

RESOLUTION

CASE NO. SUP-0030-2007. NINTH ELEMENTARY AND FOURTH MIDDLE 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, Mr. Aaron Small of AES Consulting Engineers has applied on behalf of James City County for a Special Use Permit to allow for a joint elementary and middle school, parking, and athletic fields; and

WHEREAS, the site layout of the schools is shown on the master plan, entitled "9th Elementary School and 4th Middle School" drawn by AES Consulting Engineers and date stamped February 10, 2008; 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, has reviewed this application in accordance with Section 15.2-2232 of the Virginia State Code and finds it to be in conformance; 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. 0031-2007 as described herein with the following conditions:

1. Master Plan: This Special Use Permit shall be valid for the construction of a middle school, elementary school, and associated fields, trails, and parking areas located on a portion of 5537 Centerville Road (the "Property"). The Property shall be developed generally as shown on the master plan drawn by AES Consulting Engineers entitled "9th Elementary School and 4th Middle School" and date stamped February 10, 2008 (the "Master Plan"), with only changes thereto that the Development Review Committee determines do not change the basic concept or character of the development.
2. Archaeology: A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning 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 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.

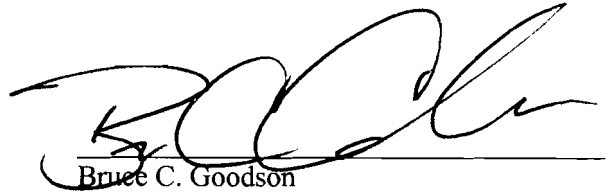
3. Architecture: Building facades visible from Jolly Pond Road shall be of a dark natural color to minimize visual impact from Jolly Pond Road and so the schools are compatible with the natural and rural surroundings. Prior to final site plan approval, the Director of Planning shall review and approve the final building materials and colors for consistency with photo page entitled "Prototype Schools."
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 30 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines. The height limitation provided in this paragraph shall not apply to athletic field lighting provided that proper permits are issued under the James City County Zoning Ordinance. Athletic field lighting shall not be aimed toward Jolly Pond Road.
5. Water Conservation: The Williamsburg-James City County School Board shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final development plan approval. The standards shall include, but shall 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.
6. Irrigation: If the Williamsburg-James City County School Board desires to have outdoor watering of athletic fields or common areas, it shall provide water for irrigation utilizing surface water collection from surface water ponds and shall not use JCSA water or well water for irrigation purposes, except as provided below. Upon written application and finding that there is insufficient surface water for irrigation, the JCSA General Manager may approve the installation of irrigation wells to a depth no greater than 100 feet.

7. Right-of-Way Buffer: There shall be a fifty-foot right-of-way buffer along Jolly Pond Road generally as shown on the Master Plan (the "buffer"). The buffer shall be exclusive of any structures or paving, except for the entrances and sidewalks shown generally on the Master Plan, and with the approval of the Director of Planning, for lighting, entrance features, fencing and signs. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants may be removed from the buffer area with the approval of the Director of Planning. With the prior approval of the Director of Planning, utilities may intrude into or cross the buffer, provided however, that such crossings or intrusions are generally perpendicular to the buffer and are given prior approval from the Director of Planning.
8. Enhanced Landscaping: An enhanced landscaping plan providing a minimum of 50 percent evergreen plantings within the buffer shall be approved by the Director of Planning or his designee prior to final site plan approval. Enhanced landscaping shall be defined as 125 percent of the number of the Zoning Ordinance landscape requirements.
9. Signal Warrant Analysis: The applicant shall submit a signal warrant analysis for the northern intersection of Jolly Pond Road (Route 611) and Centerville Road (Route 614) (the "Analysis") to the County within two months after the first day that either school is opened for classes. The Analysis shall be reviewed and approved by VDOT.
10. Road Improvements: All improvements recommended in the traffic impact study developed in November 2007 by Kimley-Horn and Associates and the signal warrant analysis shall be constructed to VDOT standards. The improvements that shall be constructed shall, at a minimum, include the following:
 - Jolly Pond/Centerville Road Intersection: traffic signal (if warranted by VDOT based on the Analysis), exclusive left-turn lane and taper on eastbound Jolly Pond Road, an exclusive left-turn lane and taper on northbound Centerville Road, and the retention of existing shoulder bike lanes along Centerville Road.
 - Jolly Pond/Elementary School Bus Entrance: exclusive left-turn lane on westbound Jolly Pond Road.
 - Jolly Pond/Shared Parking Lot Entrance: exclusive left-turn lane on westbound Jolly Pond Road.

These improvements shall be installed and the appropriate right-of-way dedicated to VDOT, within one year after the first day that either school is opened for classes.

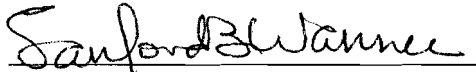
11. Special Stormwater Criteria: the Structural Component of Special Stormwater Criteria (SSC) as adopted by the County in the Powhatan and Yarmouth Creek watersheds shall apply to this project. This will require the installation of a minimum of seven measures to include, but not be limited to, infiltration trenches, bio-retention cells, dry swales, manufactured BMP's, and similar items related primarily to recharge and water quality. The owner shall demonstrate the application of SSC on development plans to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval.

12. Stormwater Attenuation: Attenuation in all proposed stormwater management BMPs shall be provided in a way to ensure that post-development stormwater flows do not exceed pre-development flows and have not been exceeded for storms of intensities up to and including the 100-year event. This shall be demonstrated on the plan of development and shall be approved by the County's Environmental Division Director prior to final plan of development approval. This requirement does not eliminate the need to satisfy the James City County Stream Channel Protection Criteria of 24-hour attenuation of the runoff volume for the 1-year storm event.
13. Nutrient Management Plan: The owner shall be responsible for contacting an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia, an agent of the Soil and Water Conservation District or other qualified professional to conduct soil tests and to develop, based upon the results of the soil tests, a nutrient management plan (the "Plan") for all common areas and athletic fields within the Property. The Plan shall be reviewed and approved by the County's Environmental Division Director prior to the issuance of any Certificate of Occupancy. Upon approval, the owner shall be responsible for ensuring that any nutrients applied to the Property be applied in strict accordance with the Plan.
14. Geothermal Wells: The Williamsburg-James City County School Board and JCSA shall jointly develop an outline of construction standards for the geothermal wells to ensure that there will be no negative impact on local groundwater. The standards shall include, but shall not be limited to the locations, depths, and materials for the wells, and measures to ensure the adequate protection of groundwater.
15. Commencement of Construction: If construction has not commenced on this project within thirty-six months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
16. Severance Clause: 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 26th day of February, 2008.

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