

RESOLUTION

CASE NO. SUP-0006-2016. 8766 POCAHONTAS TRAIL, DOLLAR GENERAL

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Richard Smith, on behalf of Colonial Williamsburg, Incorporated (the "Owner"), has applied for an SUP to allow for the construction of an approximately 9,100 square-foot Dollar General variety store on property consisting of approximately 1.6 acres zoned LB, Limited Business, located at 8766 Pocahontas Trail and further identified as James City County Real Estate Tax Map Parcel No. 5910100021 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on June 1, 2016, voted 7-0 to recommend approval of this application; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0006-2016; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2035 Comprehensive Plan Land Use Map designation for the Property and the considerations of Section 24-9 of the County Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of Case No. SUP-0006-2016 as described herein with the following conditions:

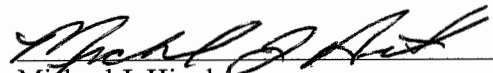
1. **Master Plan:** This SUP shall be valid for the construction of an approximately 9,100 square-foot retail variety store as generally located and shown on the exhibit titled "Master Plan Exhibit for SUP-0006-2016, Roberts Magisterial District, Dollar General, James City County-Virginia" prepared by Engineering Concepts, Inc., and dated May 24, 2016 (the "Master Plan"). The site plan for the Development shall be generally consistent with the Master Plan, as determined by the Director of Planning, with any deviations considered per Section 24-23(a)(2) of the James City County Zoning Ordinance, as amended.
2. **Architectural Review:** Buildings constructed on the Property shall generally be consistent with the architectural elevations titled "Dollar General Pocahontas Trail (James County) VA-Exterior Elevations and Finish Schedule," and substantially consistent with the Neighborhood Commercial Development Standards Policy, as adopted by the James City County Board of Supervisors on March 23, 1999. Prior to final site plan approval, the Director of Planning, or his designee, shall review and approve the final building elevations, signage design, and architectural design for all buildings shown on the Master Plan for such consistency.
3. **Bicycle and Pedestrian Facilities:** A multi-use path shall be provided along the Property's frontage on Pocahontas Trail in accordance with the Regional Bikeways Map and the Pedestrian Accommodation Master Plan. However, this requirement may

be waived by the Director of Planning should the Owner demonstrate that existing pavement width or section, drainage, or other engineering constraints would restrict the ability of the Owner to install the multi-use path in a manner that would meet the Virginia Department of Transportation requirements. Such analysis shall be submitted prior to or concurrent with the site plan submission and shall address opportunities for the provision of alternative bike and pedestrian accommodations constructed on the Property that would serve the community as well as, if not better than, a multi-use path. In the event that the Director of Planning disapproves the waiver, the applicant may appeal the decision to the Development Review Committee, which shall forward a recommendation to the Planning Commission. Pedestrian and bike accommodations shall be installed or bonded prior to final site plan approval. If the Director of Planning finds, based on review of development plans for the Property, that the proposed location of the multi-use path is found to be inconsistent with multimodal improvements planned for the Route 60 corridor, the Director of Planning may grant an exemption to this requirement

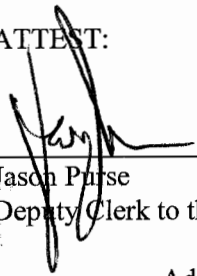
4. **Williamsburg Area Transit Authority Facilities:** Any change or relocation of existing Williamsburg Area Transit Authority facilities shall be subject to approval by the Director Planning prior to final site plan approval.
5. **Screening of Site Features:** Dumpsters that are adjacent to buildings shall be screened with a brick enclosure or other materials similar in type and color to the building façade. Exterior cart corrals are prohibited. All cart corrals shall be located inside the building. Exterior display of merchandise is prohibited.
6. **Richmond Road Landscaping:** The Owner shall provide evergreen plantings along the Richmond Road frontage of the Property either in addition to, or as a substitute for, the deciduous plantings shown on the Master Plan, subject to the approval of the Director of Planning.
7. **Signage:** Exterior freestanding signs shall be limited to one freestanding, externally illuminated, monument style sign not to exceed eight (8) feet in height. The base of the sign shall be brick or shall use materials similar in type and color with the site architecture. All building face signage shall be externally illuminated only.
8. **Archaeology:** A Phase I historic and archaeological study for the entire Property shall be submitted to the Director of Planning, or his designee, for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, II and III studies shall meet the Virginia Department of Historic Resources' *Guidelines*

for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon.

- 9. **Commencement:** If construction has not commenced on this project within thirty-six (36) months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
- 10. **Severability:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.


 Michael J. Hipple
 Chairman, Board of Supervisors

ATTEST:


 Jason Purse
 Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of July, 2016.

SUP06-16-8766PocahontasTr-res