

RESOLUTION

CASE NO. SUP-0021-2008 JAMESTOWN ROAD MEDITERRANEAN RESTAURANT

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

WHEREAS, Mr. Vernon Geddy has applied for an SUP to allow for the operation of a sit-down restaurant in an existing structure on approximately 1.24 acres of land on a parcel zoned LB, Limited Business; and

WHEREAS, the proposed development is shown on a layout entitled "Exhibit for Special Use Permit For Mediterranean Restaurant Site," dated November 13, 2008, and revised January 21, 2009; and

WHEREAS, the property is located at 1784 Jamestown Road on property more specifically identified as James City County Real Estate Tax Map No. 4730100021 (the "Property"); and

WHEREAS, on February 4, 2009, the Planning Commission recommended approval of the application by a vote of 7-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Use Map designation for this Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0021-2008 as described herein with the following conditions:

1. Master Plan and Use: This SUP shall be valid for a sit-down restaurant as shown on the plan titled "Exhibit for Special Use Permit For Mediterranean Restaurant site" prepared by LandTech Resources Inc., dated November 13, 2008, and revised January 21, 2009 (the "Master Plan") and accessory uses thereto. The site shall only be used for a maximum of a 96-seat restaurant as shown on Master Plan.
2. Landscaping: Prior to final site plan approval, a landscaping plan shall be approved by the Planning Director or his designee. The owner shall provide enhanced landscaping along the entire perimeter of the site and inside the Resource Management Area (RMA) buffer. Enhanced landscaping shall be defined as 125 percent of the Zoning Ordinance landscape size requirements. Landscaping in the RMA buffer shall be consistent with the Riparian Buffers Modification and Mitigation Guidance Manual published by the Virginia Department of Environmental Conservation as determined by the Director of the Environmental Division.
3. Health Department Review: The applicant shall receive full approval from the Health Department prior to final site plan approval.
4. Water Conservation: The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City

Service Authority (JCSA) prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigations systems and irrigations wells, the use of approved landscaping materials including the use of drought-tolerant plants, warm-season grasses, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

5. Irrigation: In the design phase, the developer and designing engineer shall include the design of stormwater systems that can be used to collect stormwater for outdoor water use, including, but not limited to, rain barrels for downspouts for the entire development. Only surface water collected from surface water impoundments (the Impoundments) may be used for irrigating common areas on the Property (the Irrigation). In no circumstances shall the JCSA public water supply be used for Irrigation.
6. Architectural Review: Prior to the owner altering exterior materials, design, or colors of any existing structure on-site, the Planning Director shall review and approve the proposal for consistency with the Neighborhood Commercial Development Standards Policy, Community Character Area guidelines, and Section 24-370(c) of the Zoning Ordinance. Any new structure(s) or additions shall be reviewed and approved by the Planning Director against the same criteria.
7. Lighting: Any new exterior site or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height unless otherwise approved by the Planning Director. No light spillage, for purposes of this condition defined as 0.1 foot-candle or higher, shall extend outside the property lines.
8. Signage: No more than one freestanding sign shall be allowed along Jamestown Road. The sign shall be a monument style sign no more than eight feet tall with ground-mounted lighting and no larger than 32 square feet.
9. Screening: The dumpster pad(s) and all heating, cooling, and exterior electrical equipment shall be screened by fencing and landscaping in a manner approved by the Planning Director or his designee prior to final site plan approval.
10. Hours of operation: The daily hours of operation for the restaurant shall be limited to the hours of 5:30 a.m. to 11:00 p.m. The use of outdoor speakers is prohibited after 10:00 p.m.
11. Commencement of Construction: If construction has not commenced on this project within 36 months from the issuance of this SUP, the SUP shall become void. Construction shall be defined as obtaining an approved site plan, permits for building construction, and footings and/or foundation has passed required inspections.
12. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of
March, 2009.

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