

RESOLUTION

CASE NO. SUP-32-05. JENNINGS WAY

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that are permissible only upon the issuance of a special use permit (SUP); and

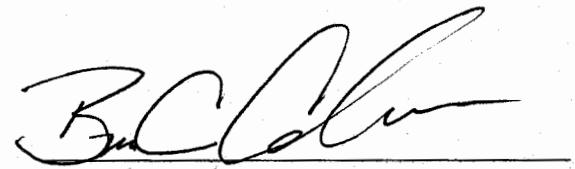
WHEREAS, single-family detached dwellings with a maximum gross density of more than one unit per acre are a specially permitted use in the R-2, General Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 6, 2006, recommended approval of Case No. SUP-32-05 by a 7-0 vote to permit the construction of a 85-unit, single-family and multi-family subdivision with a gross density not to exceed three units per acre (the "Project") at 7345 and 7375 Richmond Road and further identified as Parcel Nos. (1-30) and (1-30A) on James City County Real Estate Tax Map No. (23-2) (the "Property").

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-32-05 as described herein with the following conditions:

1. Master Plan and Use: This SUP shall be valid for the "Jennings Way" Master Plan, prepared by AES Consulting Engineers, and dated February 6, 2006, (the "Master Plan") and accessory uses thereto. Development of the Property shall be generally in accordance with the Master Plan as determined by the Development Review Committee (DRC) of the James City County Planning Commission. Minor changes to the Master Plan may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. Commencement of Construction: If construction has not commenced on the project within (36 months from the issuance of this 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.
3. Buffer Enhancement. Prior to final site plan approval for any section or phase of the project, the applicant shall include enhanced landscaping in the perimeter buffer areas so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 50 percent of the required number of trees being evergreen and increase the required bush diameter from 18 inches to 24 inches along Kristiansen buffer. This will create a dense vegetative screening of the development from adjacent properties.
4. Entrance Landscaping. A landscaping plan shall be approved by the Planning Director prior to final site plan approval for the project. The landscaping plan shall include enhanced landscaping within the 50-foot Community Character Corridor (CCC) buffer along Richmond Road (Route 60 East) so that the required number of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance. A minimum of 50 percent of the plantings within the CCC buffer shall be evergreen.

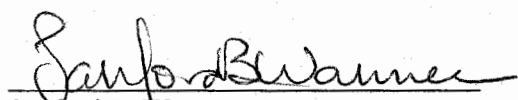
5. Lighting: Any new exterior site, building, or parking lot lighting for the townhouse units and the proposed commercial building and parking lot in the B-1 parcel shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines.
6. RPA Buffer. The location of any Resource Protection Area (RPA), RPA buffer, steep slope (i.e., slopes greater than 25 percent in grade) and/or wetland shall be identified by the developer and shall be indicated on any site plan or development plan which is submitted to James City County for approval. The identification must be approved by the James City County Environmental Division prior to the issuance of preliminary site plan approval.
7. RPA Setback. A 15-foot principal building setback shall be provided from the limits of all dedicated natural open space and RPAs on the Property.
8. Park Land. Prior to subdivision plat approval, the applicant shall remove all existing junk on the Property, including, but not limited to, the area identified as "park land" on the Master Plan. "Junk" shall include old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. The applicant shall obtain the Environmental Director's approval regarding the manner of removal before removing junk from any environmentally-sensitive area of the Property (e.g., steep slopes, streams, RPA, etc.). When the removal activity is complete, the Environmental Director or his designee shall inspect the Property and shall verify in writing that all junk has been properly removed.
9. Stormwater Attenuation. All stormwater runoff from the Property shall be routed through the on-site stormwater attenuation facility identified on the Master Plan.
10. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Bruce C. Goodson
Chairman, Board of Supervisors

| SUPERVISOR | VOTE |
|------------|------|
| HARRISON | NAY |
| ICENHOUR | AYE |
| MCLENNON | AYE |
| BRADSHAW | AYE |
| GOODSON | AYE |

ATTEST:


Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2006.