

RESOLUTION

CASE NO. SUP-7-98. J. W. 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 Planning Commission of James City County, following its public hearing on February 1, 1999, unanimously recommended approval of Case No. SUP-7-98 to permit the operation of a 5,600-square foot retail shopping center, a 2,883-square foot automobile service center, and a 3,148-square foot restaurant at 5547 Olde Towne Road, further identified as Parcel No. (1-2A) on James City County Real Estate Tax Map No. (33-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. SUP-7-98, as described herein, with the following conditions:

1. The applicant shall submit to the Environmental Director a drainage plan addressing the stormwater management facilities to be located on-site. The drainage plan shall be approved by the Environmental Director prior to preliminary site plan approval for any development on this parcel, and said approved facilities shall be installed in accordance with this plan.
2. Internal access to Ewell Station Shopping Center shall be limited to two internal access points. No additional entrance from Richmond Road shall be permitted. Access locations shall be generally in accordance with the binding master plan, as approved by the Board of Supervisors, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
3. A minimum four-foot sidewalk, as shown on the master plan, shall be provided that connects the commercial structures on this site, to the extent possible.
4. The applicant shall reimburse the Virginia Department of Transportation for its actual cost in adjusting the signal timing as reflected in the traffic study "Traffic Analysis for Ewell Station Expansion at Richmond Road/Olde Towne Road," prepared by DRW Consultants, July 9, 1998. The applicant shall dedicate sufficient right-of-way along Olde Towne Road to accommodate an additional westbound left-turn lane from Richmond Road, as recommended by the traffic study. The additional right-of-way shall be dedicated prior to final site plan approval.
5. The building elevations for any commercial structure shall be approved by the Planning Director prior to final site plan approval. The intent of this condition is to ensure that the buildings on the site are compatible with the design, materials, and color of the Ewell Station shopping center building. The drawings submitted by the applicant on file with the County prepared by Magoon Associates are consistent with this condition.

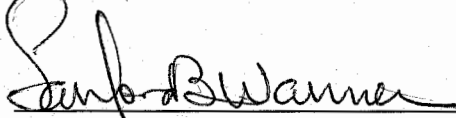
6. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.
7. Free-standing signs shall be ground-mounted, monument style, and shall be approved by the Planning Director prior to final site plan approval.
8. The landscaping plan shall be approved by the Planning Director prior to final site plan approval and shall consist of, at a minimum, the amount of landscaping shown on the binding master plan.
9. Construction on this project shall commence within 36 months from the date of approval of this special use permit or this special use permit shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
10. Prior to obtaining site plan approval, the owner(s) of the property which is the subject of this special use permit ("the Property") shall provide evidence to the County Attorney that the development hereby permitted will not violate the Declaration of Easements and Restrictions dated May 1, 1989, of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City County in James City County Deed Book No. 436, page 175, *et seq.* ("the Restrictions") or evidence of the issuance of a title insurance policy by a major national title insurance company that if the development hereby permitted violates the Restrictions, the owners of the Property its tenants, occupants, and invitees will not sustain any financial loss.
11. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Jack D. Edwards
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	ABSENT
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of March, 1999.