

RESOLUTION

CASE NO. SUP-20-0017. WILLIAMSBURG CROSSING

BRUSTER'S ICE CREAM 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, Caroline's Creamery, LLC (the "Owner") owns property consisting of approximately 0.55 acre zoned B1, General Business District located at 5289 John Tyler Highway, further identified as James City County Real Estate Tax Map Parcel No. 4812200010 (the "Property"); and

WHEREAS, the Owner has applied for an SUP to amend certain conditions of SUP-2-93 to allow for a drive-through lane adjacent to the existing building on the Property; and

WHEREAS, the Planning Commission, following its public hearing on January 6, 2021, recommended approval of Case No. SUP-20-0017 by a vote of 7-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-20-0017; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. SUP-20-0017 to be consistent with the 2035 Comprehensive Plan Land Use Map designation for the Property.

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-20-0017 as described therein, and amends the conditions of SUP-2-93 for the Property as follows:

1. Condition No. 3 is amended by adding the following language to the end: "Impacts to the 50-foot greenbelt are permitted for a drive-through lane (the "Drive-Through") at 5289 John Tyler Highway, further identified as James City County Real Estate Tax Map Parcel No. 4812200010 (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "SUP-20-0017, Caroline's Creamery Drive Thru Addition" (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. As part of the site plan for the Drive-Through, a landscape and screening plan shall be submitted to the Director of Planning or designee for review and approval prior to final site plan approval. The Community Character Corridor buffer shall meet the requirements of Section 24-98, Landscape areas(s) along the right(s)-of-way and Section 24-100, Screening, of the landscape ordinance as amended."
2. Condition No. 8 is deleted in its entirety and replaced with the following: "Any proposed new lighting on the Property shall meet the current lighting ordinance."

BE IT FURTHER RESOLVED that the approval of Case No. SUP-20-0017 is subject to the following additional conditions:

1. Commencement of Construction. Final site plan approval for the Drive-Through shall be obtained within 36 months from the date of approval of this SUP or the SUP shall automatically be void. A permanent Certificate of Occupancy shall be obtained for structures on the Property to include the Drive-Through prior to the site plan for the Drive-Through becoming invalid, or the SUP shall automatically be void.
2. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED that except as amended herein, SUP-2-93 shall remain in full force and effect for the Property. Any invalidation of SUP-20-0017 shall not impact the validity of SUP-2-93.



Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of February, 2021.

SUP20-17WCBrusterAmd-res