

RESOLUTION

CASE NO. SUP-21-05/MP-9-05. OLDE TOWNE TIMESHARES AMENDMENT

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 (SUP) process ; and

WHEREAS, Mr. Robert Anderson has applied on behalf of Heritage Resorts, Inc., for a SUP to amend a previously approved SUP allowing 365 timeshares in a residential cluster; and

WHEREAS, the proposed residential cluster is shown on the Master Plan prepared by McKinney and Company, dated October 20, 2005, and entitled "Master Plan SUP-21-05/MP-09-05 Olde Towne Timeshares"; and

WHEREAS, the property is located on land zoned R-2, General Residential District, and can be further identified as Parcel Nos. (1-26), (1-26A), and (1-36) on James City County Real Estate Tax Map No. (32-4) and Parcel No. (1-30) on James City County Real Estate Tax Map No. (33-3); and

WHEREAS, the Planning Commission, following its Public Hearing on October 3, 2005, voted 6-0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit-21-05/MP-9-05 as described herein with the following conditions:

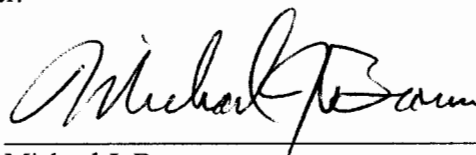
1. If construction has not commenced on this project within 36 months from the issuance of a SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
2. The master plan of development required under Section 24-554 of the zoning ordinance shall be generally consistent with the "Master Plan SUP-21-05/MP-09-05 Olde Towne Timeshares" prepared by McKinney and Company, dated October 20, 2005, as determined by the Director of Planning. Development of the site shall be generally in accordance with the Master Plan, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
3. The property shall be developed as a timeshare project. There shall be not more than 365 timeshare units in addition to associated recreation facilities on the property and one single-family residential lot, its location identified on the Master Plan.
4. The applicant shall implement the road improvements recommended by the traffic study "Traffic Analysis for Olde Towne Road Timeshares on Olde Towne Road" prepared by DRW Consultants, Inc., September 9, 1998, prior to issuance of the first Certificate of Occupancy for any structure on the site.

5. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.
6. Free-standing signs shall be ground-mounted, monument style and shall be approved by the Planning Director prior to final site plan approval.
7. The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each timeshare building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen. The landscape plan shall also contain landscape screening and berms with a minimum eight-foot height along the Olde Towne Road and Route 199 frontage, at the location shown on the Master Plan. Additionally, the landscape plan shall address the landscaping along the Route 199 right-of-way berm. In order to ensure the adequacy of the reduced buffer, the landscaping shall include the total number of trees required for a 150-foot buffer. Landscaping should also be designed in a manner that provides the appearance of a natural forested area.
8. Four-foot paved shoulder bikeways shall be provided on both sides of Olde Towne Road at the location shown on the Master Plan prior to the issuance of the first Certificate of Occupancy for any structure on this site. A four-foot sidewalk shall be provided at the location shown on the Master Plan on the eastern side of Olde Towne Road prior to the issuance of the first Certificate of Occupancy for any structure on this site.
9. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director which indicates the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from a public street (except at street connections where up to 2.0 foot candles is permitted) or adjoining residentially designated property.
10. An ten-foot-wide paved public use path with four-foot-wide mulched shoulders and a six-foot-wide mulched path as shown generally on the Master Plan shall be constructed prior to the issuance of a certificate of occupancy for no more than 200 timeshare units if the Board of Supervisors has approved the construction of this path and requested it in writing. Any bridge(s) will have two feet of clearance on either side and shall meet the Virginia Department of Transportation (VDOT) standards (for conveyance of pedestrians and bicyclists only). If the Board of Supervisors has not approved construction of this path and requested it in writing within seven years of the approval of this SUP, the applicant and/or its successors shall have no obligation to construct this path. The applicant shall fully maintain the paths and bridge(s) during the period of time the developer is constructing the timeshare units.
11. The applicant shall work out an arrangement with the VDOT to address traffic issues and safety concerns on Olde Towne Road. The applicant shall provide documentation of the agreed upon arrangement prior to final site plan approval.

12. The applicant shall dedicate to the County a conservation easement for 44.94 acres of the Chisel Run Swamp, identified on the Master Plan as "Protected and Preserved Natural Area, RMA Wetlands, and Buffers," in a form approved by the County Attorney prior to final site plan approval for any structure on the site.
13. If the applicant desires to have outdoor watering they shall provide water for irrigation utilizing surface water collection from the surface water impoundments as shown on the Master Plan and shall not use JCSA water or well water for irrigation purposes. This irrigation system shall be included with the site plan for the project and shall be approved by the JCSA General Manager. This requirement prohibiting the use of well water may be waived by the JCSA General Manager if the applicant demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the applicant may apply for a waiver for a shallow (less than 100 feet) well only.
14. In order to mitigate the impact of the road improvements on Olde Towne Road caused in part by this project, for a period of 15 years from the issuance of this SUP, the area shown on the Master Plan as "Reserved Lot" may be used as one residential lot if needed by the County or VDOT to relocate a family displaced due to the Olde Towne Road improvements. In the event the "Reserved Lot" is not used for the purpose allowed in this paragraph, the "Reserved Lot" shall remain open space.
15. The Owner shall submit to the County a master stormwater management plan as a part of the initial site or development plan submittal for the Property, including the stormwater management BMP ponds, methods and measures to reduce fecal bacteria; low impact design techniques where appropriate and feasible for review and approval by the Environmental Division. The Master Stormwater Management Plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the Master Stormwater Management Plan has been approved. The approved Master Stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.
16. Additional berming and landscaping shall be provided between the compactor and the adjacent residential property to mitigate any noise impacts produced by the compactor operation. A landscape plan showing the additional berming and landscaping shall be included with the site plan for the phase of the project containing the compactor and shall be approved by the Planning Director prior to final site plan approval.
17. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted 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 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 III 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

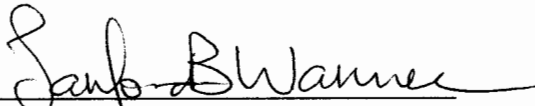
the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards 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.

- 18. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to, and approved by, the James City Service Authority prior to final development plan approval. 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 where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
- 19. This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.



Michael J. Brown
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
HARRISON	AYE
GOODSON	AYE
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2005.