

RESOLUTION

CASE NO. SUP-0016-2016. 7-ELEVEN CONVENIENCE STORE WITH GAS PUMPS

AND DRIVE-THROUGH RESTAURANT AT QUARTERPATH

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

WHEREAS, Southland Corporation and Quarterpath Williamsburg, LLC (the "Owners") own property located at 7327, 7337, 7341 Pocahontas Trail and 3000 Battery Boulevard, further identified as James City County Real Estate Tax Map Parcel Nos. 5020100030, 5020100030A, 5020700004B and 5020100075A, respectively (together, the "Property"); and

WHEREAS, on behalf of the Owners, Mr. Mark Richardson of Timmons Group (the "Applicant") has applied for an SUP to allow a convenience store with gas pumps and a drive-through restaurant, as shown on the exhibit titled "7-11 Convenience Store with Gas and Drive-Thru Restaurant Conceptual Master Plan" prepared by Timmons Group, dated August 25, 2017; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0016-2016; and

WHEREAS, the Planning Commission, following its public hearing on September 6, 2017, recommended approval of the application by a vote of 7-0.

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 the issuance of Case No. SUP-0016-2016 as described herein with the following conditions:

1. Master Plan: This Special Use Permit ("SUP") shall apply to that certain properties located at 3000 Battery Boulevard and 7327, 7337 and 7341 Pocahontas Trail, which are further identified as James City County Real Estate Tax Map Parcel Nos. 5020100075A, 5020100030, 5020100030A, and 5020700004B, respectively (the "Property"). The SUP shall be valid for a convenience store of up to 2,940 square feet that sells and dispenses fuel (the "Convenience Store"), and a drive-through fast food restaurant of up to 4,000 square feet (the "Restaurant"). All final development plans shall be consistent with the Master Plan entitled, "7-11 Convenience Store with Gas and Drive-Thru Restaurant Conceptual Master Plan" prepared by Timmons Group, dated August 25, 2017 (the "Master Plan") as determined by the Director of Planning with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Gas Pumps: There shall be no more than six fueling islands on the Property as shown on the Master Plan.

3. Archaeological Study: A Phase I historic and archaeological study for the Property shall be submitted to the Director of Planning, or his designee, for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, II and III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon.
4. Phasing of Improvements Between the Different Principal Uses: Prior to the issuance of any site plan approvals for the Restaurant, all shared improvements (including but not limited to all entrance improvements to/from Pocahontas Trail and Battery Boulevard, shared parking, shared stormwater management features and internal circulation improvements) shall be constructed and completed. Should development of the Restaurant precede development of the Convenience Store, the Director of Planning may approve an alternative phasing plan to ensure compliance and consistency with the Master Plan.
5. Phasing of the Convenience Store and Gas Pumps: Redevelopment of the gas pump canopy (the "Canopy") and gas pumps in a manner consistent with the Master Plan and these conditions shall occur prior to the issuance of any Certificate of Occupancy for the Convenience Store. The intent of this condition is to ensure that the existing gas pumps and existing canopy are not left in their existing location and condition.
6. Existing Fueling Islands: Prior to the issuance of a Certificate of Occupancy for the Convenience Store, all unused gasoline and diesel pumps, canopies and underground fuel tanks shall be removed from the Property.
7. Spill Prevention, Control and Countermeasures (SPCC) Plan: Prior to the issuance of a Land Disturbing Permit, an SPCC Plan shall be reviewed and approved by the Director of Stormwater and Resource Protection.
8. Stormwater Management: Unless otherwise approved by the Director of Stormwater and Resource Protection, development of the Property shall comply with the City of Williamsburg-approved *Stormwater Management Master Plan* (revised January 28, 2013) and *Best Management Practices Land Bay Design Guidelines* (January 7, 2013) reports for Quarterpath at Williamsburg.

9. Internal Pedestrian Accommodations: The owner of each property shall provide internal pedestrian connections to include, but not limited to, wherever sidewalk enters the parking area or crosses any entrance to the Property or drive-through lane and shall provide safe connections from the existing Williamsburg Area Transit Authority (WATA) bus stop. The connections shall be clearly delineated by use of a different color of pavement, brick pavers or some other method determined to be acceptable by the Director of Planning.
10. Pedestrian and Bicycle Accommodations: In accordance with the Regional Bikeway Map, a bike lane shall be provided along the Property's Pocahontas Trail frontage. In accordance with the adopted Pedestrian Accommodations Master Plan, a sidewalk shall be provided along the Property's Pocahontas Trail frontage. In lieu of a sidewalk, the Owners shall have the option of installing a multi-use trail to be consistent with other multi-use trails that may be a part of the larger Quarterpath at Williamsburg master plan; however, should the Owners elect to install a multi-use trail, a bike lane must still be provided. Pedestrian and bike accommodations shall be installed or bonded prior to the issuance of a Certificate of Occupancy for any building on the Property.
11. Traffic Improvements: Until a traffic signal is operational at the intersection of Pocahontas Trail and Battery Boulevard (the "Intersection"), access to the Property shall be limited to one ingress/egress entrance on Pocahontas Trail and one ingress/egress entrance on Battery Boulevard, as more specifically shown on the Master Plan. "Operational" is defined as electrified and controlling the movement of traffic at the Intersection. At such time that a traffic signal at the Intersection is operational, a second egress-only exit may be constructed on Pocahontas Trail, as more specifically shown on the Master Plan. Prior to the first Certificate of Occupancy for the Property, a raised landscape median on Pocahontas Trail across the Pocahontas Trail frontage of the Property as shown on the Master Plan shall be constructed or guaranteed by the owners of the Property in a manner acceptable to the County Attorney. The design of the raised landscape median shall be shown on the initial site plan. If the traffic light is not warranted within ten years from approval of this SUP, the raised landscape median referenced above shall not be required.
12. Architectural Review: Prior to issuance of a Building Permit for each structure shown on the Master Plan (specifically including the Canopy), the Director of Planning, or his designee, shall review and approve the final building elevations and architectural design for such structure. Exterior building materials and colors for all structures shall be generally consistent with the drawing entitled "Riverside Doctors' Hospital Williamsburg Exterior Mock-up 03-09-2012" as contained within the Community Impact Statement. 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 Development Review Committee which shall forward a recommendation to the Planning Commission. Samples of such building materials and colors shall be approved by the Director of Planning prior to final site plan approval.
13. Architectural Review – Gas Pump Canopy: 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.

14. Screening of Site Features: All dumpsters and ground-mounted HVAC and mechanical units 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 for the adjacent building and shall be reviewed and approved by the Director of Planning for consistency with this condition.
15. Outside Display, Sale or Storage: Unless otherwise stated in this condition, no outside display, sale or storage of merchandise shall be permitted at the Property. 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, only one outside vending machine and one outside ice chest shall be permitted and, if used, shall be situated against the exterior wall that faces the Restaurant and both shall be screened with building materials similar in type and color with the site architecture to minimize visual impacts from adjacent road rights-of-way. Final screening design shall be approved by the Director of Planning.
16. Intercom and Speaker Noise: All intercom and other speaker systems on the Property shall operate in such a manner that they shall not be audible from adjacent properties.
17. Lighting: There shall be no light trespass, defined as light intensity measured at 0.1 foot candle or higher extending beyond the boundaries of the Property or into the public right-of-way unless lighting the pedestrian accommodations. All lights, including any lighting on the Canopy, shall have recessed fixtures with no bulb, lens or globe extending below the casing or the Canopy ceiling. Light poles in the parking lot shall not exceed 20 feet in height. The lighting for the Property, to include the Canopy lighting, shall be reviewed and approved by the Director of Planning prior to final site plan approval.
18. WATA Facilities: Any change or relocation of existing WATA facilities shall be subject to approval by the Director of Planning prior to final site plan approval.
19. Signage: All building face signage shall be externally illuminated or use back-lit or channeled lettered lighting as defined in Section 24-67 of the Zoning Ordinance. For any back-lit or channeled lettered signs the sign shall meet the criteria listed in Section 24-72 of the Zoning Ordinance, or successor section. In addition to any building face signage as permitted by the Zoning Ordinance, the Convenience Store and the Restaurant may each have one exterior freestanding sign. Freestanding signs shall be externally illuminated monument style signs not to exceed 8 feet in height and the base of the signs shall be brick or shall use materials similar in type and color with the site architecture.
20. Sustainable Design Initiatives:
 - a. Sustainable design initiatives shall be implemented during development of the Property as shown on the Master Plan to achieve the equivalent of 36 points from the Leadership in Energy and Environmental Design (LEED) for New Construction and Major Renovations (based on 2017 guidelines) (the "Credits"). Prerequisite items in the LEED 2017 guidelines shall not be required to be completed in addition to the Credits. In addition, documentation of the building energy performance shall be provided by a mechanical engineer to the Director of

Planning before the Certificate of Occupancy for the initial building to demonstrate an improvement in efficiency of the building's thermal envelope, mechanical systems and electrical systems over code-required baseline performance.

b. The strategies to achieve the Credits will be incorporated into the construction documents either as part of the design or as requirements for the contractor to substantiate during the course of construction. Compliance with the Credit requirements will be validated in a straightforward way through things like, but not limited to, review of contractor submittals, submission of design calculations and letters certifying that requirements have been met. This validation will be overseen by a LEED-accredited professional and approved by the Director of Planning or his designee with Credits related to the design of the project approved prior to issuance of the final site plan approval, and Credits related to the construction of the project approved prior to issuance any Certificate of Occupancy.

21. Commencement for Convenience Store and Gas Pumps: 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.

22. Commencement for Drive-Through Restaurant: Construction on the Restaurant shall commence within 36 months from the date of approval of this SUP. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.

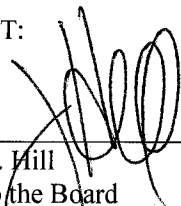
23. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED that SUP-0016-2016 shall amend, replace and supersede SUP-21-1991, and SUP-21-1991 shall no longer have any force or effect.



Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:



Bryan J. Hill
Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCLENNON	✓	—	—
SADLER	Absent		
HIPPLE	✓	—	—
LARSON	✓	—	—
ONIZUK	✓	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of October, 2017.