

RESOLUTION

CASE NO. SUP-20-0008. 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, on October 10, 2017, the Board of Supervisors approved SUP-0016-2016, which permitted a convenience store with gas pumps (the "Convenience Store") and a drive-through restaurant (the "Restaurant") on multiple properties, subject to certain conditions; and
- WHEREAS, subsequently, the properties subject to SUP-0016-2016 were subdivided allowing the Convenience Store and the Restaurant to be located on separate parcels; and
- WHEREAS, the Convenience Store has been constructed, and certain conditions satisfied; and
- WHEREAS, Quarterpath Williamsburg, LLC (the "Owner") owns the subdivided properties located at 7327 Pocahontas Trail, further identified as James City County Real Estate Tax Map Parcel No. 5020100030 ("Parcel B") and 7337 Pocahontas Trail, further identified as James City County Real Estate Tax Map Parcel No. 5020100075A ("Parcel A"); and
- WHEREAS, on behalf of the Owner, Mr. Mark Richardson of Timmons Group has applied for an SUP extension to allow the Convenience Store on Parcel B and the Restaurant on Parcel A, 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-20-0008; and
- WHEREAS, the Planning Commission, following its public hearing on August 5, 2020, recommended approval of this application by a vote of 5-0.
- 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-20-0008 as described herein with the following conditions:

1. *Master Plan*: This Special Use Permit ("SUP") shall apply to those certain properties located at 7327 Pocahontas Trail, further identified as James City County Real Estate Tax Map Parcel No. 5020100030 ("Parcel B"), and 7337 Pocahontas Trail, further identified as James City County Real Estate Tax Map Parcel No. 5020100075A ("Parcel A") (Parcel A and Parcel B referred to together as the "Properties"). The SUP shall be valid for a convenience store of up to 2,940 square feet that sells and dispenses fuel on Parcel A, and a drive-through fast food restaurant of up to 4,000 square feet on Parcel B. All final development plans for the Properties 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 Parcel A as shown on the Master Plan.
3. Archaeological Study: A Phase I historic and archaeological study for the Properties 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 Properties 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 Parcel B, all shared improvements for the Properties (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.
5. Spill Prevention, Control and Countermeasures (SPCC) Plan: Parcel A shall have a SPCC Plan for the Convenience Store. 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.
6. Stormwater Management: Unless otherwise approved by the Director of Stormwater and Resource Protection, development of the Properties 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.
7. Internal Pedestrian Accommodations: The owner(s) of Parcel A and Parcel B shall provide internal pedestrian connections for the Properties to include, but not be limited to, wherever sidewalks enter the parking area or cross any entrance to the Properties or drive-through lane, and shall provide safe connections to and from the 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.
8. Pedestrian and Bicycle Accommodations: In accordance with the Regional Bikeway Map, a bike lane shall be provided along the Properties' Pocahontas Trail frontage. In accordance with the adopted Pedestrian Accommodations Master Plan, a sidewalk shall be provided along the Properties' Pocahontas Trail frontage. In lieu of a sidewalk, a multi-use trail may be installed to be consistent with other multi-use trails

that may be a part of the larger Quarterpath at Williamsburg master plan; however, if a multi-use trail is installed, 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 Properties.

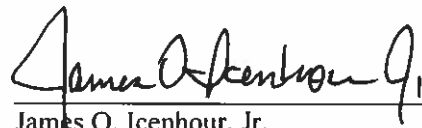
9. Traffic Improvements: Until a traffic signal is operational at the intersection of Pocahontas Trail and Battery Boulevard (the "Intersection"), access to the Properties shall be limited to one ingress/egress entrance on Pocahontas Trail and one ingress/egress entrance on Battery Boulevard, as more 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 Properties, a raised landscape median on Pocahontas Trail across the Pocahontas Trail frontage of the Properties as shown on the Master Plan shall be constructed or guaranteed 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 signal is not warranted at the Intersection within ten years from approval of this SUP, the raised landscape median referenced above shall not be required.
10. Architectural Review: Prior to issuance of a Building Permit for each structure on the Properties shown on the Master Plan, the Director of Planning, or 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. A determination of substantial architectural consistency shall be made by the Director of Planning or designee prior to site plan approval. 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.
11. Architectural Review - Gas Pump Canopy: The architecture of the gas pump canopy (the "Canopy"), including any columns, shall match the design and exterior building materials of the structure on Parcel A. The Canopy shall have a maximum height of 15 feet measured from the finished grade to the underside of the Canopy, and shall not exceed a total height of 16.5 feet from the finished grade. No more than two signs shall be allowed on the Canopy. The Canopy shall not include gas pricing signs.
12. Screening of Site Features: All dumpsters and ground-mounted HVAC and mechanical units on the Properties 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.
13. Outside Display, Sale or Storage: Unless otherwise stated in this condition, no outside display, sale, or storage of merchandise shall be permitted on the Properties. As used for this condition, the term "merchandise" shall include but not be limited to ice, soda, candy, and/or snack machines. Parcel A may have one outside vending machine and one outside ice chest, both of which shall be situated against the exterior wall of the Convenience Store that faces Parcel B and shall be screened from adjacent rights-of-way with building materials similar in type and color with the site architecture in order to minimize visual impacts. Final screening design shall be approved by the Director of Planning.

14. Intercom and Speaker Noise: All intercom and other speaker systems on the Properties shall operate in such a manner that they shall not be audible from adjacent properties.
15. 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 Properties 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. Light poles in the parking lot shall not exceed 20 feet in height as measured from finished grade. The lighting for the Properties shall be reviewed and approved by the Director of Planning prior to final site plan approval.
16. 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.
17. Signage: All building face signage on the Properties 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, Parcel A and Parcel B may each have one exterior freestanding sign which shall be externally illuminated monument-style signs not to exceed 8 feet in height. The base of the freestanding signs shall be brick or shall use materials similar in type and color with the site architecture as determined by the Director of Planning or designee.
18. Sustainable Design Initiatives:
 - a. Sustainable design initiatives shall be implemented during development of both the Convenience Store and the Restaurant 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") for each use. 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 Credits 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 designee. The Credits related to the design of the Convenience Store or the Restaurant shall be approved prior to issuance of the final site plan approval, and the Credits related to the construction of the Convenience Store or the Restaurant shall be approved prior to issuance a Certificate of Occupancy for either use.
19. Commencement for Drive-Through Restaurant: Construction on the Restaurant shall commence within 36 months from the date of approval of this SUP or the permit for the Restaurant on Parcel B will automatically be void. Construction is defined as obtaining building permits and an approved footing inspection and/or foundation inspection.

20. Specific Violations: Any violation of a condition specific to Parcel A or Parcel B shall not constitute a violation of this SUP for the other parcel. Any violation of a condition specific to the Properties shall be a violation of the SUP for both Parcel A and Parcel B.

21. 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-20-0008 shall amend, replace, and supersede SUP-0016-2016, and SUP-0016-2016 shall no longer have any force or effect.



James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of September, 2020.