

RESOLUTION

CASE NO. SUP-24-99. GRIESENAUER RESIDENTIAL CLUSTER

- 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 process; and
- WHEREAS, Mr. Joseph Terrell has applied on behalf of Mr. Paul Griesenauer for a special use permit to allow 62 single-family residential units in a residential cluster; and
- WHEREAS, the proposed residential cluster is shown on the Master Plan prepared by Horton and Dodd, P.C., dated June 26, 2000, and entitled "Five Forks Residential Cluster;" and
- WHEREAS, the property is located on land zoned R-2, General Residential District, and can be further identified as Parcel No. (1-15) on James City County Real Estate Tax Map No. (46-2); and
- WHEREAS, the Planning Commission, following its public hearing on September 6, 2000, voted 5-2 to deny this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-24-99 as described herein with the following conditions:

1. Master Plan. The plan of development shall be generally consistent with the "Master Plan of Development of Five Folks Residential Cluster, an Affordable Subdivision to Accompany SUP-24-99" prepared by Horton and Dodd, P.C., dated June 26, 2000, ("Master Plan") as determined by the Director of Planning.
2. Density. There shall be no more than 62 dwelling units on the property.
3. Streetscapes. The Owner shall provide and install streetscape improvements along both sides of all streets in accordance with the Streetscape Guidelines Policy. The streetscape improvements shall be shown on the plan of development and submitted for approval to the Director of Planning.
4. Archaeology. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his 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 being 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.

5. Pedestrian System. The Owner shall provide and construct a sidewalk along one side of all roads in the subdivision. A six-foot wide soft surface or unpaved paved pedestrian trail system shall be constructed generally in the location shown on the Master Plan. The Director of Planning shall review and approve the final design and location of the trail prior to construction. The sidewalks and trail shall be constructed or bonded prior to final subdivision approval for any residence adjacent to the sidewalk and trail.
6. Recreation. A landscaped recreation area shall be provided in a manner generally consistent with the location shown on the Master Plan. The final design and location shall be reviewed and approved by the Development Review Committee prior to construction. The recreation facilities shall be installed or bonded prior to final subdivision approval for more than 25 lots or units.
7. Landscaping in Perimeter Buffer. In the areas of the perimeter buffer that are nonwooded, the Owner shall plant two trees per 400-square feet of landscape area. A minimum of 50 percent of the trees shall be evergreen.
8. Steep Slopes. No residential building shall be closer than 25 feet to a 25 percent or steeper slope unless approved by the Environmental Director.
9. Resource Protection Area (RPA). No Resource Protection Area (RPA) will be platted as part of any lot unless approved by the Environmental Director.
10. Time Limit. If construction of the development has not commenced within a period of 24 months from the date of issuance of this special use permit, this permit shall become void. Construction shall be defined as clearing, grading, or excavation for the development.
11. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of
November, 2000.

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