

**SPECIAL USE PERMIT 32-04. Diamond Health Care--Williamsburg Place
Staff Report for January 10, 2005 Planning Commission Meeting**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS 7:00pm, Building F Board Room; County Government Center

Planning Commission: January 10, 2005
Board of Supervisors: February 8, 2005 (tentative)

SUMMARY FACTS

Applicant: Greg Davis and Dustin DeVore of Kaufman & Canoles

Land Owner: Diamond Healthcare of Williamsburg, Inc.

Proposed Use: Expand the existing dining room and office space, and add twelve outpatient residential units.

Location: 5477 & 5485 Mooretown Road

Tax Map/Parcel: (33-3)(1-11B) & (33-3)(1-11C)

Parcel Size: 9.3 acres with this SUP application applying to 5.4 acres

Zoning: M-1, Limited Business/Industrial

Comprehensive Plan: Limited Industry

Primary Service Area: Yes

STAFF RECOMMENDATION

Williamsburg Place has been an existing business within James City County since 1989. Staff believes the proposed Williamsburg Place expansion to provide existing patients living accommodations on-site is a complimentary use to the surrounding properties with minimal public impacts. Staff recommends the Planning Commission approve this special use permit application and parking waiver reduction request with the conditions listed in the staff report.

Staff Contact: Karen Drake, Senior Planner Phone: 253-6685

PROJECT DESCRIPTION AND PROPOSED OPERATION

In February, 1989, the Board of Supervisors approved JCC Case No. SUP-44-88, allowing Diamond Healthcare of Williamsburg to operate a residential alcoholic treatment center on an approximate 2.6 acre parcel located on Mooretown Road. The facility would contain 40 beds, 4 offices, a lounge, and a dining/multipurpose room. The State of Virginia issued in 1989 a Medical Care Facilities Certificate of Public Need to the Diamond Healthcare Corporation (Diamond) for the establishment of an intermediate care substance abuse treatment facility to contain 20 intermediate care beds. The facility would also include an additional 10 custodial care beds to serve inpatients who have completed the program but require additional "transitional" time before leaving. In October, 1992, the Board of Supervisors approved a second SUP, JCC Case No. SUP-22-92, Diamond Healthcare—Williamsburg Place to add a 12 bed psychiatric unit and accessory outpatient facilities to the existing center.

Now Mr. Greg Davis and Mr. Dustin Devore of Kaufman and Canoles have applied for a third special use permit to expand the existing dining room and office space and add 12 additional outpatient units to house 48 patients, some of which are currently living in apartments throughout the County, and add one additional unit for non-patient guests such as visiting physicians or patient family members. A Special Use Permit is necessary to operate a hospital on property zoned M-1, Limited Business/Industrial district.

The need for on-site outpatient units at Williamsburg Place has become particularly acute due to changes in Federal law brought about in response to the events of September 11, 2001. Since its opening, Diamond Healthcare has utilized a number of area apartment complexes to house outpatients of the facility without incident. Due to the requirements of the Patriot Act and associated FBI memoranda, however, many area apartment complexes are no longer leasing to Diamond on a corporate basis without identification of individual tenants. The apartment complexes are now requiring background checks on individual residents as a condition of leasing the apartments. At the same time, the privacy protections afforded to Diamond's patients by Federal Law (42 C.F.R. §2.11 *et seq.*) stipulate that Diamond cannot release the names of its patients to the apartment complexes. This has led to Diamond's request for another special use permit to construct the on-campus units generally illustrated in the attached conceptual plan.

Over the past year, Williamsburg Place averaged 56 patients, 20 inpatients and 36 outpatients. Inpatients at the facility are under 24-hour supervision by the staff and require a much higher level of care than outpatients. Outpatients are free to come and go as they please and are not under continual supervision by the staff. The total number of inpatients permitted at the facility is capped at 40 per the existing SUP conditions and at 30 by the State Public Certificate of Need. The number of in-patients is not proposed to change with this application. The number of outpatients served by Williamsburg Place would be restricted directly by the availability of the proposed 48 bed outpatient housing units and indirectly by the Patriot Act. The number of outpatients is not regulated by the State Public Certificate of Need and could fluctuate if accommodations were found at a local hotel or if a patient lived in Hampton Roads. Diamond Healthcare employs approximately 60 full or part-time employees.

PUBLIC IMPACTS

Environmental Impacts

◆ **Watershed:** Powhatan Creek

The site is relatively flat and wooded with the existing entrance proposed to be converted to a service entrance only. A new main entrance is proposed that would serve the existing site, proposed expansion, as well as future development on the remainder of the property.

◆ **Environmental Staff Comments:**

Current information from the Environmental Division indicates that this project is located within

the Powhatan Creek Watershed and is subject to the eight goals and 21 priorities associated with the Powhatan Creek Watershed Management Plan adopted by the James City County Board of Supervisors February 26, 2002. Staff expects these goals and priorities such as stormwater retrofitting and onsite stormwater management to be addressed at the development plan stage, as indicated by the note on the conceptual plan.

Public Utilities

- ◆ The site is served by public water and sewer.
- ◆ Water conservation measures are proposed in a recommended condition.
- ◆ **JCSA Staff Comments:** There are no immediate concerns regarding the proposed expansion, however a further detailed review will be required at the development plan stage

Traffic

- ◆ **Proposed Traffic:** Williamsburg Place fronts on Mooretown Road which is located in York County. An estimated 385 vehicle trips per day would be generated by the expansion and does not trigger the 1,000 vehicle trips per day requirement for a complete traffic study submitted with the special use permit application.
- ◆ **2002 VDOT Traffic Count:** 4,400 vehicle trips per day.
- ◆ **James City County 2003 Comprehensive Plan:** A two lane collector road with left turn lanes has a capacity of 14,000 vehicles per day.
- ◆ **VDOT Comments:** VDOT concurs with the trip generation analysis for this site. The development as proposed will have no adverse impact on State right-of-way or the adjacent road network.
- ◆ **Staff Comments:** Staff concurs with VDOT considering that the overall number of patients at Williamsburg Place is not increasing but would be relocating should this application be approved.

Regarding parking, the applicant has requested a waiver from the Planning Commission to reduce the number of required parking spaces provided on site. The Zoning Ordinance requires two parking spaces for every hospital bed or 164 spaces if this application is approved. Williamsburg Place proposes constructing 131 spaces with this expansion. The waiver request to not construct 33 required spaces is based upon Williamsburg Place's experience that the required two parking spaces per bed exceeds their parking needs. Williamsburg Place when fully occupied consists of 25 employees on three shifts per day and 30 occupied beds with an average of 10 patients using their own vehicles with other patients having flown to Williamsburg.

Staff supports the parking waiver request. It would reduce the impervious surface area on the property and would aid Williamsburg Place's goal of a well landscaped campus-like atmosphere. Staff recommends the Planning Commission approve the parking waiver reduction request with the landscaping material that would have been planted around the additional parking spaces be transplanted to the main entrance. (See Condition #6).

COMPREHENSIVE PLAN

Land Use Map Designation: Limited Industry

Limited Industry designates sites within the Primary Service Area for warehousing, office, service industries, light manufacturing plants, and public facilities that have moderate impacts on the surrounding area. Limited industry ordinarily requires access to arterial roads or major collector streets, public water and sewer, nearby police and fire protection, small to moderate sized sites, environmental features such as soils and topography suitable for intense

development, and adequate buffers for nearby residential development. Secondary uses in Limited Industry areas may include office uses and a limited amount of commercial development generally intended to support the needs of employees and other persons associated with an industrial development. The maintenance of an acceptable level of service of roads and other public services and the availability and capacity of public utilities control the timing and intensity of limited industrial development. In the consideration of acceptable land uses for Limited Industry areas, dust, noise, odor, and other adverse environmental effects, not size, are primary location considerations.

Staff Comments: When the first SUP for this site was first reviewed in 1989, staff noted that while the property is designated as Limited Industry, hospitals are not addressed as a use. Staff also noted at that time that the proposed development would have the same economic impact development benefits to James City County as an office development of the same size. Today, staff acknowledges that Williamsburg Place has been an existing business within James City County since 1989 and that hospitals have some similar characteristics and impacts to limited industrial uses. Additionally, the character of Mooretown Road is changing with the relocation of Williamsburg Community Hospital to the area. Williamsburg Place is a complimentary zoning use to the future hospital and to its adjacent neighbor, the Kingdom Hall of Jehovah's Witnesses. Adjacent property to Williamsburg Place on the opposite side of Mooretown Road is located in York County and is designated industrial by the York County Comprehensive Plan. At writing, no comments have been forwarded from York County regarding this expansion.

CONCLUSIONS AND CONDITIONS

Williamsburg Place has been an existing business within James City County since 1989. Staff believes the proposed Williamsburg Place expansion to provide existing patients living accommodations on-site is a complimentary use to the surrounding properties with minimal public impacts. Staff recommends the Planning Commission approve this special use permit application and parking waiver reduction request with the conditions listed below that shall replace conditions of SUP-44-88 and SUP22-92:

1. This special use permit shall allow the establishment and/or continued operation of a forty bed intermediate care substance abuse treatment facility and transitional domiciliary facility; a 12 bed psychiatric unit; a 48 bed outpatient unit and a 4 bed residential unit for visitors. The facility shall maintain at all times a current Certificate of Public Need from the Commission of Health of the Commonwealth of Virginia.
2. Construction on this project shall commence within twenty-four (24) months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
3. As determined by the Planning Director, the plan of development shall be in accordance with the "Williamsburg Place Conceptual Plan" prepared by AES Consulting Engineers and dated November 18, 2004. Access to the two parcels shall be limited to the two entrances depicted, the shared main entrance and the service entrance.
4. Prior to final site plan approval, the common property line between parcels (1-11B) & (1-11C) on the James City County Real Estate Tax Map (33-3) shall be extinguished to create one parcel or relocated as shown on the conceptual plan referenced in Condition #3.

5. All exterior lighting on the property 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. Modifications to this requirement may be approved by the Planning Director if it is determined that the modifications do not have any negative impact on the property or surrounding properties.
6. A landscaping plan shall be approved by the Planning Director prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping 10 feet in width along the first 200 feet along both sides of the new proposed main entrance and enhanced landscaping 10 feet in width along the first 100 feet on both sides of the service entrance to help screen service activities from Mooretown Road. Enhanced landscaping shall be defined so that the required number of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance. A minimum of fifty (50) percent of the trees within the landscape buffers shall be evergreen.
7. The applicant 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 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, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures to promote water conservation and minimize the use of public water resources.
8. Signage for the site shall be limited to one main entrance sign and "Service Only" entrance signage. The number, size and design of the "Service Only" signs will be approved by the Planning Director prior to final site plan approval. The Planning Director shall approve the location of all signage prior to final site plan approval that shall be in accordance with the James City County Zoning Ordinance.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Karen Drake

ATTACHMENTS:

1. Location Map
2. Proposed Conceptual Plan
3. Conceptual Elevations
4. Parking Waiver Request