

RESOLUTION

CASE NO. SUP-28-01. MCKINLEY OFFICE BUILDING

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, for areas within the Limited Business District that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, a special use permit shall be required in accordance with Section 24-9 of the James City County Zoning Ordinance for any building exceeding 2,750-square foot building permit; and

WHEREAS, the Planning Commission of James City County, following its public hearing on January 14, 2002, recommended approval of Case No. SUP-28-01 by a vote of 5 to 0 to permit with one additional Special Use Permit Condition added, No. 7, for the construction of a general office building at 5244 Olde Towne Road and further identified as Parcel No. (1-28C) on James City County Real Estate Tax Map No. (32-4).

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. 28-01 as described herein with the following conditions:

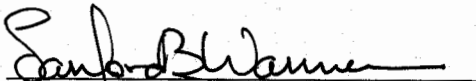
1. McKinley office building shall be built in accordance with the submitted binding Conceptual Master Plan, titled "McKinley Office Building," dated November 21, 2001.
2. Prior to final site plan approval, the Planning Director shall review and approve the final architectural design of the office building in order to ensure that the design and construction of the office building are reasonably consistent with the architectural elevations, titled "Proposed Office Building for McKinley Properties," dated November 19, 2001, and submitted with this special use permit application.
3. Prior to final site plan approval, the Planning Director shall review and approve the proposed landscaping plan for the entire property. Enhanced landscaping shall include, but not be limited to, a row of Leyland Cypress trees appropriately spaced along the shared property line with Williamsburg Plantation so as to effectively provide a buffer that will effectively screen the McKinley Office Building from the Williamsburg Plantation timeshares. The enhanced landscaping shall be provided that meets the planting standards of the landscaping requirements of the James City County Zoning Ordinance by 133 percent. Enhanced landscaping shall also include a single row of 30"-36" Wax Myrtles at 5' - 6' spacing, with such row to include groups of two (2) leyland cypress of not less than one and one-quarter (1-1/4) inch caliper, with such leyland cypress spaced not less than every 40' - 60' on center throughout the single row. These plantings shall extend the length of the building on the property adjoining (existing as of the date of passage of this resolution) the subject property to the east and ten (10) feet beyond such building at either end. This enhancement shall be in lieu of other applicable Zoning Ordinance landscaping requirements and requirements above, which shall not apply to the area landscaped in accordance with this specification and shall be approved by the Planning Director.

4. 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, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties. Light poles serving the driveway for the subject property shall be located on the east side of such driveway. Limitations on footcandles outside the subject property limits as established above shall be inapplicable to such driveway light poles so located 75 feet or more from the subject property line adjacent to Olde Towne Road.
5. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, including the use of drought tolerant plants if and where appropriate and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The water conservation standards shall be approved by the James City County Service Authority prior to final site plan approval.
6. Prior to final site plan approval, the Planning Director shall review and approve the design of the ground-mounted sign for the property.
7. The Development Review Committee shall review and approve the site plans.
8. The special use permit granted pursuant to this application shall be null and void and of no further force or effect unless construction is commenced within 24 months of the date of approval by the James City County Board of Supervisors.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
 Chairman, Board of Supervisors
 SUPERVISOR VOTE

MCGLENNON	AYE
BROWN	AYE
GOODSON	AYE
HARRISON	AYE
KENNEDY	AYE

ATTEST:


 Sanford B. Wanner
 Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of February, 2002.