addition to those generally permitted uses specified in Proffer 1 of the Amended Proffers. Nursing home facilities shall be limited to one 100-bed nursing home. Assisted living units shall be limited to 100 units. Independent units shall be limited to 87 units.

4. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



James G. Kennedy
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
GOODSON	AYE
JONES	AYE
MCGLENNON	AYE
ICENHOUR	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of January, 2009.