

RESOLUTION

CASE NO. SUP-38-97. EXXON COMPANY USA

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 Planning Commission of James City County, following its public hearing on September 2, 1998, recommended approval of Case No. SUP-38-97 by a vote of 6 to 1 to permit the operation of a convenience store and gas station on Parcel No. (1-11) and a portion of Parcel No. (1-12) on James City County Real Estate Tax Map No. (31-3).

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-38-97 as described herein with the following conditions:

1. A single shared entrance/exit onto Longhill Road and an access drive shall be constructed on-site to serve both the Exxon site and the Chinnis property (Tax Map No. (31-3), Parcel No. (1-12)). The design and location of the single shared entrance/exit and drive shall be approved by the Planning Director prior to final site plan approval. A shared access agreement or easement or dedication that permits shared access and use of the Exxon entrance on Longhill Road with the adjoining Chinnis property (Tax Map No. (31-3), Parcel No. (1-12)) shall be provided to the County prior to final site plan approval. The access drive shall include a "stub" connection to the property line of the adjacent Chinnis property (Tax Map (31-3), Parcel No. (1-12)).
2. A shared access agreement or easement or dedication that permits shared access and use of the on-site Exxon entrance on Centerville Road with the adjoining Chinnis property (Tax Map No. (31-3), Parcel No. (1-12)) shall be provided to the County prior to final site plan approval. This entrance and access drive shall be designed in a manner that permits the future shared access of this entrance/exit and drive by both properties.
3. The architecture of the building and canopy shall be substantially in accordance with the attached rendering prepared by Hopke and Associates number H&A 98049 dated September 1, 1998. The building shall be constructed of brick and have an artificial slate roof or other roofing material approved by the Planning Director. No stucco or *Exterior Insulation and Finish System* (EIFS) material shall be used on the building or canopy. The canopy roof shall have a roof constructed of materials identical to the store's roof. The canopy shall contain architectural features and materials that complement the store. The architectural design and materials for both the building and canopy shall be approved by the Planning Director prior to final site plan approval.
4. There shall be no more than four gas pumps (vehicle fueling stations) permitted on the property. The pumps shall be arranged in "starting gate" configuration in a manner generally consistent with the attached rendering prepared by Hopke and Associates numbered HA No. 98049 dated September 1, 1998.
5. The freestanding sign shall be ground mounted and shall not exceed a height of six (6) feet. The sign's supporting structure shall be constructed of brick to match the building and its design shall be approved by the Planning Director prior to the issuance of a sign

permit. The building face sign(s) shall not exceed a cumulative size of 16 square feet unless approved by the Planning Director and the location, design, materials, and lighting of such sign(s) shall be approved by the Planning Director.


6. Except for the thirty (30) day period immediately after the issuance of a Certificate of Occupancy, no signs shall be allowed on the canopy mansard or fascia or roof area covering the gas dispensers.
7. An enhanced landscaping plan shall be provided for the landscaped buffers along Centerville Road and Longhill Road. Unless reduced or waived by the Planning Director, the enhanced landscaping to be included with the site plan shall include berms, sod for areas that contain grass, and a quantity of planting materials that is a minimum of 133 percent of the minimum ordinance requirements. The berms and landscaping shall be provided in a manner that minimizes views of vehicle parking and fueling areas on a year round basis, as determined by the Planning Director. The Planning Director may grant a reduction in the quantity of required plant materials upon finding that the amount of landscaping provided adequately achieves the foregoing objective. The Planning Director may also waive the requirement for berms for reasons of safety or if adequate screening of the pump islands can be accomplished through landscaping.
8. The lighting plan for the site, to include the canopy lighting, shall be reviewed and approved by the Planning Director prior to final site plan approval. The plan shall indicate no glare outside the boundaries of the site. All lights shall have recessed fixtures with no bulb, lens, or globe extending below the casing or the canopy ceiling.
9. The dumpster shall be completely screened on three sides with a brick wall that matches the brick used for the building and the front of the brick enclosure shall be gated. The gate shall be a dark color that is designed to match the brick and shall screen the view of the dumpster(s).
10. Except for the thirty (30) day period immediately after the issuance of a Certificate of Occupancy, no outside display, sale, or storage of merchandise shall be permitted except for the outside storage of propane. Merchandise shall include but not be limited to ice, soda, candy, newspaper, and/or snack machine(s) shall be permitted on the property. Outside propane storage shall be screened from view in a manner that is compatible with the architecture and materials of the building.
11. Except for the thirty (30) day period immediately after the issuance of a Certificate of Occupancy, with the exception of three state or national flags, not to exceed 12 square feet each, no flags shall be permitted to be flown on site.
12. Any public telephones, automatic transfer systems (ATMs) for cash, and public restrooms on the site shall be located inside the store.
13. The daily hours of operation for both the convenience store and gas station shall be limited to the hours of 5:00 a.m. to 11:00 p.m.

14. The daily hours of fuel delivery and solid waste pick-up shall be limited to the hours between 7:00 a.m. and 9:00 p.m.
15. Intercom systems, which are designed to allow oral communication between employees inside the store and customers refueling their vehicles, shall operate in such a manner that they will not be audible by adjacent property owners.
16. Prior to the issuance of a land disturbing permit, an archaeological study, consistent with the County's Archaeology policy, shall be reviewed and approved by the Planning Director.
17. The owner shall notify the Manager of the James City County Service Authority (JCSA) if any of the contaminants included in the Safe Drinking Water Act Amendments Phase II, IIB, or V will be used or stored on this site before final site approval. If the Owner's release of any of these contaminants into the soil or groundwater on this site causes Virginia Department of Health (VDH) to rescind or deny the waiver from monitoring for any of these contaminants at either, or both, of the W-10 Colby Road and W-11 Mildred Drive well facilities, the owner shall reimburse the JCSA for all expenses associated with the required monitoring. If the Owner's release of any of these contaminants into the soil or groundwater on this project site causes the JCSA to remove either, or both, of the W-10 Colby Road or W-11 Mildred Drive facilities from service the owner shall be responsible for the cost of replacing the well(s) to restore capacity to the central system.
18. If construction has not begun on the project within 36 months of the issuance of the special use permit, it shall become void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
19. To the extent practical, the applicant shall design the access driveways on Centerville Road and Longhill Road in a manner that minimizes the amount of headlight glare onto adjacent properties. The Planning Director shall approve both the Longhill Road and Centerville Road driveway designs prior to final site plan approval.
20. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



William C. Porter, Jr.
Deputy Clerk to the Board

SUPERVISOR	VOTE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of October, 1998.