

RESOLUTION

CASE NO. SUP-2-93. WILLIAMSBURG CROSSING

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, the applicant has requested a special use permit to amend the binding master plan for the Williamsburg Crossing Shopping Center. The proposed amendment would redesignate approximately 7.6 acres of land which is currently shown as reserved to a designation which would allow an outdoor center of amusement and/or any commercial use generally permitted in the B-1, General Business District. The property is identified as a part of Parcel (1-1) on James City County Real Estate Tax Map No. (48-1); and

WHEREAS, the James City County Board of Supervisors acknowledges that the approval of this Special Use Permit does not impact the litigation currently pending in the Circuit Court for the City of Williamsburg and County of James City between University Square Associates and the County; and

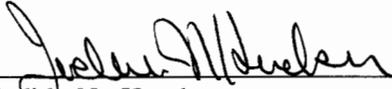
WHEREAS, the James City County Board of Supervisors acknowledges that University Square Associates is not waiving any rights asserted in the pending litigation and that the County is not recognizing the validity of any rights asserted by University Square Associates in such litigation.

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-2-93 as described herein with the following conditions:

1. No more than 535,665 square feet total of commercial and/or office square footage, including existing development, and 198 multifamily residential units, shall be constructed on the site.
2. A minimum 65-foot buffer shall be provided along the southern and western boundaries of the site. The buffer shall be landscaped, at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance and such landscaping shall be approved by the Development Review Committee. Utilities and drainage structures may be placed within the buffer if approved by the Development Review Committee. This buffer may be reduced to a width of 50 feet if enhanced landscaping approved by the Development Review Committee is provided. Such enhanced landscaping shall be far in excess of what is required by the Zoning Ordinance and shall effectively screen the adjacent property.
3. A minimum 50-foot greenbelt, free of structures and paving, shall be provided along the future right-of-way of Route 199 as shown on Sheet 3 of the Virginia Department of Transportation's plan entitled "Commonwealth of Virginia, Plan and Profile of Proposed State Highway, James City County and York County, (Route 199), From: 0.092 mi south of Route 60 EBB, To: Interstate Route I-64" and hand dated May 26, 1992, a copy of which is

dimensions and specifications as determined by VDOT at development plan submittal. VDOT may, at the time of development plan review, substitute the above improvements with equivalent improvements or not require certain improvements if deemed unnecessary. The applicant shall be responsible for any other road improvements related to the development, if determined necessary by VDOT.

- 7. Signalization of Kings Way and Route 5 shall be provided by the applicant when signal warrants require signalization. Additionally, the applicant shall construct a dedicated right-turn lane on westbound Route 5 at the time of signalization. The turn lane shall be approved by VDOT and built to their standards.
- 8. Lighting on the site shall be of the sodium vapor type and shall be consistent in nature and illumination characteristics with the lighting currently utilized in the Williamsburg Crossing Shopping Center. If an outdoor center of amusement is constructed, only high pressure sodium lighting shall be permitted consistent with conditions of Case No. SUP-3-93.
- 9. A pedestrian access shall be provided to the vacant R-1 zoned parcel located to the west of the site. The location of such access shall be approved by the Development Review Committee.
- 10. Land Bay 11 shall only be used for open space associated with an outdoor center of amusement. No impervious surface or buildings shall be permitted. Poles, netting, and fencing shall be permitted if these facilities are part of an outdoor center of amusement.


 Judith N. Knudson
 Chairman, Board of Supervisors

ATTEST:


 David B. Norman
 Clerk to the Board

SUPERVISOR	VOTE
TAYLOR	AYE
EDWARDS	NAY
DEPUE	AYE
SISK	AYE
KNUDSON	NAY

Adopted by the Board of Supervisors of James City County, Virginia, this 20th day of October, 1993.

RESOLUTION

CASE NO. SUP-3-93. WILLIAMSBURG CROSSING

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, the applicant has requested a special use permit to allow the development of an outdoor center of amusement on 46.7 acres. The property is zoned B-1, General Business District. The property is identified as a part of Parcel (1-1) on James City County Real Estate Tax Map No. (48-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-3-93 as described herein with the following conditions:

1. All active sports areas, including the driving range, "par 3" golf course, and miniature golf course shall not be illuminated. Lighting may be provided around buildings and in parking areas for safety and security purposes if approved by the Development Review Committee.
2. The uses permitted within the project shall be limited to one or more of the following: a driving range, miniature golf, golf-related practice areas and/or an 18-hole "par 3" golf course and any related facilities. The driving range shall be generally located as shown on the attached conceptual plan prepared by Langley and McDonald and dated July 1993.
3. Berms, a minimum of 6 feet in height, shall be placed around the boundaries of the outdoor center of amusement where that facility abuts the Peppertree Condominiums and the Winston Terrace Subdivision where the Development Review Committee determines that the existing tree line and proposed landscaping is not adequate to buffer these areas from the impacts of the driving range. The berms shall be landscaped at a minimum in accordance with the provisions of the minimum planting standards set forth in the Zoning Ordinance and placement and landscaping of such berms shall be approved by the Development Review Committee.
4. This special use permit shall remain in effect for a period of 36 months from the date of issuance. If within this time site plan approval and/or building plan approvals are issued, the special use permit shall remain in effect for the term of those approvals and/or permits. Issuance of a Certificate of Occupancy would preserve the rights of the special use permit.
5. Netting and support poles shall be located no closer than 50 feet from any property line unless otherwise approved by the Development Review Committee. Nets and poles shall not exceed 50 feet in height. If, upon submittal of the report referenced in Condition No. 8, it is determined by the Development Review Committee that for safety reasons the nets need to be raised, they may be raised an additional 10 feet. No lights, flags, signs, public address systems or other similar items shall be permitted on the poles and/or netting. The final height of the poles and design and color of the netting system are to be approved by the Development Review Committee.