

RESOLUTION

CASE NO. SUP-0008-2017. LIGHTFOOT MARKETPLACE

DRIVE-THROUGH FAST FOOD RESTAURANT

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 allow for a drive-through fast food restaurant as shown on the 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-0008-2017; and

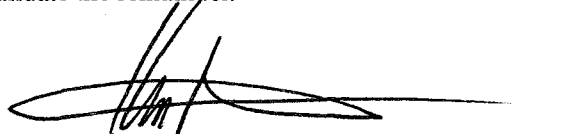
WHEREAS, the Planning Commission, following its public hearing on October 4, 2017 recommended approval of this application by a vote of 4-3.

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-0008-2017, as described herein with the following conditions:

1. *Master Plan.* This 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 a drive-through fast food restaurant 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 (DRC) which shall forward a recommendation to the Planning Commission.

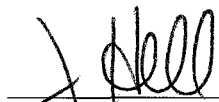
2. Architectural Review.

- a. Prior to issuance of a building permit for the drive-through restaurant the Director of Planning, or his designee, shall review and approve the final building elevations and architectural design and colors and materials for such structure. 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 architectural elevations titled "Lightfoot Marketplace- Retail Building-concept images" dated September 15, 2017, prepared by Innovate Architecture-Interiors, and submitted with this SUP application. 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 architectural elevations, the applicant may appeal the decision to the DRC which shall forward a recommendation to the Planning Commission.
 - b. The food order board and drive-through pick up window(s) shall be screened from Richmond Road with landscaping and/or fencing, as determined by the Director of Planning or his designee.
3. Enclosed dumpsters. Dumpsters 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 and shall be reviewed and approved by the Director of Planning for consistency with this condition.
4. Commencement of Construction. Construction on the drive-through restaurant shall commence within 36 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.
5. 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:



Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	✓	_____
SADLER	✓	_____	_____
HIPPLE	✓	_____	_____
LARSON	✓	_____	_____
ONIZUK	✓	_____	_____

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