

RESOLUTION

J. W. CROSSING SHOPPING CENTER EXPANSION (SUP-4-02)

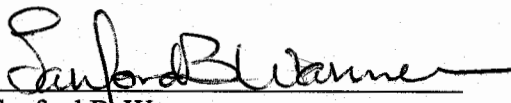
- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, Mr. Vernon Geddy, III, has applied on behalf of the C&N Dining, LLC, to amend SUP-7-98 to expand the J. W. Crossing Shopping Center located on 2.79 acres at the corner of Olde Towne Road and Richmond Road; and
- WHEREAS, the property is located on land zoned B-1, General Business, and can be further identified as Parcel Nos. (1-2A), (1-2C) and (1-2D) on James City County Real Estate Tax Map No. (33-3); and
- WHEREAS, the Planning Commission, following its public hearing on April 1, 2002, recommended approval of the 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-4-02 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 or Olde Towne 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, for which the design and location shall be approved by the Planning Director, shall be provided that connects the commercial/retail structures on this site.
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 a receiving lane for 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/retail 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.
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. 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.
9. The applicant shall be responsible for developing water conservation standards to be submitted and approved by the James City Service Authority and subsequently for enforcing these standards. These standards shall address such water conservation measures as high-efficiency fixtures and limitations on the installation and use of landscaping design and materials to promote water conservation and minimize the use of public resources. The James City Service Authority shall approve the standards prior to final site plan approval.
10. 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.
11. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
MCGLENNON	AYE
BROWN	AYE
GOODSON	AYE
HARRISON	AYE
KENNEDY	ABSTAIN

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of
May, 2002.

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