

RESOLUTION

CASE NO. SUP-0004-2014. WINDSORMEADE MARKETPLACE WENDY'S

(NEW TOWN SECTION 11)

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. Paul Gerhardt has applied for an SUP to allow construction of a fast food restaurant (the "Development") on property located at 4800 Monticello Avenue (the "Property"); and

WHEREAS, the proposed Development is depicted on the plan prepared by AES Consulting Engineers, dated November 14, 2013, and entitled "Conceptual Layout – Wendy's" (the "Master Plan"); and

WHEREAS, the proposed Development is located in its entirety on property zoned MU, Mixed Use, further identified as James City County Real Estate Tax Map Parcel No. 3831800003A; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0004-2014; and

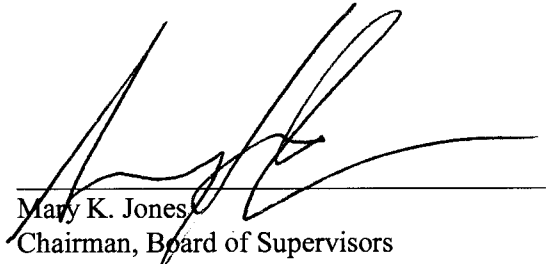
WHEREAS, the Planning Commission, following its public hearing on June 4, 2014, voted 6-1 to recommend approval of Application No. SUP-0004-2014; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby approve Special Use Permit Case No. SUP-0004-2014, as described herein, pursuant to the following conditions:


1. Use: This SUP shall be valid for an approximately 3,200-square-foot fast food restaurant (the "Development").
2. Master Plan: The site plan for the Development shall be generally consistent with the Master Plan as determined by the Director of Planning.
3. Applicability of New Town Section 11 Proffers and Design Guidelines: Development shall continue to be subject to the proffers and design guidelines as adopted by the Board of Supervisors as James City County (JCC) Case No. Z-0005-2003 and MP-0006-2003 on October 14, 2003.
4. Elevations: Final building elevations shall be generally consistent with the Entry Side, Drive-Thru, Rear and Front Conceptual Renderings prepared by Ionic Dezign Studios and dated February 4, 2014, as determined by the New Town Design Review Board and the Director of Planning.
5. Access: Access to the Development shall be limited to the one vehicular entrance (the "Entrance"). The Entrance shall be located on the South Access Road as shown on

Exhibit 2 of the report prepared by DRW Consultants on March 26, 2014, and titled "Traffic Analysis for Proposed Wendy's New Town West" (the "Analysis") and shall be developed generally as depicted on the Master Plan.

6. Signage: In addition to building face signage as permitted by the JCC Zoning Ordinance (the "Ordinance"), the Development shall be limited to one freestanding brick monument-style sign on the Property. All signage, content, and materials shall be in accordance with the New Town Section 11 Design Guidelines and the Ordinance and approved by the New Town Design Review Board.
7. External Pedestrian Accommodations: Unless otherwise not permitted by the Virginia Department of Transportation, a non-signalized crosswalk across Old News Road and connecting the proposed sidewalk parallel to the South Access Road with existing sidewalk on the adjacent property located at JCC Real Estate Tax Map No. 3831200002B shall be installed prior to issuance of a final certificate of occupancy for the Development.
8. Internal Pedestrian Accommodations: Development shall provide internal pedestrian connections wherever sidewalk enters the parking area or crosses the Entrance or drive-thru lane. The connections shall be clearly delineated by use of a different color of pavement, brick pavers, or some other method determined to be acceptable by the Director of Planning.
9. Monticello Avenue Buffer: A landscaping plan shall be approved by the Director of Planning, or his designee, prior to final site plan approval for this Development. The landscaping plan shall include enhanced landscaping within the 50-foot Community Character Corridor buffer along Monticello Avenue so that the required sizes of plants and trees equal, at a minimum, 133 percent of the size requirements of the JCC Landscape Ordinance. A minimum of 50 percent of the plantings within the Community Character Corridor buffer shall be evergreen and plant material shall match those contained within the existing Monticello Avenue buffer in front of WindsorMeade Marketplace. The typical town fence shall be installed along the Monticello Avenue frontage of the Development.
10. Water Conservation Standards: The Applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources. Standards shall be reviewed and approved by the JCSA prior to final site plan approval of the Development.
11. Commencement: Construction on the Development shall commence within 24 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
12. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.


Mary K. Jones
Chairman, Board of Supervisors

ATTEST:


Adam R. Kinsman
Deputy Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	___	___	<u>X</u>
JONES	<u>X</u>	___	___
MCGLENNON	___	<u>X</u>	___
ONIZUK	<u>X</u>	___	___
HIPPLE	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of July,
2014.

Sup04-14Wendys-res