

RESOLUTION

CASE NO. SUP-3-93. WILLIAMSBURG CROSSING

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

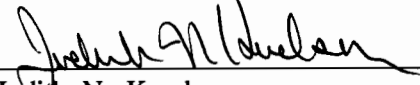
WHEREAS, the applicant has requested a special use permit to allow the development of an outdoor center of amusement on 46.7 acres. The property is zoned B-1, General Business District. The property is identified as a part of Parcel (1-1) on James City County Real Estate Tax Map No. (48-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-3-93 as described herein with the following conditions:

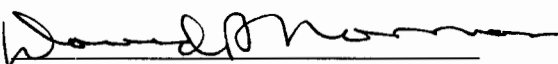
1. All active sports areas, including the driving range, "par 3" golf course, and miniature golf course shall not be illuminated. Lighting may be provided around buildings and in parking areas for safety and security purposes if approved by the Development Review Committee.
2. The uses permitted within the project shall be limited to one or more of the following: a driving range, miniature golf, golf-related practice areas and/or an 18-hole "par 3" golf course and any related facilities. The driving range shall be generally located as shown on the attached conceptual plan prepared by Langley and McDonald and dated July 1993.
3. Berms, a minimum of 6 feet in height, shall be placed around the boundaries of the outdoor center of amusement where that facility abuts the Peppertree Condominiums and the Winston Terrace Subdivision where the Development Review Committee determines that the existing tree line and proposed landscaping is not adequate to buffer these areas from the impacts of the driving range. The berms shall be landscaped at a minimum in accordance with the provisions of the minimum planting standards set forth in the Zoning Ordinance and placement and landscaping of such berms shall be approved by the Development Review Committee.
4. This special use permit shall remain in effect for a period of 36 months from the date of issuance. If within this time site plan approval and/or building plan approvals are issued, the special use permit shall remain in effect for the term of those approvals and/or permits. Issuance of a Certificate of Occupancy would preserve the rights of the special use permit.
5. Netting and support poles shall be located no closer than 50 feet from any property line unless otherwise approved by the Development Review Committee. Nets and poles shall not exceed 50 feet in height. If, upon submittal of the report referenced in Condition No. 8, it is determined by the Development Review Committee that for safety reasons the nets need to be raised, they may be raised an additional 10 feet. No lights, flags, signs, public address systems or other similar items shall be permitted on the poles and/or netting. The final height of the poles and design and color of the netting system are to be approved by the Development Review Committee.

6. The site shall be limited to one American flag and one State of Virginia flag.
7. A landscaping plan for the entire site shall be approved by the Development Review Committee as part of site plan approval. Outside of the driving range and play areas of the "par 3" golf course, existing trees shall be preserved to the maximum extent possible.
8. A report that details the occurrence of golf balls going on to other properties shall be submitted to the Development Review Committee annually from the date of issuance of the Certificate of Occupancy. The report shall detail any occurrence described above and shall include date of incident; approximate time of incident; where the ball was hit from, if known; any damage as a result of the incident, and any other pertinent information. The Development Review Committee may require the raising of the safety nets, installation of additional nets or other barriers, modification of site layout, or other measures to address any safety problem.
9. Any tree which has a diameter of 30 inches or more (measured at a point six inches above the ground) and is located within 150 feet from the future right-of-way of Route 199 as shown on Sheet 3 of the Virginia Department of Transportation's plan entitled "Commonwealth of Virginia, Plan and Profile of Proposed State Highway, James City County and York County, (Route 199), From: 0.092 mi south of Route 60 EBL, To: Interstate Route I-64" and hand dated May 26, 1992, a copy of which is kept on file at the James City County Planning Division, shall be preserved except where information addressing the feasibility and impacts of tree preservation is submitted during the development review process and deviations are approved by the Planning Director. Deviations shall be granted where the trees to be preserved would significantly adversely effect public safety and operations and maintenance of the uses and where their location significantly conflicts with reasonable site development options.
10. The design, appearance, and color of all structures, buildings, miniature golf features, landscaping and landscaping structures shall be reviewed and approved by the Development Review Committee. The site shall not contain any internally illuminated signs or statues. It shall also not contain any decorative features except for landscaping, associated landscaping structures, and building ornamentation which are approved by the Development Review Committee. The design, appearance, ornamentation, and color of all structures, miniature golf features, and buildings shall be consistent with the existing shopping center main building, and should use natural tone colors and natural landscaping, generally indigenous to the area. Enhanced landscaping shall be provided internally to the development which is in addition to the greenbelt area.
11. An irrigation plan for the driving range, "par 3" golf course, and any other areas requiring irrigation shall be submitted for approval by the Director of Code Compliance. Public water shall not be used for irrigation purposes. Groundwater from the existing well on the site may be used for irrigation. If groundwater is used for irrigation purposes for the outdoor center of amusement, the owner of the outdoor center of amusement shall provide mitigation of any material and adverse well draw down impacts attributable

to pumping of the existing on-site well or such other well as may be installed by the owner. The Manager of the James City Service Authority shall review all claims, determine if well pumping on the site is the cause of any material and adverse impact determined to exist, and determine the most appropriate form of mitigation necessary. The owner shall implement the prescribed mitigation measures within 30 days of such determination, or shall cease all groundwater pumping until such measures are implemented. The Manager of the James City Service Authority shall have the authority to require the owner to prepare for his approval, water withdrawal models to determine the impacts of the irrigation well(s) and assist in the determination of claims and mitigation measures.


Judith N. Knudson
Chairman, Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

SUPERVISOR	VOTE
TAYLOR	AYE
EDWARDS	NAY
DEPUE	AYE
SISK	AYE
KNUDSON	NAY

Adopted by the Board of Supervisors of James City County, Virginia, this 20th day of October, 1993.

SUP393-4.RES