

RESOLUTION

CASE NO. SUP-28-05. NEW DAWN ASSISTED LIVING

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit (SUP) process; and

WHEREAS, Mr. Brian May has applied for an amendment to SUP-7-99 to allow for the construction of a 30,000 square foot assisted living facility; and

WHEREAS, the land is located on a parcel zoned both R-8, Rural Residential, and LB, Limited Business, and can be further identified as Parcel No. (1-70A) on James City County Real Estate Tax Map No. (47-3); and

WHEREAS, the Planning Commission of James City County, following a public hearing on October 3, 2005, recommended approval of Case No. SUP-28-05 by a 6-0 vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-28-05 as described herein with the following conditions:

1. Master Plan: This Special Use Permit shall be valid for an assisted living facility no larger than 30,000 square feet and accessory uses thereto. Development of the site shall be generally in accordance with the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005, as determined by the Development Review Committee 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. Architecture: Prior to final site plan approval, the Director of Planning shall review and approve the final architectural design of the building. Such building shall be generally consistent, as determined by the Director of Planning, with the architectural elevations titled "New Dawn Assisted Living Facility" submitted with this special use permit application, dated August 22, 2005, and drawn by Dewberry and Davis, Inc.
3. Buffers: There shall be a minimum 50-foot undisturbed wooded buffer between the proposed assisted living facility and the residential properties to the east as shown on the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005. The construction of a trail within the landscape buffer as shown on the master plan is permitted provided no trees are removed before or after construction. There shall also be a 10-foot building setback line from all natural open space conservation easements as shown on the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005.
4. Lighting: Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below

the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines.

5. Dumpsters: All dumpsters and heating and cooling units, whether on the ground or affixed on the rooftop, shall be screened from view by landscaping, fencing, or other alternative that provides similarly adequate screening, as determined and approved by the Director of Planning prior to final site plan approval.
6. Archaeology: A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. 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 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 land disturbance 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. Buffer Enhancement: Prior to the issuance of a certificate of occupancy for the assisted living facility, the natural open space easement along Jamestown Road as designated on the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005, shall be seeded with a native woodland mix to enhance the buffer. The composition of this mix shall be indicated on the site plan and shall be approved by the Director of Planning prior to final site plan approval.
8. Enhanced Landscaping: The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen.
9. Water Conservation: The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development 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.

10. Stormwater Management: The owner shall submit to the County a master stormwater management plan as a part of the initial site or development plan submittal for the Property, including the stormwater management BMP ponds, methods and measure to reduce fecal bacteria, low impact design techniques where appropriate and feasible for review and approval by the Environmental Division. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the master stormwater management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.
11. Construction: If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
12. Severance Clause: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2005.

Sup-28-05.res