

RESOLUTION

CASE NO. SUP-27-96. LAKE POWELL FOREST

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 Planning Commission of James City County, following its public hearing on December 2, 1996, recommended approval of Case No. SUP-27-96, by a vote of 6 to 1, to permit the construction of single-family homes in accordance with the Residential Cluster provisions of the James City County Zoning Ordinance, further identified as Parcel No. (1-8) on James City County Real Estate Tax Map No. (47-4), and Parcel Nos. (10-34), (10-35), and (10-36) on James City County Real Estate Tax Map No. (47-2).

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-27-96 as described herein with the following conditions:

1. Master Plan. The Master Plan of development required under Section 20-522 of the Zoning Ordinance shall be generally consistent with the Conceptual Plan "Lake Powell Forest" prepared by Horton and Dodd, P.C., November 25, 1996, as determined by the Director of Planning.
2. Conservation Easement. The Owner shall grant the County a conservation easement over the areas set out on the Conceptual Plan. This shall include the Greenbelt area, and it shall be shown on the Conceptual Plan. The conservation easement shall provide that the easement area shall remain undisturbed and in its natural state except for trails, other passive recreational amenities, utilities, signs, lighting, entrance features and stormwater BMPs which may be approved by the Director of Planning prior to final subdivision and/or site plan approval. Notwithstanding the forgoing, dead, diseased or dying trees or shrubs and invasive or poisonous plants may be cut and removed from the easement area and, with the prior approval of the Director of Planning, selective hand clearing and pruning may be performed to enhance the growth potential of remaining trees or to create sight lines or vistas. In areas where natural vegetation must be removed, a planting plan shall be approved by the Planning Director and plantings installed prior to issuance of the first occupancy permit.
3. Owners Association. The Owner shall organize a Homeowner's Association ("the Association") in accordance with Virginia law whereby all property owners within the Property, by virtue of their property ownership, must be members. The Articles of Incorporation, Bylaws and Restrictive Covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney prior to final subdivision and/or site plan approval. The Governing Documents shall require that the Association adopt an annual maintenance budget and shall require the Association to: (i) assess all members owning dwelling unit(s) on the Property for the maintenance and/or replacement as appropriate for all properties owned or maintained by the Association including but not limited to all buffers, landscaping and Best Management Practice facilities; and (ii) file liens on said member's properties for nonpayment of such assessments and for the costs of remedying the violations of or otherwise enforcing, the Governing Documents.

4. Design Standards.

(a) In order to establish consistent materials, style and colors, the Owner shall prepare and submit for approval by the Development Review Committee of the County's Planning Commission design criteria for all dwelling units to be constructed on the property prior to final subdivision and/or site plan approval of the development which shall specify the following:

- street signs, mailboxes and street lighting standards;
- a palette of permitted siding, roof and trim colors; and
- typical house and driveway layouts in accordance with condition (b) below.

(b) At least 75 percent of the lots in the development shall have side-loading garages or shall have garages set back at least 12 feet from the front of the house, and the balance of the lots in the development shall have screening consisting of a fence, wall or landscaping to screen cars parked in the driveway.

(c) The owner shall plant at least three trees, or preserve at least three existing trees, with a caliper of at least 1½ inches in the front yard of each lot.

(d) All driveways and walkways on lots shall be constructed of exposed aggregate.

5. Pedestrian System. A sidewalk shall be provided along one side of each of the roads shown on the Conceptual Plan. A soft surface or unpaved pedestrian trail system shall be constructed generally in the locations shown on the Conceptual Plan "Lake Powell Forest" prepared by Horton and Dodd, P.C., November 25, 1996.

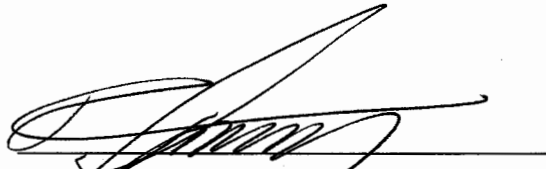
6. Density. There shall be no more than 146 dwelling units on the property. Owner shall not receive any density bonuses under Section 20-548 of the Zoning Ordinance for which it would otherwise be eligible.

7. Underground Power Lines and Revegetation. Where the implementation of turn lanes along Jamestown Road causes the removal of trees and subsequent exposure of power lines to view along Jamestown Road, the Owner shall place the existing overhead power lines underground. A planting plan with implementation schedule shall also be submitted for approval by the Planning Director.

8. Archaeology. A Phase I Archaeological Study for the area to be disturbed on the Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to and approved by the Director of Planning for all sites that are, in the Phase I study, recommended for a Phase II evaluation and/or identified as being 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 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 II 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

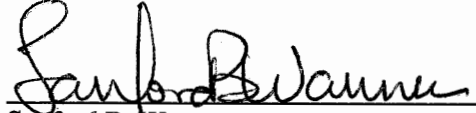
Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resource's *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standard and Guidelines 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.

9. Recreation. A total of 2.77 acres of parkland and 1.19 acres of nature trails shall be provided, with the location and design approved by the Planning Director. Said recreation facilities shall be installed prior to the issuance of the first Certificate of Occupancy for more than fifty homes. However, any section of the trail to be located adjacent to a residence shall be constructed prior to issuance of a Certificate of Occupancy for said residence.
10. Traffic Study Implementation. The access to the development shall be in the approximate location shown on the master plan of development and shall be limited to one access on Route 31, Jamestown Road. The Owner shall commission, at its expense, and provide to each of the County and VDOT, a traffic study for the entrance on Jamestown Road prior to final subdivision and/or site plan approval. The traffic study shall address the requirements, if any, of a turn lane(s) at the entrance based on the traffic generated by the total permitted number of dwelling units on the property and the anticipated background traffic on Jamestown Road at the full build out stage. After review and approval of the traffic study by both the County and VDOT prior to final subdivision and/or site plan approval, the Owner shall, if not previously constructed by others, construct said turn lane(s) or guarantee the construction of the same with corporate surety or cash bond in accordance with the applicable standards of the County and VDOT all prior to the issuance of building permits for the prescribed number of dwelling units on the property warranting such turn lane(s); however, at any time prior to the construction of the required turn lane(s), the Owner, VDOT or the County may request an updated analysis of turn lane warrants, based on the then current traffic volumes and standards, to determine the continued necessity of constructing the turn lane(s). If such subsequent analysis is approved and indicates that any of said turn lane(s) are no longer necessary, the Owner shall be under no obligation to construct the unnecessary turn lane(s) and the appropriate portion of any corporate surety or cash bond previously posted by the Owner for the same shall be returned.
11. Bikeways. Sufficient right-of-way as determined by the Planning Director shall be dedicated along Jamestown Road for a bikeway.



ROBERT A. MAGOON, JR.
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
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EDWARDS	NAY
TAYLOR	AYE
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of
January, 1997.

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