

RESOLUTION

CASE NO. SUP-21-03. MILANVILLE KENNELS

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

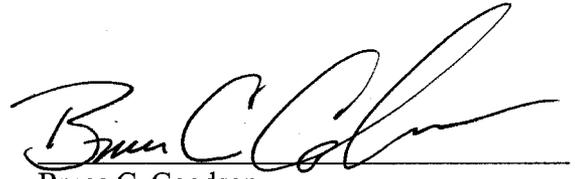
WHEREAS, kennels are a specially permitted use in the A-1, General Agricultural, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on December 8, 2003, recommended approval of Case No. SUP-21-03 by a 4-2 vote to permit the construction and operation of a kennel adjacent to the existing residence at 2878 Monticello Avenue and further identified as Parcel No. (1-6) on James City County Real Estate Tax Map No. (44-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-21-03 as described herein with the following conditions:

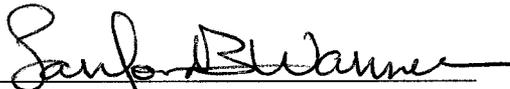
1. This special use permit shall be valid for the operation of a kennel of up to 7,000 square feet and accessory uses thereto. The number of outdoor kennel runs permitted on the property shall not exceed 80. The property shall be developed generally in accordance with the Master Plan submitted with the application, with minor changes approved by the Development Review Committee.
2. No subdivision of this property shall be permitted while the kennel remains in operation.
3. Final building location, orientation, and construction materials shall be approved by the Planning Director prior to final site plan approval. The intent of this condition is to ensure that the expansion is compatible with the design, scale, materials, and colors of the main residential structure and surrounding residences. The number and location of customer parking spaces, generally as shown on the Master Plan submitted with this application, shall be approved by the Planning Director.
4. All animal waste shall be disposed of in an on-site septic system and all animal runs shall be constructed so that animal waste will drain to a septic system approved by the Virginia Department of Health.
5. As part of site plan review, the applicant shall submit a noise abatement plan to the Planning Director for approval. The noise abatement plan at a minimum shall include provisions for sound-absorbing acoustical materials in the walls and ceilings. All doors and windows shall be closed while the kennel is in operation.
6. All outdoor kennel runs and the dog exercise area shall be screened from adjacent properties with a wall or solid fence, as approved by the Planning Director, at least 72 inches in height.

7. A Phase I Archaeological Study for any disturbed area shall be submitted to the Planning Director for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Planning Director for all sites in the Phase I Study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II Study is undertaken, such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to, and approved by, the Planning Director for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III Study. If in the Phase III Study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III Study is undertaken for said sites, such studies shall be approved by the Planning Director prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III Studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading, or construction activities thereon.
8. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines.
9. One freestanding sign shall be permitted on the site. The sign shall not exceed a cumulative size of 16 square feet, a height of six feet and shall be approved by the Planning Director. The sign shall not be illuminated.
10. The pickup and drop-off of animals for boarding or grooming shall not occur prior to 7:00 a.m. or after 7:00 p.m., Monday through Saturday and shall not occur on Sunday prior to 3:00 p.m. or after 5:00 p.m.
11. Between the hours of 7:00 p.m. and 8:00 a.m. all dogs shall be kept inside a fully enclosed building.
12. Construction on this project shall commence within twenty-four months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining permits for building construction and installation and inspection of footings and/or foundations.
13. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
HARRISON	AYE
BROWN	AYE
MCGLENNON	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of January, 2004.

sup-21-03archaeology.res