

## RESOLUTION

### CASE NO. SUP-0003-2016, TWO DRUMMERS SMOKEHOUSE SUP AMENDMENT

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

WHEREAS, M M & W Properties, LLC (the "Owner") owns two parcels of property located at 8856 and 8864 Richmond Road, further identified as James City County Real Estate Tax Map Parcel Nos. 1110100004E and 1110100006, respectively; and

WHEREAS, on July 9, 1996, the Board approved Case No. SUP-0001-1996 for the operation of a restaurant on the parcel located at 8864 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 1110100006 (the "Property"); and

WHEREAS, on behalf of the Owner, Mr. Vernon Geddy III of Geddy Harris Franck & Hickman has applied for a SUP to allow an expansion of the restaurant on the Property; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0003-2016; and

WHEREAS, the Planning Commission, following its public hearing on May 4, 2016, recommended approval of this application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-0003-2016 as described herein with the following conditions:

1. Master Plan: This Special Use Permit (the "SUP") shall be valid for the expansion of an existing restaurant or tavern (the "Project") on property located at 8864 Richmond Road, further identified as JCC Real Estate Tax Map No. 1110100006 (the "Property"). The Project shall be in accordance with the "Conceptual Master Plan of Extra Mile Landscapes and Two Drummers Smokehouse Parking Improvements," dated March 18, 2016 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Shared Entrance: Access to the Property shall be limited to the shared access depicted on the Master Plan. Prior to final subdivision approval shared care and maintenance covenants shall be prepared in a form approved by the County Attorney and recorded in the land records of the Williamsburg-James City County Circuit Court. Such covenants shall set forth the following: 1) The provisions made for permanent care and maintenance of the shared driveway and any associated easement; and 2) The method of assessing each individual property for its share of the cost of adequately administering, maintaining and replacing such shared driveway.
3. Road Improvements: As recommended by the traffic study "8864-8856 Richmond Road Traffic Access Review" prepared by Intermodal Engineering, P.C., dated December 2015, the following improvements shall be completed prior to the issuance of the Certificate of Occupancy for the Project, unless the Director of Planning approves an alternative timeline in writing:

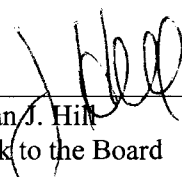
- A. Widen existing median gap adjacent to the entrance on Richmond Road to a width of thirty (30) feet, check assess truck turning templates, and construct proper median nose cones; and
- B. Construct a westbound turn taper two-hundred (200) feet in length at the entrance on Richmond Road.

These improvements shall be constructed in accordance with the Virginia Department of Transportation standards.

- 4. Community Character Corridor: The Community Character Corridor (CCC) Buffer along Richmond Road shall be an average of fifty (50) feet in width. All existing gravel located within the CCC Buffer on the Property shall be removed, replaced with managed turf, and supplemented with landscaping prior to issuance of the Certificate of Occupancy for the Project, unless the Director of Planning approves an alternative timeline in writing. The landscaping plan shall be shown as part of the site plan and shall be reviewed and approved by the Director of Planning or his designee.
- 5. Well and Septic: An Authorized Onsite Soil Evaluator's Report shall be submitted to the Virginia Department of Health for review and approval of the proposed well and drainfields. Evidence of Virginia Department of Health approval shall be submitted to the Director of Planning prior to preliminary site plan approval.
- 6. Stormwater Management: Prior to final approval of the initial site plan, unless the Director of Planning approves an alternative timeline in writing, documentation shall be submitted demonstrating that all shared stormwater improvements serving the Property are subject to appropriate shared maintenance agreements ensuring that the improvements will be maintained continuously. Such documents shall be subject to review and approval of the County Attorney or his designee.
- 7. Lighting: All new exterior light fixtures, including building-mounted lighting, shall have recessed fixtures with no lens, bulb or globe extending below the casing. In addition, a lighting plan that indicates no glare outside the boundaries of the Property shall be shown as part of the initial site plan and shall be reviewed and approved by the Director of Planning or his designee. All light poles shall not exceed sixteen (16) feet in height above the finished grade unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
- 8. Noise: No outside speakers, beyond two wall-mounted speakers, shall be installed for the purpose of playing live or recorded music.
- 9. Sign Relocation: The existing sign shall be relocated outside of the Virginia Department of Transportation right-of-way. The new location shall be shown on the site plan.
- 10. Site Plan and Subdivision: A site plan shall be required for the Project. Final site plan approval must be obtained within thirty-six (36) months of issuance of this SUP, or the SUP shall become void. Prior to final site plan approval, a subdivision plat shall be approved and recorded to adjust the boundary lines of the Property to locate the entirety of the existing operation and the Project on its own parcel.
- 11. Severance Clause: 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:

  
Bryan J. Hill  
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 14th day of June,  
2016.