

## RESOLUTION

CASE NO. SUP-0015-2008. FRANCISCAN BRETHREN OF ST. PHILIP

### ADULT DAY CARE CENTER

WHEREAS, Ms. Margaret Walubuka has applied for a Special Use Permit (SUP) to allow for a 36-person adult day care center to be operated in the existing single-family-detached house located on the subject parcel; and

WHEREAS, the subject parcel may be identified as James City County Real Estate Tax Map Parcel No. 2430200002. The 2.44-acre parcel is zoned R-8, Rural Residential, and is located at 6422 Centerville Road; and

WHEREAS, the proposed development is shown on a Master Plan, entitled "Binding Master Plan for Franciscan Brethren of St. Philip Adult Day Care Special Use Permit No. JCC SUP-0015-2008," prepared by Frederick A. Gibson & Associates, P.C., and dated November 11, 2008; and

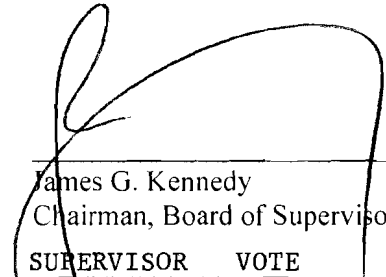
WHEREAS, Section 24-349 of the James City County Zoning Ordinance provides that adult day care centers may be operated on property zoned R-8 only with an approved SUP from the Board of Supervisors; and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 4, 2009, recommended approval of this application by a vote of 6-0, with one member absent.


NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit SUP-0015-2008 with the following conditions:

- 1) **Master Plan and Use:** This Special Use Permit ("SUP") shall be valid for the operation of an adult day care center (the "Project"), as defined by the zoning ordinance, within the existing residence on the subject property, defined herein as 6422 Centerville Road, further identified as James City County Real Estate Tax Map No. 2430200002 (the "Property"). The adult day care center may accommodate an enrollment capacity of no more than 36 adults, attended by up to nine caregivers, for a total of 45 persons in the center. Development of the site shall be generally in accordance with, and as depicted on, the binding Master Plan drawing, entitled "Binding Master Plan for Franciscan Brethren of St. Philip Adult Day Care," prepared by Frederick A. Gibson & Associates, P.C., and dated November 11, 2008.
- 2) **Lighting:** Any exterior lighting added on the Property shall not cause light spillage on any neighboring property, to be defined as light measured at greater than 0.1 footcandle at any property boundary.

- 3) **Existing Well and Septic Field:** The applicant shall abandon the existing well and septic field facility on the Property in accordance with Virginia Department of Health and James City requirements.
- 4) **Water Conservation:** The applicant shall be responsible for developing water conservation standards for the Property, to be submitted to and approved by the James City Service Authority (JCSA), and, subsequently, for enforcing these standards. These standards shall address such water conservation measures as limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources.
- 5) **Compliance with Regulations:** Operation of the adult day care center shall comply with all state and local codes, requirements, and regulations, including the Building Code and Fire Code.
- 6) **Validity of Special Use Permit:** The adult day care center permitted by this Special Use Permit shall be properly permitted through the Commonwealth of Virginia, as evidenced by the submission of a copy of an appropriate state license to the Director of Planning, and put into operation within twenty-four months of issuance of this SUP, or the SUP shall become void.
- 7) **Hours of Operation:** The hours of operation for the adult day care center, including the loading or unloading of vehicles, shall be limited to 6:30 a.m. to 7:00 p.m., seven-days-a-week.
- 8) **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

  
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 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 14th day of April, 2009.