

RESOLUTION

CASE NO. SUP-011-2008. WILLIAMSBURG DOG

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. and Mrs. Matthew DiBiaso of The Williamsburg Dog have applied for an SUP to allow for operation of a dog day care center; and

WHEREAS, the proposed use is shown on a conceptual layout, entitled "JCC SUP-0011-2008 Williamsburg Dog" drawn by the Planning Division and dated May 20, 2008; and

WHEREAS, the property is located on land zoned B-1, General Business, and can be further identified as James City County Real Estate Tax Map No. 4711300003; and

WHEREAS, the Planning Commission of James City County held a public hearing for consideration of this application on June 4, 2008; 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. 0011-2008 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the operation of an 8,500-square-foot (not to exceed 5,000-square-foot indoor and 3,500-square-foot outdoor) dog day care center in an existing building located in Unit D of 3317 Venture Lane (the "Property"). The Property shall be developed generally as shown on the conceptual master plan entitled "SUP-0011-2008, Williamsburg Dog" and dated May 20, 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. Hours of Operation: The pickup and drop-off of animals shall not occur prior to 7 a.m. or after 6 p.m. In no case shall animals be kept on the property overnight.
3. Noise Abatement: The following measures shall apply to the dog day care facility in order to mitigate potential adverse impacts due to noise:
 - a. Dogs shall not be permitted in the outdoor exercise area prior to 9 a.m. or after 5 p.m.
 - b. All doors and windows within the rooms where dogs are kept shall be closed while the dog day care is in operation.
 - c. Any outdoor operations shall be screened from adjacent properties with a wall or solid fence at least six feet in height as approved by the Planning Director. The intention of the solid fence is to prevent dogs from seeing and barking at activities in adjacent areas.
4. Water Conservation: The applicant shall be responsible for developing and enforcing water conservation standards for the leased unit 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. Upon site plan review, the General Manager of the JCSA may provide a written exception to developing such standards if determined to be unnecessary.

5. Treatment of Animal Waste: The area within the limits of the rear-fenced exercise area and any other outdoor areas where dogs will be permitted to exercise shall be covered with no less than three inches of hardwood mulch. Prior to final site plan approval, the applicant shall demonstrate to the satisfaction of the Environmental Division Director that the potential for stormwater to discharge through the outdoor exercise areas has been minimized to the greatest extent practicable. Methods of prevention may include, but are not limited to, rerouting existing downspouts, installation of a berm around the upland boundaries of the outdoor exercise areas and rapid disposal of solid animal wastes.
6. Parking: The applicant and property owner shall provide a letter or exhibit which demonstrates the provision of adequate on-site parking to accommodate the dog day care and any future uses anticipated to occupy the remaining units on the property. The letter or exhibit shall be approved by the Planning Director prior to final site plan approval.
7. Commencement of Construction: If any Certificate of Occupancy has not been issued on this project within 36 months from the issuance of an SUP, the SUP shall become void.
8. Severance Clause: This SUP 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

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2008.

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