

RESOLUTION

CASE NO. SUP-0019-2008. FORMER STUCKEY'S SITE

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. Rick LaMere has applied for an SUP to operate a maximum of four fast-food restaurants and a convenience store with fuel distribution in a single building on approximately 6.27 acres of land on a parcel zoned B-1, General Business; and

WHEREAS, the proposed development is shown on a layout entitled "Former Stuckey's Site" and dated January 21, 2009; and

WHEREAS, the property is located at 9220 Old Stage Road on property more specifically identified on James City County Real Estate Tax Map No. 0440100016 (the "Property"); and

WHEREAS, on January 7, 2009, 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 Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0019-2008 as described herein with the following conditions:

1. Master Plan and Use: This SUP shall be valid for the "Former Stuckey's Site" Master Plan, prepared by LandMark Design Group and dated January 21, 2009 (the "Master Plan"), and accessory uses thereto. The Property shall only be used for a maximum of four fast-food restaurants and a convenience store within a single building, along with eight fueling islands as shown on the Master Plan. The Property 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 those portions of the Property that front along 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.
3. Prior to any removal or trimming of trees within the Virginia Department of Transportation ("VDOT") right-of-way, the Planning Director shall be notified 30 days in advance of the applicant's contacting VDOT and review and approve of any plan for the tree removal or trimming.

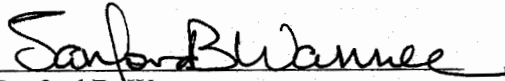
4. Water Conservation: The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) prior to final development plan approval. The standards may include, but shall not be limited to, such water conservation 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 Best Management Practices (BMPs) for the facility. A spill containment structure such as an alternate BMP or 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. Existing Fueling Islands: Prior to the issuance of any Certificate of Occupancy (CO), the owner shall receive approval from the Department of Environmental Quality, obtain a County demolition permit, and remove the existing gasoline and diesel pumps, canopy, and underground fuel tanks from the Property.
8. Proposed Fueling Islands: There shall be no more than 14 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 Master Plan, prepared by LandMark Design Group and dated January 21, 2009. None of the fueling pumps shall be of a design intended to refuel tractor trailers as determined by the Planning Director.
9. Spill Prevention and Control Plan: Prior to issuance of any CO a spill containment plan that addresses the chemical handling and storage areas shall be submitted to the Environmental Director and to the Fire Chief for their review and approval.
10. Stormwater Pollution Prevention Plan: Prior to issuance of any CO, a stormwater pollution prevention plan shall be submitted to the Environmental Director for review and approval.
11. Architectural Review: All buildings on the Property including outdoor covered areas such as the pump island canopies shall be architecturally integrated by the use of similar materials, color, and architectural detailing and shall be generally consistent with the rendering titled "James City County Convenience Store Schematic Elevations" dated December 23, 2008, prepared by Balzer and Associates on file with the Planning Division ("the Rendering") as determined by the Planning Director. 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. Decisions of the Planning Director may be appealed to the Development Review Committee, whose decision shall be final.

12. 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. Prior to final site plan approval, the Planning Director shall review and approve canopy design and materials for consistency with the proposed building. Decisions of the Planning Director may be appealed to the Development Review Committee, whose decision shall be final.
13. 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 is 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.
14. Signage: No more than one sign shall be allowed on the fueling island canopy provided; however, one non-illuminated gasoline-pricing sign may be allowed on a monument type sign in the parking area or the columns of the canopy.
15. Overnight Vehicular Parking: No overnight vehicular parking shall be allowed on the Property.
16. Off-site Vehicular Parking: Fencing or other features shall be provided along both sides of the Frontage Road (F-827) as shown on the Master Plan to prevent parking of motor vehicles along the sides of the frontage road. The location and design of the fence or other features shall be approved by the Planning Director.
17. 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.
18. 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.
19. Hours of Operation: Both the convenience store and gasoline station shall be allowed to operate 24 hours a day. The daily hours of operation for the restaurants shall be limited to the hours of 5:30 a.m. to 10:00 p.m.
20. Commencement of Construction: If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
21. Turn Lane upgrades: Prior to issuance of any CO, all turn lanes providing access to the Property shall be upgraded to current VDOT standards as determined by the VDOT Residency Administrator.

- 22. Junk Removal: All junk shall be removed from the Property prior to issuance of any CO. For purposes of this SUP condition, "junk" shall mean trash, unusable fuel pumps, wood, lumber, concrete, construction debris, pallets, tires, waste, junked, dismantled, or wrecked automobiles, inoperable equipment, machinery, or appliances, construction vehicles or tractors, or parts thereof, iron, steel, and other old scrap ferrous or nonferrous material. This junk shall be properly disposed of in a State approved facility, or moved into an appropriate off-site enclosed storage building or facility. The James City County Zoning Administrator shall verify, in writing, that all junk has been properly removed from the Property. No new junk, (as defined by this condition), may be brought to or stored on the Property.
- 23. 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

SUPERVISOR	VOTE
GOODSON	AYE
JONES	AYE
MCGLENNON	AYE
ICENHOUR	AYE
KENNEDY	AYE

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

SUP0019-2008_res