

RESOLUTION

CASE NO. SUP-0006-2017. LIGHTFOOT MARKETPLACE CONVENIENCE STORE

WITH GAS PUMPS

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Lightfoot Marketplace Shopping Center, LLC (the "Owner") owns property located at 6401 Richmond Road further identified as James City County Real Estate Tax Map Parcel No. 2430100038; and

WHEREAS, on behalf of the Owner, Mrs. Jennifer Harris, of Armada Hoffer, has applied for an SUP to allow for a convenience store with five gas pumps as shown on the master plan titled: "Master Plan Amendment Lightfoot Marketplace for Special Use Permit" and dated September 19, 2017; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0006-2017; and

WHEREAS, the Planning Commission, following its public hearing on October 4, 2017 recommended approval of this application by a vote of 6-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve Case No. SUP-0006-2017, as described herein with the following conditions:

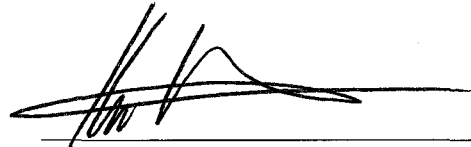
1. *Master Plan.* This Special Use Permit ("SUP") shall apply to that certain property located at 6401 Richmond Road and further identified as James City County Tax Parcel No. 2430100038 (the "Property"). The SUP shall be valid for the construction of a convenience store with gas pumps (the "Convenience Store") and a canopy (the "Canopy") as shown and designated on that certain master plan entitled "Master Plan Amendment Lightfoot Marketplace" dated September 19, 2017, and prepared by AES Consulting Engineers (the "Master Plan"). All final development plans shall be consistent with the Master Plan, but may deviate from the Master Plan if the Director of Planning concludes that the development plan does not: significantly affect the general location or classification of buildings as shown on the Master Plan; significantly alter the distribution of recreation or open space areas on the Master Plan; significantly affect the road layout as shown on the Master Plan; or significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the Master Plan. If the Director of Planning determines that a proposed change would deviate from the approved Master Plan, the amendment shall be submitted and approved in accordance with Section 24-13. In the event the Director of Planning disapproves the

amendment, the applicant may appeal the decision to the Development Review Committee which shall forward a recommendation to the Planning Commission.

2. Gas Pumps. There shall be no more than five fueling islands on the Property.
3. Spill Prevention, Control and Countermeasures (SPCC) Plan. Prior to the issuance of a Land Disturbing Permit, a Spill Prevention, Control and Countermeasures Plan which addresses chemical handling, including but not limited to oil, diesel and gasoline, shall be submitted to the Director of Stormwater and Resource Protection for review and approval.
4. Architectural Review.
 - a. Prior to issuance of a Building Permit for the convenience store (to also specifically include the Canopy), the Director of Planning, or his designee, shall review and approve the final building elevations, architectural design and colors and materials for the convenience store and canopy. The final building elevations shall specifically include the view of the building for all sides visible from Centerville or Richmond Road. Buildings shall be substantially consistent with the Lightfoot Marketplace Architectural Guidelines dated December 27, 2013, and the architectural elevations titled "Harris Teeter Fuel Center-Williamsburg, VA-Store# 356" submitted with this SUP application. Determination of substantial architectural consistency shall be determined by the Director of Planning or his designee. In the event the Director of Planning disapproves the architectural elevations, the applicant may appeal the decision to the DRC which shall forward a recommendation to the Planning Commission.
 - b. The architecture of the Canopy, including any columns, shall match the design and exterior building materials of the convenience store. The Canopy shall have a maximum height of 15 feet measured from the finished grade to the underside of the Canopy. No more than two signs shall be allowed on the Canopy. The Canopy shall not include gas pricing signs.
5. Enclosed dumpsters. Dumpsters shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan and shall be reviewed and approved by the Director of Planning for consistency with this condition.
6. Outside display, sale, or storage. Unless otherwise stated in this condition, no outside display, sale, or storage of merchandise shall be permitted. As used for this condition, the term "merchandise" shall include but not be limited to ice, soda, candy, and/or snack machines. For the Convenience Store, outside vending machines and/or cabinets (consistent with the above referenced elevations) and one outside ice chest shall be permitted.
7. Landscaping. Prior to final site plan approval, a landscape plan shall be submitted to the Director of Planning, or his designee, showing evergreen screening of a minimum of three-feet tall located within the islands/medians flanking the proposed gasoline service station, as shown on the Master Plan. In order to accommodate the landscaping, the islands/medians shall be constructed to a minimum of five-feet wide.

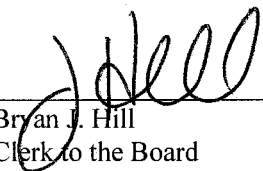
Landscaping of the islands/medians shall be installed and/or bonded before issuance of any Certificate of Occupancy for the proposed gasoline service station.

- 8. Commencement of Construction. Construction on the Convenience Store and the Canopy shall commence within 36 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining Building Permits and an approved footing inspection and/or foundation inspection.
- 9. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.



Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:


Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of December, 2017.

SUP06-17LMPumps-res