

RESOLUTION

CASE NO. SUP-2-93 WILLIAMSBURG CROSSING

- 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 process; and
- WHEREAS, the applicant has requested a special use permit to amend the binding master plan for the Williamsburg Crossing Shopping Center. The proposed amendment would redesignate approximately 7.6 acres of land which is currently shown as reserved to a designation which would allow an outdoor center of amusement and/or any commercial use generally permitted in the B-1, General Business District. The property is identified as a part of Parcel (1-1) on James City County Real Estate Tax Map No. (48-1); and
- WHEREAS, the James City County Board of Supervisors acknowledges that the approval of this Special Use Permit does not impact the litigation currently pending in the Circuit Court for the City of Williamsburg and County of James City between University Square Associates and the County; and
- WHEREAS, the James City County Board of Supervisors acknowledges that University Square Associates is not waiving any rights asserted in the pending litigation and that the County is not recognizing the validity of any rights asserted by University Square Associates in such litigation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-2-93 as described herein with the following conditions:

1. No more than 535,665 square feet total of commercial and/or office square footage, including existing development, and 198 multifamily residential units, shall be constructed on the site.
2. A minimum 65-foot buffer shall be provided along the southern and western boundaries of the site. The buffer shall be landscaped, at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance and such landscaping shall be approved by the Development Review Committee. Utilities and drainage structures may be placed within the buffer if approved by the Development Review Committee. This buffer may be reduced to a width of 50 feet if enhanced landscaping approved by the Development Review Committee is provided. Such enhanced landscaping shall be far in excess of what is required by the Zoning Ordinance and shall effectively screen the adjacent property.
3. A minimum 50-foot greenbelt, free of structures and paving, shall be provided along the future right-of-way of Route 199 as shown on Sheet 3 of the Virginia Department of Transportation's plan entitled "Commonwealth of Virginia, Plan and Profile of Proposed State Highway, James City County and York County, (Route 199), From: 0.092 mi south of Route 60 EBB, To: Interstate Route I-64" and hand dated May 26, 1992, a copy of which is

kept on file at the James City County Planning Division and shall contain enhanced landscaping as approved by the Development Review Committee, with the minimum landscaping in accordance with the standards contained in the Zoning Ordinance.

4. A right-turn lane, acceptable to the Virginia Department of Transportation, shall be provided on southbound Strawberry Plains Road (Route 616) at its intersection with Route 5 and Route 199. This turn lane shall be installed prior to final site plan approval for any project on the site which causes the total trip generation of the Williamsburg Crossing Shopping Center (including out parcels, office development, residential development, an outdoor center of amusement and/or existing development) to go beyond the trip generation equivalent of 211,177 square feet of shopping center development (L.U. Code 820).
5. No Certificate of Occupancy shall be issued for any portion of the project which causes the total trip generation of the Williamsburg Crossing Shopping Center (including out parcels, office development, residential development, an outdoor center of amusement and/or existing development) to go beyond the trip generation equivalent of 477,390 square feet of commercial development of shopping center development (L.U. Code 820) until the construction of the future Route 199/Route 5 intersection has commenced.
6. The following road improvements identified by the applicant's traffic impact analysis shall be made to the Route 5/Kings Way intersection prior to issuance of any Certificate of Occupancy for any development after the relocation of the main entrance to Kings Way or earlier if requested by the Virginia Department of Transportation:

Northbound Kings Way shall have the following configuration:

- 1 through/left-turn lane
- 1 right-turn lane

Southbound Kings Way (Ferncliff Drive) shall have the following configuration:

- 1 lane (current configuration)

Eastbound Route 5 shall have the following configuration:

- 1 left-turn lane
- 1 through lane
- 1 through/right-turn lane

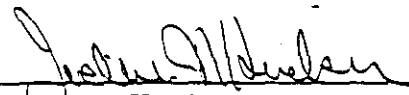
Westbound Route 5 shall have the following configuration:

- 1 left-turn lane
- 1 through/right-turn lane

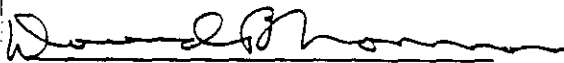
Improvements which become the developer's responsibility shall be built to

dimensions and specifications as determined by VDOT at development plan submittal. VDOT may, at the time of development plan review, substitute the above improvements with equivalent improvements or not require certain improvements if deemed unnecessary. The applicant shall be responsible for any other road improvements related to the development, if determined necessary by VDOT.

7. Signalization of Kings Way and Route 5 shall be provided by the applicant when signal warrants require signalization. Additionally, the applicant shall construct a dedicated right-turn lane on westbound Route 5 at the time of signalization. The turn lane shall be approved by VDOT and built to their standards.
8. Lighting on the site shall be of the sodium vapor type and shall be consistent in nature and illumination characteristics with the lighting currently utilized in the Williamsburg Crossing Shopping Center. If an outdoor center of amusement is constructed, only high pressure sodium lighting shall be permitted consistent with conditions of Case No. SUP-3-93.
9. A pedestrian access shall be provided to the vacant R-1 zoned parcel located to the west of the site. The location of such access shall be approved by the Development Review Committee.
10. Land Bay 11 shall only be used for open space associated with an outdoor center of amusement. No impervious surface or buildings shall be permitted. Poles, netting, and fencing shall be permitted if these facilities are part of an outdoor center of amusement.


Judith N. Knudson
Chairman, Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

| <u>SUPERVISOR</u> | <u>VOTE</u> |
|-------------------|-------------|
| TAYLOR | AYE |
| EDWARDS | NAY |
| DEPUE | AYE |
| SISK | AYE |
| KNUDSON | NAY |

Adopted by the Board of Supervisors of James City County, Virginia, this 20th day of October, 1993.

SUP293-4.res