

RESOLUTION

CASE NO. SUP-21-04. U.S. HOME - COLONIAL HERITAGE.

BOY SCOUT PROPERTY RURAL CLUSTER

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, Mr. Alvin Anderson and Mr. Gregory Davis of Kaufman & Canoles have applied on behalf of Colonial Heritage, LLC, for a special use permit to allow a 50-lot rural cluster development in accordance with the provisions of Section 24-214(c) of the Zoning Ordinance on the portion of the Boy Scout Property located outside the Primary Service Area (PSA); and

WHEREAS, the properties are located at 6175 Richmond Road, zoned MU, Mixed-Use, with proffers, and further identified as Parcel No. (1-21) on James City County Real Estate Tax Map No. (23-4); 6799 Richmond Road, zoned MU, Mixed-Use, with proffers, and further identified as Parcel No. (1-32) on James City County Real Estate Tax Map No. (24-3); 6993 Richmond Road, zoned MU, Mixed- Use, with proffers, and further identified as Parcel No. (1-11) on James City County Real Estate Tax Map No. (31-1); and 499 Jolly Pond Road, zoned A-1, General Agricultural, and further identified as Parcel No. (1-7) on James City County Real Estate Tax Map No. (22-4); and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on November 1, 2004, recommended approval of this application by a vote of 4 to 1.

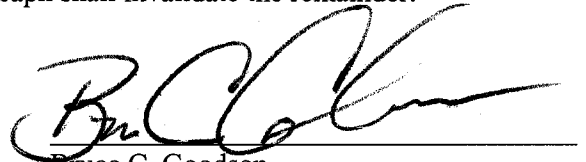
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-21-04 as described herein with the following conditions:

1. Development Limitation. No more than fifty residential lots shall be platted on the portion of the Boy Scout of America (BSA) property located outside the PSA. Any residential lots developed on the BSA property located outside the PSA shall be subject to the 2,000-residential-unit density cap.
2. Conservation Easement. A conservation easement shall be submitted for review and approved by the County Engineer prior to issuance of a land-disturbing permit for any related plan of development of the portion of the BSA property located outside the PSA. The conservation easement shall be dedicated to James City County or an agency acceptable to the County prior to final site plan or subdivision approval for any plan of development or subdivision of lots for the ±282 acres shown on the plan "Special Use Permit Plan on a Portion of Colonial Virginia Council, Boy Scouts of America, a Virginia Corporation" prepared by AES Consulting Engineers, September 24, 2004. The area within the conservation easement shall be available and the Owners shall retain the right to utilize the open space and conservation area for stormwater management structures and facilities, required open space, required impervious/pervious cover calculations, and watershed protection measures for the

Colonial Heritage development and the 50-lot rural cluster. The conservation easement shall clearly state that no clearing, land disturbing, or development shall occur on the ±282 acres unless otherwise approved by the Planning Director.

3. Buffers. A minimum 150-foot buffer shall be maintained along Jolly Pond Road and Cranston's Mill Pond Road. That buffer shall remain undisturbed with the exception of breaks for any entrance road, pedestrian connections, utilities, walking, hiking, and biking trails, any required clearing necessary to create adequate sight distance, and other uses specifically approved by the Planning Director. The Planning Director shall approve the design of such features located within the required buffer.
4. Vehicular Access. Access to the 50-lot cluster development shall be from a single entrance road onto Jolly Pond Road unless a second entrance road is approved by the Planning Commission following the review of the Development Review Committee.
5. Central Well. An independent central well shall be required for the proposed cluster development. Connection into existing JCSA facilities shall not be permitted from outside the PSA. The independent well shall be designed to provide the necessary fire flow, peak water demands, and irrigation requirements for the development. A hydraulic analysis shall be submitted in accordance with JCSA standards for review and approval prior to final approval being granted for any plan of development or subdivision of lots of the property located outside the PSA.
6. Water Conservation. The applicant shall be responsible for developing water conservation standards to be submitted to and approved by the JCSA. The applicant shall be responsible for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping design and materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of water resources. The JCSA shall approve the standards prior to final approval for any plan of development on the non-PSA portion of the Boy Scout property.
7. Archaeology. Prior to issuance of a land-disturbing permit for any portion of the BSA property located outside the PSA, the applicant shall provide written evidence to the Planning Director which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director or his designee.
8. Master Stormwater Plan. A Master Stormwater Plan shall be submitted with the development plan for the alternative which is submitted for review and approval by the Environmental Director. The Master Stormwater Plan should specifically address how Deer Lake will be utilized as a primary Best Management Practices (BMP) (by use of drawings/narratives), whether additional onsite structural or non-structural practices are necessary and whether there is a better site design/low-impact development component proposed for stormwater compliance.

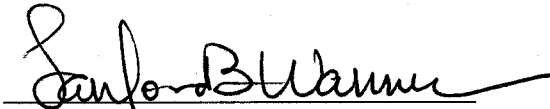
9. Steep Slopes. Any plan of development for the portion of the BSA property located outside the PSA shall maintain a separation of at least 35 feet between the top of 25 percent and steeper slopes and any structure and a 20-foot separation from the limits of grading to the top of 25 percent and steeper slopes. This is intended to apply to the larger, contiguous areas of steep slopes, not isolated areas, as determined by the Environmental Director. The Environmental Director shall have the ability to grant variances from this criteria to provide flexibility in application of this condition.
10. RPA/Perennial Stream. The applicant shall conduct a perennial stream evaluation which shall receive approval from the Environmental Director prior to preliminary approval being granted for any plan of development of the portion of the BSA property located outside the PSA. If perennial streams are present on the site, a 100-foot buffer shall be required around them and any wetlands contiguous to and connected by surface flow to the stream. Any plan of development for the portion of the BSA property located outside the PSA shall also maintain a structural separation of 35 feet from any Resource Protection Area (RPA) on the property.
11. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Bruce C. Goodson
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
HARRISON	AYE
BROWN	AYE
MCGLENNON	NAY
GOODSON	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of December, 2004.

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