

RESOLUTION

REQUEST FOR SPECIAL USE PERMIT EXTENSION

- WHEREAS, on November 10, 2015 the Board of Supervisors of James City County (the “Board”) approved Special Use Permit No. SUP-0003-2015 (the “SUP”) permitting a rural cluster development known as Deer Lake Estates (the “Project”) on property located at 499 Jolly Pond Road and further identified as James City County Real Estate Tax Map No. 2240100007 (the “Property”); and
- WHEREAS, Condition Number 5(a) of the SUP requires construction of public utilities to commence within thirty-six (36) months of the date of approval of the SUP or the SUP shall become invalid; and
- WHEREAS, though the public utilities were not constructed within thirty-six (36) months of the date of approval of the SUP, Section 15.2-2209.1 of the Code of Virginia, 1950, as amended (the “Virginia Code”) automatically extended the SUP’s November 10, 2018 expiration date to July 1, 2020; and
- WHEREAS, Section 15.2-2209.1 no longer automatically extends the expiration date but instead allows localities to agree to an extension date; and
- WHEREAS, on behalf of the developer, Colonial Heritage, LLC, Mr. Greg Davis has requested that the Board grant an extension of the SUP to October 1, 2023, citing ongoing reviews by the Corps of Engineers and Virginia Department of Environmental Quality, a pending rezoning request, and the effects of the COVID-19 pandemic as reasons for the need for such extension; and
- WHEREAS, the Board has determined that granting an extension of the SUP’s expiration date to October 1, 2023 is be required by public necessity, convenience, general welfare, and good zoning practice.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, pursuant to Section 15.2-2209.1(B) of the Code of Virginia, 1950, as amended, does hereby extend the public utility extension deadline contained in Condition Number 5(a) of Special Use Permit No. SUP-0003-2015 from November 10, 2015 to October 1, 2023.

James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.