

## RESOLUTION

### CASE NO. SUP-0005-2017. LIGHTFOOT MARKETPLACE MASTER PLAN AND

#### SPECIAL USE PERMIT AMENDMENT

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, Lightfoot Marketplace Shopping Center, LLC (the "Owner") owns property located at 6401 Richmond Road further identified as James City County Real Estate Tax Map Parcel No. 2430100038; and

WHEREAS, on behalf of the Owner, Mrs. Jennifer Harris, of Armada Hoffer has applied for an SUP to amend and replace the adopted Special Use Permit and Master Plan for SUP-0014-2013 as shown on the revised master plan titled: "Master Plan Amendment Lightfoot Marketplace for Special Use Permit" and dated September 19, 2017; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0005-2017; and

WHEREAS, the Planning Commission, following its public hearing on November 1, 2017, 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 Case No. SUP-0005-2017, as described herein with the following conditions:

1. Master Plan. This Special Use Permit ("SUP") shall apply to that certain property located at 6401 Richmond Road and further identified as James City County Tax Parcel No. 2430100038 (the "Property"). The SUP shall be valid for the construction of  $\pm$  133,000 square feet of commercial and office uses and all improvements as shown and designated on that certain master plan entitled "Master Plan Amendment Lightfoot Marketplace" dated September 19, 2017, and prepared by AES Consulting Engineers (the "Master Plan"). All final development plans shall be consistent with the Master Plan, but may deviate from the Master Plan if the Director of Planning concludes that the development plan does not: significantly affect the general location or classification of buildings as shown on the Master Plan; significantly alter the distribution of recreation or open space areas on the Master Plan; significantly affect the road layout as shown on the Master Plan; or significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the Master Plan. If the Director of Planning determines that a proposed change would deviate from the approved Master Plan, the amendment shall be submitted and approved in accordance with Section 24-13. In the event the Director of Planning disapproves the amendment,

the applicant may appeal the decision to the Development Review Committee which shall forward a recommendation to the Planning Commission.

2. Impervious Cover. Impervious cover on the Property shall be reduced by at least 20% as compared to the previous conditions of the Williamsburg Outlet Mall. Calculations shall be included on each site plan for improvements on the Property that includes the existing impervious cover, the proposed impervious cover and the cumulative total impervious cover reduction of all plans.
3. Water Conservation. The owner of the Property (the "Owner") shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final site plan approval. The standards shall include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
4. Irrigation. In the design phase, the developer and designing engineer shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire Property. Only surface water collected from surface water impoundments, or water taken from an underground cistern, may be used for irrigating common areas on the Property. In no circumstances shall the JCSA public water supply be used for irrigation, except as otherwise provided by this condition. If the Owner demonstrates to the satisfaction and approval of the General Manager of the JCSA through drainage area studies and irrigation water budgets that the impoundments cannot provide sufficient water for all irrigation, the General Manager of the JCSA may, in writing, approve a shallow (less than 100 feet) irrigation well to supplement the water provided by the impoundments or cisterns.
5. Richmond Road Bike Lane. In accordance with the Regional Bikeway Map, a bike lane shall be provided along the Property's Richmond Road frontage. 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 adjacent to Parcel No. 2430100039 would restrict the ability of the Owner to install the bike lane in a manner that would meet the Virginia Department of Transportation (VDOT) requirements. Such analysis shall be submitted concurrent with the initial building site plan. If a bike lane can be installed, it shall be completed concurrent with improvements to the Richmond Road/Lightfoot Road/Shopping Center entrance intersection unless otherwise approved by the Director of Planning. In the event the Director of Planning disapproves the waiver, the applicant may appeal the decision of the Director of Planning to the Development Review Committee which shall forward a recommendation to the Planning Commission.
6. Pedestrian Facilities. The sidewalk connections internal to the Property, the multiuse trail along Centerville Road, and the connection to the Liberty Crossing trail shall be implemented as shown on the Master Plan. Minor alterations in location that result in equivalent facilities may be approved by the Director of Planning. All pedestrian facilities shall be shown as part of the initial building site plan, or shall be submitted

as a separate plan concurrent with the initial building site plan. Prior to approval of such plan, the design of all pedestrian facilities shall be reviewed and approved by the Director of Planning. The pedestrian facilities shall be installed prior to the issuance of a Certificate of Occupancy for the initial building on the Property, unless other arrangements are approved by the Director of Planning, or his designee, in writing.

7. Traffic Improvements. Prior to the issuance of a Certificate of Occupancy for the initial building on the Property (unless other timing is approved by the Director of Planning in writing), the following improvements shall be constructed or bonded in a manner acceptable to the County Attorney:

*Intersection of Richmond Road and Lightfoot Road/West Site Entrance*

- a. The Property's West Entrance shall have three exiting lanes (one left, one left-through and one right) and two entering lanes.
- b. The existing eastbound Richmond Road left-turn lane shall be lengthened from 150 feet to 250 feet.
- c. A pedestrian crosswalk and pedestrian heads shall be installed that will work concurrently with the eastbound through motion on Richmond Road. A crosswalk and pedestrian heads shall be provided across Richmond Road that will work concurrently with either the Lightfoot Marketplace phase or the Lightfoot Road phase. These crosswalk improvements across Richmond Road shall include the provision of a pedestrian refuge area in the median to accommodate pedestrian traffic and to provide an adequate crossing surface. The West Site Entrance widening improvements shall include re-striping/delineation of the pedestrian crosswalk and installation of supplemental pedestrian crosswalk signage.
- d. The existing traffic signal shall be modified to provide protected-permissive movements (flashing yellow arrows) for Richmond Road left-turn movements, the pedestrian movements and the additional lanes at Lightfoot Marketplace. The Owner shall be responsible for the purchase and installation of the necessary flashing yellow arrow traffic signal equipment as well as the retiming/updating of signal timing plans for the intersection to ensure coordination with the adjacent signalized intersections.
- e. A railroad pre-emption switch shall be provided in the controller cabinet. VDOT shall be responsible for the connection of the pre-emption switch to the railroad gates and any associated permitting required as a result of the pre-emption switch.

*Intersection of Richmond Road and Centerville Road*

- a. Add/install supplemental Yield pavement markings to increase driver awareness as a result of the dual left-turn movement occurring from westbound Richmond Road to southbound Centerville Road.

*Intersection of Centerville Road, Opportunity Way and the Property's South Entrance*

- a. The Property's South Entrance shall have three exiting lanes (one left, one left-through, and one right) and two entering lanes.

- b. An additional 200-foot left-turn lane with taper shall be constructed for northbound Centerville Road to provide a dual left-turn lane. In making this improvement, the existing dedicated bike lane shall be retained.
- c. The existing traffic signal shall be modified to meet the lane configurations noted herein. The Owner shall be responsible for the purchase and installation of the traffic signal equipment necessary to modify the existing traffic signal so that it can accommodate the dual left-turn movement.
- d. With the widening of the Property's South Entrance, the improvements shall include the re-stripping/delineation of a pedestrian crosswalk across this approach as well as installation of supplemental pedestrian crosswalk signage.

8. Sustainable Design Initiatives.

- a. Sustainable design initiatives shall be implemented during development of the Property and construction of buildings 1 through 5 on the Master Plan to achieve the equivalent of those credits that would be required to achieve the "Certified" level in the LEED 2009 Certification program. This shall include completion of all prerequisite items, except that for the Energy and Atmosphere category prerequisite number 1, the Owner may choose to pursue Energy Star designation or such other energy system verification process as is approved in advance by the Director of Planning. In addition, for up to a maximum of 10% of the points needed to reach the LEED "Certified" level, the Owner may request that initiatives equivalent to, but not included on the LEED checklist as credits, be pursued instead. Any request for equivalent initiatives shall be submitted in writing as part of the process specified in (b) below, together with supporting documentation for review and approval by the Director of Planning.
- b. Application for formal LEED certification by the USGBC is at the discretion of the Owner, and is not required. If formal LEED certification is not pursued, compliance with this condition shall be monitored and verified to the County by a LEED Accredited Professional engaged by the Owner. The monitoring and verification process shall include submission of the checklist for each building (buildings 1 through 5) at the time of building permit application which shows the proposed initiatives for review by the Director of Planning or his designee(s), and a meeting between the Director of Planning or his designee(s) and the LEED Accredited Professional prior to Certificate of Occupancy for each building to review the initiatives which have been completed and develop a timeline for any items which are outstanding.
- c. The Owner, in coordination with the Director of Planning, will examine the feasibility of including sustainable design initiatives in Buildings 6a and 6b on the Master Plan. Prior to the issuance of a building permit for Buildings 6a and 6b, the Owner and/or tenant will identify and select a minimum of three initiatives from the LEED 2009 Certification Program checklist (above and beyond those otherwise required by the latest edition of the Virginia Energy Conservation Code). Such initiatives shall be approved by the Director of Planning. Verification that the initiatives have been completed shall be submitted prior to issuance of a permanent Certificate of Occupancy unless otherwise agreed in writing by the Director of Planning.
- d. In the event the Director of Planning disapproves the other energy system verification process or the equivalent initiatives as specified in (a) above, or the three initiatives for Buildings 6a and 6b as specified in (c) above, the applicant

may appeal the decision of the Director of Planning to the Development Review Committee which shall forward a recommendation to the Planning Commission.

9. Architectural Review.

- a. Prior to issuance of a Building Permit for each building shown on the Master Plan, the Director of Planning, or his designee, shall review and approve the final building elevations and architectural design for such building. The final building elevations shall specifically include the view of the building for all sides visible from Centerville or Richmond Road. Buildings shall be substantially consistent, with only minor changes, with the Lightfoot Marketplace Design Guidelines dated December 27, 2013 and the architectural elevations titled "Lightfoot Marketplace – Architectural Renderings" dated November 8, 2013 and December 23, 2013 prepared by Bonstra Haresign Architects. Determination of substantial architectural consistency shall be determined by the Director of Planning or his designee. In the event the Director of Planning disapproves the waiver, the applicant may appeal the decision of the Director of Planning to the Development Review Committee which shall forward a recommendation to the Planning Commission. This condition is applicable to the property unless otherwise modified by SUP-0006-2017, SUP-0007-2017 or SUP-0008-2017.
- b. For Buildings 4 (Sections "a" and "b") and 6a, the front façade shall face Richmond Road. For Building 5, the main building entrance doors may face the traffic circle or internal to the site, but the façade facing Richmond Road shall still have architectural detailing sufficient to be viewed as a front façade, including fenestration, as determined by the Director of Planning. This condition is applicable to the property unless otherwise modified by SUP-0006-2017, SUP-0007-2017 or SUP-0008-2017.

10. Site Landscaping.

- a. The Community Character Corridor buffers along Richmond Road and Centerville Road shall each be an average of 50 feet in width, exclusive of easements. The buffers shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013. For the portion of the buffer along Centerville Road between the site south entrance and the boundary with the bank parcel, the buffer shall contain the following elements: (i) minimum of 2 rows of deciduous shade trees (ii) evergreen and ornamental understory and (iii) 3- to 4-foot evergreen hedgerow. It is not the intent of this condition to prevent the planting of the understory trees or hedgerow shrubs with the utility easement as may be otherwise permitted.
- b. Street trees shall be provided along Richmond Road and Centerville Road, and along the internal streets (Streets A-D) in substantial compliance with the guideline for street trees contained in the Streetscape Guidelines Policy.
- c. Landscaping shall be provided in the entrance medians at Centerville and Richmond Road, at the Marketplace Green, at the Street D focal point, and at the Entry Greenspace/Roundabout in substantial compliance with the guidelines for entrances and common areas contained in the Streetscape Guidelines Policy.
- d. Landscaping designed to screen the rear façade of the Harris Teeter building and the Best Management Practice from Centerville Road shall be installed as specified in Section 24-100 of the Zoning Ordinance.

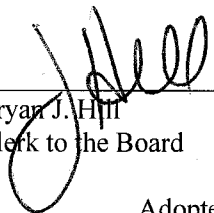
- e. The landscaping detailed in a-d of this condition shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. Such landscaping, including the number and spacing of trees per 10(a), shall be reviewed and approved by the Director of Planning or his designee for consistency with this condition. In the event the Director of Planning disapproves a component of the landscape plan, the applicant may appeal the decision of the Director of Planning to the Development Review Committee which shall forward a recommendation to the Planning Commission. The landscaping shown on the approved landscape plan(s) shall be installed prior to issuance of Certificate of Occupancy for the initial building on the Property, unless other arrangements are approved by the Director of Planning or his designee, in writing.
11. Marketplace Green. The layout of the Marketplace Green shall be generally in accordance with the "Marketplace Green Alternative 2" design as depicted on the document entitled "Marketplace Green Lightfoot Marketplace Special Use Permit" prepared by AES Consulting Engineers and dated December 18, 2013, as determined by the Director of Planning.
12. Entrance Modification. Prior to final site plan approval for the initial site plan for the Property, the Owner shall submit documentation demonstrating that permission to modify the entrance to James City County Tax Parcel No. 2430100063 has been obtained, and that a shared access easement or other appropriate legal document is in place that allows access from 2430100063 to the signalized intersection.
13. Signage. Entrance signage located at the Property's three entrances as shown on the Master Plan shall be externally illuminated monument style signs, not to exceed eight feet in height. The base of the signs shall be brick or shall use materials similar in type and color with the site architecture. The design of the signs shall be approved by the Director of Planning for consistency with this condition.
14. Screening of Site Features. Dumpsters and cart corrals that are adjacent to buildings shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan for the adjacent building, and shall be reviewed and approved by the Director of Planning for consistency with this condition.
15. Richmond Road Median Landscaping. All existing landscaping in the Richmond Road median shall be preserved or replaced with like species. For any site plan that includes the improvements to the Richmond Road/Lightfoot Road/Shopping Center entrance intersection, the existing landscaping shall be shown, together with any plans for relocating or replacing plant material. The plans for relocating or replacing the plant material shall be approved by the Director of Planning prior to final site plan approval for the plan specified above. Should VDOT object to preserving or replacing existing landscaping in the median, a relocation/replanting plan shall be approved by the Director of Planning and VDOT prior to final site plan approval for the plan specified above.

- 16. Internal Traffic Signage Plan. The Owner shall include along with the materials submitted for the initial site plan review process an internal signage plan indicating the location of internal traffic signs and the orientation of vehicular flow within the Property. The internal signage plan shall be reviewed and approved by the Director of Planning, or his designee, prior to final approval of the initial site plan for the Property. Thereafter, the internal signage plan may be amended with review and approval by the Director of Planning, or his designee.
- 17. Shared Maintenance of Site Improvements. Prior to final site plan approval for Building 1 as shown on the Master Plan, Owner shall submit documentation demonstrating that all shared site improvements (including, but not limited to, utilities, stormwater facilities, landscaping, roads and parking lots, and lighting) are subject to appropriate shared maintenance agreements ensuring that the site improvements will be maintained continuously. Compliance with this condition as to the existence of such shared maintenance documentation shall be subject to review and approval of the County Attorney or his designee.
- 18. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.



Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:



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Bryan J. Hill  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of December, 2017.