

## RESOLUTION

### CASE NO. SUP-0020-2008. GILLEY PROPERTIES, LLC DUPLEXES

WHEREAS, Mr. Gregory Davis of Kaufman and Canoles PC, on behalf of Gilley Properties, LLC., has applied for a Special Use Permit (SUP) to allow for the construction of three two-family dwellings (“duplexes”) on the subject parcel; and

WHEREAS, the subject parcel may be identified as James City County Real Estate Tax Map Parcel No. 4740100040C. The 4.74-acre parcel is zoned R-2, General Residential, and is located at 248 Neck-O-Land Road; and

WHEREAS, the proposed development is shown on a binding Master Plan, entitled “Special Use Permit Exhibit for Gilley Properties, LLC. Duplexes,” prepared by LandTech Resources, Inc., and dated November 14, 2008; and

WHEREAS, Section 24-253 of the James City County Zoning Ordinance provides that two-family dwellings may be constructed on property zoned R-2 only with an approved SUP from the Board of Supervisors; and

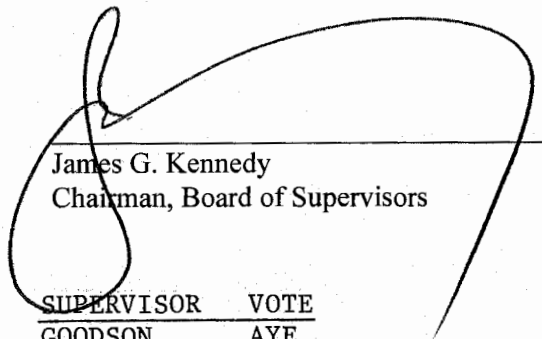
WHEREAS, the Planning Commission of James City County, following its public hearing on December 3, 2008, recommended approval of this application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0020-2008 with the following conditions:

1. **Master Plan and Use:** This SUP shall be valid for the construction of three duplex dwelling structures (for a total of six dwelling units) (“the Project”), to be located at 248 Neck-O-Land Road, further identified as James City County Real Estate Tax Map No. 4740100040C (the “Property”). Development of the site shall be generally in accordance with, and as depicted on, the “Proposed Development” sheet (Sheet 2 of 2) of the SUP exhibit entitled “Special Use Permit Exhibit For Gilley Properties LLC Duplexes,” prepared by LandTech Resources, Inc., and dated November 14, 2008, (and hereafter referred to as “the Master Plan”), as determined by the Planning Director of James City County (“Planning Director”). This includes subdivision of the Property into five lots, removal of structures, and removal of gravel, as depicted on the Master Plan. Minor changes may be permitted by the Planning Director, as long as they do not change the basic concept or character of the development;
2. **Terms of Validity:** Construction shall commence on the Project within 36 months from the date of approval of this SUP by the Board of Supervisors, or the SUP shall become void. For purposes of this SUP condition, “construction” shall be defined as the owner/developer having received final approval of the proposed five-lot subdivision, and having obtained building permits for, and passed inspection of, footings and/or foundation for at least one of the three proposed duplexes;

3. **Junk Removal:** The owner/developer shall remove all junk from the Property prior to final site plan approval. For purposes of this SUP condition, "junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, wood, lumber, concrete or construction debris, pallets, tires, waste, junked, dismantled, or wrecked automobiles, inoperable equipment, machinery, or appliances, construction vehicles or tractors, or parts thereof, iron, steel, and other old scrap ferrous or nonferrous material. This junk shall be properly disposed of in a State-approved facility, or moved into an appropriate offsite enclosed storage building or facility. The James City County Zoning Administrator ("Zoning Administrator") shall verify, in writing, that all junk has been properly removed from the Property. No new junk, (as defined by this condition), may be brought to or stored on the Property;
4. **RPA Building Setback:** The owner/developer shall establish a 25-foot building setback line from the Resource Protection Area (RPA) boundary, as depicted on the Master Plan. The location of the RPA boundary and the 25' building setback line shall be subject to the approval of the Director of the Environmental Division. No structures or parts thereof shall be permitted to encroach into this setback;
5. **Rain Barrels:** The owner/developer shall provide and install rain barrels for all residences (new and existing) on the parcel;
6. **Shared Driveway:** The owner/developer shall install a single shared driveway to be used to provide access to the five new lots (Lots 3-A, 3-B, 3-C, 3-D, and 3-E) subdivided in conjunction with this SUP, as well as the duplex on existing Lot 4. This shared driveway shall be paved, constructed to a minimum standard of 3 inches of asphalt over 6 inches of compacted #21A or B stone and no less than 12 feet in width, to be verified and approved by the County Engineer. The owner/developer shall prepare and record documents in a form approved by the County Attorney that set forth: 1) the provisions made for the permanent care and maintenance of the shared driveway and its associated easement, including bonds where required by the County, and 2) the method of assessing each individual property for its share of the cost of adequately administering, maintaining, and replacing such shared driveway in the event the lots of the subdivision ever come under separate ownership. The driveway shall be located as generally depicted on the Master Plan, as determined by the Planning Director and subject to the approval of the Virginia Department of Transportation (VDOT);
7. **Water Conservation Standards:** The owner/developer shall be responsible for developing and enforcing water conservation standards, which shall be submitted to and approved by the James City Service Authority (JCSA) prior to final site plan approval. The standards shall include, but 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-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources;

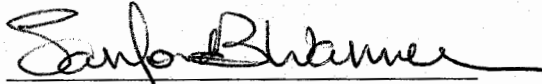
8. *Severance Clause:* This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
GOODSON	AYE
JONES	AYE
MCGLENNON	AYE
ICENHOUR	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of January, 2009.

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