

## RESOLUTION

### CASE NO. SUP-0029-2007/MP-0009-2007. FREEDOM PARK MASTER PLAN 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. John Carnifax of James City County Parks and Recreation has applied for an amendment to the existing Freedom Park Special Use Permit and Master Plan to remove approximately 90 acres in order to accommodate a proposed combined public middle and elementary school and associated fields; and

WHEREAS, the area to be removed is shown on the master plan, entitled "Freedom Park Master Plan" drawn by Julia Vea and dated September 14, 2007; and

WHEREAS, the property is located on land zoned PL, Public Land, and can be further identified as a portion of James City County Real Estate Tax Map/Parcel No. 3010100009; and

WHEREAS, the Planning Commission of James City County, following its public hearing on December 5, 2007, recommended approval of this application by a vote of 7-0; and

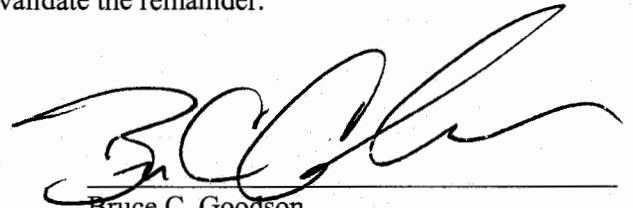
WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve the issuance of Special Use Permit No. 0029-2007 and Master Plan No. 0009-2007 as described herein with the following conditions:

1. Development of the site shall be generally in accordance with the Freedom Park Master Plan dated September 14, 2007, with such minor changes as the Development Review Committee determines do not change the basic concept or character of the development.
2. Prior to issuance of a land disturbance permit for any portion of the site, the applicant shall provide written evidence to the County 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.
3. A minimum 150-foot buffer shall be maintained along all property lines of the park site. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, and walking, hiking, and biking trails. Other uses not previously listed which are specifically approved by the Development Review Committee may also be permitted within the buffer.
4. All road improvements recommended by a traffic study conducted by Buchart-Horn, Inc., in January 2000 and kept in the Freedom Park Master Plan file shall be

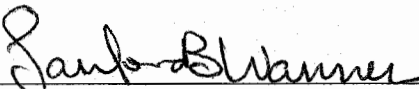
constructed in accordance with development plans approved by the Virginia Department of Transportation (VDOT).

- 5. The applicant shall submit a traffic impact study to the County within three years of the date of approval of SUP-0011-2004 (approved July 27, 2004), unless a study is required by VDOT prior to that date. VDOT shall have the authority to delay requiring the traffic study to be submitted beyond the three-year time period if construction of the proposed facilities at Freedom Park occurs at a slower pace than expected.
- 6. The applicant shall conduct a perennial stream evaluation and receive approval from the Environmental Director prior to preliminary site plan approval being granted for any of the following uses proposed for the site: Historical areas 1, 2, and 3; Active recreation area; "Hotwater Lake" as shown; and the Environmental Education Center. If perennial streams are present on the site, a 100-foot buffer will be required around them and any wetlands contiguous and connected by surface flow to the stream.
- 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

ATTEST:

  
Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
ICENHOUR	AYE
MCGLENNON	AYE
JONES	AYE
KENNEDY	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of January, 2008.