

A G E N D A
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 20, 2019
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. October 23, 2019 Meeting Minutes

D. OLD BUSINESS

E. NEW BUSINESS

1. SP-19-0101. Chickahominy Riverfront Park RV and Boat Storage Area SP Amend.

F. ADJOURNMENT

ITEM SUMMARY

DATE: 11/20/2019

TO: The Development Review Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: October 23, 2019 Meeting Minutes

ATTACHMENTS:

	Description	Type
	Minutes of the October 23, 2019 DRC Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	11/15/2019 - 8:20 AM
Development Review Committee	Holt, Paul	Approved	11/15/2019 - 8:35 AM
Publication Management	Burcham, Nan	Approved	11/15/2019 - 8:37 AM
Development Review Committee	Holt, Paul	Approved	11/15/2019 - 8:38 AM

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 23, 2019
4:00 PM

A. CALL TO ORDER

Mr. Frank Polster called the meeting to order at 4:00 p.m.

B. ROLL CALL

Present:

Frank Polster, Chair
Jack Haldeman
Danny Schmidt

Absent:

Odessa Dowdy

Staff in Attendance:

Ellen Cook, Principal Planner
Thomas Wysong, Senior Planner
Katie Pelletier, Community Development Assistant

C. MINUTES

1. September 18, 2019 Meeting Minutes

Mr. Polster asked if there were any comments regarding the minutes.

Mr. Haldeman made a motion to approve the September 18, 2019 minutes. The minutes were approved by a unanimous voice vote of 3-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. C-19-0082. 6623 Richmond Road Master Plan Consistency Determination

Ms. Ellen Cook addressed the Committee and stated that Mr. Robert Singley, Jr. of RJS & Associates, Inc. has submitted a Conceptual Plan on behalf of property owner B & L of North Carolina, LLC for a Master Plan consistency determination at 6623 Richmond Road.

Ms. Cook explained that adopted Special Use Permit (SUP) conditions for this development require Development Review Committee (DRC) review of any proposed changes to the Master Plan for general consistency.

Ms. Cook stated the specific proposed uses are a car club, a baseball club training area, and a fitness center. She said these uses are within portions of the building that were shown on the original Master Plan as office or other retail uses and on the updated Master Plan version that the DRC found consistent as retail uses.

Ms. Cook stated that staff finds the three proposed tenants to be less intensive uses than typical retail stores of similar sizes. She said staff recommends that the DRC approve the consistency request of the current tenants contingent on the condition that future proposals to utilize the remaining commercial/office square footage must be submitted to staff for review and evaluation of impacts such as parking and trip generation, and for overall Master Plan consistency.

Ms. Cook stated that both she and the applicant were available for any questions.

Mr. Danny Schmidt stated that he was supportive of the request as a less intensive use which would generate less traffic.

Mr. Polster asked if the Committee had any further questions.

Mr. Jack Haldeman motioned that the proposal is consistent with the adopted Master Plan and recommended approval to the Planning Commission. On a unanimous voice vote, the motion was approved 3-0.

2. C-19-0073. 2822 Forge Road

Mr. Thomas Wysong addressed the Committee and stated that Mr. Hawley Smith on behalf of MG Farm Partners, LLC has applied for an exception to Section 19-73 of the Subdivision Ordinance which requires minor subdivisions of three or more unimproved lots to limit direct access from the existing road to one shared driveway.

Mr. Wysong stated the applicant is proposing three individual driveways for a three-lot subdivision of a 118-acre parcel located north of Forge Road. He noted the parcel is zoned A-1, General Agricultural, and designated Rural Lands in the Comprehensive Plan. Mr. Wysong said the applicant has requested an exception to the shared driveway requirement for this subdivision, as permitted in Section 19-18 of the Subdivision Ordinance.

Mr. Wysong reiterated that Section 19-73 of the Subdivision Ordinance states that a shared driveway shall be required for any subdivision with three or more undeveloped lots. He explained this requirement has been in place in the Subdivision Ordinance since 1999 and is emphasized in the Rural Land Development Standards of the Comprehensive Plan which recommends minimizing the number of street and driveway intersections along the main road by providing common driveways and interconnection of developments.

Mr. Wysong stated the Subdivision Ordinance does allow the Planning Commission to grant an exception to this requirement provided that all five of the specified criteria within the Subdivision Ordinance are met. Mr. Wysong said, based on the information provided, staff finds that this application does not meet the required criteria set forth within the Subdivision Ordinance.

Mr. Wysong noted specifically that staff has not found that strict adherence to the Ordinance requirement would create a substantial injustice or hardship; nor that the facts upon which the request is based are unique to the property; nor that there is a hardship or injustice created as a result of the property being of unusual character. Mr. Wysong told the Committee that staff recommends the DRC recommend denial of the exception request to the Planning Commission.

Mr. Wysong stated both he and the applicant were available for any questions.

Mr. Hawley Smith, applicant from Forge Road LLC, addressed the Committee and thanked them for their time reviewing the application. He said they desire to maintain the area's rural

character and have already committed to a conservation easement of 118 acres. He said this easement is in addition to the County's existing conservation easement of 128 acres across the street, for a total of almost 250 acres. Mr. Smith said in exchange they ask for the existing density of 10 units on almost 250 acres.

Regarding the variance appeal, Mr. Smith said they believe the proposed driveways are designed and spaced safely apart, allowing access to large acre tracts that maintain a farm nature. He said if shared access were required, the area would have a subdivided look with more residences visible from the street rather than just one large farm.

Mr. Smith then showed the Committee the three proposed driveway locations in relation to Mr. Woody Perry's neighboring property at 2875 Forge Road and Willow Pond Estates across the street. Proposed Lots No. 2 and 3 located at the north end of the property had proposed driveways along the border of the property on both the east and west side, and proposed Lot No. 1 on the south side of the property had a driveway bordering Forge Road.

Mr. Schmidt discussed with the applicants the possibility of sharing the adjacent property driveways which ran parallel to the proposed Lots No. 2 and 3 driveways. The applicant indicated that an owner of an adjacent property to Lot No. 3 was very interested in purchasing Lot No. 3 and might use his existing driveway as entry onto Forge Rd.

Mr. Schmidt asked if they would have gravel or asphalt driveways.

Mr. Woody Perry of Forge Road LLC said the driveways would likely be gravel, then homeowners would be responsible for any paving.

Mr. Haldeman stated he does not see how any of the shared driveway exception criteria are met.

Mr. Perry said the difference is the easement.

Mr. Smith said with so much land going into the conservation easement, there is not as much land to recover development costs. He also noted the one central and two outer driveways would match the Willow Pond Estate layout across the street.

Mr. Schmidt said each shared driveway exception request has its own unique circumstances.

Mr. Polster noted his concerns for additional driveways on that stretch of Forge Road with 15 existing driveways for 27 homes and the potential for six additional driveways and homes. He said the stretch of Forge Road from Toano and the connecting road to Chickahominy Haven cause about 1,300 cars to pass 2822 Forge Road daily.

Mr. Polster also cited the Hampton Roads Transportation Organization's model for the area that is bordered in the north and east with Route 60, on the south by Forge Road and Route 715, and in the east by the Chickahominy River. He said the model showed a 31 percent increase in population and a 94 percent increase in automobiles when comparing the predicted change between 2015 and 2045.

Mr. Polster said it is important to look at the cumulative impacts of by-right expansion in the upper end of the County. He said the assessment tools coming out of the Comprehensive Plan will aid in analyzing impacts and trends.

Mr. Perry said they are placing as few lots on the 250 acres as financially possible. He said they are able to build on 10-acre lots only because they already own the property. He said the traffic is greater than 20 years ago, but in his opinion it is not substantial.

Mr. Polster said he would prefer to limit the number of driveways to the absolute minimum.

Mr. Haldeman stated the shared driveway exception request does not meet the criteria in the Subdivision Ordinance and is not consistent with the Comprehensive Plan. He made a motion in agreement with staff to recommend denial of the exception request to the Planning Commission. On a voice vote and with Mr. Schmidt dissenting, the motion passed 2-1.

Mr. Smith asked if the Committee would consider an alternate solution proposing two driveways instead of three. He said one shared driveway could serve Lots No. 1 and 2 with a separate driveway designated for Lot No. 3, with the likelihood that a driveway for Lot No. 3 may not be necessary given the previously mentioned interest of the adjacent property owner to purchase Lot No. 3.

Mr. Haldeman made a motion to reconsider the vote on Case. No. C-19-0073, 2822 Forge Road. The motion passed 3-0 after a unanimous voice vote.

Mr. Polster motioned to recommend approval of the shared driveway exception request with the condition that proposed Lots No. 1 and 2 will share one driveway and another driveway will serve proposed Lot No. 3. The motion passed 3-0 after a unanimous voice vote.

Mr. Smith and Mr. Perry thanked the DRC for their time and consideration.

F. ADJOURNMENT

Mr. Polster thanked everyone for attending the meeting.

Mr. Schmidt made a motion to Adjourn the meeting.

Mr. Polster adjourned the meeting at 4:45 p.m. after a unanimous voice vote.

Mr. Frank Polster, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 11/20/2019

TO: Development Review Committee

FROM: Brett Meadows, Planner

SUBJECT: SP-19-0101. Chickahominy Riverfront Park RV and Boat Storage Area SP Amend.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1. Location Map	Backup Material
▣	Attachment 2 Site Plan Part 1	Backup Material
▣	Attachment 2 Site Plan Part 2	Backup Material
▣	Attachment 2 Site Plan Part 3	Backup Material
▣	Attachment 2 Site Plan Part 4	Backup Material
▣	Attachment 2 Site Plan Part 5	Backup Material
▣	Attachment 3 Adopted Master Plan for Chickahominy Riverfront Park	Backup Material
▣	Attachment 4 Adopted SUP Conditions for Chickahominy Riverfront Park	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	11/14/2019 - 5:01 PM
Development Review Committee	Holt, Paul	Approved	11/15/2019 - 8:38 AM
Publication Management	Burcham, Nan	Approved	11/15/2019 - 8:40 AM
Development Review Committee	Holt, Paul	Approved	11/15/2019 - 8:41 AM

SITE PLAN-19-0101. Chickahominy Riverfront Park RV and Boat Storage Area SP Amendment

Staff Report for the November 20, 2019, Development Review Committee**SUMMARY FACTS**

Applicant:	Mr. Alister Perkinson, James City County Parks & Recreation
Land Owner:	James City County
Proposal:	To relocate the RV/boat storage. Saplings and scrub trees will need to be removed from the proposed area.
Development Review Committee (DRC)	Adopted Special Use Permit (SUP) Conditions require the Planning Director and DRC approval for tree clearing on the Chickahominy Riverfront Park property.
Location:	1350 John Tyler Highway
Tax Map/Parcel No.:	3430100002
Project Acreage:	+/- 139.42 Acres
Zoning:	PL, Public Lands
Comprehensive Plan:	Open Space or Recreation
Primary Service Area:	Outside
Staff Contact:	Brett Meadows, Planner

FACTORS FAVORABLE

1. The proposed area was previously used as an RV storage area as recently as 2002.
2. The proposal is consistent with conceptual plan C-0038-2018 which passed the DRC on June 30, 2018.

FACTORS UNFAVORABLE

1. There are no unfavorable factors.

STAFF RECOMMENDATION

The Planning Director finds the proposal acceptable; however, SUP Condition No. 7 states that both the Planning Director and DRC need to approve the removal of trees on the property.

PROJECT DESCRIPTION

The applicant is seeking to relocate the RV/boat storage to a larger area south of its current location in order to allow for additional revenue to the park and to provide better services to patrons via a boathouse area expansion. The Design Review Committee approved conceptual plan C-0038-2018 on June 20, 2018 proposing the relocation of the RV/boat storage to the site represented in this site plan, SP-19-0101. The proposed RV/boat storage will be approximately 400 x 140 square feet and store up to 50 large RV/boats.

The area where the RV/boat storage is proposed was formerly used for this purpose as recently as 2002, and it was a grass field as recently as 2013. This area has naturally grown up in the intervening years. Please see site plan page six for photos of typical growth. The applicant

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

SITE PLAN-19-0101. Chickahominy Riverfront Park RV and Boat Storage Area SP Amendment

Staff Report for the November 20, 2019, Development Review Committee

proposes approximately one acre of brush and tree clearance. Two mature loblolly pines will remain. The park fronts on John Tyler Highway, designated as a Community Character Corridor by the 2035 *Comprehensive Plan*. View of the proposed storage from the public right-of-way is limited as the area along John Tyler Highway is heavily wooded (refer to Attachment No. 2).

SURROUNDING ZONING AND DEVELOPMENT

- The project site is bordered by the Chickahominy River and Gordon Creek in the west and north and by property zoned A-1 and designated Rural Lands to the south and east. These properties are currently either undeveloped or used for single-family residential.

RECOMMENDATION

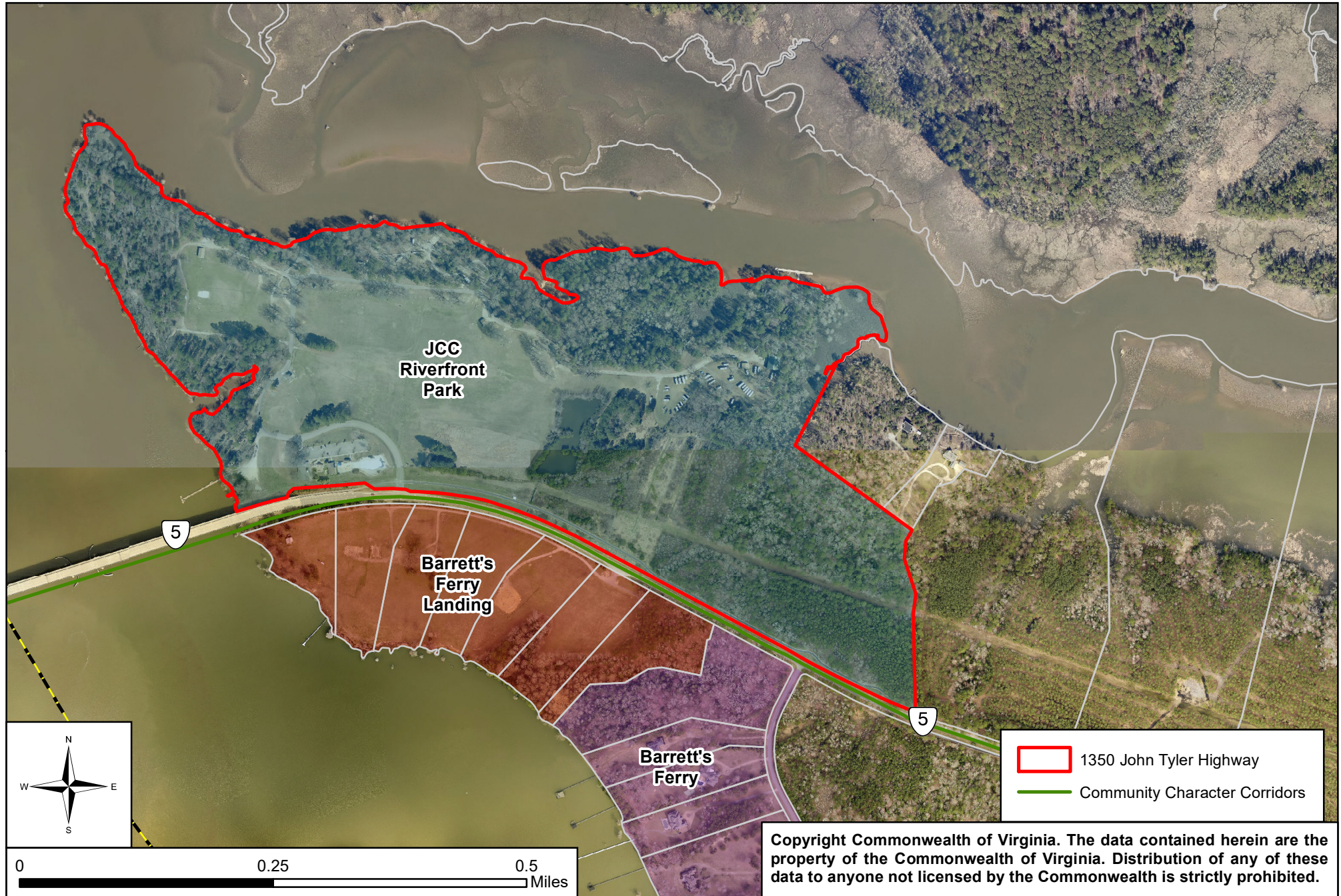
The Planning Director finds the proposal acceptable; however, SUP Condition No. 7 states that both the Planning Director and DRC need to approve the removal of trees on the property.

BAM/tlc
SP101-19CRPRVBtSt

Attachments:

1. Location Map
2. Site Plan, including tree/brush removal sheets
3. Adopted Master Plan for Chickahominy Riverfront Park
4. Adopted SUP Conditions for Chickahominy Riverfront Park

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.



SP-19-0101, Chickahominy Riverfront Park RV and Boat Storage Area SP Amend.

Property Information

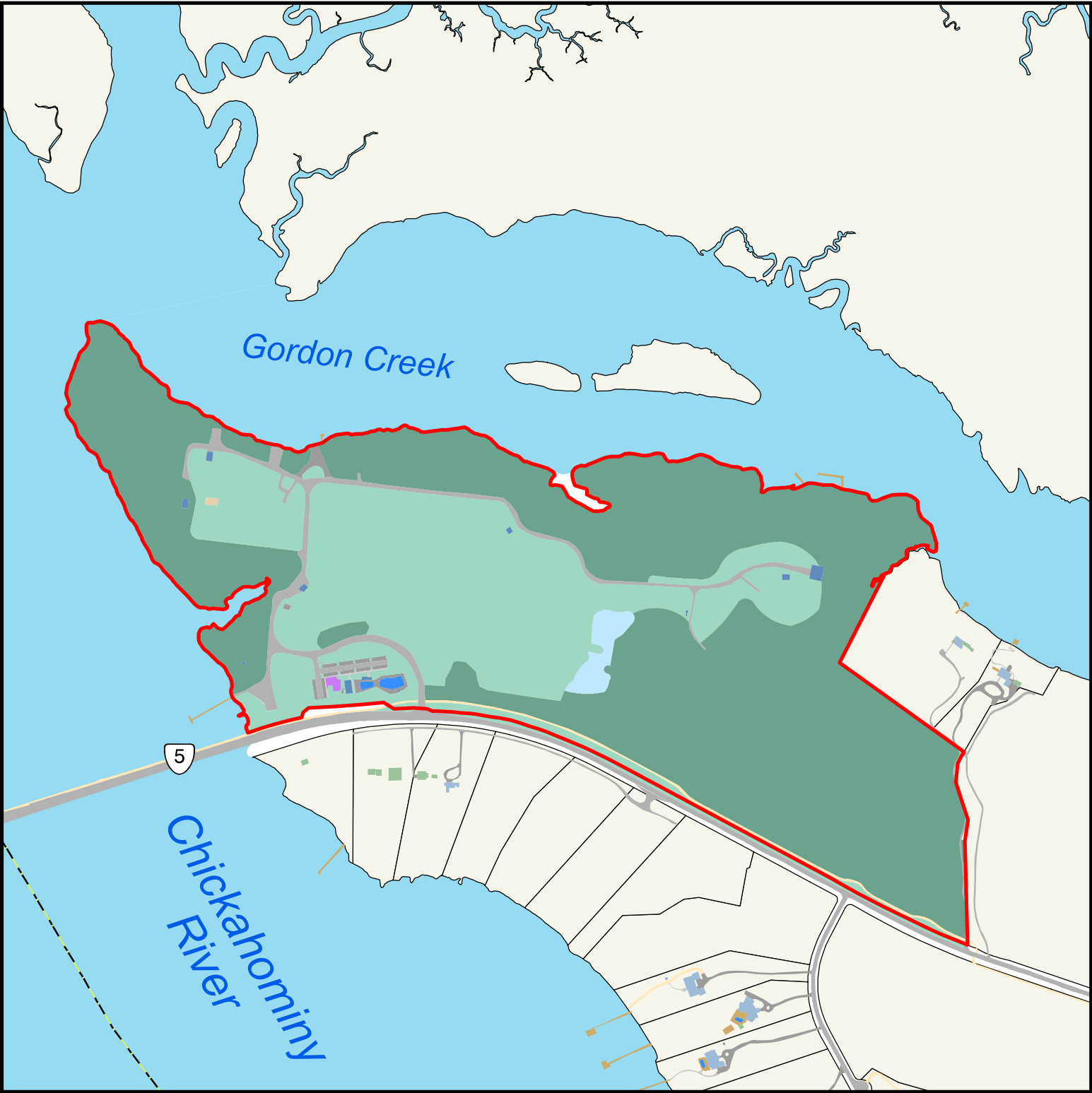
3430100002
JAMES CITY COUNTY
1350 John Tyler Highway
Williamsburg, VA 23185
PL Public Lands
Open Space or Recreation
Acres: 139.42

Project Description

Relocating existing RV and boat storage. Parking will be on grass lot.

Sheet Index

- 1. Cover Page
- 2. Site Location
- 3. Enlarged View
- 4. 150' Buffer
- 5. Site Layout
- 6. Tree Clearing and Construction
- 7. View of site from Virginia Capital Trail 1
- 8. View of site from Virginia Capital Trail 2
- 9. Archeology Map



Maps Not To Scale

General Notes

- 1. This site plan amends SP-0009-2010.
- 2. No changes to water/sewer utilities.
- 3. No impervious area is proposed.
- 4. This site does not appear to be located in the Resource Protection Area.
- 5. This site does not appear to be located in the special flood hazard area based on Flood Insurance Rate Map 51095C0113D, effective 12/16/15.
- 6. No proposed changes to outdoor lighting.
- 7. Call Miss Utility at 811 to mark any utilities prior to construction.
- 8. The site resides within the Gordon Creek Watershed
- 9. The site resides within the JL29 HUC
- 10. This use in this location was found consistent with the master plan for SUP-0014-2009 by the DRC at its June 20, 2018 meeting.



Parcel ID:
3440100004
Zoned: A1

Parcel ID:
3430100002
Zoned: PL

Parcel ID:
3440100002
Zoned: A1

Parcel ID:
3440100005
Zoned: A1

Proposed Boat and
RV Storage Area

Parcel ID:
3430300001
Zoned: A1

Parcel ID:
3430300002
Zoned: A1

Parcel ID:
3430300003
Zoned: A1

Parcel ID:
3430300004
Zoned: A1

Parcel ID:
3430300005
Zoned: A1

Parcel ID:
3430300006
Zoned: A1

Parcel ID:
3430300007
Zoned: A1

Parcel ID:
3430200002
Zoned: A1

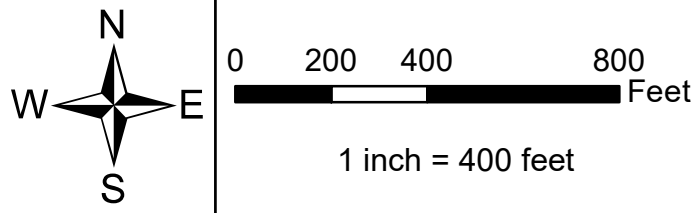
Parcel
ID: 4310600003
Zoned: A1

Parcel ID:
4310600004
Zoned: A1

Parcel ID:
4320100003
Zoned: A1

Parcel ID:
4320100012
Zoned: A1

Parcel ID:
4320100013
Zoned: A1







Proposed Dry Storage - 400 X 140

150 Offset'

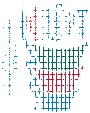
This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.

Copyright James City County GIS Office 10/29/2019
M:\Departments\Parks_and_Recl\Chick_Riverfront\ProposedDryStorageRelocation.mxd

James City County



1 inch = 100 feet





- There is no lighting proposed for the site
- There is no fencing proposed for the site, there will be a cable gate at the entrance to restrict access.
- Approx. 50 Pull-through spaces for long term storage of boats and RVs . Spaces will be marked with a single carsonite sign. No lining, curb stops, etc.
- Direction of traffic notated by yellow arrows on image. Directional signage will be posted on roads.
- Entrance road and all traffic areas are existing roads that are comprised of gravel and grass. No additional stabilization is anticipated.
- A spill kit will be located onsite



Carsonite sign marking RV/Boat space



Existing roads are a combination of gravel and grass

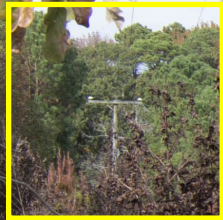


- The area in which trees and brush are to be cleared is approximately 1 acre
- Primarily grass, brush, and small trees. Tree species are exclusively Sweetgum (*Liquidambar styraciflua*) and Loblolly Pine (*Pinus taeda*)
- Tree size is predominately 1-3" diameter at breast height, with a few outliers as large as 4.5" dbh
- Two mature Loblolly Pines located at the upper eastern portion of site will remain (approx. 20" and 16" dbh)
- Project area was a grass field as recently as 2013, and was used for RV storage as recently as 2002
- Construction: Trees and brush will be removed with a forest mulcher and brush mower. All debris will be mulched onsite, and no stockpiles will be created. Construction will not include digging, grubbing, stump grinding or other land disturbance
- Entrance road and all traffic areas are existing roads that are comprised of gravel and grass. No additional stabilization is anticipated.
- Screening for the site will be accomplished utilizing existing vegetation. Images on the following pages show current view from the Virginia Capital Trail



Trees/vegetation typical of site







RESOLUTION

CASE NO. SUP-0014-2009. CHICKAHOMINY RIVERFRONT PARK –

RV LOOP AND MASTER PLAN

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. Aaron Small of AES Consulting Engineers, on behalf of James City County Parks and Recreation, has applied for an SUP to make improvements to existing facilities at Chickahominy Riverfront Park and to master-plan the entire park property for community recreation; and

WHEREAS, the property is located on land zoned PL, Public Land, and can be further identified as James City County Real Estate Tax Map/Parcel No. 3430100002; and

WHEREAS, the Planning Commission of James City County, following its public hearing on October 7, 2009, recommended approval of this application by a vote of 6-1; 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 SUP No. 0014-2009 as described herein with the following conditions:


1. **Master Plan.** This SUP shall permit a public community recreation facility and accessory uses thereto, including, but not limited to, tent sites, cabins, recreational vehicle (RV) camping areas, special event areas, docks/piers, swimming facilities, playgrounds, boat launches, rowing facilities, picnic pavilions, camp store, and seasonal concession stands on property located at 1350 John Tyler Highway (the "Property"). Improvements to the site shall generally be located as shown on the document entitled "Figure 4-2: Master Plan-Chickahominy Riverfront Park," (the "Master Plan") prepared by Vanasse, Hangen, and Brustlin, Inc. (VHB) and date-stamped October 14, 2009, with only changes thereto that the Development Review Committee (DRC) determines to be generally consistent with the Master Plan and Shaping Our Shores report.
2. **Soil Studies.** Soil feasibility studies to determine appropriate areas for septic drainfields shall be submitted to the Virginia Department of Health for review and approval prior to final development plan approval for any new development on the Property. Redevelopment plans ("Redevelopment") for the Property shall not be subjected to this requirement. Redevelopment shall include the removal and replacement, renovation, or rehabilitation of existing buildings or facilities that does not increase or change the general shape or location of impervious area or number of tent sites or RV spaces, does not change the existing primary use of an area, and/or

does not change existing points of access. Based on the findings of any study, if a proposed use needs to be relocated, a plan detailing the relocation shall be provided to the DRC to determine whether the plan is generally consistent with the Master Plan and Shaping Our Shores report.

3. **Right-of-Way Buffer.** 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 and the DRC.
4. **Lighting.** 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 are not visible from the side. Fixtures which 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.
5. **Speakers.** All permanent public address speakers used on the site shall be oriented generally toward the interior of the property and away from exterior property lines.
6. **Archaeology.** Additional archaeological studies for any area to be disturbed that is identified as 'eligible' for inclusion on the National Register of Historic Places and/or 'unknown (further work needed)' on pages 109-112 of the report titled "Phase I Cultural Resources Survey and Archaeological Inventory of the Chickahominy Riverfront Park, James City County, Virginia" by Geo-Marine, Inc. and dated June 2008, shall be submitted to the Director of Planning for review and approval prior to the commencement of any land-disturbing activity on the property. 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.
7. **Tree Clearing.** Tree clearing on the entire property shall be limited to the minimum necessary to accommodate the proposed recreational uses shown on the Master Plan and related driveways, entrance improvements, and facilities as determined by the Director of Planning or designee and the DRC.

8. **Master Stormwater Management Plan.** A Master Stormwater Management Plan for the Property shall be submitted for review and approval by the County's Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.
9. **Special Stormwater Criteria.** Special Stormwater Criteria (SSC) as adopted by the County in the Powhatan and Yarmouth Creek watersheds shall apply to this project. Low-impact development principles and techniques shall also be used in all development plans to reduce and control impacts associated with any increased storm water runoff. The owner shall demonstrate the application of SSC and low-impact design on all development plans to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.
10. **Resource Management Area (RMA) Buffers.** All development plans shall have the RMA buffers delineated in accordance with the Powhatan Creek Watershed Management Plan revision dated October 11, 2006, or any such RMA buffers as outlined in any future Gordon Creek Watershed Management Plan, to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.
11. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

ATTEST:


Sanford B. Wanner
Clerk to the Board

James G. Kennedy
Chairman, Board of Supervisors

<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 10th day of November, 2009.

SUP_0014_09_res