

RESOLUTION

CASE NO. SUP-0015-2010. CHANCO'S GRANT GREENSPRINGS TRAIL AMENDMENT

WHEREAS, the Board of Supervisors of James City County has adopted, by Ordinance, specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, water facilities (public and private), including transmission mains, are specially permitted uses in the R-8 Zoning District; and

WHEREAS, Mr. Bernie Farmer, James City County General Services, has applied for an SUP to amend the conditions of Case No. SUP-0014-2003 to allow for construction of a greenway trail at the Five Forks Groundwater Treatment Facility; and

WHEREAS, the property is located at 3123 Ironbound Road, zoned R-8, Rural Residential District, and further identified as James City County Real Estate Tax Map No. 4620100034; and

WHEREAS, the Planning Commission of James City County, following its public hearing on July 7, 2010, voted 6 to 0 to approve this application.

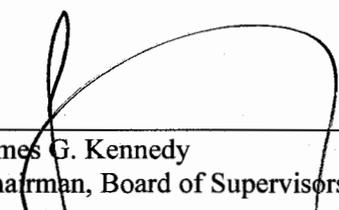
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0015-2010 as described herein with the following conditions:

1. Construction: Start of Construction on the Groundwater Treatment Facility, as defined in the Zoning Ordinance, shall commence within 36 months of approval of this SUP, or the permit shall become void.
2. Compliance: Construction, operation, and maintenance of the Groundwater Treatment Facility, water transmission main, production wells, and concentrate discharge main shall comply with all local, State, and Federal requirements.
3. Permits: All permits and easements shall be acquired prior to the commencement of construction for the water transmission main and concentrate discharge main.
4. Erosion and Sediment Control: The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
5. Development Plan: Development and land clearing of the site shall be generally in accordance with the "Preliminary Plan, Brackish Groundwater Desalinization Facility" prepared by AES Consulting Engineers, March 19, 2002, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development.

6. Spill Containment: Prior to the issuance of a Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for their review and approval.
7. Archaeology: A Phase I Archaeological Study for the any areas to be disturbed shall be submitted to the Director of Planning for review and approval prior to land disturbance for that area. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.
8. Lighting: All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, prior to final site plan approval, a lighting plan shall be submitted to, and approved by, the Director of Planning or his designee which indicates no glare outside the property lines. "Glare" shall be defined as more than 0.1 foot-candle at the property line or any direct view of the lighting source from the adjoining residential properties.
9. Architecture: Prior to final site plan approval, architectural elevations, building materials and colors shall be submitted to the Director of Planning for review and approval for all structures on the site. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible in terms of design, materials and colors, have a residential appearance, and are designed for minimal visual impact.
10. Landscaping: Any accessory structures on the site, such as storage tanks and production well structures, shall be screened with enhanced landscaping or constructed with materials and colors matching the treatment facility. Enhanced landscaping shall be defined as either 133 percent of evergreen trees required by the Zoning Ordinance or 125 percent of general planting required by the Zoning Ordinance as determined by the Director of Planning.

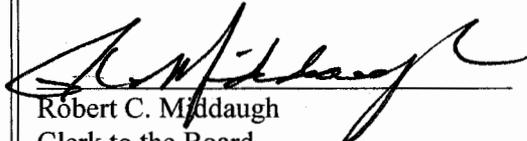
11. Utilities: The water main shall be located within the limits of clearing for the access driveway to the site from John Tyler Highway, the existing James City Service Authority (JCSA) easement or within the Virginia Department of Transportation (VDOT) right-of-way.
12. Route 5 Buffer: A 250-foot undisturbed wooded buffer shall be maintained along John Tyler Highway with the exception of the clearing necessary for the driveway providing access to the site and any portion of the existing JCSA utility easement along John Tyler Highway. The driveway shall be curved in such a way to minimize views of the site from John Tyler Highway to the greatest extent possible, as determined by the Director of Planning.
13. Chanco's Grant Buffer: A 300-foot undisturbed wooded buffer shall be maintained along the southern property line of the treatment facility site adjacent to the Chanco's Grant subdivision. The buffer shall remain undisturbed with the exception of breaks for pedestrian connections, utilities, pedestrian walking and hiking trails, and other uses specifically approved by the Director of Planning. Any approved breaks shall avoid any major disturbance and clearing or impacts on any trees larger than eight inches in breast height diameter.
14. Greenway Trail: The trail shall be generally located as shown on the plan titled "Project Location Map: Powhatan Creek Trail" dated June 2010, and drawn by the Williamsburg Environmental Group, Inc. with the ability to adjust the precise alignment to avoid specimen trees. The trail shall be built generally consistent with the design details shown on the plan titled "Cross Section Detail: Powhatan Creek Trail" dated June 2010, and drawn by Williamsburg Environmental Group, Inc.
15. Community Character: The applicant shall avoid removing trees, bushes, and shrubs along the water main and concentrate discharge main corridors along Route 5, 4-H Club Road, and Jamestown Road. Trees, bushes, and shrubs damaged during construction shall be replaced with a tree, bush, or shrub of equal type as approved by the Director of Planning.
16. Dust and Siltation Control: For water main or concentrate main construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. It is intended that the present and future results of the proposed water transmission main and concentrate discharge main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
17. Access: Vehicular access to residences within the effected right-of-ways shall be maintained at all times.
18. Construction Time: All construction activity for the concentrate discharge main and the water main extension adjacent to existing residential development shall occur between the hours of 8 a.m. and 5 p.m., Monday through Friday.
19. Vehicle and Equipment Storage: Construction vehicles and equipment shall not be parked or stored along Route 5, 4-H Club Road, or Jamestown Road between the hours of 5 p.m. and 8 a.m.

20. Severability: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



James G. Kennedy
Chairman, Board of Supervisors

ATTEST:



Robert C. Middaugh
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of August, 2010.

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