

RESOLUTION

CASE NO. SUP-33-05. CHICKAHOMINY RIVERFRONT PARK

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 (SUP); and

WHEREAS, public recreation facilities are a specially permitted use in the A-1, General Agricultural, zoning district; and

WHEREAS, the properties are identified as Parcel No. (1-2) on James City County Real Estate Tax Map No. (34-3); and

WHEREAS, in accordance with Section 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. SUP-33-05; and

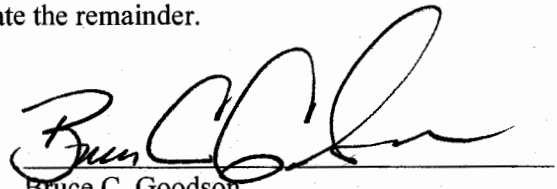
WHEREAS, the Planning Commission of James City County, following its Public Hearing on February 6, 2006, recommended approval of Case No. SUP-33-05 by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-33-05 as described herein with the following conditions:

1. This SUP shall permit a public community recreation facility and accessory uses thereto. Improvements to the site shall be limited to those reflected on the conceptual documents entitled "Chickahominy Riverfront Park," prepared by Paul Tubach, and submitted with this application on December 27, 2005. Additional improvements shall require an amendment to this SUP.
2. A 150-foot buffer shall be maintained along John Tyler Highway. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking, hiking, and biking trails, and other uses specifically approved by the Director of Planning. A reduction in this buffer may be allowed for existing facilities as approved by the Director of Planning.
3. Any new exterior site or building lighting 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 is not visible from the side. Fixtures that 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.
4. All public address speakers used on the site shall be oriented generally towards the interior of the property and away from exterior property lines.
5. A Phase I Archaeological Study for any disturbed areas shall be submitted to the Director of Planning for review and approval prior to the commencement of any land-

disturbing activity on the property. 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.

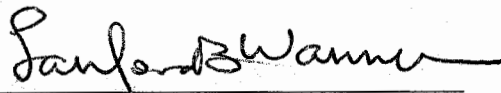
- 6. If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
- 7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Bruce C. Goodson
Chairman, Board of Supervisors

SUPERVISOR	VOTE
HARRISON	AYE
ICENHOUR	AYE
MCGLENNON	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 14th day of March, 2006.