

RESOLUTION

CASE NO. SUP-0013-2017. KENSINGTON SCHOOL

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, Ms. Rachel Salmon has applied for an SUP to allow a day-care/child-care center on property zoned A-1, General Agricultural located at 8300, 8320, and 8340 Richmond Road and further identified as JCC Tax Parcel Numbers 1240100010, 1240100010A, 1240100010B, respectively, and a parcel without an address identified as JCC Tax Parcel Number 1240100010C; and

WHEREAS, the proposed development is depicted on the Master Plan, stamp dated October 25, 2017, and entitled “The Kensington School at Hickory Neck Church”; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0013-2017; and

WHEREAS, the Planning Commission, following its public hearing on December 6, 2017, recommended approval of the 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 Case No. SUP-0013-2017, as described herein, subject to the following conditions:

1. Master Plan: This Special Use Permit (the “SUP”) shall be valid for the operation of a day care and child care center (the “School”) on properties located at 8300, 8320, and 8340 Richmond Road and further identified as JCC Tax Parcel Numbers 1240100010, 1240100010A, 1240100010B, respectively, and a parcel without an address identified as JCC Tax Parcel Number 1240100010C (together, the “Property”). Development and use of the Property shall be generally in accordance with and bound by the master plan entitled “The Kensington School at Hickory Neck Church” (the “Master Plan”) with deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. The School shall be located in the modular building as shown on the Master Plan.
2. Enrollment: Enrollment of the School shall be limited to seventy-six (76) children. On or before July 1 of each year, the School shall provide the Zoning Administrator, or her designee, school enrollment data for the previous school year and projected school enrollment data for the upcoming year. The school enrollment data shall include, at a minimum, the total number of children enrolled, and the number of staff employed.
3. BMP Repair and Maintenance: With any newly proposed impervious cover for this site, the BMP shall be reevaluated. If the evaluation determines that the BMP is inadequate for the expansion, or not functioning properly, proper maintenance, repairs, or upgrades as determined by the Director of Stormwater and Resource Protection may be required and the owner shall enter into a new maintenance agreement with the county prior to the issuance of a Certificate of Occupancy.
4. Architectural Review: Prior to final site plan approval, architectural elevations, building materials,

and colors shall be submitted to the Director of Planning or his designee for review and approval. The purpose of this condition is to ensure that the proposed structure on the Property is uniform and compatible in terms of design, scale, materials, and colors with other structures on site, and consistent with the elevation titled "The Kensington School #2 Building Elevations" dated November 15, 2017.

- 5. Exterior Lighting: All new exterior light fixtures, including new building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. All new light poles shall not exceed twenty (20) feet in height unless otherwise approved by the Director of Planning. A lighting plan for any new lighting indicating no glare outside the boundaries of the Property shall be submitted to and approved by the Director of Planning or his designee prior to site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the property line or any direct view of the lighting source from the adjoining properties.
- 6. Dumpsters/HVAC Units: All new dumpsters and heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing approved by the Director of Planning or his designee prior to final site plan approval.
- 7. Commencement of Use: A permanent Certificate of Occupancy for the School shall be obtained within thirty-six (36) months from the date of approval of this SUP, or this SUP shall be void.
- 8. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ruth M. Larson

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUSER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of January, 2018.

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