

**Index File**  
**ZM-172-16 & UP-878-16**  
**Virginia Health Services, Inc.**  
**Assessor's Parcel No. 24-81B**

Requests the following for an 11.8-acre parcel of land located at 113 Battle Road (Route 718) and further identified as Assessor's Parcel No. 24-81B: 1) amendment of the York County Zoning Map by reclassifying an approximately 6.1-acre portion of the referenced parcel from R20 (Medium Density Single Family Residential) to GB (General Business) subject to proffered conditions; and 2) approval of a Special Use Permit, contingent upon approval of the rezoning request, pursuant to Section 24.1-306 of the York County Zoning Ordinance (category 6, No. 3), to authorize a 40-unit senior housing assisted living addition to the existing nursing home located on the subject property. The parcel is zoned R20 and GB and is designated Medium Density Residential and General Business in the Comprehensive Plan. The Medium Density Residential designation is intended to provide opportunities primarily for single-family detached housing having a maximum density of 1.75 dwelling units per acre. The General Business designation is intended to provide opportunities for retail and other commercial uses oriented primarily toward supplying goods or services for a community or regional market.

**Attachments:**

- Staff Memo
- Zoning Map
- Applicant's Narrative
- Proffer Statement
- Sketch Plan
- Rezoning Plat
- Building Elevation Plans
- Community and Fiscal Impact Statement
- BOS Resolution No. R86-195
- Proposed Resolution No. PC16-20 (Rezoning)
- Proposed Resolution No. PC16-21 (Special Use Permit)

# COUNTY OF YORK

## MEMORANDUM

**DATE:** October 31, 2016 (PC Mtg. 11/9/16)

**TO:** York County Planning Commission

**FROM:** Amy M. Parker, Senior Planner

**SUBJECT:** Application Nos. ZM-172-16 and UP-878-16, Virginia Health Services, Inc.

### ISSUE

Application Nos. ZM-172-16 and UP-878-16 request the following for an 11.8-acre parcel of land located at 113 Battle Road (Route 718) and further identified as Assessor's Parcel No. 24-81B: 1) amendment of the York County Zoning Map by reclassifying an approximately 6.1-acre portion of the referenced parcel from R20 (Medium Density Single Family Residential) to GB (General Business) subject to voluntarily proffered conditions; and 2) approval of a Special Use Permit, contingent upon approval of the rezoning request, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 6, No. 3), to authorize a 40-unit senior housing assisted living addition to the existing nursing home located on the 6.1 acre portion of the 11.8-acre subject property. The parcel is zoned R20 and GB and is designated Medium Density Residential and General Business in the Comprehensive Plan.

### DESCRIPTION

- Property Owner: Virginia Health Services, Inc.
- Location: 113 Battle Road (Route (718))
- Area: Approximately 6.1 acres of an 11.8-acre parcel
- Frontage: Approximately 348 feet on George Washington Memorial Highway (Route 17)  
Approximately 892 feet on Battle Road (Route 718)
- Utilities: Public water and sewer
- Topography: Variable
- 2035 Land Use Map Designations: General Business and Medium-Density Residential
- Zoning Classifications: R20 – Medium-Density Single-Family Residential  
GB – General Business

WMP – Watershed Management and Protection area overlay

- Existing Development: 80-bed nursing/convalescent/rehabilitation home
- Surrounding Development:
  - North: Single-family detached dwellings, York County Public Library across Battle Road
  - East: Single-family detached dwellings
  - West: Vacant land, Clairmont Apartments across Route 17
  - South: Nelson’s Grant mixed-use development, Settler’s Crossing single family residential subdivision
- Proposed Development: 40-unit senior housing assisted living addition to existing nursing home

**BACKGROUND**

The subject property has been zoned commercial along the Route 17 frontage and single-family residential at the northern end of the parcel since the time of adoption of the County’s first Zoning Ordinance in 1957. On June 5, 1986, the Board of Supervisors adopted Resolution No. R86-95 (attached) granting a Special Use Permit (SUP) to authorize the establishment of a nursing home of up to 180 units on the property. According to Real Estate Assessment records, the 60-unit southern portion of the nursing home was constructed in 1988. A 20-unit addition was completed at the northern end of the facility in 2014.

**CONSIDERATIONS/CONCLUSIONS**

1. The applicant is requesting to rezone an approximately 6.1-acre portion of the 11.8-acre parcel from R20 (Medium-Density Single-Family Residential) to conditional GB (General Business). The purpose of the rezoning request is to allow establishment of the noted senior housing assisted living use, which is not permitted in the R20 zoning district. (Nursing homes are permitted in the R20 district with a SUP). The area proposed to be rezoned would encompass the existing nursing home facility and the area of the proposed assisted living addition to the rear of the parcel. The applicant has submitted a proposed proffer statement (attached) that would limit use of the area to be rezoned to a 40-unit assisted living facility and an 80-unit nursing convalescent and rehabilitation facility.
2. The Special Use Permit (SUP) application, approval of which is contingent upon approval of the requested rezoning, would permit the noted 40-unit senior housing assisted living addition to the existing facility. According to the applicant’s narrative statement, sketch plans, building elevations, and community and fiscal impact statement (attached), the proposed 41,500-square foot addition would be constructed as a three-story facility containing a mix of 17 studio, 20 one-bedroom, and 3 two-bedroom assisted living apartment units with associated amenities (activity rooms, laundry facilities, library, dining area, etc.). The applicant’s building elevations

indicate that building facades would incorporate a mix of materials (glass, siding, and brick) and a maximum building height of 50 feet, which is the maximum height allowed in the GB district. Management, personnel, and food services would be shared between the two facilities. Site work would include new parking areas, landscaping, a 20-foot fire lane, and an outdoor recreation area.

3. Comprehensive Plan land use designations generally mirror the existing zoning boundaries on the subject parcel. The front portion of the parcel along Route 17 is designated for General Business, with the rear portion designated as Medium Density Residential in recognition of existing single family housing developments. The majority of the land proposed to be rezoned to GB is occupied by the existing nursing home, and logically extends the GB zoning to the rear of the property to include the area of the proposed senior housing assisted living addition.
4. Existing senior housing developments in the County – Colonial Harbor, Heritage Commons, the Verena apartments, and the Villas at Yorktown – are all independent living facilities. In addition, the Board has approved three Special Use Permits for developments containing assisted living facilities: a 300-unit independent and/or assisted living facility on the west side of Route 17 north of the CSX rail spur approved in 2009, conversion of the former George Washington Inn on Merrimac Trail into a 200-unit assisted and/or independent living facility approved in 2012, and a 102-unit assisted living facility at the corner of Victory Boulevard and Hampton Highway (under construction) approved in 2014. Of these, the only facility under active development is the Victory Boulevard facility.
5. Zoning Ordinance parking standards for the addition would require a minimum of 27 parking spaces for the addition, and the applicant's sketch plan indicates 38 proposed parking spaces. The applicant is proposing a new driveway, in addition to the two existing driveways, accessing Battle Road to serve the proposed addition. The Virginia Department of Transportation (VDOT) has reviewed the application and has indicated that it does not recommend approval of the new driveway based on concerns about conflicts with existing single-family residential driveways along Battle Road and lack of compliance with VDOT-required entrance separation distances. Given that the proposed parking design includes an additional eleven (11) spaces above the minimum Zoning Ordinance standards, staff is of the opinion that the layout can easily be redesigned to eliminate the new driveway while accommodating needed parking and access for the proposed addition using existing driveways. A proposed approval condition addresses this issue.
6. Stormwater runoff from the site is handled through an existing retention pond located in the northeastern corner of the applicant's property. New development will be subject to applicable stormwater management regulations. Because of its location in the Harwoods Mill Reservoir drainage area, the property is also subject to Watershed Management and Protection Area (WMP) overlay district regulations. In accordance with these regulations, a Natural Resources Inventory and water quality impact study will be required prior to any land disturbance on the property. A proposed approval condition addresses this issue.

7. The applicant's sketch plan depicts the required 35-foot transitional landscape buffer and 50-foot perimeter landscape buffer areas as well as a row of trees along the eastern property line in the area of the proposed addition. In order to screen views from adjacent residences, staff recommends that required landscape plantings be a combination of 100% evergreen shrubs and trees. In addition to the noted landscape buffers, the building addition will be subject to a required 25-foot perimeter landscape area, which can overlap with adjacent buffers. The applicant's sketch plan indicates a portion of a proposed 20-foot fire access lane would be located in the 50-foot perimeter landscape buffer. If the lane is to be constructed using solid paving (as opposed to grassed paving stones or other grassed geotextile materials), the location of the lane will have to be redesigned outside of the landscape buffer. A proposed approval condition addresses this issue.
8. Compared to other commercial uses that are permitted in the General Business zoning district, senior housing is not a significant traffic generator. According to the ITE *Trip Generation* manual, 8<sup>th</sup> edition, a 40-unit assisted living facility would be expected to generate 86 average daily trips and 16 weekday PM peak-hour trips. According to the ITE trip generation rates, the existing 80-bed facility generates an estimated 190 average daily trips and 24 weekday PM peak-hour trips. Accordingly, total estimates for the entire facility would be 276 average daily trips and 40 weekday PM peak-hour trips. According to the 2015 VDOT Daily Traffic Volume Estimates report, the annual average daily traffic volume for Battle Road is 2,800 vehicles. The estimated additional trips from the proposed addition would represent a 3.1% increase in daily traffic on Battle Road.
9. The applicant has provided a community and fiscal impact statement reflecting the proposed additional assisted living units (copy attached). The document indicates that the new construction would generate approximately \$1,402,000 in local material purchases. In addition, the applicant projects \$63,000 annual revenue in real estate taxes and \$7,750 from business license fees. Total annual revenue generated is estimated at \$86,135. Annual expenditures, taking into account a reduction in educational expenses and an increase in fire and life safety expenditures for a senior population, are estimated at \$79,356. Based on this information, the applicant estimates a positive net fiscal impact of approximately \$6,779 annually.

## **RECOMMENDATION**

The existing nursing home facility has been a successful operation since 1988, and the recent addition of 20 units is verification of its continued success. The introduction of assisted living units to the facility would address a need for senior housing other than independent living uses in the County. This use is consistent with the intent of the General Business zoning district, and the small portion of the parcel to be rezoned from R20 to GB that is not already developed has little, if any, potential for single family residential development. The applicant's proposed proffers would limit uses of the property to an 80-unit nursing/convalescent/rehabilitation facility and a 40-unit assisted living development. Accordingly, development of other more intensive commercial uses normally permitted in the GB district would be precluded on the subject property. Therefore, based on the considerations and conclusions as noted, staff recommends that

the Commission forward these applications to the Board of Supervisors with a recommendation of approval subject to proposed Resolution No. PC16-20 (rezoning) and the conditions set forth in proposed Resolution No. PC16-21 (Special Use Permit).

AMP

#### Attachments

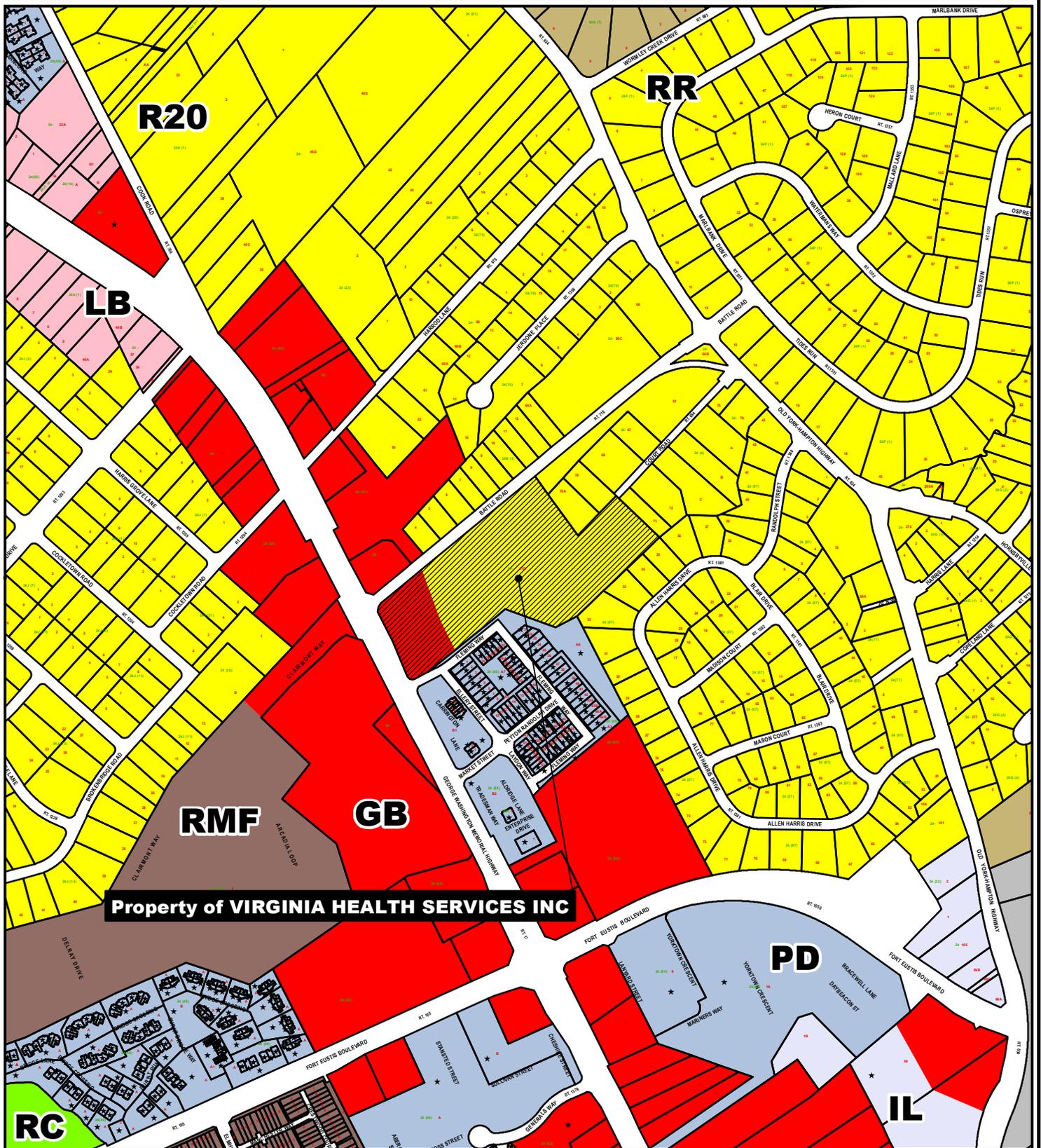
- Zoning Map
- Applicant's narrative
- Proffer statement
- Rezoning plat
- Sketch plan
- Building elevation plans
- Community and Fiscal Impact Statement
- BOS Resolution No. R86-195
- Proposed Resolution No. PC16-20 (rezoning)
- Proposed Resolution No. PC16-21 (Special Use Permit)

**APPLICANT: Virginia Health Services, Inc.**

**ZONING MAP**

- 1) Rezone 6.0 Acres from R20 to GB and
  - 2) SUP for senior housing assisted living facility
- 113 BATTLE RD

**APPLICATION NOS: ZM-172-16 AND UP-878-16**



SOURCE: YORK COUNTY GIS PARCEL DATA and ZONING DATA

THIS IS NOT A LEGAL PLAN. This map should be used for information purposes only. It is not suitable for detailed site planning.

## NARRATIVE STATEMENT

Virginia Health Services, Inc. is a Virginia corporation formed in 1963 (“VHS”). VHS owns seven facilities throughout the Peninsula, including York Convalescent and Rehabilitation Center (“York”). York was constructed in 1987 and originally consisted of a 60 bed nursing home. In 2014, it was expanded to include an additional 20 beds.

In order to provide a continuum of care for its clients and residents, VHS proposes to build a 40-unit assisted living facility connected to the existing convalescent center at York. This concept has been successful in one of VHS’s other facilities located in Newport News. In Newport News, VHS owns a facility known as “The Newport”. In 2015, VHS constructed and opened “The Huntington”, an assisted living facility, providing the continuum of care for its clients. VHS would like to duplicate this concept at York.

The zoning is requested to allow the construction of the assisted living facility and VHS is proffered that only this type of facility will be allowed on the portion of the property proposed to be re-zoned.

VHS has been in operation for more than 50 years and has a reputation for providing quality care for its residents. The zoning application would benefit the residents of York County and there would be no detriment to the surrounding community or neighbors.

VIRGINIA HEALTH SERVICES, INC.

By  \_\_\_\_\_  
Alfred L. Shrieves, Vice-President

592678

RECEIVED  
York County

OCT 7 2016

Planning Division

## PROFFERS

These Proffers are made this \_\_\_\_ day of \_\_\_\_\_, 2016 by and among: VIRGINIA HEALTH SERVICES, INC., a Virginia corporation, (to be indexed as Grantor); County of York, Virginia, a political subdivision of the Commonwealth of Virginia ("County") (to be indexed as Grantee).

### Recitals:

R-1. Virginia Health Services, Inc., a Virginia corporation ("Owner"), is the owner of record of certain real property located in York County, Virginia, set forth on Exhibit A attached hereto and made a part hereof, consisting of a nursing, convalescent and rehabilitation center, all as shown on the attached Site Plan entitled "VHS York Assisted Living Facility" dated October 17, 2016, prepared by Timmons Group, attached hereto and made a part hereof as Exhibit B.

R-2. The Owner has filed an application for Rezoning (hereinafter referred to as the "Application") of the property (the "Property"), as set forth on the "Rezoning Parcel" entitled "VHS York Assisted Living Facility" dated October 17, 2016, prepared by Timmons Group, attached hereto and made a part hereof as Exhibit C, and has consented to the Application as evidenced by its duly authorized signature. The Application has been designated by the County as Case No. \_\_\_\_\_.

R-3. In the Application, Owner has requested that the Zoning Classification of the Property be changed from R-20 to GB, with Proffers, as described in Section 24.1-114 et seq. of the York County Zoning Ordinance in effect on the date hereof in order to permit the construction of an assisted living apartment complex.

R-4. A site plan (Exhibit B) entitled "VHS York Assisted Living Facility", dated October 17, 2016, and prepared by Timmons Group (hereinafter referred to as the "Plan"), has been submitted to the York County Planning Commission for review in connection with the Application. The Plan is on file with the Office of the County Planning Division.

R-5. Architectural elevations entitled "Building Views from Surroundings", dated October 28, 2016 and prepared by PMA Architecture, attached hereto and made a part hereof as Exhibit D (the "Elevation") has been submitted to the York County Planning Commission for review in connection with the Application. The Elevation is on file with the Office of the County Planning Division.

R-6. The provisions of the York County Zoning Ordinance may be deemed inadequate for protecting and enhancing orderly development of the property. Accordingly, the Owner, in furtherance of the Application, desires to proffer certain conditions which are limited solely to those set forth herein in addition to the regulations provided for by the York County Zoning Ordinance for the protection and enhancement of the development of the Subject Property, in accordance with the provisions of Section 15.2-2296, et seq. of the Code of Virginia (1950), as amended (hereinafter referred to as the "Virginia Code") and Section 24.1-114 of the York County Zoning Ordinance.

R-7. The County constitutes a high-growth locality as defined by Section 15.2-2298 of the Virginia Code.

R-8. All capitalized terms used herein but not otherwise defined in these Proffers shall have the meaning ascribed hereto in the Residential Design Guidelines.

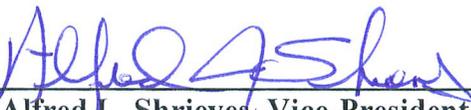
Furthermore, for and in consideration of the approval by York County of the Application, and pursuant to the Virginia Code and Section 24.1-114 of the York County Zoning Ordinance, the Owner hereby agrees that if the Application is approved and the York County Board of Supervisors allows the rezoning of the Subject Property from R-20 to GB, then any subsequent development of the Subject Property shall be in conformance with the following Proffers, and the Architectural Elevations submitted to York County.

### **Proffers**

1. Plan of Development. The Property shall be developed generally in accordance with the Plan entitled "VHS York Assisted Living Facility", dated October 17, 2016 and prepared by Timmons Group and in substantial conformance with the architectural elevations entitled "Building Views from Surroundings", dated October 28, 2016 and prepared by PMA Architects (the "Elevations"), (hereinafter referred to as the "Project"). The Plan is a conceptual plan for the proposed development of the Property and provides for the general location of buildings, parking, and buffer areas. Any deviations from the Plan and/or the Elevations shall be allowed only in accordance with the provisions of Section 24.1-115 of the York County Zoning Ordinance.
2. Use. The use of the Property will be limited to an assisted living facility consisting of one 3 story building with a maximum of 40 apartment units and the current use which is an 80 bed nursing convalescent and rehabilitation facility
3. Exterior Building Materials. The exterior facade of buildings constructed on the Property shall be constructed of brick and glass and other materials in accordance with the Elevations.
4. Parking Requirements. Parking will meet the County requirements.
5. Successors and Assigns. These Proffers shall run with the title to the Property and shall be binding on the parties hereto and their respective successors and assigns; provided, however once a party ceases to own any all or any portion of the Property, such party shall have no personal liability hereunder.
6. Severability. In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined to its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section, subsection or provision hereof.
7. Headings. All paragraph and subparagraph headings of the Proffers herein are for convenience only and are not a part of these Proffers.

8. Conflicts. In the event that there is any conflict between these Proffers and the York County Zoning Ordinance, the conflict shall be resolved by the York County Zoning Administrator subject to the appeal process to the Board of Zoning Appeals and the Courts as otherwise provided by law.
9. Void if Application Not Approved. In the event that the Application” is not approved by York County, these Proffers, the Master Plan, the Plans, and the Project shall be null and void.
10. Incorporation of Recitals. The Recitals set forth above shall be included and read as part of these Proffers and are incorporated herein by reference.

**VIRGINIA HEALTH SERVICES, INC.**

By  \_\_\_\_\_  
Alfred L. Shrieves, Vice-President

**EXHIBIT A**

**LEGAL DESCRIPTION OF REZONING BOUNDARY:**

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE COUNTY OF YORK, VIRGINIA AND BEING DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT AT THE SOUTHEAST INTERSECTION OF GEORGE WASHINGTON MEMORIAL HIGHWAY AND BATTLE ROAD; THENCE ALONG THE RIGHT-OF-WAY LINE OF BATTLE ROAD N 50°37'45" E 892.25 FEET TO THE TRUE POINT AND PLACE OF BEGINNING; THENCE S 36°15'15" E 375.55 FEET TO A POINT; THENCE S 50°37'45" W 750.79 FEET TO A POINT; THENCE N 26°34'33" W 137.74 FEET TO A POINT, THENCE N 20°05'36" W 254.97 FEET TO A POINT IN THE RIGHT-OF-WAY LINE OF BATTLE ROAD; THENCE ALONG THE RIGHT-OF-WAY LINE OF BATTLE ROAD S 50°37'45" W 235.72 FEET TO A POINT, SAID POINT BEING THE TRUE POINT AND PLACE OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 265,851 SQUARE FEET OR 6.103 ACRES AND IS PART OF THE PROPERTY DESIGNATED AS NEW PARCEL "A" AS SHOWN ON PLAT ENTITLED "BOUNDARY LINE ADJUSTMENT BETWEEN THE PROPERTIES OF NELSON'S GRANT DEVELOPMENT, LLC AND VIRGINIA HEALTH SERVICES, INC.", RECORDED IN THE CLERK'S OFFICE OF THE YORK-POQUOSON CIRCUIT COURT AS INSTRUMENT NUMBER 100021092.

**SITE INFORMATION:**

11.80 ACRES (514,150 SF)  
 ZONED R20 (PROPOSED REZONING TO GB)

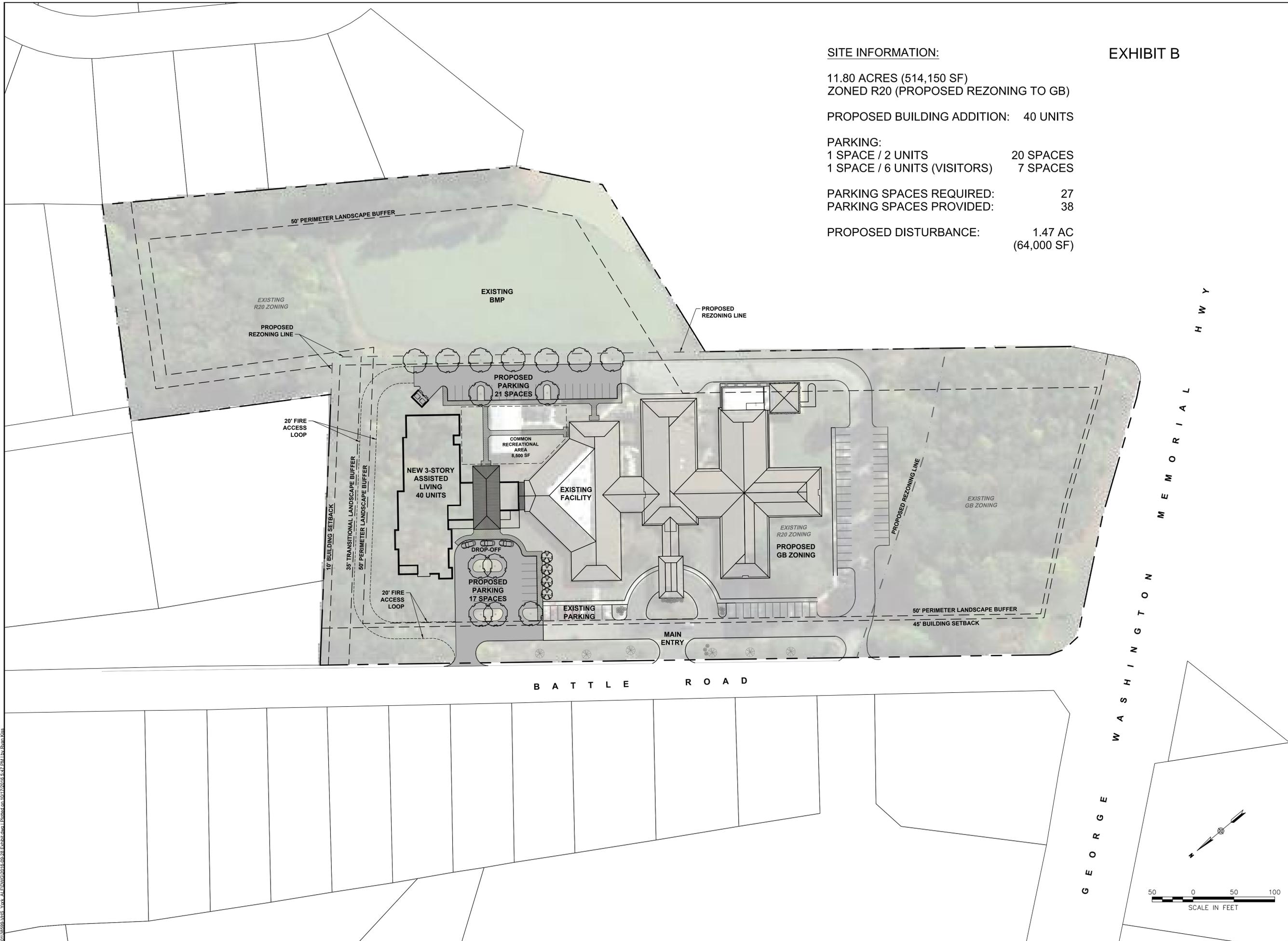
PROPOSED BUILDING ADDITION: 40 UNITS

PARKING:  
 1 SPACE / 2 UNITS 20 SPACES  
 1 SPACE / 6 UNITS (VISITORS) 7 SPACES

PARKING SPACES REQUIRED: 27  
 PARKING SPACES PROVIDED: 38

PROPOSED DISTURBANCE: 1.47 AC  
 (64,000 SF)

**EXHIBIT B**



THIS DRAWING PREPARED AT THE  
**VIRGINIA BEACH OFFICE**  
 2901 S. Lynnhaven Road, Suite 200 | Virginia Beach, VA 23452  
 TEL 757.213.6579 FAX 757.340.1415 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS	REVISION DESCRIPTION
DATE	
10/17/2016	

DRAWN BY	DJC
DESIGNED BY	DJC
CHECKED BY	R. KISS
SCALE	1"=50'

**TIMMONS GROUP**

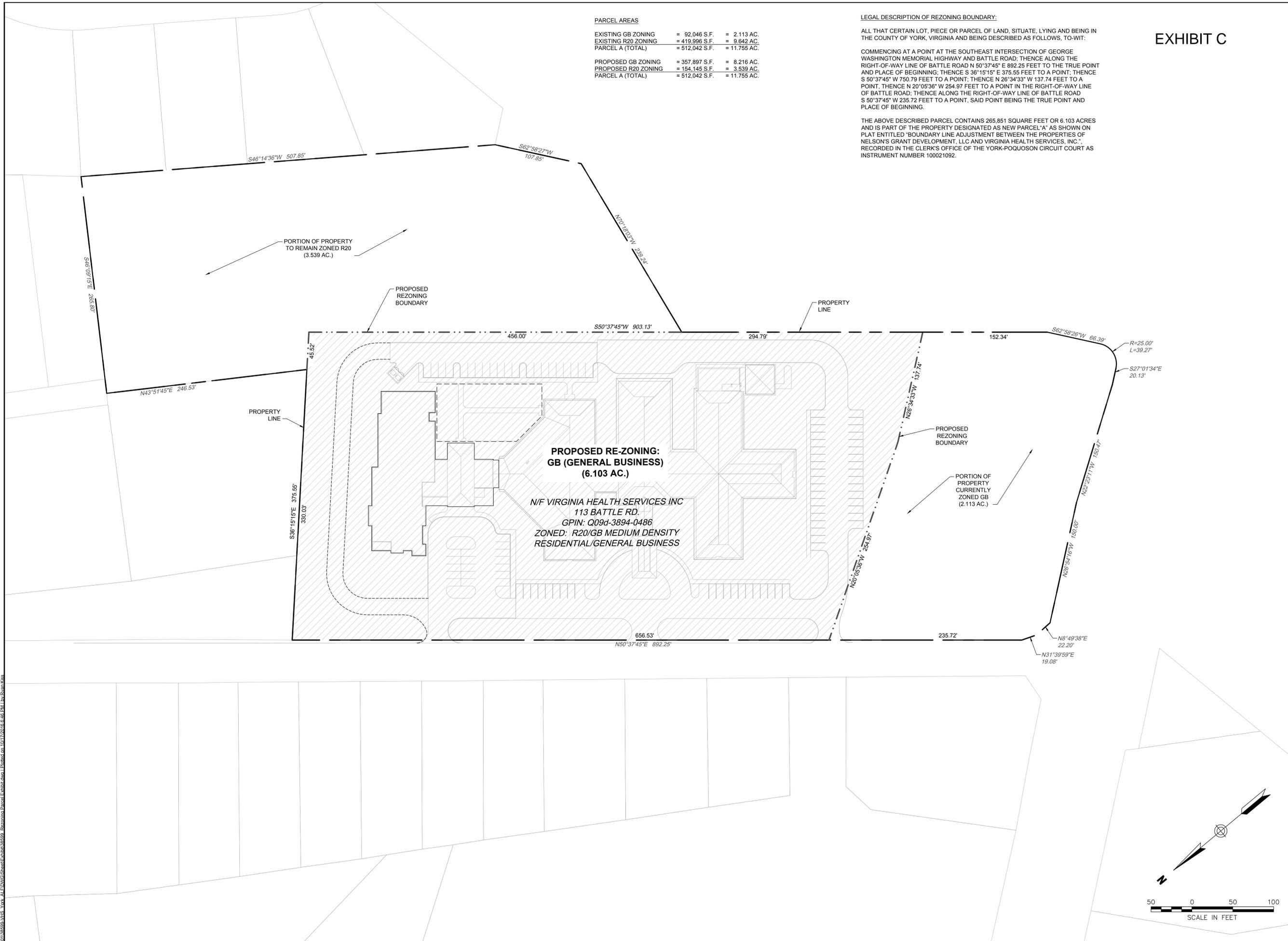
VHS YORK ASSISTED LIVING FACILITY  
 113 BATTLE RD., YORKTOWN, VIRGINIA

**SITE PLAN EXHIBIT**

JOB NO. 38599  
 SHEET NO. E-1

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**PARCEL AREAS**

EXISTING GB ZONING	= 92,046 S.F.	= 2.113 AC.
EXISTING R20 ZONING	= 419,996 S.F.	= 9.642 AC.
PARCEL A (TOTAL)	= 512,042 S.F.	= 11.755 AC.
PROPOSED GB ZONING	= 357,897 S.F.	= 8.216 AC.
PROPOSED R20 ZONING	= 154,145 S.F.	= 3.539 AC.
PARCEL A (TOTAL)	= 512,042 S.F.	= 11.755 AC.

**LEGAL DESCRIPTION OF REZONING BOUNDARY:**

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE COUNTY OF YORK, VIRGINIA AND BEING DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT AT THE SOUTHEAST INTERSECTION OF GEORGE WASHINGTON MEMORIAL HIGHWAY AND BATTLE ROAD; THENCE ALONG THE RIGHT-OF-WAY LINE OF BATTLE ROAD N 50°37'45" E 892.25 FEET TO THE TRUE POINT AND PLACE OF BEGINNING; THENCE S 36°15'15" E 375.55 FEET TO A POINT; THENCE S 50°37'45" W 750.79 FEET TO A POINT; THENCE N 26°34'33" W 137.74 FEET TO A POINT; THENCE N 20°05'36" W 254.97 FEET TO A POINT IN THE RIGHT-OF-WAY LINE OF BATTLE ROAD; THENCE ALONG THE RIGHT-OF-WAY LINE OF BATTLE ROAD S 50°37'45" W 235.72 FEET TO A POINT, SAID POINT BEING THE TRUE POINT AND PLACE OF BEGINNING.

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**EXHIBIT C**

THIS DRAWING PREPARED AT THE  
**VIRGINIA BEACH OFFICE**  
2901 S. Lynnhaven Road, Suite 200 | Virginia Beach, VA 23452  
TEL 757.213.6679 FAX 757.340.1415 www.timmons.com

DATE	REVISION DESCRIPTION

YOUR VISION ACHIEVED THROUGH OURS.

DATE	10/17/2016
DRAWN BY	JL
DESIGNED BY	RK
CHECKED BY	RK
SCALE	1" = 50'

**TIMMONS GROUP**

VHS YORK ASSISTED LIVING FACILITY  
113 BATTLE RD., YORKTOWN, VIRGINIA

REZONING PARCEL EXHIBIT

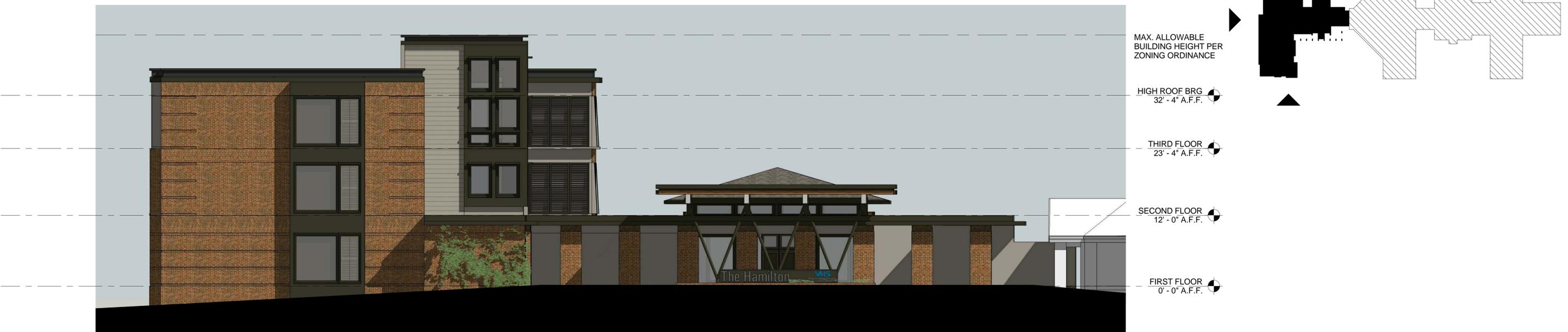
JOB NO.	38599
SHEET NO.	E-2

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BUILDING ELEVATION - PLAN WEST  
1/8" = 1'-0"



BUILDING ELEVATION - PLAN SOUTH  
1/8" = 1'-0"





BUILDING ELEVATION - PLAN EAST  
1/8" = 1'-0"



BUILDING ELEVATION - PLAN NORTH  
1/8" = 1'-0"

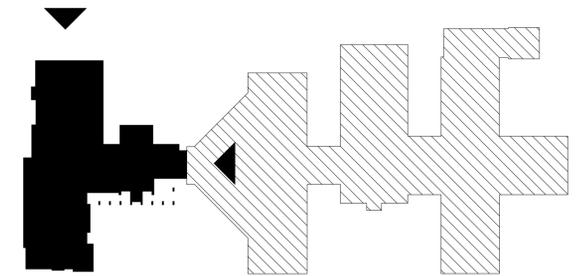
MAX. ALLOWABLE BUILDING HEIGHT PER ZONING ORDINANCE

HIGH ROOF BRG 32' - 4" A.F.F.

THIRD FLOOR 23' - 4" A.F.F.

SECOND FLOOR 12' - 0" A.F.F.

FIRST FLOOR 0' - 0" A.F.F.

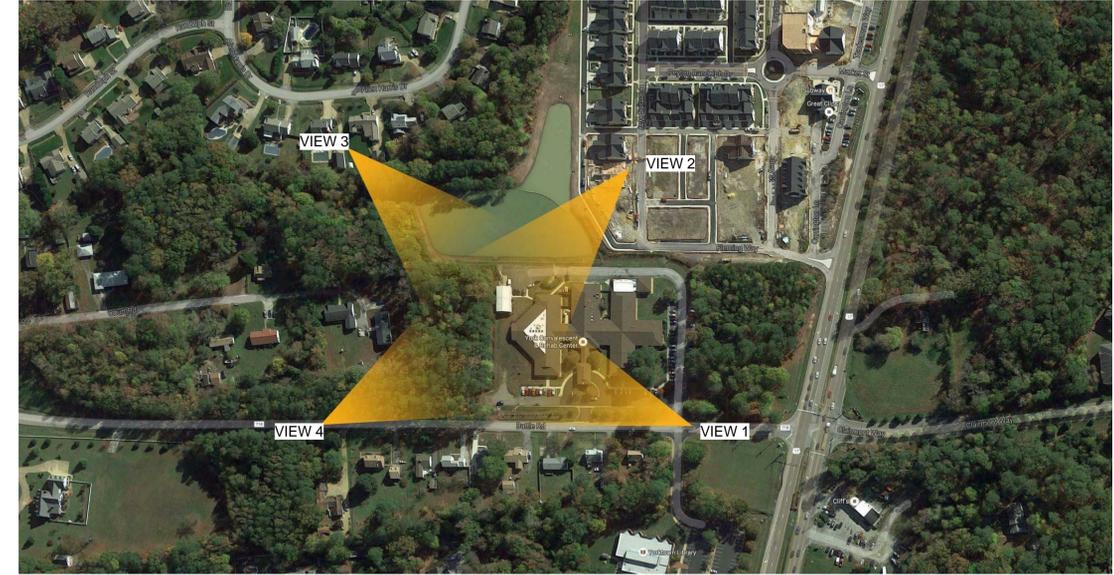




PLAN SOUTHEAST VIEW  
(FROM BATTLE RD & RT. 17)



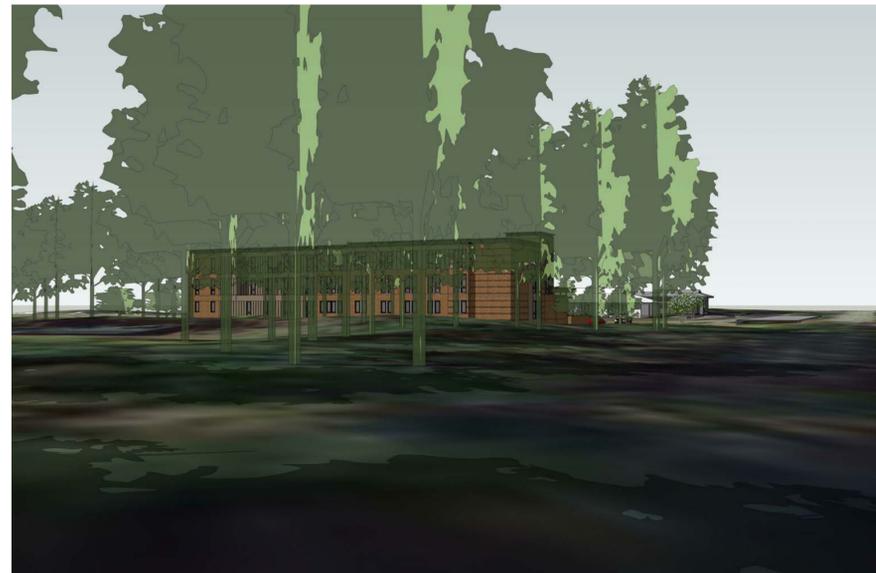
PLAN NORTHEAST VIEW  
(FROM NELSON'S GRANT)



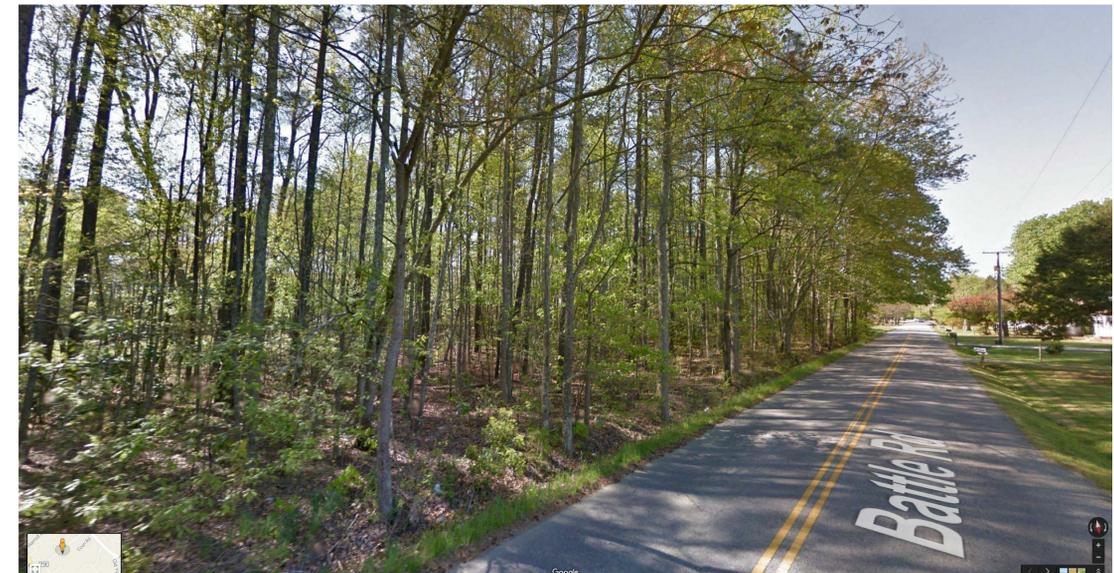
OVERHEAD VIEW OF SITE, ORIENTED TO PLAN-NORTH  
(DEPICTING LOCATION OF VIEWS ON THIS SHEET)



PLAN NORTHWEST VIEW  
(FROM EXISTING NEIGHBORHOODS)



PLAN SOUTHEAST VIEW  
(FROM BATTLE RD, REVERSE DIRECTION)



VIEW OF EXISTING TREELINE ALONG BATTLE RD, HEADING TOWARDS RT. 17

**COMMUNITY & FISCAL IMPACT STATEMENT**

**FOR**

**VIRGINIA HEALTH SERVICES**  
**YORK CONVALESCENT & REHABILITATION CENTER**

**113 BATTLE ROAD**  
**COUNTY OF YORK, VIRGINIA**

OCTOBER 2016

**PREPARED FOR:**  
Virginia Health Services

**PREPARED BY:**

  
**TIMMONS GROUP**  
YOUR VISION ACHIEVED THROUGH OURS.  
[www.timmons.com](http://www.timmons.com)

RECEIVED  
York County

OCT 24 2016

Planning Division

# Community Impact Statement

## Background and Request

Pursuant to Article IV, Section 24.1-411 of the Code of the County of York, Virginia, Virginia Health Services (VHS) respectfully requests a Special Use Permit and Rezoning to authorize the use of a 40 unit assisted living component to be connected to the existing York Convalescent Center, located at 113 Battle Road. The property is further identified by Tax Map number 24-00-00-081B, GPIN Q09d-3894-0486.

The concept of adding an assisted living component to an existing convalescent/rehab center has been successful in one of VHS's other facilities, known as "The Newport" located in Newport News, where in 2015 VHS constructed and opened "The Huntington", an assisted living facility providing the continuum of care for its clients.

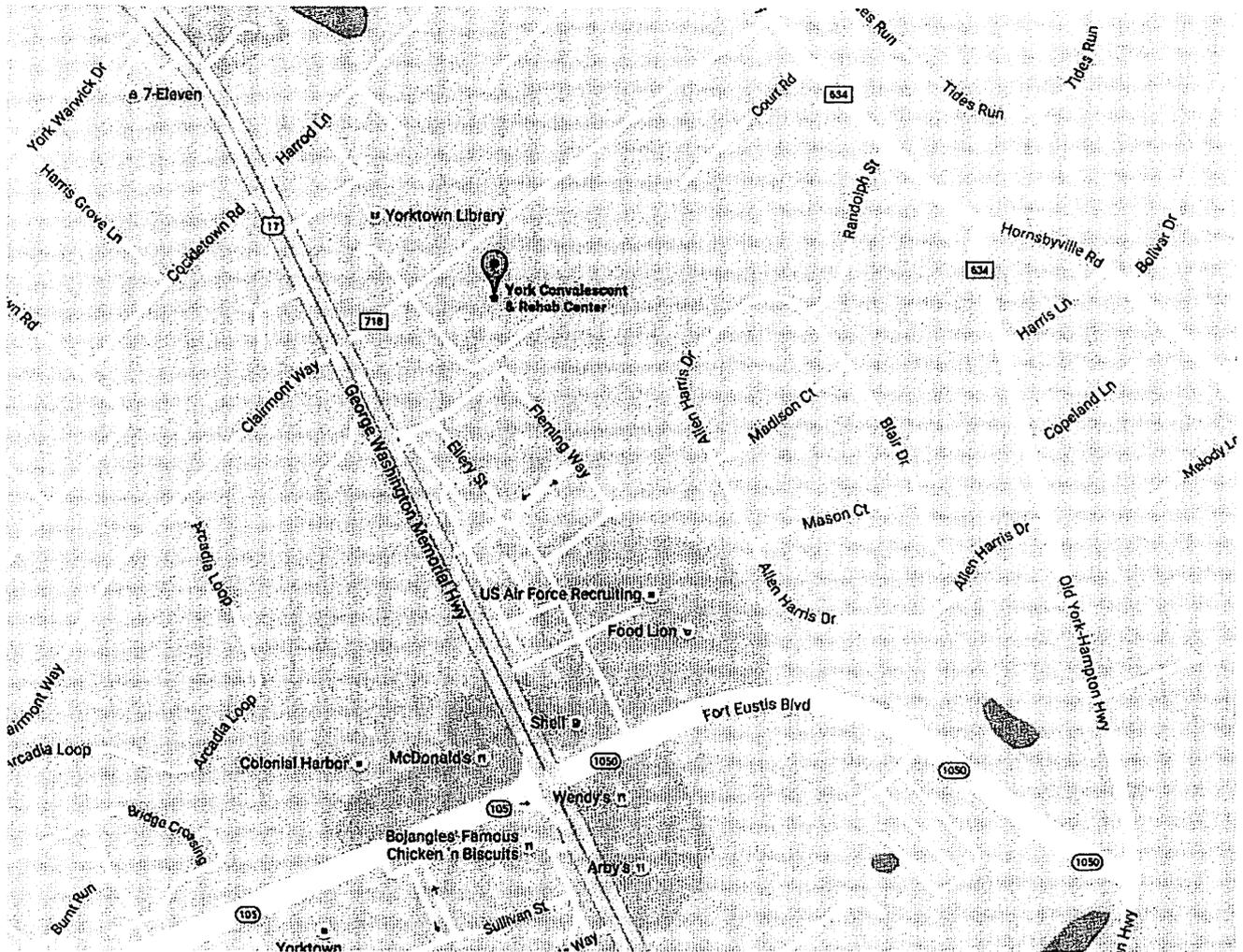
The site currently carries a split zoning consisting of Medium Density Residential (R20) and General Business (GB). The northern portion of the site, currently zoned R20, consists of the York Convalescent and Rehabilitation Center, a stormwater management facility, and undeveloped wooded areas and the southern portion of the site, currently zoned GB, consists of undeveloped wooded land adjacent to Rte. 17 (George Washington Memorial Highway). The intent would be to rezone the portion of the site, consisting of the existing facility and parking lot, as well as the proposed assisted living facility and associated parking, from R20 to GB. The northeastern portion of the property consisting of the stormwater management facility and undeveloped wooded land will remain zoned R20.

The 40 assisted living units being added to the development will not create problems with traffic, noise or aesthetics normally associated with a General Business facility being located adjacent to a residential zoning. The existing Convalescent and Rehabilitation facility is already a part of the existing community, blending well with the adjacent residences. The proposed use will also serve a need within the community; in 2010 the US Census Bureau estimated that the portion of the citizens within York County constitutes 14.9% of the population.

Virginia Health Services is a locally owned and operated leader in providing skilled nursing care, independent living, assisted living and physical therapy within its continuum of care from the town of Kilmarnock to the city of Newport News. VHS is methodical in their evaluation of expansion tailoring their projects to accommodate community needs.

VHS is planning to construct a new 40-bed, 41,500 square foot assisted living facility to be connected to the existing York Convalescent Center. While the proposed assisted living facility will be connected, it is the intent for the assisted living to function as a standalone facility during the daytime, with its own entry and identity while allowing the new facility to share of management, personnel and food service between the two facilities. The facility is intended to serve residents typically in their 60's and above, and will provide a range of studio, one-bedroom and two-bedroom units.

## Location Map



## The Building Program

The existing convalescent facility consists of 42,640 square feet and 80 convalescent beds. It provides dining, activity and physical therapy facilities for the residents. The proposed assisted living facility will consist of 41,500 square feet and 40 living units consisting of (17) studios, (20) one-bedrooms and (3) two-bedroom units. The facility will also have amenities that include small gathering spaces, game room, activities rooms, media room, laundry facilities, library, salon, and dining facilities that will provide residents 3 meals a day. The facility will also have transportation for planned outings as well as accommodate resident doctor's appointments. Typical support spaces will be provided to include nurse's station, medication room, administration offices, work room, conference room. A warming pantry will be provided to stage food service from the main kitchen located in the convalescent facility. The facility will

meet ADA requirements, life-safety requirements, and will be fully sprinklered per the NFPA. 24-hour electronic security will be provided at main entrance as well as all exterior doors from the building. Video monitoring will be controlled at building's main entrance.

## The Site Plan

The site is situated on approximately 11.76 acres of partially developed land at the southeast corner of George Washington Memorial Highway and Battle Road, in Yorktown, Virginia. The site is currently zoned Medium Density Residential (R20) and General Business (GB). The site is bounded by multi-family residential and single family residential dwellings to the south, east, and northeast. Undeveloped land zoned General Business borders the site to the north and west.

The site consists of approximately 2.35± acres (20%) impervious area mainly consisting of the existing building, sidewalks, parking, and drive aisles. According to the Site Plan for the York Convalescent and Rehab Center Addition for Virginia Health Services, dated September 19, 2012, the maximum allowable impervious area for the site is approximately 6.08 acres. Additional impervious area added to the site for the new Assisted Living component will consist of the new building to support the Assisted Living units, associated parking, and sidewalks.

The existing wooded area west of the existing facility will be cleared to the limits required for the construction of the new Assisted Living building, associated parking, and emergency access. The existing ditch that routes stormwater from the site to the existing stormwater management facility will be re-routed or piped to the BMP as required for the construction of the new building and parking lot.

Additional parking spaces required to meet minimum code requirements will be provided for the new building addition. A third entrance off of Battle Road is proposed for the new parking lot at the north side of the property to serve the proposed Assisted Living facility. This additional entrance will also provide an additional means of ingress/egress for emergency vehicles to access the site.

A 50-foot Landscape Buffer will be maintained adjacent to the existing R20 zoned single family lots located north of the project site. Existing wooded vegetation within this Landscape Buffer will be maintained to the greatest extent possible to limit impacts to the adjacent residential properties.

Conceptual landscaping has been shown on the accompanying Site Plan Exhibit and will be supplemented as needed to meet County Code and client requests. Existing site lighting will be utilized and new site lighting will be provided as needed to meet County Code and provide minimal impact to the adjacent residential properties.

## Utilities

Water to the site is provided by an existing 12" water main in the east side of Battle Road. An 8" line connecting to this 12" main was extended into the site as a part of the previous convalescent addition site plan. It is anticipated that water service to the Assisted Living Facility addition will come from an extension of this 8" line on site so that no new water connections on Battle Road will be required. Sanitary sewer from the Assisted Living Facility will be connected to the existing manhole located on site near the main entrance which connects to the gravity sewer system within Battle Road. The water and

sewer demand will increase slightly for the addition of the Assisted Living Facility, these demands and capacity of the systems to handle these additional flows will be further analyzed during the design development phase.

### Stormwater Management

The project is not located within any of the York County Watershed Management and Protection Area Overlay Districts. The site is currently treated through the existing stormwater management wet pond located at the northeast corner of the site. According to the Site Plan for the York Convalescent and Rehab Center Addition for Virginia Health Services, dated September 19, 2012, the maximum allowable impervious area for the site is approximately 6.08 acres. The existing facility consists of 2.35 acres of impervious area and the proposed improvements with the Assisted Living Facility are estimated to be less than 1.5 acres, which will still be much less than the 6.08 acres allowed. Stormwater management for the new Assisted Living component will be further analyzed during the design development phase to determine adequacy of the existing pond as well as determining the site’s VRRM compliance. Additional stormwater management best management practices will be provided on site as needed to meet all County and State requirements.

### Traffic Generation

Traffic generated by the addition of the 40 assisted living facility units are shown in the chart below.

Proposed Use	ITE Land Use Code	Average Daily Traffic (Trips/Day)	Week Day PM Peak Hour Trips (Trips/Hour)
40 Assisted Living Units	253	86	7

The number of trips generated by the site fall below the threshold of 100 trips ends per peak hour and 1,000 trips ends during a 24-hour period requiring a formal Traffic Impact Analysis, thus a formal traffic study has not been provided.

### Fiscal and Economic Impacts

This study outlines the impact of an addition of 40 Assisted Living residences adjoining the existing York Convalescent and Rehabilitation facility at 113 Battle Road in York County.

### Summary

The addition of an Assisted Living component to the existing convalescent and rehabilitation facility will provide a positive fiscal and economic impact for York County. Beyond the fiscal impact, there will be an increased and improved array of services for current York County residents.

The addition of approximately \$63,000 annually in Real Estate Tax revenues will provide an ongoing revenue stream for the county. The introduction of an estimated \$7,750 Business License Taxes will enhance that.

Construction will provide 12 months of increased business in the county with the influx of workers and vendors developing the project.

Once fully operational, we anticipate the addition of \$ 537,645 annual payroll dollars for the community with the additional job creation.

There will be minimal services required from the county beyond the utility and public services that are on a pay for use basis and generally already provided to this existing site.

### **Project and Construction**

Virginia Health Services anticipates construction to begin in early 2017 with completion in early 2018.

Using an estimate of 50% of the project costs as an assumption for materials and further assuming that 33% of those materials will be purchased locally yields a spending potential impact of \$1,402,000 in construction materials.

Additionally, our construction efforts rely heavily on a buy local approach and we would expect York County contractors and vendors to benefit from the labor costs.

### **Operations**

Our operating assumptions include reaching full operating levels in 18 months after opening, which would be attained mid-2019.

We would expect to introduce Plant Operations and Maintenance, General Administrative and Business, Laundry & Housekeeping and other operating expenses totaling approximately \$113,000 annually. Generally accepted assumptions and our experience indicate that approximately 50% of this will be material purchases and approximately 33% of this will be local.

With the staffing increases required for operations of this facility, we anticipate an additional \$537,645 in wages to be paid at this location.

Our recruiting efforts are local and we would anticipate many of these jobs going to York County residents.

### **York County Revenue**

Using an assumed total value for the project of \$8,500,000, the Real Estate Tax revenue would equal \$63,878 annually.

Business License fees based on our operational capacity and anticipated income would equal \$7,754 annually.

Local Retail Sales tax based on the spending totals outlined above would total approximately \$1,132 annually.

Meals Taxes, Lodging Taxes, Retail Sales Taxes and other incidental taxed spending by visiting family members and friends is assumed to total approximately \$275 per new resident annually. This would conservatively generate an additional \$575 in annual tax revenue.

We anticipate that conservatively, the local utility services payments will total \$12,796 annually.

These total \$86,135 annually.

### **Expenditures**

Based on the York County 2017 Annual General Fund Budget of \$135,589,000 and the York County estimated population of 67,200, the Per Capita spending by the county is \$2,018.

It is generally accepted that the education portion of this spending could be discounted for residents of an assisted living facility. That discounted amount equates to \$1,069.

It is also generally accepted that there will be an increased cost of Fire & Life Safety services to a facility such as this. Using a factor of 14 over a typical free standing residential home, the increased amount for a proportionate spending would be \$3,107 Per Capita.

For this study, we have assumed an additional reduction of 2% of the total Per Capita spending to accommodate the Juvenile Services and Public Works items that are less likely to be provided to any Assisted Living residents.

Based on our experience at other assisted living operations, we would also anticipate that approximately 50% of the residents of this addition would be existing York County residents or current residents of our adjoining convalescent facility.

With these assumptions, we would expect to add 19 new county residents at full occupancy generating a total county expenditure of \$79,356 annually.

### **Impact**

We believe that our proposed project will provide a net positive fiscal impact of at least \$6,779 annually from operations. This does not include the increased revenues from incidental expenditures during construction and start up.

We also strongly believe that we will deliver a product and service which will have a positive impact on the quality of life for many current York County residents allowing an aging in place process that is not currently being met in the locality.

We look forward to increasing our company presence in York County and appreciate the opportunity to work with you on bringing this project to fruition.

## Emergency and Life Safety

Virginia Health Services has been operating skilled nursing care facilities for over 50 years and is dedicated to providing safe and secure facilities in compliance with the latest building, fire and life safety codes. The following will be included in the design of the facility:

- The building will be equipped with a NFPA 13 sprinkler system throughout the property.
- The building will be equipped with visual and audible fire alarm system, which will be monitored by an annunciation panel and offsite monitoring company. System will be put on emergency power.
- Two emergency stairwells with areas of refuge are provided in the multi-story assisted living wing.
- The building will address ADA accessibility throughout the facility including access, room layouts and restroom layouts.
- The building will be equipped with an emergency generator.
- An elevator will be provided in the multi-story assisted living wing and will be put on emergency power.
- A nurse call system will be installed with pull stations in resident sleeping rooms, and all restrooms.
- There are existing fire hydrants both at the front and rear of the building.
- Fire Department truck access will be provided based on County review and input.

## York County Performance Standards

This proposal for an Assisted Living Facility meets the development standards set forth in Section 24.1-411 – Standards for Senior Housing (Housing for Older Persons).

- The site is served by public water and sewer.
- Density – No more than 20 units per acre. The proposed assisted living facility will have 40 units on 11.76 Acres.
- The Conceptual Site Plan Exhibit shows how the project would be designed to promote harmonious relationships with surrounding properties.
- The proposed building height of 43' is less than the 45' maximum allowed within the GB Zoning.
  - The facility shall have enclosed or covered corridors leading to all dwelling units and public/common spaces.
  - The facility shall have a main entrance that will be monitored at all times.
  - The facility will also have amenities that include small gathering spaces, game room, activities rooms, media room, laundry facilities, library, salon, and dining facilities that will provide residents 3 meals a day. *The 825 square foot intermediate activity room is sized for assembling of the residents for group activities. The 1630 square foot dining room is*

*sized for serving the residents and some guests as well as providing larger assembly space for special events.*

- The development will be surrounded by a 50' perimeter buffer to meet the Type 50 Transitional Buffer Standards.
- Exterior landscaped areas will be provided for exterior activities. An exterior garden with patio area will be provided the residents accessed off the resident wing as well as the dining area. The space will be equipped with fence enclosure to allow a safe and secure area for residents that may need supervision.
- A section of this report has been included entitled "Fire and Life Safety" that outlines operational procedures that will ensure the safety of residents in the event of a fire or other emergencies.
- All proposed entrances and drives will be design in accordance with VDOT standards for pavement and curb and gutter.
- Stormwater runoff will be conveyed by a storm sewer system consisting of curbs and gutters, drop inlets and storm sewer piping in accordance with VDOT standards.
- The parking requirements and provisions for this site are noted on the conceptual plan and comply with the provisions of Section 24.1-608.
- All new outdoor lighting proposed for parking areas and pedestrian circulation will comply with the standards contained within Section 24-1.260(f).
- This application will comply with the applicable provisions and requirements of Chapter 49, Continuing Care Provider Registration and Disclosure, of the Code of Virginia.
- This Community Impact Statement is provided as required.

## Conclusion

In conclusion, Virginia Health Services believe that this site is ideally suited for the addition of an Assisted Living component to the existing Convalescent and Rehabilitation use currently occupying the site. We feel that this is the best use of the property at this point in time. This proposal addresses a need and can be developed within the Guidelines and Performance Standards of the Zoning Ordinance without placing an undue burden on public facilities and without detracting from neighboring land uses or the character of the adjacent residential neighborhood. We respectfully request a recommendation of approval of this request to allow a portion of this property to be rezoned from R-20 to GB and for a Special Use Permit to be granted to allow the assisted living facility to be operated within the General Business Zoning District at 113 Battle Road.

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Courts and Board Room, York County Courts and Office Center, Yorktown, Virginia, on the 5th day of June, 1986:

<u>Present</u>	<u>Vote</u>
Benjamin M. Rush, Jr., Chairman	Yea
Julia A. Jensen, Vice Chairman	Yea
E. S. Bingley, Jr.	Yea
Rodgers A. Smith	Yea
H. Tabb Smith	Yea

On motion of Mr. R. Smith, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO APPROVE APPLICATION NO. 86-UP9 WHICH REQUESTS A USE PERMIT TO AUTHORIZE THE CONSTRUCTION OF AN INTERMEDIATE CARE NURSING FACILITY ON PROPERTY LOCATED ON THE SOUTH SIDE OF BATTLE ROAD EAST OF ROUTE 17

WHEREAS, Virginia Health Services, Inc. has submitted Application No. 86-UP9 which requests a use permit to authorize construction of an intermediate care nursing facility with a maximum of 180 beds on property located on the south side of Battle Road at its intersection with Route 17 and identified as a portion of Assessor's Parcel No. 24-81B on the York County tax maps; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedures; and

WHEREAS, subsequent to review and discussion, the Commission voted (7:0) to recommend approval of the application subject to certain conditions; and

WHEREAS, after careful consideration of the recommendation of the Planning Commission, and subsequent to conducting a duly advertised public hearing, the Board has determined that establishment of the proposed use on the subject property would be consistent with the policies and objectives contained in the adopted York County Land Use Plan; and

WHEREAS, the Board has determined that the proposed use would be compatible with existing and potential development in the subject area and would increase housing and health care alternatives and opportunities for the elderly citizens of the County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 5th day of June, 1986, that Application No. 86-UP9 be, and it hereby is, approved to authorize issuance of use permit for utilization of a portion of Assessor's Parcel No. 24-81B subject to the following conditions:

1. This use permit shall authorize the construction of an intermediate care nursing facility with a maximum of 180 beds on property located on the south side of Battle Road (Route 718) at its intersection with Route 17.
2. A site plan prepared in accordance with Article 7.1 of the York County Zoning Ordinance shall be submitted to and approved by the County prior to the establishment of the facility and proposed additions on the site.
3. The grounds of the site shall be designed so as to include passive recreation areas such as benches, gardens, terraces, walkways, lighting, etc. The grounds shall be designed to provide for a pleasant outlook for patients and clients from their living quarters and be accessible for open air use. Such designs shall be incorporated into the landscaping plan submitted as part of the review procedures contained in condition #2.
4. The initial term for this use permit shall be for one (1) year from the date of approval. Upon compliance with those conditions and restrictions imposed by the Board and all relevant County ordinances, the special use permit shall, without application, be automatically renewed for additional successive one-year terms; provided, however, that such special use permit shall not be so renewed and shall expire at the end of the term or current renewal thereof if notice of noncompliance with any material conditions or restriction is mailed by certified mail to the permittee, at the address shown on the application for the permit or any new address of which the County Administrator subsequently receives written notice, more than thirty (30) days before the end of the term or the renewal thereof then in effect and such noncompliance is not corrected within thirty (30) days to the satisfaction of the County Administrator.

The provisions of this section are cumulative with the power of injunction and other remedies afforded by law to York County and, further, shall not be so interpreted as to vest in any applicant any rights inconsistent or in con-

flict with the power of the County to rezone the subject property or to exercise any other power provided by law.

A Copy Teste:



*for*  
\_\_\_\_\_  
John M. Richardson  
County Administrator

PLANNING COMMISSION  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2016:

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Present

Vote

Glenn A. Brazelton, Chair  
Montgoussaint E. Jons, Vice Chair  
Donald H. Phillips  
Michael S. King  
Richard M. Myer, Jr.  
Melissa S. Magowan  
Robert W. Peterman

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On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO REZONE APPROXIMATELY 6.1 ACRES OF AN 11.8 ACRE PARCEL OF LAND LOCATED AT 113 BATTLE ROAD (ROUTE 718) FROM R20 (MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL) TO GB (GENERAL BUSINESS)

WHEREAS, Virginia Health Services, Inc. has submitted Application No. ZM-172-16, which is a request to amend the York County Zoning Map by reclassifying approximately 6.1 acres an 11.8 acre parcel of land located at 113 Battle Road (Route 718) and further identified as Assessor’s Parcel No. 24-81B (GPIN Q09d-3894-0486), from R20 (Medium-density Single-family Residential) to GB (General Business) subject to voluntarily proffered conditions; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the \_\_\_\_ day of \_\_\_\_, 2016, that Application No. ZM-172-16 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying approximately 6.1 acres of an 11.8 acre parcel of land located at 113 Battle Road (Route 718) and further identified as Assessor's Parcel No. 24-81B (GPIN Q09d-3894-0486), from R20 (Medium-density Single-family Residential) to GB (General Business) and more fully described below.

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE COUNTY OF YORK, VIRGINIA AND BEING DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT AT THE SOUTHEAST INTERSECTION OF GEORGE WASHINGTON MEMORIAL HIGHWAY AND BATTLE ROAD; THENCE ALONG THE RIGHT-OF-WAY LINE OF BATTLE ROAD N 50°37'45" E 892.25 FEET TO THE TRUE POINT AND PLACE OF BEGINNING; THENCE S 36°15'15" E 375.55 FEET TO A POINT; THENCE S 50°37'45" W 750.79 FEET TO A POINT; THENCE N 26°34'33" W 137.74 FEET TO A POINT, THENCE N 20°05'36" W 254.97 FEET TO A POINT IN THE RIGHT-OF-WAY LINE OF BATTLE ROAD; THENCE ALONG THE RIGHT-OF-WAY LINE OF BATTLE ROAD S 50°37'45" W 235.72 FEET TO A POINT, SAID POINT BEING THE TRUE POINT AND PLACE OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 265,851 SQUARE FEET OR 6.103 ACRES AND IS PART OF THE PROPERTY DESIGNATED AS NEW PARCEL "A" AS SHOWN ON PLAT ENTITLED "BOUNDARY LINE ADJUSTMENT BETWEEN THE PROPERTIES OF NELSON'S GRANT DEVELOPMENT, LLC AND VIRGINIA HEALTH SERVICES, INC.", RECORDED IN THE CLERK'S OFFICE OF THE YORK-POQUOSON CIRCUIT COURT AS INSTRUMENT NUMBER 100021092.

BE IT FURTHER RESOLVED that the Commission recommends that the reclassification shall be subject to the conditions set forth in the proffer statement received by the Planning Division on October 31, 2016 and signed by Alfred L. Shrieves, Vice President, Virginia Health Services, Inc.

BE IT STILL FURTHER RESOLVED that in accordance with Section 24.1-114(e)(1) of the York County Zoning Ordinance, a certified copy of the ordinance approving this application, together with a duly signed copy of the proffer statement, shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval.

PLANNING COMMISSION  
 COUNTY OF YORK  
 YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_, 2016:

Present

Vote

Glenn A. Brazelton, Chair  
 Montgoussaint E. Jons, Vice Chair  
 Donald H. Phillips  
 Michael S. King  
 Richard M. Myer, Jr.  
 Melissa S. Magowan  
 Robert W. Peterman

On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A 40-UNIT SENIOR HOUSING ASSISTED LIVING FACILITY AS AN ADDITION TO THE EXISTING NURSING HOME LOCATED AT 113 BATTLE ROAD (ROUTE 718)

WHEREAS, Virginia Health Services has submitted Application No. UP-878-16 to request a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 6, No. 3) to authorize the establishment of a 40-unit senior housing assisted living facility on an approximately 6.1 acre portion of an 11.8-acre parcel as an addition to the existing nursing home located at 113 Battle Road (Route 718) and further identified as Assessor’s Parcel No. 24-81B (GPIN Q09d-3894-0486); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the \_\_\_\_ day of \_\_\_\_, 2016, that Application No. UP-878-16 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a 40-unit senior housing assisted living facility on an approximately 6.1 acre portion of an 11.8-acre parcel as an addition to the existing nursing home located at 113 Battle Road (Route 718) and further identified as Assessor's Parcel No. 24-81B (GPIN Q09d-3894-0486), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a 40-unit senior housing assisted living facility on an approximately 6.1 acre portion of an 11.8-acre parcel as an addition to the existing nursing home located at 113 Battle Road (Route 718) and further identified as Assessor's Parcel No. 24-81B.
2. The facility shall be developed and operated as age-restricted senior housing in accordance with the definition of Senior Housing Assisted Living Facility as set forth in Section 24.1-104 of the York County Zoning Ordinance and in accordance with the provisions of Section 24.1-411 of the York County Zoning Ordinance, Standards for Senior Housing, except as modified herein.
3. A site plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance, shall be submitted to and approved by the Division of Development Services prior to the commencement of any land clearing or development activities on the site. Except as modified herein, said site plan shall be in conformance with the sketch plan titled "VHS York Assisted Living Facility, Site Plan Exhibit," prepared by the Timmons Group, dated October 17, 2016, supplemented by architectural elevations prepared by PMA Architecture, dated October 28, 2016, and the Proffer Statement signed by Alfred L. Shrieves, Vice President, Virginia Health Services, Inc. and received by the Planning Division on October 31, 2016, copies of which shall be kept on file in the office of the York County Planning Division.
4. The maximum number of senior housing assisted living units shall be 40.
5. In order to afford enhanced screening of views from surrounding residences, the 35-foot transitional landscape buffer required pursuant to Section 24.1-243, 50-foot perimeter landscape buffer required pursuant to Section 24.1-411(e), and proposed plantings along the southern property boundary in the area of the proposed addition shall be planted with 100% evergreen trees and shrubs in accordance with standards set forth in Sections 24.1-242 and 243. Trees and shrubs shall be species which maintain branching to ground level.
6. Access to the proposed facility shall be solely via the existing driveways serving the nursing home and connecting to Battle Road.

7. All proposed site lighting shall be installed using full cutoff fixtures and directed downward to prevent off-site glare onto abutting properties and road right-of-way. Illumination levels shall not exceed 0.1 candlefoot at any residential property line and 0.5 at any other property line. A photometric plan detailing all proposed fixtures and ground lighting levels shall be submitted for approval to the Development Services Division at the time of application for site plan approval.
8. Development and maintenance of the facility shall be in conformance with Section 24.1-376 of the York County Zoning Ordinance, Watershed Management and Protection Area overlay district and Chapter 23.3 of the York County Code, Stormwater Management.
9. Indoor and outdoor recreational facilities required pursuant to Sections 24.1-411(d)(4) and 411(g) of the York County Zoning Ordinance shall be provided as shown on the SUP plan referenced in Condition #2 above, and as described in the document titled "Community and Fiscal Impact Statement for Virginia Health Services," dated October 2016, prepared by the Timmons Group, and received by the Planning Division on October 24, 2016.
10. Prior to occupancy of the facility, an appropriately sized power generator shall be installed as needed to support the facility's emergency systems, including but not limited to, fire and lift safety systems, fire pump, fire alarm signal systems, emergency lighting, and elevators.
11. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval.

BE IT STILL FURTHER RESOLVED that conditions of this resolution shall supersede any conflicting conditions of York County Board of Supervisors Resolution No. R86-195, adopted on June 5, 1986.

BE IT STILL FURTHER RESOLVED that this approval is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.