

## RESOLUTION

### CASE NO. SUP-18-06. STUCKEY'S REDEVELOPMENT

- 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, Mr. Vernon Geddy, III has applied for a special use permit to redevelop an existing fuel and restaurant facility and allow the operation of a 40-seat restaurant, convenience store, an office/information center, and a motor vehicle fuel dispensing station on approximately 2.76 acres of land on a parcel zoned B-1, General Business; and
- WHEREAS, the proposed redevelopment site is shown on a conceptual lay out entitled " 6430 Assoc. LLC, Former Stuckey's Site" and dated June 2006; and
- WHEREAS, the property is located at 9220 Old Stage Road on property more specifically identified as Parcel Number (1-16) on the James City County Real Estate Tax Map Number (4-4); and
- WHEREAS, on October 2, 2006, the Planning Commission recommended approval of the application by a vote of 6-0; 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 site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-18-06 as described herein with the following conditions:

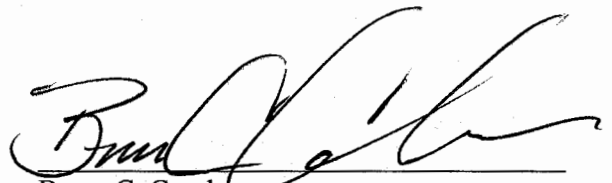
1. Master Plan and Use: This Special Use Permit shall be valid for the "6430 Assoc. LLC Former Stuckey's Site" Master Plan, prepared by LandMark Design Group, and dated June 1, 2006, (the "Master Plan") and accessory uses thereto. The site shall only be used for a 40-seat restaurant, convenience store, an office/information center, and eight fueling islands as shown on Master Plan. The site shall not contain any shower or laundry facility, vehicle wash facilities or scales.
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 for the area along the property frontage on Old Stage and Barhamsville Roads, and along areas designated on the Master Plan for parking. Enhanced landscaping shall be defined as 125 percent of the Zoning Ordinance landscape size requirements. Should the applicant wish to pursue any removal or trimming of trees within VDOT right-of-way, the Planning Director shall be notified 30 days in advance of the applicant's contacting VDOT and at that time provide a plan for the tree removal or trimming.
3. Health Department Review: The applicant shall receive full approval from the Health Department for septic tank and drain field capacity prior to final site plan approval. A capacity analysis of existing water lines and septic facilities to the site shall be performed and the results of that analysis shall be submitted with the site plan

application. The Planning Director shall approve the study, and its recommendations shall be incorporated into the site plan prior to 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 prior to final development plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping material including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
5. Erosion and Sediment Control: An erosion and sediment control and runoff management plan shall be approved by the Environmental Director prior to final site plan approval.
6. Stormwater: The area beneath the fuel area canopy shall not drain directly into the infiltration BMPs for the facility. A spill containment structure such as an alternate BMP or a separation system to accept spills from any fueling area shall be shown on the site plan and shall be approved by the Environmental Director prior to final site plan approval.
7. Boundary Line Adjustment and Right-of-Way Vacation: Prior to final site plan approval, the variable width right-of-way for use by Parcels A, B, and C, located at the southern boundary of the parcel, shall be vacated, and adjustments made to the lot line such that the canopy and all fuel islands are located within the Building Setback Line. This condition excludes any structures granted a setback reduction by the Development Review Committee of the Planning Commission.
8. Existing Fueling Islands: Prior to obtaining any Certificate of Occupancy, the owner shall remove the existing gasoline and diesel pumps, canopy, and underground fuel tanks from the property.
9. Proposed Fueling Islands: There shall be no more than fourteen gasoline pumps and two low-pressure diesel pumps located on eight fueling islands on the property. The fueling islands shall be arranged in a configuration generally consistent with the "6430 Assoc. LLC Former Stuckey's Site" Master Plan, prepared by LandMark Design Group and dated June 1, 2006. None of the fueling pumps shall be of a design previously intended to refuel tractor trailers as determined by the Planning Director.
10. Spill Prevention and Control Plan: Prior to issuance of any Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for review and approval.
11. Stormwater Pollution Prevention Plan: Prior to issuance of any Certificate of Occupancy, a stormwater pollution prevention plan shall be submitted to the Environmental Director for review and approval.
12. Architectural Review: All buildings on the site including outdoor covered areas such as the pump island canopy shall be architecturally integrated by the use of similar

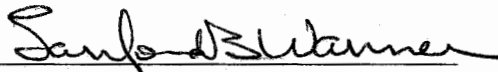
materials, color and architectural detailing and shall be generally consistent with the rendering dated June 2, 2006, made by W.E.Bowman Construction, Inc. on file with the Planning Division ("the Rendering"). Prior to final site plan approval, the Planning Director shall review and approve the final architectural design, colors and materials of all structures on the site for consistency with the Rendering.

13. Fueling Island Canopies: The maximum height of the pump island canopy shall not exceed 20 feet from existing grade, as shown on the Master Plan. The clearance height of the canopy shall be clearly indicated on the structures.
14. Lighting: Any new exterior site or building lighting, including canopy 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 glare defined as 0.1 foot-candle or higher shall extend outside the property lines.
15. Signage: No more than one sign shall be allowed on the canopy provided, however one gas-pricing sign may be allowed on a monument type sign in the parking area or the columns of one of the canopies.
16. Overnight Vehicular Parking: No overnight vehicular parking shall be allowed on the property or on its premises.
17. Off-site Vehicular Parking: Fencing or other features shall be provided along both sides of the road designated as the access road as indicated on the Master Plan to prevent parking of motor vehicles. The location and design of the fence or other features shall be approved by the Planning Director.
18. Dumpsters: The dumpster pad(s) and all heating, cooling, and electrical equipment shall be screened by fencing and landscaping in a manner approved by the Planning Director prior to final site plan approval.
19. Trash Removal: Trash cans shall be available for use by customers during all operating hours and the trash cans shall be emptied and cleaned on a daily basis.
20. Hours of Operation: Both the convenience store and gas station shall be allowed to operate 24 hours a day. The daily hours of operation for the restaurant shall be limited to the hours of 5:30 a.m. to 9:00 p.m.
21. Commencement of Construction: If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction.
22. Severance Clause: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
ICENHOUR	AYE
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of November, 2006.

SUP-18-06.res