

## RESOLUTION

### CASE NO. SUP-15-99. ARMSTEAD/TAYLOR REZONING

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 November 1, 1999, recommended approval of SUP-15-99, by a vote of 7 to 0, to permit the construction of single-family homes in accordance with the R-2, General Residential, provisions of the James City County Zoning Ordinance, further identified as Parcel Nos. (1-33) and (1-36) and a portion of Parcel Nos. (1-42), (1-43), and (1-34) on James City County Real Estate Tax Map No. (31-3).

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-15-99 as described herein with the following conditions:

1. Master Plan. The plan of development shall be generally consistent with the "Master Plan of Development with Rezoning Request" prepared for Associated Developers, Inc., by AES Consulting Engineers, April 1999 and revised August 1999 ("Master Plan") as determined by the Director of Planning.
2. Density. There shall be no more than 50 dwelling units on the property.
3. Streetscapes. The Owner shall provide and install streetscape improvements along both sides of all streets in accordance with the Streetscape Guidelines Policy. The streetscape improvements shall be shown on the plan of development and submitted for approval to the Director of Planning.
4. Archaeology. A Phase I Archaeological Study for the entire site 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 in the Phase I study that are 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 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 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 Resources' *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

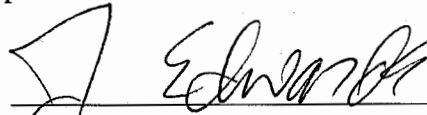
supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

5. Pedestrian System. The Owner shall provide and construct a sidewalk along one side of all roads in the subdivision and along the subdivision's frontage with Centerville Road. A sidewalk shall be provided along Centerville Road adjacent to any turn lanes and associated improvements required by the Virginia Department of Transportation. An eight-foot wide paved trail shall be constructed within a 20-foot public access easement generally in the location shown on the Master Plan. A six-foot wide soft surface or unpaved pedestrian trail system shall be constructed generally in the location shown on the Master Plan. The Director of Planning shall review and approve the final design and location of the trails prior to construction. The sidewalks and trails shall be constructed prior to issuance of Certificates of Occupancy for any residence adjacent to the sidewalks and trails.
6. Recreation. A minimum of 1.16 acres of landscaped recreation area shall be provided in a manner generally consistent with the location and design shown on the Master Plan. The final design and location shall be reviewed and approved by the Director of Planning prior to construction. Recreational improvements to be provided in the recreation area shall include a gazebo or bandstand, playground, barbecue grill, picnic tables, one acre of open lawn, and a sidewalk. The playground shall include a minimum of five pieces of equipment for a variety of activities, including climbing, sliding, and swinging. Said recreation facilities shall be installed prior to the issuance of the first Certificate of Occupancy for more than twenty-five homes.
7.
  - a. Bike Lane along Property. The Owner shall construct a five-foot wide Virginia Department of Transportation ("VDOT") standard shoulder bike lane along the front of the property adjacent to Centerville Road.
  - b. Additional Bike Lane along Centerville Road. If turn lanes or other road, drainage, or utility improvements are required by VDOT along either side of Centerville Road ("Centerville Road Improvements"), then the Owner shall either construct an additional five-foot wide VDOT standard shoulder bike lane along the Centerville Road Improvements, as required by the Planning Director, or construct the Centerville Road Improvements in such a way that subsequent installation of the bike lane shall not require relocation of the Centerville Road Improvements. The intent is that the County will only need to add base material and pavement for the additional bike lane.
  - c. Approvals. In any event, the construction of the required bike lanes shall be completed or bonded prior to final subdivision approval.

8. Traffic Study Implementation. The access to the development shall be in the approximate location shown on the master plan of development. The Owner shall commission, at its expense, and provide to both the County and VDOT, a traffic study for the entrance on Centerville Road prior to final subdivision 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 Centerville 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 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.
9. Revegetation along Centerville Road. Where the implementation of turn lanes, utilities, drainage structures, or other improvements along Centerville Road causes the removal of trees, the Owner shall revegetate the area adjacent to the improvements with a combination of trees and shrubs to achieve a level of two trees per 400 square feet of landscape area. A minimum of fifty-percent of the trees shall be evergreen. A planting plan with an implementation schedule shall also be submitted for approval by the Director of Planning.
10. Landscaping in the Centerville Road right-of-way buffer. Enhanced landscaping, defined as being 133 percent of the Zoning Ordinance requirements for right-of-way buffers, shall be required in the Centerville Road right-of-way buffer. A planting plan shall be submitted for approval by the Director of Planning.
11. Landscaping in the perimeter buffer. In the areas of the perimeter buffer that area non-wooded, the Owner shall plant two trees per 400 square feet of landscape area. A minimum of fifty percent of the trees shall be evergreen.
12. Entrance. The entrance to the subdivision shall be constructed in such a manner that there is no median unless required by VDOT.
13. Utilities. Prior to final subdivision approval, the Owner shall commission, at its expense, and provide to both the County and the James City Service Authority (JCSA), a study verifying the existing sewage pumping station's capacity to serve the development. If the capacity is not available, the study shall address any improvements necessary to increase the capacity to a level sufficient to serve the development. After review and approval of the study by both the County and JCSA prior to final subdivision approval, the Owner shall, if not previously constructed

by others, construct the identified improvements to the sewage pumping station or guarantee the construction of the same with corporate surety or cash bond in accordance with the applicable standards of the County and JCSEA all prior to the issuance of building permits for the prescribed number of dwelling units on the property warranting such improvements. In addition, the Owner shall acquire any easement(s) necessary for the off-site sanitary sewer line prior to final subdivision approval.

- 14. Time limit. If construction of the development has not commenced within a period of twenty-four months from the date of issuance of this special use permit, this permit shall become void. Construction shall be defined as clearing, grading, or excavation for the development.
- 15. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
NERVITT	NAY
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 21st day of December, 1999.