



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
Fax: (804) 786-2940

Agenda item # 5

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

December 9, 2020

MOTION

Made By: Mr. Rucker, Seconded By: Mr. Malbon
Action: Motion Carried, Unanimously

Title: Limited Access Control Change (LACC)
Route 171 (Victory Boulevard)
York County

WHEREAS, Oyster Point Road (Proposed Route 171 Extension) now Route 171 (Victory Boulevard), State Highway Project 0171-099-102, RW-201, York County was designated as a Limited Access Highway by the Commonwealth Transportation Board (CTB), on April 16, 1987; and

WHEREAS, in connection with State Highway Project 0171-099-102, RW-201, the Commonwealth acquired certain limited access control easements from Marshall W. Cook, by Instrument dated November 4, 1987, recorded in Deed Book 507, Page 241 and concluded by Order dated May 21, 1991, both recorded in the Office of the Clerk of Circuit Court of the County of York; and

WHEREAS, BFG Sage Yorktown Propco, LLC has requested a break in limited access control along Route 171 (Victory Boulevard) to construct a commercial entrance to serve as direct access to and from their planned senior housing development, Harper's Station at Yorktown, onto the existing limited access right of way of Route 171 (Victory Boulevard), approximately 860 feet west of the Route 171 and Route 17 Intersection; and

WHEREAS, the requested break is from a point 78.80 feet right of Station 228+57.48 (Proposed Relocated Oyster Point Road centerline) to a point 176.05 feet right of Station 229+46.72 (Proposed Relocated Oyster Point Road centerline) for a connection to the eastbound lane (EBL) of Route 171 and approximately 89 feet in length, along the centerline alignment of Route 171, as shown on the attached Exhibit A, showing the proposed break in the current limited

access control line, and Exhibit B, showing the proposed entrance and its intersection with Route 17, all as shown on the plans for State Highway Project, 0171-099-102, RW-201; and

WHEREAS, the County of York, by resolution, adopted November 17, 2020, endorses the LACC; and

WHEREAS, VDOT's Hampton Roads District has determined, with the Chief Engineer concurring, that the proposed break in the limited access control of Route 171 will have minimal impact on the operation of the Route 171 right of way, and the proposed LACC is appropriate from a safety and traffic control standpoint based upon a Global Traffic Analysis, dated November 14, 2016, prepared by DRW Consultants, LLC; and

WHEREAS, VDOT's Hampton Roads District has determined the location of the proposed LACC is not within an air quality maintenance or non-attainment area. In addition, the environmental impact analysis was reviewed and approved by the Hampton Roads District and there will be no adverse environmental impacts; and

WHEREAS, public notices of willingness to hold a public hearing and to receive public comment were posted in the *Daily Press* newspaper on October 12, 2020 and October 19, 2020, with no comments or requests for a public hearing received; and

WHEREAS, compensation shall be paid by the requestor in consideration of the LACC and the related easements to be conveyed, as determined by the Commissioner of Highways or his designee; and

WHEREAS, all right of way, engineering, construction, and necessary safety improvements shall meet all VDOT standards and requirements; and

WHEREAS, all costs of engineering and construction, including all necessary safety improvements, will be borne by the requestor; and

WHEREAS, the requestor will be required to obtain a Land Use Permit prior to any activity within the Route 171 limited access right of way.

NOW, THEREFORE, BE IT RESOLVED, in accordance with Section 33.2-401 of the *Code of Virginia* and 24 *Virginia Administrative Code* 30-401--10 et seq., the CTB hereby finds and concurs with the determinations of VDOT, and approves said LACC, as set forth herein, subject to the above referenced conditions.

BE IT FURTHER RESOLVED, the Commissioner of Highways is authorized to take all actions and execute any and all documents necessary to implement such changes.

CTB Decision Brief
Route 171 (Victory Boulevard)
County of York
Limited Access Control Change

Issues: BFG Sage Yorktown Propco, LLC has requested a break in limited access control along Route 171 (Victory Boulevard) to construct a commercial entrance to serve as direct access to and from their planned senior housing development, Harper's Station at Yorktown, onto the existing limited access right of way of Route 171 (Victory Boulevard), approximately 860 feet west of the Route 171 and Route 17 Intersection. This limited access control change requires approval of the Commonwealth Transportation Board (CTB) pursuant to § 33.2-401 of the *Code of Virginia* and 24 VAC 30-401-20 of the *Virginia Administrative Code*

Facts:

- Oyster Point Road (Proposed Route 171 Extension) now Route 171 (Victory Boulevard), State Highway Project 0171-099-102, RW-201, C-501, York County was designated as a Limited Access Highway by the Commonwealth Transportation Board (CTB), on April 16, 1987.
- In connection with State Highway Project 0171-099-102, C-501, RW-201, the Commonwealth acquired certain limited access control easements from Marshall W. Cook, by Instrument dated November 4, 1987, recorded in Deed Book 507, Page 241 and concluded by Order dated May 21, 1991, both recorded in the Office of the Clerk of Circuit Court of the County of York.
- The proposed break is from a point 78.80 feet right of Station 228+57.48 (Proposed. Relocated Oyster Point Road centerline) to a point 176.05 feet right of Station 229+46.72 (Proposed Relocated Oyster Point Road centerline) for a connection to the eastbound lane (EBL) of Route 171.
- The proposed break is also approximately 89 feet, along the centerline alignment of Route 171, as shown on the plans for State Highway Project, 0171-099-102, RW-201, C-501 (Limited Access Control Change or LACC), and includes the addition of a right turn lane on eastbound Route 171, a left turn lane on westbound Route 171, an extension of the left turn lane on eastbound route 171 into Wal-Mart and modification of the existing signal, with both left and right in and left and right out and no through movements.
- The written determination of the Chief Engineer regarding this proposed project is attached for your consideration.
- The County of York, by resolution, adopted November 17, 2020, endorses the LACC.
- VDOT's Hampton Roads District has determined, with the Chief Engineer concurring, that the proposed break in the limited access control of Route 171 will have minimal impact on the operation of the Route 171 right of way, with a projected increased delay at the Wal-Mart/Victory Boulevard intersection of only one second on average, and the proposed LACC is appropriate from a safety and traffic control standpoint based upon a Global Traffic Analysis, dated November 14, 2016, prepared by DRW Consultants, LLC.
- VDOT's Hampton Roads District has determined the location of the proposed LACC is not within an air quality maintenance or non-attainment area. In addition, the environmental impact analysis was reviewed and approved by the Hampton Roads District and there will be no adverse environmental impacts.
- Public notices of willingness to hold a public hearing and to receive public comment were posted in the *Daily Press* newspaper on October 12, 2020 and October 19, 2020, with no comments or requests for a public hearing received.
- Compensation shall be paid by the requestor in consideration of the LACC and the related easements to be conveyed, as determined by the Commissioner of Highways or his designee.

CTB Decision Brief
Limited Access Control Change
Route 171
County of York
December 9, 2020
Page 2 of 2

- All right of way, engineering, construction, and necessary safety improvements shall meet all VDOT standards and requirements.
- All costs of any engineering, construction or safety improvements will be borne by the requestor.
- The requestor will be required to obtain a Land Use Permit prior to any activity within the Route 171 limited access right of way.

Recommendation: VDOT recommends the approval of the proposed LACC subject to the referenced conditions and facts. VDOT further recommends that the Commissioner be authorized to take all actions and execute all documentation necessary to implement the LACC.

Action Required by CTB: Virginia Code § 33.2-401 and 24 *Virginia Administrative Code* 30-401--10 et seq. requires a majority vote of the CTB approving the recommended LACC. The CTB will be presented with a resolution for a formal vote.

Result, if Approved: The project will move forward as proposed and the Commissioner of Highways will be authorized to take all actions necessary to comply with this resolution.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: None



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

Stephen C. Brich, P.E.
COMMISSIONER

December 1, 2020

The Honorable Shannon Valentine
The Honorable Stephen C. Brich, P. E.
The Honorable Jennifer Mitchell
The Honorable Jerry L. Stinson
The Honorable Mary H. Hynes
The Honorable Alison DeTuncq
The Honorable Bert Dodson, Jr.
The Honorable W. Sheppard Miller III
The Honorable Carlos M. Brown
The Honorable Cedric Bernard Rucker
The Honorable Stephen A. Johnsen
The Honorable F. Dixon Whitworth, Jr.
The Honorable E. Scott Kasproicz
The Honorable Raymond D. Smoot Jr.
The Honorable Marty Williams
The Honorable John Malbon
The Honorable Greg Yates

Subject: Approval of Limited Access Control Changes (LACC) for Route 171 (Victory Boulevard)

Dear Commonwealth Transportation Board Members:

The Department has received a request for your consideration from BFG Sage Yortown Propco, LLC for a break in the limited access control along Route 171 to construct a commercial entrance to serve as direct access to and from their planned senior housing development, Harper's Station at Yorktown, onto the existing limited access right of way of Route 171. The Department's staff has determined there will be minimal impact on the operation to Route 171 and that the proposed LACC is appropriate from a design, safety and traffic control standpoint.

The request meets the engineering criteria and guidelines set forth in Title 24, Agency 30, Chapter 401 of the Virginia Administrative Code. I have reviewed the Staff's recommendations, and determined that approving the limited access control changes will not adversely affect the safety or operation of the affected highway network. I have determined that this request should be considered by the Board.

Sincerely,

Barton A. Thrasher, P.E.
Chief Engineer

COUNTY ADMINISTRATOR

Neil A. Morgan



BOARD OF SUPERVISORS

Walter C. Zaremba
District 1
Sheila S. Noll
District 2
W. Chad Green
District 3
Vacant
District 4
Thomas G. Shepperd, Jr.
District 5

December 3, 2020

C. R. Carroll
Williamsburg Residency Administrator
Virginia Department of Transportation
4451 Ironbound Road
Williamsburg, Virginia 23188

Dear Rossie:

I am writing to re-affirm the York County Board of Supervisors' endorsement of and support for a requested Limited Access Control Change (LACC) along the south side of Victory Boulevard (Route 171) to allow the installation of a driveway approximately 860 feet west of George Washington Memorial Highway (Route 17). The purpose of the driveway is to provide ingress to and egress from a planned senior housing development located on 9.2 acres of land adjoining Victory Boulevard, for which the Board approved a Special Use Permit on November 17, 2020. A request for a limited access break in this same location was previously endorsed by the Board on August 15, 2017, through the adoption of Resolution No. R17-115 (copy attached). That request, which also involved a planned senior housing development (The Phoenix at Yorktown) for which a Special Use Permit was approved by the Board, was approved by the Commonwealth Transportation Board (CTB) on January 16, 2019. However, the senior housing project was never initiated, and both the Special Use Permit and the LACC approval have since expired.

A different developer, Sage Development Group, is now pursuing a similar senior housing project, called Harper's Station, on the same property. As depicted on the attached site concept plan (copy attached), this project also involves an entrance on Victory Boulevard, and the developer has proffered to make all the improvements to Victory Boulevard that were part of the 2017 proposal approved by the CTB. The Board of Supervisors approved a Special Use Permit for the development contingent on a requirement that the only access to and from the development will be via Victory Boulevard, subject to CTB approval. In taking this action, the Board reinforced its previous endorsement of the limited access break.

Please do not hesitate to contact me if you have any questions.

Sincerely,


Neil A. Morgan
County Administrator

TCC

- Resolution Nos. R17-115 and R20-134
- Harper's Station Master Plan

224 Ballard Street • P.O. Box 532 • Yorktown, Virginia 23690-0532 • (757) 890-3320

Fax: (757) 890-4002 • TDD (757) 890-3621 • Email: bos@yorkcounty.gov

A Hampton Roads Community

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the 15th day of August, 2017:

| <u>Present</u> | <u>Vote</u> |
|-----------------------------------|-------------|
| Sheila S. Noll, Chairman | Nay |
| Jeffrey D. Wassmer, Vice Chairman | Yea |
| Walter C. Zaremba | Yea |
| W. Chad Green | Yea |
| Thomas G. Shepperd, Jr. | Yea |

On motion of Mr. Zaremba, which carried 4:1, the following resolution was adopted:

A RESOLUTION TO SUPPORT THE REQUEST OF LANDBRIDGE ACQUISITIONS, LLC TO OBTAIN APPROVAL FROM THE COMMONWEALTH TRANSPORTATION BOARD FOR A BREAK IN THE LIMITED ACCESS RESTRICTION ON THE EASTBOUND LANES OF ROUTE 171 (VICTORY BOULEVARD) APPROXIMATELY 860 FEET WEST OF ROUTE 17

WHEREAS, Landbridge Acquisitions, LLC has approached the York County Board of Supervisors to seek the Board's support of a request to the Commonwealth Transportation Board for authorization of a break in the limited access status of Route 171 (Victory Boulevard); and

WHEREAS, Landbridge Acquisitions, LLC has proposed to develop the 8.1-acre parcel for which access is requested, along with two adjoining parcels, as a 170-unit senior housing facility and the Board of Supervisors has approved a Special Use Permit to authorize the proposed development subject to various conditions, one of which is that it be accessed from Route 171; and

WHEREAS, Landbridge Acquisitions, LLC has proposed a conceptual plan of development for the property depicting a driveway access to Route 171 located approximately 860 feet west of George Washington Memorial Highway (Route 17) and also showing associated improvements within the Route 171 right-of-way, all of which would be funded exclusively by Landbridge Acquisitions, LLC; and

WHEREAS, the only other access option available to the property would be from Byrd Lane and/or Oak Street, both of which are older residential streets that do not meet VDOT's minimum pavement width standards and are not appropriate for commercial traffic beyond their intersections with Route 17; and

WHEREAS, the Board of Supervisors has carefully considered the developer's proposal and determined that it is a request worthy of support, subject to conditions and agreements sufficient to guarantee the prospective developer implements the improvements to Route 171 that have been pledged;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of August, 2017, that it does hereby endorse the request of Landbridge Acquisitions, LLC to obtain authorization from the Commonwealth Transportation Board for a limited access break that would allow the installation of a driveway on the eastbound lanes of Route 171 (Victory Boulevard) approximately 860 feet west of Route 17 and including the improvements within the Route 171 right-of-way all of which are depicted on the site concept plan titled "PLAN FOR REZONING: THE PHOENIX AT YORKTOWN" prepared by AES Consulting Engineers, dated April 27, 2017 and revised June 23, 2017.

BE IT FURTHER RESOLVED that the Board's endorsement of this request limited to this specific land use proposal and with the understanding that all necessary improvements within the Route 171 right-of-way will be undertaken solely at the expense of Landbridge Acquisitions, LLC and in accordance with all requirements and standards prescribed and established by the Commonwealth Transportation Board and the Virginia Department of Transportation.

A Copy Teste:



Mary E. Simmons
Deputy Clerk

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of _____, 2020:

Present

Vote

W. Chad Green, Chairman
Walter C. Zaremba, Vice Chairman
Sheila S. Noll
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A SENIOR HOUSING FACILITY ON 9.2 ACRES AT 119, 120, AND 121 BYRD LANE

WHEREAS, BFG Sage Yorktown Propco, LLC has submitted Application No. UP-958-20 to request a Special Use Permit to authorize the establishment of a 157-unit senior housing facility with independent living, assisted living, and memory care units, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 1, No. 9b and Category 6, No. 3), on three parcels located at 119, 120, and 121 Byrd Lane (Route 734) and further identified as Assessor’s Parcel Nos. 37F-3-A1, 36-10, and 37F-3-A (GPINs S03d-2755-2181, S03d-2555-2250, and S03d-2634-2179); and

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

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

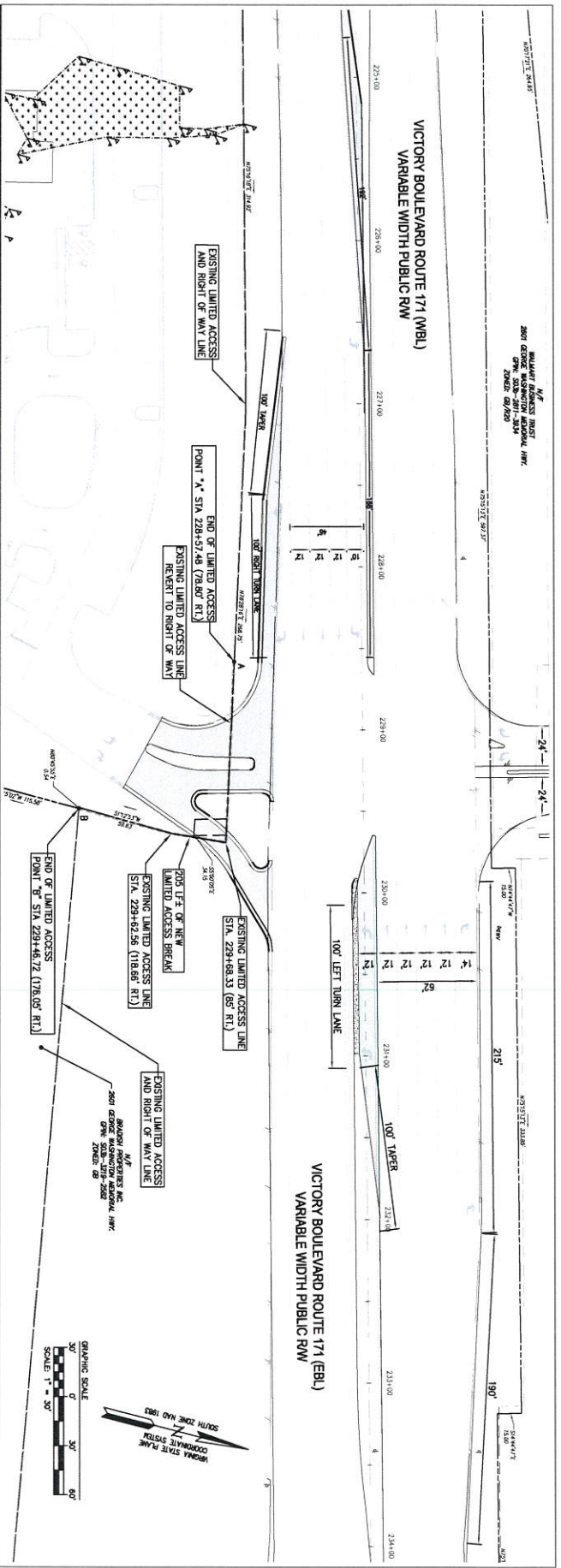
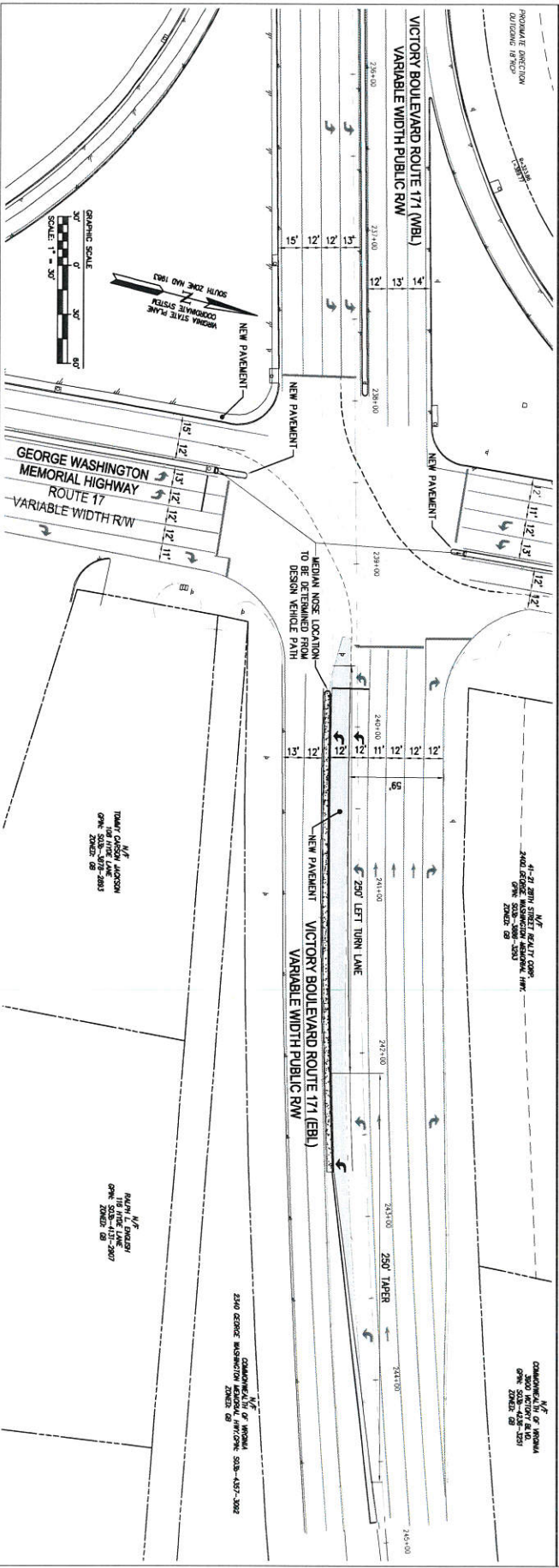
NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the ____ day of _____, 2020, that Application No. UP-958-20 be, and it

is hereby, approved to authorize a Special Use Permit for the establishment of a 157-unit senior housing facility, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 1, No. 9b and Category 6, No. 3), on three parcels located at 119, 120, and 121 Byrd Lane (Route 734) and further identified as Assessor's Parcel Nos. 37F-3-A1, 36-10, and 37F-3-A (GPINs S03d-2755-2181, S03d-2555-2250, and S03d-2634-2179) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a 157-unit senior housing facility, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 1, No. 9b and Category 6, No. 3), on three parcels located at 119, 120, and 121 Byrd Lane (Route 734) and further identified as Assessor's Parcel Nos. 37F-3-A1, 36-10, and 37F-3-A (GPINs S03d-2755-2181, S03d-2555-2250, and S03d-2634-2179).
2. A site plan prepared in accordance with the provisions set forth in Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Development Services Division prior to the commencement of any land clearing or development activities on the subject property. Said site plan shall be in substantial conformance with the sketch plan titled "MASTER PLAN FOR HARPER'S STATION, 119-121 BYRD LANE" prepared by AES Consulting Engineers and dated July 15, 2020, a copy of which shall be kept on file in the office of the Planning Division.
3. The maximum number of dwelling units shall not exceed 157.
4. Construction and operation of the development shall be in accordance with the provisions set forth in Section 24.1-411 of the York County Zoning Ordinance, Standards for Senior Housing (Housing for Older Persons).
5. Access to and from the development shall be via Victory Boulevard (Route 171), subject to the approval of the Commonwealth Transportation Board (CTB), and no direct access to the property via either Byrd Lane (Route 734) or Oak Street (Route 796) shall be permitted. In the event that the CTB does not permit access to Victory Boulevard, this use permit shall be null and void.
6. Building architecture and design shall be in substantial conformance with the building elevations titled "Sage-Harper Station at Yorktown" prepared by John Marc Tolson Architecture and dated September 25, 2020, a copy of which shall be kept on file in the office of the Planning Division.
7. The senior housing facility shall have adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication system of York County.
8. The facility shall have a full facility emergency generator.

9. Any vehicle canopies installed on the property shall have a minimum clearance of 13'6".
10. The access road around the building shall be designed to accommodate the turning radius (minimum of 33 feet) of large fire and rescue apparatus.
11. A standpipe system shall be installed in all stairwells.
12. Emergency Action Plans shall be established and provided to the Department of Fire and Life Safety for review prior to site plan approval.
13. All elevators shall be sized to accommodate ambulance stretchers measuring 24 inches by 84 inches with 5-inch radius corners, in the horizontal, open position and identified by the international symbol for emergency medical services (Star of Life).
14. All exterior doors shall be labeled in accordance with the York County Model Door Numbering System.
15. 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(s) as grantor(s) in the office of the Clerk of the Circuit Court prior to application for site plan approval.

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



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| DATE | DESCRIPTION |
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MASTER PLAN FOR
HARPER'S STATION
 119 - 121 BYRD LANE
 WALKER DISTRICT YORK COUNTY VIRGINIA

AES
 CONSULTING ENGINEERS
 Hampton Roads, Charlottesville, Middle Peninsula

2241 Old Town Road, Suite 201
 Newport News, VA 23602
 Phone: 757-222-8900
 Fax: 757-222-8999
 www.aesinc.com

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**MINUTES
OF
MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD**

Richmond, Virginia

April 16, 1987

The monthly meeting of the Commonwealth Transportation Board was held in the Central Office in Richmond, Virginia, on April 16, 1987, at 10:00 a.m. The chairman, Mr. Ray D. Pethel, presided.

Present: Messrs. Pethel, Bacon, Beyer, Davidson, Guiffre, Humphreys, Kelly, Leafe, Malbon, Musselwhite, Quicke and Smalley and Mrs. Kincheloe and Dr. Thomas.

Absent: Dr. Howlette.

On motion of Mr. Malbon, seconded by Mr. Beyer, the minutes of the meeting of February 19, 1987, were approved.

On motion of Mr. Kelly, seconded by Mr. Musselwhite, permits issued and canceled from March 19, 1987, to April 15, 1987, inclusive, as shown by the records of the Department, were approved.

Moved by Mr. Musselwhite, seconded by Mrs. Kincheloe, that the Board approve additions and abandonments to the Secondary System from February 23, 1987 to March 26, 1987, inclusive, as shown by the records of the Department. Motion carried.

4/16/87

Moved by Mr. Kelly, seconded by Mr. Beyer, that

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Design Public Hearing was held in the Lutrelle F. Palmer Elementary School on February 23, 1987, at 7:00 p.m. for the purpose of considering the proposed major design features of Oyster Point Road (Proposed Route 17 Extension) from the intersection of Jefferson Avenue in Newport News to Int. Route 17 in York County, State Projects U000-121-108, C502; 0064-121-105, C501; and 0171-099-102, C501; Federal Projects M-5122 () and IR-64-3(),

WHEREAS, proper notice was given in advance and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed projects as presented, and their statements being duly recorded, and

WHEREAS, the economic, social and environmental effects of the proposed projects have been examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed,

NOW, THEREFORE, BE IT RESOLVED, that the major design features of these projects be approved in accordance with the plan as proposed and presented at the said Design Public Hearing by the Department's Engineers, and

BE IT FURTHER RESOLVED, that in accordance with the Code of Virginia and Commonwealth Transportation Board Policy, access is granted to Interstate Route 64 for Oyster Point Road as shown on the plans presented at the Design Public Hearing, and

BE IT FURTHER RESOLVED, that in accordance with the Code of Virginia and Commonwealth Transportation Board Policy, Oyster Point Road be designated as a limited access highway from Canon Boulevard in the City of Newport News to Route 17 in York County with access to Interstate Route 64 in Newport News and two access points in York County for proposed development, and

BE IT FURTHER RESOLVED, that in accordance with the Code of Virginia and Commonwealth Transportation Board Policy and in the interest of public safety, (1) pedestrians, (2) persons riding bicycles or mopeds, (3) horse-drawn vehicles, (4) self-propelled machinery or equipment, and (5) animals led, ridden, or driven on the hoof be prohibited from using the designated limited access segment of this highway, and

4/16/87

BE IT FURTHER RESOLVED, that in accordance with the Code of Virginia proposed Oyster Point Road as approved in the City of Newport News and York County, approximately 2.4 miles, be added to the Primary System of Highways and designated as Route 171.

Motion carried.

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the 17th day of November, 2020:

| <u>Present</u> | <u>Vote</u> |
|----------------------------------|-------------|
| W. Chad Green, Chairman | Yea |
| Walter C. Zaremba, Vice Chairman | Yea |
| Sheila S. Noll | Yea |
| Thomas G. Shepperd, Jr. | Yea |

On motion of Mrs. Noll, which carried 4:0, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE A SENIOR HOUSING FACILITY ON 9.2 ACRES AT
119, 120, AND 121 BYRD LANE

WHEREAS, BFG Sage Yorktown Propco, LLC has submitted Application No. UP-958-20 to request a Special Use Permit to authorize the establishment of a 157-unit senior housing facility with independent living, assisted living, and memory care units, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 1, No. 9b and Category 6, No. 3), on three parcels located at 119, 120, and 121 Byrd Lane (Route 734) and further identified as Assessor's Parcel Nos. 37F-3-A1, 36-10, and 37F-3-A (GPINs S03d-2755-2181, S03d-2555-2250, and S03d-2634-2179); and

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

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of November, 2020, that Application No. UP-958-20 be, and it is hereby, approved to authorize a Special Use Permit for the establishment of a

157-unit senior housing facility, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 1, No. 9b and Category 6, No. 3), on three parcels located at 119, 120, and 121 Byrd Lane (Route 734) and further identified as Assessor's Parcel Nos. 37F-3-A1, 36-10, and 37F-3-A (GPINs S03d-2755-2181, S03d-2555-2250, and S03d-2634-2179) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a 157-unit senior housing facility, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 1, No. 9b and Category 6, No. 3), on three parcels located at 119, 120, and 121 Byrd Lane (Route 734) and further identified as Assessor's Parcel Nos. 37F-3-A1, 36-10, and 37F-3-A (GPINs S03d-2755-2181, S03d-2555-2250, and S03d-2634-2179).
2. A site plan prepared in accordance with the provisions set forth in Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Development Services Division prior to the commencement of any land clearing or development activities on the subject property. Said site plan shall be in substantial conformance with the sketch plan titled "MASTER PLAN FOR HARPER'S STATION, 119-121 BYRD LANE" prepared by AES Consulting Engineers and dated July 15, 2020, a copy of which shall be kept on file in the office of the Planning Division.
3. The maximum number of dwelling units shall not exceed 157.
4. Construction and operation of the development shall be in accordance with the provisions set forth in Section 24.1-411 of the York County Zoning Ordinance, Standards for Senior Housing (Housing for Older Persons).
5. Access to and from the development shall be via Victory Boulevard (Route 171), subject to the approval of the Commonwealth Transportation Board (CTB), and no direct access to the property via either Byrd Lane (Route 734) or Oak Street (Route 796) shall be permitted. In the event that the CTB does not permit access to Victory Boulevard, this use permit shall be null and void.
6. Building architecture and design shall be in substantial conformance with the building elevations titled "Sage-Harper Station at Yorktown" prepared by John Marc Tolson Architecture and dated September 25, 2020, a copy of which shall be kept on file in the office of the Planning Division.
7. The senior housing facility shall have adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication system of York County.
8. The facility shall have a full facility emergency generator.

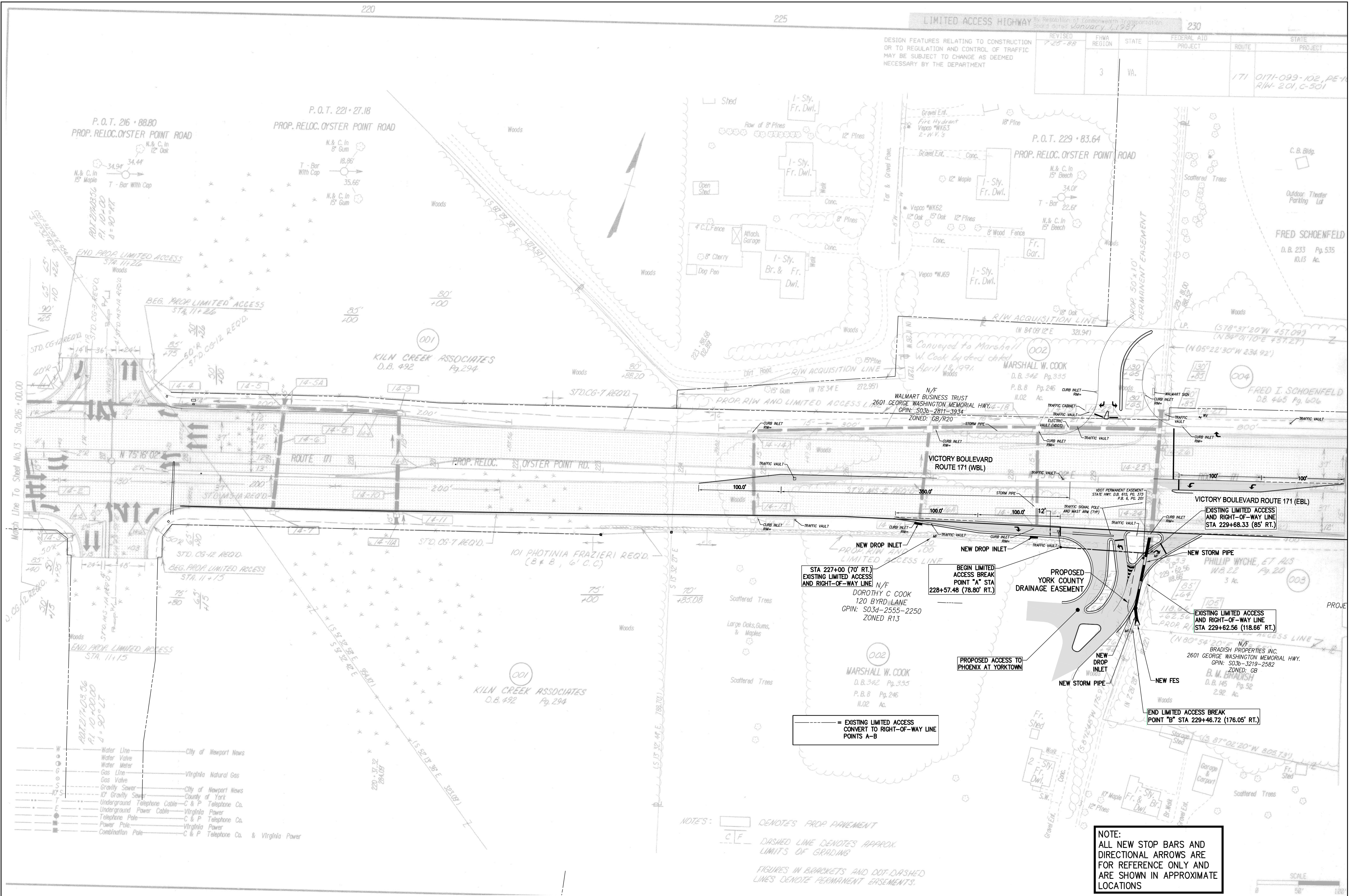
9. Any vehicle canopies installed on the property shall have a minimum clearance of 13'6".
10. The access road around the building shall be designed to accommodate the turning radius (minimum of 33 feet) of large fire and rescue apparatus.
11. A standpipe system shall be installed in all stairwells.
12. Emergency Action Plans shall be established and provided to the Department of Fire and Life Safety for review prior to site plan approval.
13. All elevators shall be sized to accommodate ambulance stretchers measuring 24 inches by 84 inches with five-inch (5") radius corners, in the horizontal, open position and identified by the international symbol for emergency medical services (Star of Life).
14. All exterior doors shall be labeled in accordance with the York County Model Door Numbering System.
15. Removal of existing trees from the median of Victory Boulevard (Route 171) west of the Walmart entrance shall be permitted only to the extent necessary to accommodate extension of the eastbound left turn lane and taper at the Walmart entrance or as required by the Virginia Department of Transportation (VDOT). The applicant shall 1) plant a number of shrubs in the median comparable to the number of trees removed from the median west of the Walmart intersection, subject to review and approval by the Zoning Administrator and VDOT, and 2) donate to the County an equivalent number of trees of the same or similar species – with a minimum three-inch (3") caliper – as those removed from the median of Victory Boulevard west of the Walmart intersection for planting elsewhere in the County.
16. 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(s) as grantor(s) in the office of the Clerk of the Circuit Court prior to application for site plan approval.

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

A Copy Teste:

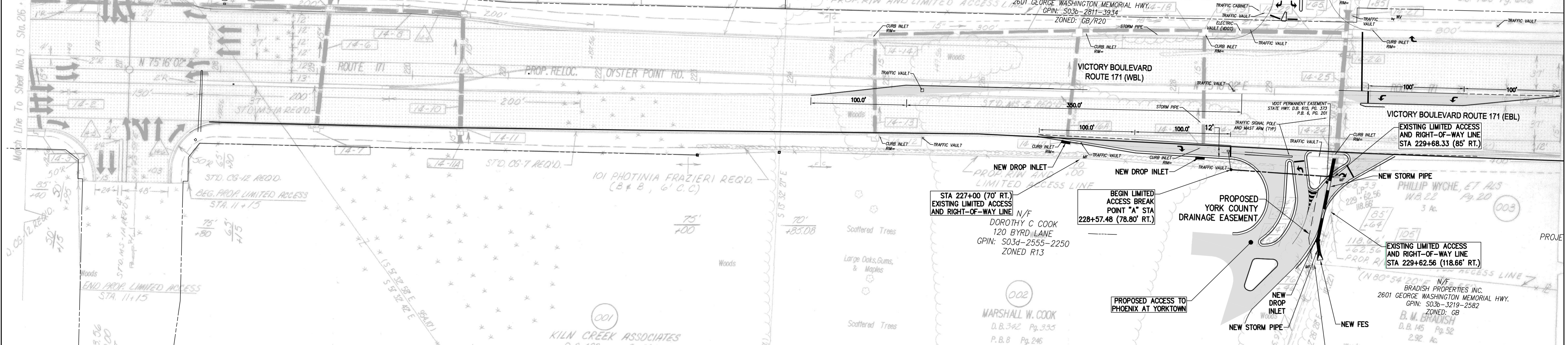
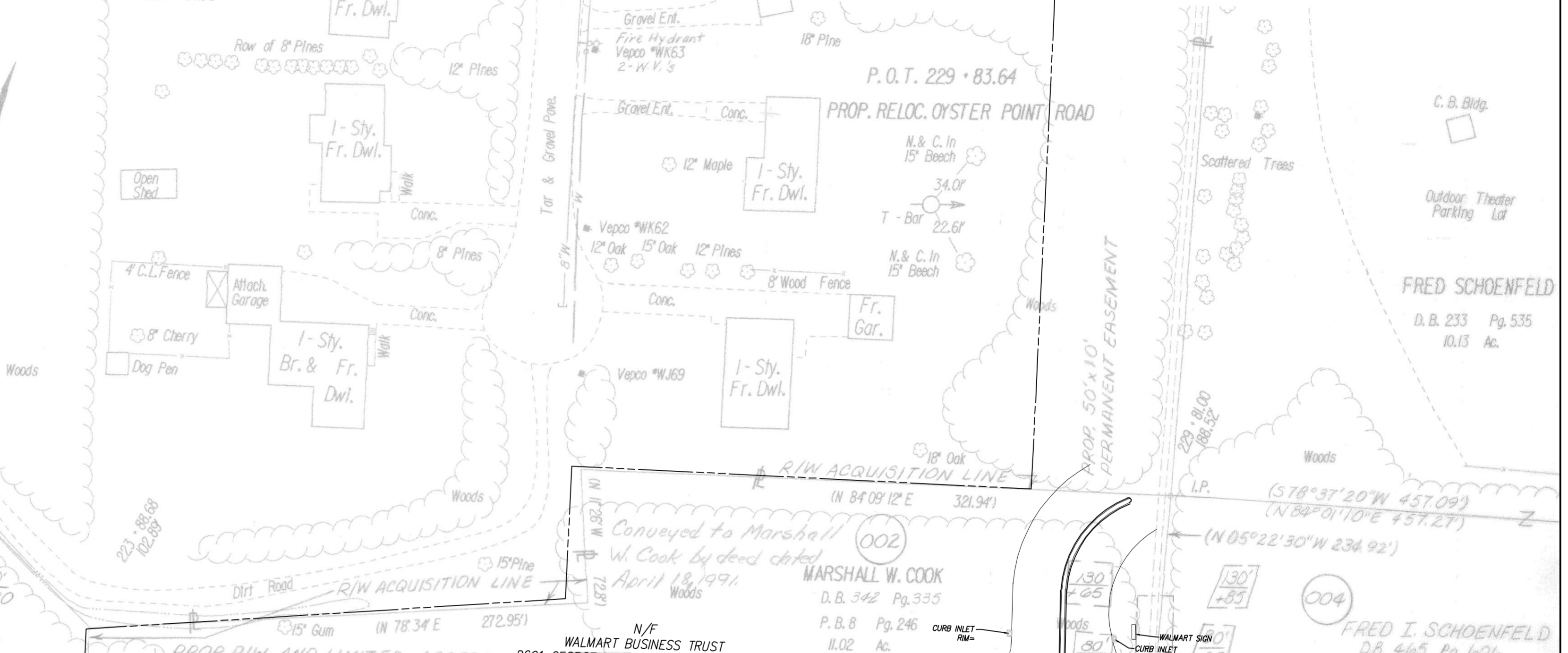
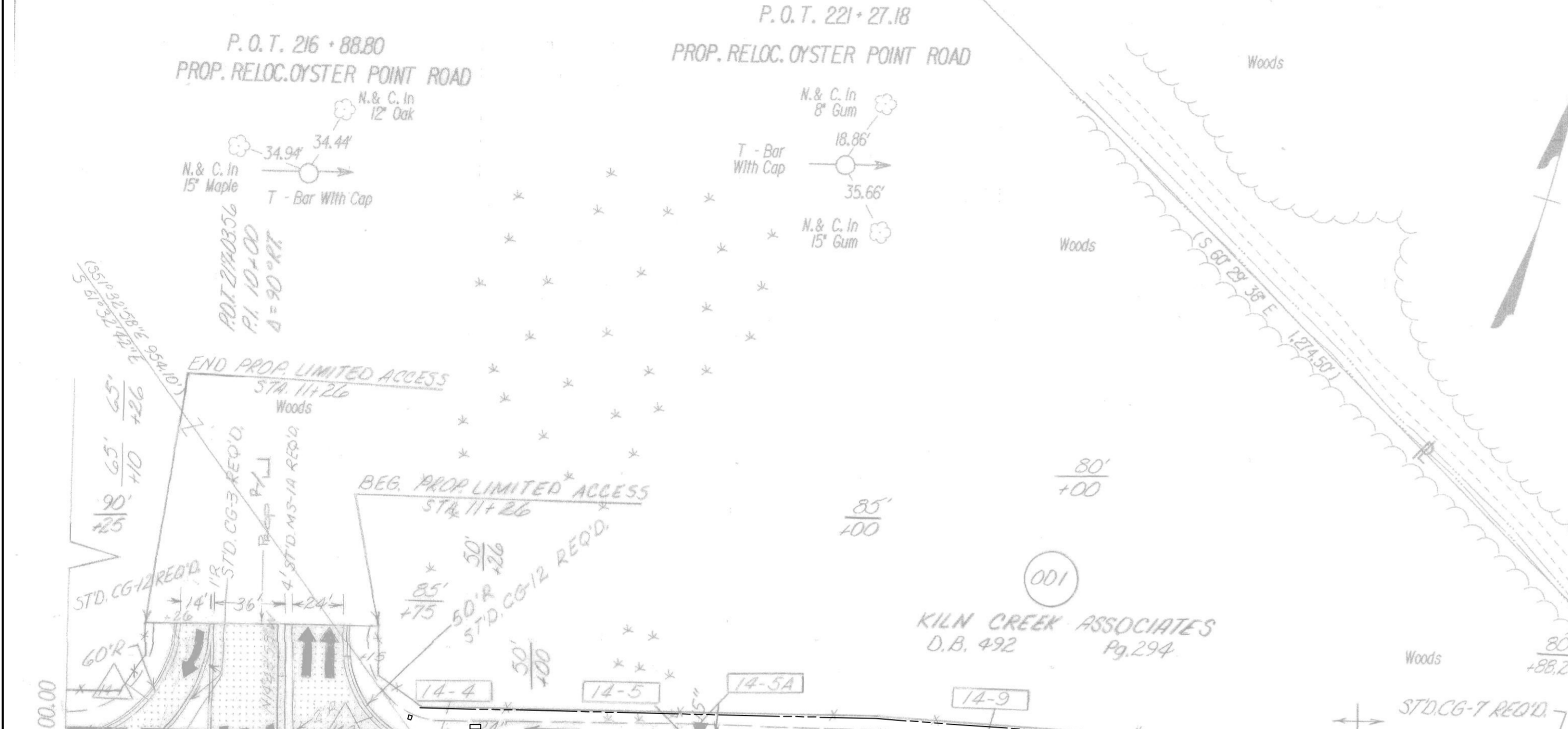


Heather L. Schott
Deputy Clerk



| REVISED | FHWA REGION | STATE | FEDERAL AID PROJECT | ROUTE | STATE PROJECT |
|---------|-------------|-------|---------------------|-------|--------------------------------------|
| 7-25-88 | 3 | VA. | | 171 | 0171-099-102, PE-1 RIW-201, C-501 |

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT



| Symbol | Description | Owner/Utility |
|--------|-----------------------------|--------------------------------------|
| W | Water Line | City of Newport News |
| WV | Water Valve | City of Newport News |
| WM | Water Meter | City of Newport News |
| G | Gas Line | Virginia Natural Gas |
| GV | Gas Valve | Virginia Natural Gas |
| S | Gravity Sewer | City of Newport News |
| 10" S | 10" Gravity Sewer | City of Newport News |
| T | Underground Telephone Cable | C & P Telephone Co. |
| E | Underground Power Cable | Virginia Power |
| P | Telephone Pole | C & P Telephone Co. |
| PP | Power Pole | Virginia Power |
| CP | Combination Pole | C & P Telephone Co. & Virginia Power |

NOTES:
 [Symbol] DENOTES PROP. PAIEMENT
 [Symbol] DASHED LINE DENOTES APPROX. LIMITS OF GRADING
 FIGURES IN BRACKETS AND DOT-DASHED LINES DENOTE PERMANENT EASEMENTS.

NOTE:
 ALL NEW STOP BARS AND DIRECTIONAL ARROWS ARE FOR REFERENCE ONLY AND ARE SHOWN IN APPROXIMATE LOCATIONS



| Rev. | Date | Description |
|------|----------|---------------------------------------|
| 4 | 10/19/18 | REVISIONS PER VDOT REQUEST |
| 3 | 10/09/18 | REVISIONS PER VDOT REQUEST |
| 2 | 10/02/18 | REVISIONS PER DEXTER WILLIAMS REQUEST |
| 1 | 9/10/18 | REVISIONS PER VDOT MEETING 9/10/18 |

5248 Ochs Tower Road, Suite 1
 Williamsburg, Virginia 23188
 Phone: (757) 283-0040
 Fax: (757) 226-8584
 www.ahs.com

Hampton Roads | Central Virginia | Middle Peninsula | YORK COUNTY

PHOENIX AT YORKTOWN
 FOR LANDBRIDGE ACQUISITIONS, LLC

Project Contacts: JAG
 Project Number: W10423-00
 Scale: 1"=50'
 Date: 07/27/2018

Sheet Title:
 LIMITED ACCESS EXHIBIT

Sheet Number
EXHIBIT B

S:\JOB\SW10423\01-Phoenix at Yorktown\For Others\2018-12-27 Limited Access Exhibits for Dexter\W10423-01_2018-12-27 Limited Access Exhibit A.dwg 12/27/2018 10:39:41 AM melanie.hallinger

NOTES:

1. THE LOCATIONS OF THE EXISTING AND PROPOSED LIMITED ACCESS LINES ALONG VICTORY BOULEVARD ROUTE 17 ARE TIED BY STATION AND OFFSET TO THE EXISTING CENTERLINE ALIGNMENT PER VDOT PROJECT 0171-099-102.
2. THIS EXHIBIT SHOWS THE LOCATION OF THE EXISTING LIMITED ACCESS LINE AS DELINEATED ON SHEET 14 OF THE VDOT PROJECT 0171-099-102.

VICTORY BOULEVARD ROUTE 171 (WBL)

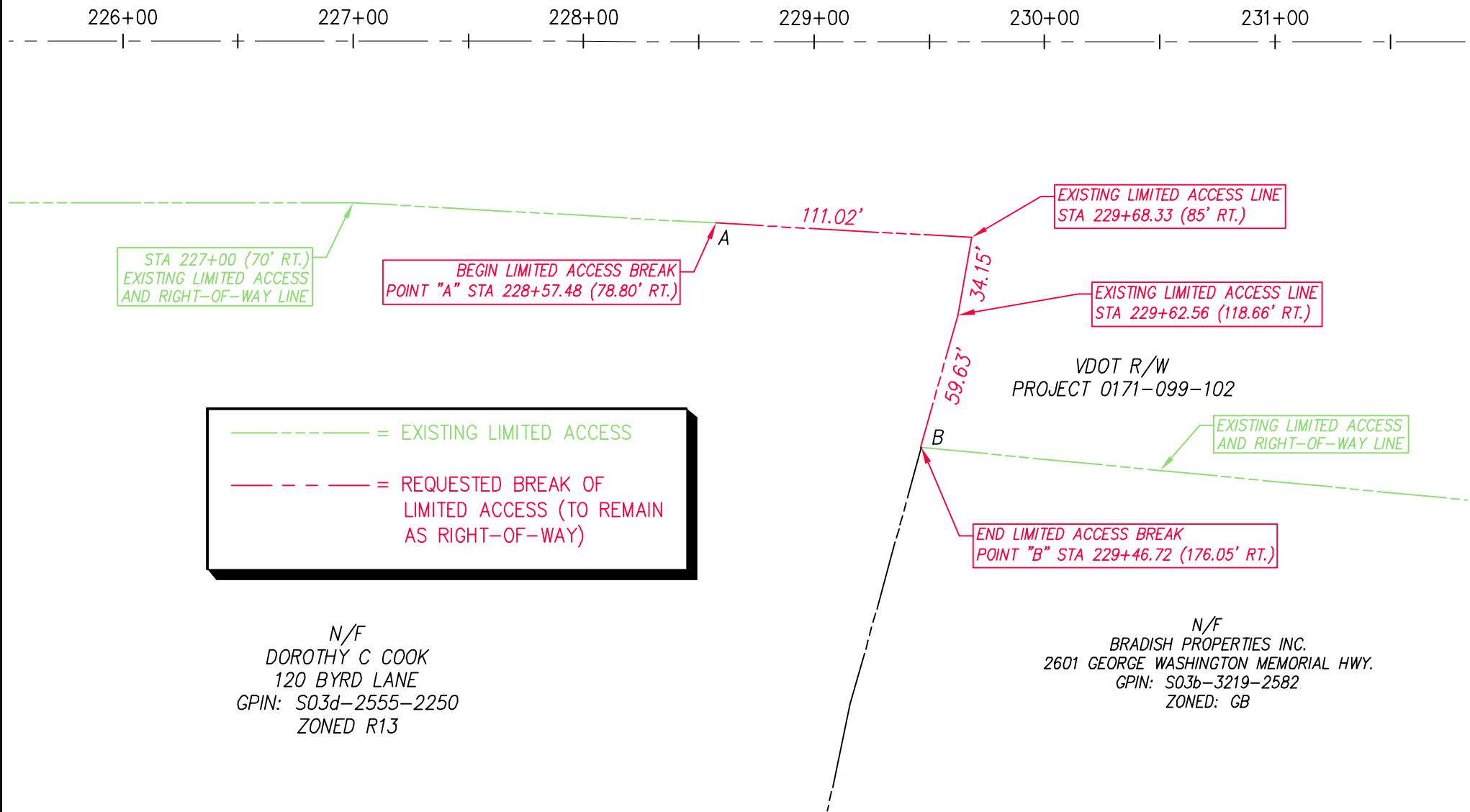


EXHIBIT A: LIMITED ACCESS BREAK

VICTORY BOULEVARD & U.S. ROUTE 17
ROAD IMPROVEMENTS

THE PHOENIX AT YORKTOWN

120 BYRD LANE

KILN CREEK DISTRICT YORK COUNTY VIRGINIA

| | |
|-------------------|------------|
| Project Contacts: | JAG/DLD |
| Project Number: | W10423-01 |
| Scale: | Date: |
| 1"=60' | 12/27/2018 |

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