

RESOLUTION

CASE NO. SUP-0008-2009. CVS AT NORGE

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. David Todd has applied on behalf of The Rebkee Company for an SUP to allow for the construction of a drive-through pharmacy/retail store on an approximately 2.09-acre parcel of land zoned M-1, Limited Business/Industrial District; and

WHEREAS, the proposed development is shown on a plan prepared by Kimley-Horn and Associates, Inc. dated May 6, 2009, (the "Master Plan") and entitled "JCC-SUP-0008-2009"; and

WHEREAS, the property is located at 7521 Richmond Road and can be further identified as James City County Real Estate Tax Map Parcel No. 2321100001C (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on June 3, 2009, voted 6-1 to recommend approval of this application; 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-0008-2009, as described herein with the following conditions:

1. **Master Plan:** This SUP (the "SUP") shall be valid for the construction of an approximately 13,225 square foot, 1-story-high drive-through pharmacy/retail store building (the "CVS" store) on the property located at 7521 Richmond Road and further identified as James City County Real Estate Tax Map Parcel No. 2321100001C (the "Property"). Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled "JCC-SUP-0008-2009", prepared by Kimley-Horn and Associates, date stamped May 6, 2009 (the "Master Plan") with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. **Architectural Review:** Prior to final site plan approval, the Planning Director, or his designee, shall review and approve the final building elevations and architectural design for the CVS. Such building shall be reasonably consistent, as determined by the Planning Director or his designee, with the architectural elevations titled "CVS James City County, VA" submitted with this SUP application and prepared by The Rebkee Company, date stamped June 10, 2009.
3. **Free-Standing Sign:** Prior to final site plan approval, the Planning Director, or his designee, shall review and approve the design and location of the ground-mounted sign for the Property for consistency with the Norge Community Character Area, as described in the James City County Comprehensive Plan. The sign base shall be made of brick and the colors shall be similar to the CVS building.

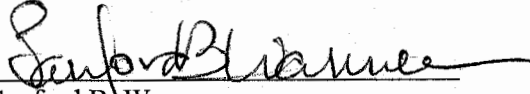
4. **Dumpsters/HVAC Units:** All heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing. Dumpsters shall be screened from view by a brick enclosure (exclusive of doors). All screening devices must be approved by the Planning Director, or his designee, prior to final site plan approval.
5. **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.
6. **Irrigation:** In the design phase, the developer and designing engineer shall take into consideration the design of stormwater systems, including rain tanks, which can be used to collect stormwater for irrigation use for the entire site. Only surface water collected from surface water impoundments may be used for irrigating the site.
7. **Private Pump Station Maintenance Agreement:** A private pump station maintenance agreement shall be submitted to and approved by the JCSA prior to final site plan approval. The agreement shall address the maintenance of the proposed pump station and guarantee access to all parcels served by the pump station.
8. **Best Management Practice (BMP) Discharge:** Overflows from any proposed BMP(s) shall discharge to an adequate channel in accordance with State Minimum Standard No. 19 and shall not be conveyed through any of the adjacent parcels without an offsite drainage easement. All associated easements shall be of an appropriate width to permit access for maintenance of the channel and any associated appurtenances such as outlet protection, flow control devices, channel linings, etcetera. Said easement shall be in place prior to the issuance of a Land Disturbing Permit.
9. **Landscape Plan:** Prior to final site plan approval, the Planning Director, or his designee, shall review and approve a landscape plan for this project. The landscape plan shall meet all applicable zoning ordinance requirements and shall include at a minimum: (i) enhanced landscaping within the northern 50-foot landscape buffer along Richmond Road, (ii) enhanced landscaping within the western 30-foot landscape buffer along Croaker Road, and (iii) enhanced landscaping along the southern property line. Enhanced landscaping is hereby defined as 125 percent of the size requirements of the James City County Landscape Ordinance.
10. **Impervious Coverage:** Prior to final site plan approval, the applicant must demonstrate compliance with the provisions of Section 23-9(b)(1)(b) of the County's Chesapeake Bay Preservation Ordinance. Demonstration of equivalent water quality will be through compliance with guidelines established by the Environmental Director.
11. **Exterior Lighting:** All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director, or his designee, which indicates no glare outside the property lines. All light

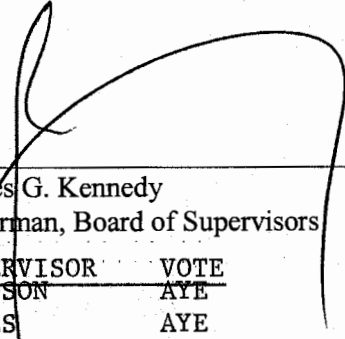
poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director, or his designee, prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the property line or any direct view of the lighting source from the adjoining properties.

12. **Internal Traffic Signage Plan:** The applicant shall include, along with the materials submitted as part of the site plan review process for this project, an internal signage plan indicating the location of internal traffic signs and the orientation of vehicular flow within the Property. The internal signage plan shall be reviewed and approved by the Planning Director, or his designee, concurrently with the site plan submission for this project.
13. **Roadway Improvements:** Prior to issuance of any Certificate of Occupancy (CO) for the Property, the road improvements listed below shall be provided at the following intersections:
 - a. At the intersection of Richmond Road (U.S. Route 60) and Croaker Road (State Route 607):
 - (i) The existing eastbound Richmond Road left-turn lane shall be extended to provide a 200 foot full width lane with a 200-foot taper; and
 - (ii) A right-turn lane on Richmond Road eastbound with a minimum of 200-foot taper must be provided.
 - b. At the intersection of Richmond Road (U.S. Route 60) and the Candle Factory Center Entrance:
 - (i) A 200-foot, right-turn lane with a 200-foot taper on eastbound Richmond Road shall be provided at this entrance.
14. **Shared Access Easement:** Prior to issuance of any CO for the Property, the applicant shall demonstrate to the satisfaction of the County Attorney that shared access easements have been obtained and recorded, as applicable, allowing vehicular access to the Property from the existing entrances on Richmond Road (U.S. Route 60). This includes those entrances currently serving the parcel located at 7521 Richmond Road (U.S. Route 60), and the existing entrance located across from Croaker Road (State Route 607).
15. **Bike Lane:** Prior to issuance of any CO for the Property, a Virginia Department of Transportation (VDOT) standard shoulder bike lane along the front of the Property adjacent to Richmond Road (U.S. Route 60) shall be provided. This bike lane shall be depicted in the site plan for the Property.
16. **Shared Use Path:** Should the construction of the proposed CVS building start in the property prior to construction of any building at adjacent parcels located at 7551 and 7567 Richmond Road, The Rebkee Company, developers of the proposed CVS store shall provide and construct along the length of the northwestern property line a portion of the eight-foot-wide, concrete or asphalt shared use path referenced by the Master Plan entitled "Master Plan for Rezoning of Candle Factory Property for Candle Development, LLC", prepared by AES Consulting Engineers and date stamped January 29, 2009. Construction shall be hereby defined as obtaining permits for building construction and installation of footings and foundations.

- 17. **Hours of Operation:** The daily hours of operation for both the retail store and drive-through shall be limited to the hours of 7:00 a.m. to 10:00 p.m.
- 18. **Commencement of Use:** Use of the Property as described in this SUP shall commence within 36 months from the date of approval of this SUP or this permit shall be void. Use shall be defined as obtaining business license(s) for permitted uses, opening for business with regular business hours, and/or obtaining permits for building construction and installation of footings and foundations.
- 19. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

ATTEST:


Sanford B. Wanner
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2009.

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