

RESOLUTION

CASE NO. SUP-0026-2016. FOREST GLEN SECTION 5

WHEREAS, the Board of Supervisors of James City County, Virginia, (the "Board") has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Forest Glen Associates, LLC and James City County (the "Owners") respectively own two parcels of property located at 310 Walker Drive and 204 Forest Glen Drive, further identified as James City County Real Estate Tax Map Parcel Nos. 3110100082 and 3110500093, respectively (together, the "Property"); and

WHEREAS, on behalf of the Owners, Mr. Elliott York of American Eastern, Inc. ("the Applicant") has applied for an SUP to allow a 45-lot residential cluster development with a gross density of +/- 2.79 dwelling units per acre, as shown on the exhibit titled "Master Plan for Forest Glen Section 5" prepared by AES Consulting Engineers, dated April 17, 2017; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0026-2016; and

WHEREAS, the Applicant has requested an exception from the Board of Supervisors to the James City County Recreation Facilities Development Guidelines, adopted by the Board of Supervisors on April 11, 2017; and

WHEREAS, the Planning Commission, following its public hearing on May 3, 2017, upon a motion to recommend approval of the application, a tie vote resulted, 3-3 (one Commissioner was absent).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-0026-2016 and the requested exception to the James City County Recreational Facilities Development Guidelines as described herein with the conditions listed below, and does hereby authorize the County Administrator or designee to enter into the Memorandum of Understanding Between James City County and Forest Glen Associates, LLC.

1. Master Plan and Use: This SUP shall be valid for the development of a residential cluster subdivision of up to 45 single-family lots (the "Project"). The Project shall be in accordance with the "Master Plan for Forest Glen Section 5" prepared by AES Consulting Engineers, and dated April 17, 2017 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance as amended.
2. Affordable and Workforce Housing: In order to achieve a density of more than two, but no more than three, dwelling units per acre, four density bonus points shall be required in accordance with Section 24-549 of the Zoning Ordinance. These bonus points shall be achieved by developing the Project in a manner consistent with the criteria established by the Housing Opportunities Policy adopted by the Board of Supervisors

on November 27, 2012 (the "HOP"); further, by committing an additional twenty percent of all units to the provision of affordable and workforce housing, starting above the threshold required by the HOP (the "Additional Units"). The Additional Units shall also be offered for sale or made available to rent at prices determined to be in accordance with the HOP.

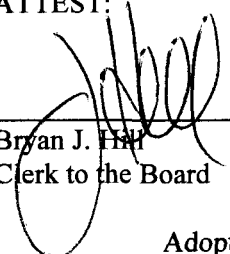
3. Streetscapes: Streetscape improvements shall be provided in accordance with applicable provisions of the County's Streetscape Guidelines policy. The necessary streetscape improvements shall be shown on the subdivision construction plan and approved by the Director of Planning prior to any subdivision construction plan approval. These improvements shall be installed or bonded prior to the issuance of any Certificate of Occupancy.
4. Water Conservation: Prior to final subdivision construction plan approval, water conservation standards shall be submitted to and approved by the James City Service Authority. 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 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.
5. Archaeology: A Phase I Archaeological Study for the property located at 310 Walker Drive shall be submitted to the Director of Planning, or his designee, 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 conclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II 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, II and 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 subdivision construction plan for the Property and the clearing, grading or construction activities thereon.
6. Buffers: A plan to relocate any existing structures, including recreation facilities, located within the buffers required by Section 24-544 of the Zoning Ordinance shall be included in the subdivision construction plan for the Project. These structures shall be relocated at no expense to the County prior to issuance of a Certificate of Occupancy for any dwelling unit.

7. Design Guidelines: Prior to final subdivision construction plan approval, the Director of Planning shall review and approve architectural elevations for the Project. These elevations shall be generally consistent with the architectural styles depicted in the Community Impact Statement, dated April 17, 2017, submitted with the special use permit application. Final plans and completed buildings shall be consistent with the elevations approved by the Director of Planning.
8. Junk Removal: All junk, as determined by the Zoning Administrator, shall be removed from the Property prior to final subdivision construction plan approval. "Junk" shall mean, but not be limited to, 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 scrap ferrous or nonferrous material. The Zoning Administrator shall verify, in writing, that all junk has been properly removed from the Property.
9. Recreation: Recreational amenities shall be provided consistent with the exception to the James City County Recreational Facilities Guidelines granted by the Board of Supervisors on June 13, 2017, and as shown on the Master Plan. The improvements shall be constructed, or bonded in a manner acceptable to the County Attorney, prior to the issuance of a Building Permit for the first dwelling and, at a minimum, shall include the following:
 - A. Five pieces of recreational fitness equipment at 204 Forest Glen Drive; and
 - B. A paved multi-use trail, a minimum of eight feet in width, connecting the new residential lots to 204 Forest Glen Drive.

These amenities shall be shown on the subdivision construction plan and shall be reviewed and approved by the Director of Planning and the Director of Parks and Recreation for consistency with Board-approved facilities prior to final approval of the subdivision construction plan.
10. Pedestrian Accommodations: There shall be sidewalks installed on at least one side of any new right-of-way to be constructed. A paved multi-use path, a minimum of eight feet in width, shall also be provided along the existing portion of Walker Drive as shown on the Master Plan. This multi-use path shall include a cross-walk connection to James City County Real Estate Tax Map Parcel No. 3110500093. The sidewalk and multi-use path improvements shall be installed or bonded prior issuance of a Certificate of Occupancy for any lot within the Project.
11. Landscape Plan: The proposed stormwater management facilities shall be screened from Walker Drive and the adjacent residences in accordance with Section 24-100 of the Zoning Ordinance. This screening shall include upright evergreen plantings, with credit given for existing plantings. A landscape plan shall be submitted with the subdivision construction plan for review and approval by the Director of Planning or his designee prior to final approval of the subdivision construction plan. These improvements shall be constructed, or bonded in a manner acceptable to the County Attorney, prior to issuance of the first Certificate of Occupancy for the Project.

- 12. Nutrient Management Plan: A Nutrient Management Plan for the Project shall be submitted to the Director of the Engineering and Resource Protection Division for review and approval prior to the issuance of a Certificate of Occupancy for any dwelling unit.
- 13. Commencement of Construction: If construction has not commenced on the Project within 36 months from issuance of this SUP, the SUP shall become void. Construction shall be defined as the first placement of permanent construction of a dwelling unit on a site, such as pouring of the slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation. Construction does not include land preparation, such as clearing, grading or filling.
- 14. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.


 Kevin D. Onizuk
 Chairman, Board of Supervisors

ATTEST:

 Bryan J. Hipp
 Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	—	✓	—
SADLER	✓	—	—
HIPPLE	✓	—	—
LARSON	—	✓	—
ONIZUK	✓	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of September, 2017.

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