

RESOLUTION

CASE NO. SUP-19-0006.

HAZELWOOD FARMS-THE VILLAGE CENTER

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, Mr. Tim Trant of Kaufman and Canoles has applied for an SUP on behalf of Hazelwood Farms LLC and Hazelwood R M III Trustee et ALS on property located at 9505 Old Stage Road, 9517 Old Stage Road, 9689 Old Stage Road, and 9701 Old Stage Road, further identified as James City County Real Estate Tax Map Parcel Nos. 0440100009, 0440100008, 0440100003, 0440100002, and 0430100017 (the "Property") to allow for: a convenience store which sells and dispenses fuel; any commercial building or group of buildings that exceeds 10,000 square feet of floor area pursuant to Section 24-11(a)(2) of the County Code; any commercial building or group of buildings, not including office uses, which generates, or would be expected to generate, a total of 100 or more additional trips to and from the Property during the peak hour of the operation pursuant to Section 24-11(a)(3) of the County Code; and buildings, additions, and expansions requiring a special use permit pursuant to Section 24-11(b) of the County Code; and the extension of public water and sewer; and

WHEREAS, the Planning Commission, following its public hearing on October 6, 2021, recommended approval of Case No. SUP-19-0006 by a vote of 6-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-19-0006; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 Comprehensive Plan Land Use Map designation for the Property.

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-19-0006 as described herein with the following conditions:

1. *Master Plan.* This SUP shall be valid for approximately 79.06 acres of property located at 9505 Old Stage Road, 9517 Old Stage Road, 9400 Barnes Road, 9689 Old Stage Road, and 9701 Old Stage Road, further identified as 0440100009, 0440100008, a portion of 0430100017 (situated north of Interstate 64), 0440100003, and 0440100002, respectively (collectively referred to as the "Property"). Development of the Property shall be generally in accordance with the master plan entitled "Special Use Permit For Village Center at Hazelwood Farms (2020)" prepared by AES Consulting Engineers, dated 3/12/21 (the "Master Plan") and design guidelines entitled "Design Guidelines for Hazelwood Farms Village Center," prepared by Hopke & Associates, dated 09/22/21 (the "Design Guidelines"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

2. *Specially Permitted Uses*. This SUP shall be valid for (1) a convenience store which sells and dispenses fuel, (2) any commercial building or group of buildings that exceeds 10,000 square feet of floor area pursuant to Section 24-11(a)(2) of the County Code, (3) any commercial building or group of buildings, not including office uses, which generates, or would be expected to generate, a total of 100 or more additional trips to and from the site during the peak hour of the operation pursuant to Section 24-11(a)(3) of the County Code, and (4) buildings, additions, and expansions requiring a special use permit pursuant to Section 24-11(b) of the County Code; however, such commercial building, group of buildings, and additions or expansions thereto shall be limited to those permitted uses under Section 24-390 of the County Code, as amended, and those special uses permitted by this SUP. Uses within the specially approved square footage are further subject to the following restrictions:
 - A. There shall be no more than two fast-food restaurants, one convenience store with fuel sales, and one bank with a drive-through on the Property.
 - B. The uses in subsection (A) shall only be located in Land Bay 1, Land Bay 2, or Land Bay 3, as shown on the Master Plan, and shall not be located within 150 feet of Barnes Road.
 - C. Drive-through windows on the Property shall be screened so as to not be visible from Route 30 with landscaping and/or fencing as determined by the Director of Planning.
 - D. Any fast-food restaurant shall also be subject to Condition No. 21 of this SUP.
3. *Square Footage Limitations*. Development of the Property shall not exceed 510,000 square feet of maximum gross floor area. No single building on the Property shall exceed 70,000 square feet. Building coverage for each land bay shall not exceed 30%. In order to accurately track the progression of the development of the Property and requirements of this condition, each site plan or subdivision plan for any development within the Property shall include a then-current accounting of the square footage of development that has previously been approved by the County and that is proposed by the plan being submitted for review. Such accounting shall be in a form reasonably acceptable to the Director of Planning.
4. *Traffic Improvements*.
 - A. *SJR Required*: Prior to the submittal of a site plan for development within the Property, a Signal Justification Report (or such successor analysis or other requirement as may then be in effect) in accordance with the Virginia Department of Transportation (VDOT) regulations (the "SJR") for the Rt. 30/I-64 eastbound ramp junction intersection and a phasing plan ("Phasing Plan") for the following intersections shall be submitted to VDOT and the Planning Division for review and approval:
 - i. Rt. 30/Fieldstone Parkway; and
 - ii. Rt. 30/I-64 eastbound off-ramp junction.
 - B. *SJR & Phasing Plan Scoping Meeting*: Prior to submittal of the SJR, a scoping meeting shall be conducted with VDOT and the Planning Division to determine the scope of the SJR.
 - C. *SJR Completion & Road Improvement Plans*: Prior to final approval of the first site plan for development within the Property:

- i. The SJR must be approved by VDOT and the Director of Planning or designee;
 - ii. The Phasing Plan for the improvements recommended in the approved SJR and, except to the extent superseded by the recommendation of the approved SJR, the improvements listed in Condition No. 4(F) below (collectively, the "Traffic Improvements") must be approved by VDOT and the Director of Planning or designee;
 - iii. Road improvement plans containing the portion of the Traffic Improvements recommended by the Phasing Plan based on the then-proposed development of the Property shall be submitted to and approved by VDOT and the Director of Planning or designee; and
 - iv. The improvements reflected in the road improvement plans described in Condition C (iii) shall be completed or guaranteed in accordance with Section 15.2-2299 of the Virginia Code (or such successor provision) and the applicable provisions of the County Code of Ordinances (such performance assurances to be herein referred to as a "Guarantee" or "Guarantees") in a manner acceptable to the County Attorney.
- D. *Subsequent Approvals:* Prior to approval of any site plan for development within the Property subsequent to the first site plan:
- i. Road improvement plans containing the portion of the Traffic Improvements recommended by the Phasing Plan based on the then-proposed development of the Property shall be submitted to and approved by VDOT and the Director of Planning or designee; and
 - ii. The improvements reflected in the road improvement plans described in Condition D(i) shall be completed or Guaranteed in a manner acceptable to the County Attorney.
- E. *Subsequent SJR Approval:* Any subsequent SJR approved by VDOT and the Director of Planning or designee for the locations in Condition A above shall be deemed substituted for the SJR approval specified in Condition C(i).
- F. *Intersection Improvements:* The following traffic improvements shall be constructed in accordance with the Phasing Plan described above:
- i. Rt. 30/Fieldstone Parkway:
 - a. Signalization of the intersection, either as a new signal installation or as an addition to a signal installed by others, or other intersection control improvements as determined by VDOT;
 - b. Addition of double left turn lanes on northbound Rt. 30 at Property entrance;
 - c. Addition of right turn lane on southbound Rt. 30 at Property entrance; and
 - d. Property entrance with four exit lanes and two entering lanes.
 - e. Shared use path, in accordance with Condition No. (4)I.
 - ii. Rt. 30/Eastbound 1-64 off ramp:
 - a. Signalization of the intersection, either as a new signal installation or as an addition to a signal installed by others, or other intersection control improvements as determined by VDOT; and
 - b. Any adjustment of pavement required for signal installation, or other intersection control improvements as determined by VDOT.

- iii. Second entrance (right turn in/out only) to property at approximately Sta. 321+25 will be permitted with a right turn lane on southbound Rt. 30 at this second entrance.
- G. *Alternative Intersection Conditions:* If VDOT and the Director of Planning or designee, through SJR review, requires alternative intersection design at any location in Condition No. 4(F) above, then the improvements recommended by the approved SJR shall be substituted for the corresponding improvements listed in Condition No. 4(F).
- H. *Existing Rt. 30 Crossover:* The second existing crossover on Rt. 30 along the Property frontage located between Fieldstone Parkway and 1-64 shall be closed pursuant to the SJR and Phasing Plan review or other VDOT access approval for the Property.
- I. *Multiuse Path:* A multiuse path (in accordance with Sec. 24-35(b) of the Zoning Ordinance) shall be included with all road improvement plans on southbound Rt. 30 from Barnes Road to 1-64 at approximately Sta. 337+25 and shall be Guaranteed prior to site plan approval for initial development on the Property. On the north side of the Rt. 30/Fieldstone Parkway intersection, a multi-use path (in accordance with Sec. 24-35(b) of the Zoning Ordinance) crossing Rt. 30 from the Village Center entrance and connecting to a future multiuse path in Moss Creek development will be constructed with Rt. 30/Fieldstone intersection improvements. Multiuse paths (in accordance with Sec. 24-35(b) of the Zoning Ordinance) will be located in public rights-of-way or within easements dedicated to public access and VDOT maintenance.
- J. *Barnes Road:* There will be no direct vehicular access, other than emergency access, between the Property and Barnes Road. Emergency access shall be determined by the Director of Planning. Such emergency access shall be designed to cross the Barnes Road Buffer at or near a perpendicular angle to the property line, with clearing kept to the minimum necessary to accommodate the access.
- K. *Bus Stops:* A public bus stop shall be included in the initial site plan submitted for development of the Property. If placed on a public road, the bus stop may include a bump out and will have connections to the multiuse path system. If placed within the private property parking lot, the bus stop will include landings for bus patrons and pedestrian connections to multiuse paths on public right of way. Bus stop design shall be coordinated with the Williamsburg Area Transit Authority (WATA) prior to site plan approval to meet its design standards for shelters and pull-offs. Prior to final site plan approval the bus stop location, design, and bus circulation shall be approved by WATA and the Director of Planning. The bus stop shall be completed or Guaranteed prior to issuance of a Certificate of Occupancy for the development shown on the initial site plan for the Property. The bus stop requirement set forth in this condition may be waived by the Director of Planning and the Executive Director of WATA.

- L. *Trip Generation*: Development of the Property shall not exceed 1,596 PM peak hour trips as determined by the most recent edition of the Institute of Transportation Engineers Trip Generation Manual (the "ITE Manual") at the time of each site plan approval for the development of the Property. Accordingly, each site plan for the development of the Property shall, when submitted to the County for review, contain an accounting of the PM peak hour trip generation, as determined by the ITE Manual, associated with the development proposed by such site plan, all development shown on previously approved site plans for development of the Property (except to the extent the proposed site plan is in lieu of a previously approved site plan for development of the Property), and all development shown on site plans then under review by the County for development of the Property. No site plan for development of the Property shall be approved by the County which includes an amount of development that, together with all other development shown on previously approved site plans for development of the Property (except to the extent the proposed site plan is in lieu of a previously approved site plan for development of the Property), would generate more than 1,596 PM peak hour trips as determined by the ITE Manual. In determining and accounting for the foregoing PM peak hour trips:
- i. Internal and pass-by capture shall be determined in accordance with VDOT standards, and;
 - ii. Traffic counts for completed and occupied development on the Property may, with the approval of the County's Director of Planning, be substituted for ITE Manual estimated trips.
5. *Conservation & Irrigation*. Water conservation standards shall be enforced on the Property. Water conservation standards shall be submitted to and approved by the James City Service Authority (JCSA) prior to each 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 irrigation systems and irrigation wells, the use of approved landscaping materials 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. In the design phase, the developer and designing engineer shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. Only surface water collected from surface water impoundments, or water taken from an underground cistern, may be used for irrigating common areas on the Property. In no circumstances shall the JCSA public water supply be used for irrigation. If the Owner demonstrates to the satisfaction and approval of the General Manager of the JCSA through drainage area studies and irrigation water budgets that the impoundments cannot provide sufficient water for all irrigation, the General Manager of the JCSA may, in writing, approve a shallow (less than 100 feet) irrigation well to supplement the water provided by the impoundments or cisterns.

6. Route 30 Buffer. Prior to final approval of any site plan in Land Bay 1, Land Bay 2, or Land Bay 3, the Director of Planning or designee shall review and approve a landscape plan for the entirety of the Land Bay. The landscape plan for the Land Bay shall provide a 50-foot vegetated community character corridor buffer along the Route 30 right-of-way in accordance with Section 24-98 of the Zoning Ordinance. Any disturbance or grading into this area shall be the minimum necessary and shall require additional plantings consisting of no less than 125% of the required plantings per the Ordinance or as may be otherwise approved by the Director of Planning, such that at maturity the plantings match or exceed the mature height and density of trees and shrubs within the buffer. In areas of the buffer that are currently comprised of mature forest, as defined in Sec. 24-98 of the Zoning Ordinance, the buffer shall be left undisturbed in its natural state. In areas of the buffer that are not completely comprised of mature forest, as defined in Sec. 24-98 of the Zoning Ordinance, supplemental evergreen shrubs and trees shall be required. The landscaping detailed in this condition shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan in Land Bay 1, Land Bay 2, and Land Bay 3. All landscaping on the landscape plan shall be Guaranteed prior to site plan approval. The landscaping shown on the approved landscape plans(s) for Land Area 1, Land Bay 2, or Land Bay 3 shall be installed within 12 months of the final site plan approval, unless another timeline for planting has been approved by the Director of Planning.
7. Interstate 64 Buffer. Prior to final approval of any site plan in Land Bay 4 or Land Bay 5, the Director of Planning or designee shall review and approve a landscape plan for the Land Bay(s). The landscape plan for the Land Area shall provide a 50-foot vegetated buffer along the Interstate 64 right-of-way and be landscaped to the provisions of Section 24-98 of the Zoning Ordinance, except that the required tree and shrubs mixture be modified to require 45% of all proposed trees and shrubs within the 50-foot wide vegetated buffer to be evergreen, with at least 45% of evergreen trees achieving a minimum height at maturity of 40 feet. Any disturbance or grading into this area shall be the minimum necessary and shall require additional plantings consisting of no less than 125% of the required plantings per the Ordinance or as may be otherwise approved by the Director of Planning, such that at maturity the plantings match or exceed the mature height and density of trees and shrubs within the buffer. In areas of the buffer that are currently comprised of mature forest, as defined in Sec. 24-98 of the Zoning Ordinance, the buffer shall be left undisturbed in its natural state. In areas of the buffer that are not completely comprised of mature forest, as defined in Sec. 24-98 of the Zoning Ordinance, supplemental evergreen shrubs and trees shall be required. The landscaping detailed in this condition shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan in Land Bay 4 or Land Bay 5. All landscaping on the landscape plan shall be Guaranteed prior to site plan approval. The landscaping shown on the approved landscape plans(s) for Land Bay 4 or Land Bay 5 shall be installed within 12 months of the final site plan approval, unless another timeline for planting has been approved by the Director of Planning.

8. Barnes Road Buffer. Prior to final approval of any site plan in Land Bay 1 or Land Bay 5, the Director of Planning or designee shall review and approve a landscape plan for the Land Bay(s). The landscape plan for the Land Area shall provide a 100-foot vegetated buffer along the Barnes Road right-of-way and be landscaped to the provisions of Section 24-98 of the Zoning Ordinance, except that the required tree and shrubs mixture be modified to require 45% of all proposed trees and shrubs within the 100-foot-wide vegetated buffer to be evergreen, with at least 45% of evergreen trees achieving a minimum height at maturity of 40 feet. Any disturbance or grading into this area shall be the minimum necessary and shall require additional plantings consisting of no less than 125% of the required plantings per the Ordinance, such that at maturity the plantings match or exceed the mature height and density of trees and shrubs within the buffer. In areas of the buffer that are currently comprised of mature forest, as defined in Sec. 24-98 of the Zoning Ordinance, the buffer shall be left undisturbed in its natural state. In areas of the buffer that are not completely comprised of mature forest, as defined in Sec. 24-98 of the Zoning Ordinance, supplemental evergreen shrubs and trees shall be required. The landscaping detailed in this condition shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan in Land Bay 1 or Land Bay 5. All landscaping on the landscape plan shall be Guaranteed prior to site plan approval. The landscaping shown on the approved landscape plans(s) for Land Bay 1 or Land Bay 5 shall be installed within 12 months of the final site plan approval, unless another timeline for planting has been approved by the Director of Planning.
9. Vehicular Access Restriction. Access to the Property shall be restricted to the two primary commercial access roadways shown on the Master Plan. No other curb cuts are permitted on Route 30.
10. Sustainable Design Initiatives.
 - A. Sustainable design initiatives shall be implemented during development of the Property and construction of all buildings to achieve the equivalent of those credits that would be required to achieve the "Certified" level in the Leadership in Energy and Environmental Design (LEED) 2009 Certification program or whatever is equivalent from the LEED for New Construction and Major Renovations (based on the most current guidelines) (the "Credits") for each building. This shall include completion of all prerequisite items, except that for the Energy and Atmosphere category prerequisite number 1, the Owner may choose to pursue Energy Star designation or such other energy systems verification process as is approved in advance by the Director of Planning. In addition, for up to a maximum of 10% of the points needed to reach the LEED "Certified" level, the Owner may request that initiatives equivalent to, but not included on the LEED checklist as credits, be pursued instead. Any request for equivalent initiatives shall be submitted in writing as part of the process specified in (b) below, together with supporting documentation for review and approval by the Director of Planning. Documentation of the building energy performance shall be provided by a mechanical engineer to the Director of Planning before the Certificate of Occupancy for each building to demonstrate an improvement in efficiency of the building's thermal envelope, mechanical systems, and electrical systems over code-required baseline performance.

- B. Application for formal LEED certification by the USGBC is at the discretion of the Owner, and is not required. If formal LEED certification is not pursued, compliance with this condition shall be monitored and verified to the County by a LEED Accredited Professional engaged by the Owner. 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 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.
11. Architectural Review. Prior to site plan approval, the Director of Planning shall review and approve the final architectural design of each proposed building to be consistent with the Design Guidelines. Each site plan shall include the final architectural design for all buildings shown and include general elevations of the buildings, as well as the view of the building for all sides visible from Old Stage Road (Route 30). Determination of substantial architectural consistency shall be made by the Director of Planning or designee. In the event the Director of Planning disapproves, the applicant may appeal the decision of the Director of Planning to the Development Review Committee which shall forward a recommendation to the Planning Commission.
12. Site Design.
- A. For Land Bay 1, Land Bay 2, and Land Bay 3, any building façade facing a road shall be designed in appearance as a front façade. The intent of this condition is to ensure that the side and rear of buildings, when visible from a roadway, achieve the standards put forward within the Design Guidelines for the front façade. No more than 25% of the required parking in these areas shall be located in between the building and Old Stage Road (Route 30).
- B. The design of parking lots shall be consistent with the Design Guidelines. Surface parking lots shall include landscaping that divides the parking lots into different “bays” or “pods” to reduce their visual dominance. Parking lot design showing compliance with this condition shall be shown on each site plan where new parking is required and shall be approved by the Director of Planning prior to site plan approval.
- C. Any use containing a drive-through element shall be located to the side or at the rear of the building and shall not face Route 30.
- D. No building may have a footprint greater than 70,000 square feet and no two buildings may have a combined footprint greater than 90,000 square feet. Floor plates may not be larger than 12,000 square feet without being divided into what appears to be two or more buildings.
- E. Building depths may not be greater than 90 feet without being divided into what appears to be two buildings.
- F. All warehouse storage units operated as mini-storage shall be designed as a single footprint building. Warehouse storage units whereby individual storage units have an exterior access door are prohibited.

13. Free-Standing Signage. All freestanding signage, including entrance signage located at the Property's two entrances as shown on the Master Plan shall be externally illuminated monument-style signs, not to exceed 8 feet in height. The base of the signs shall be brick or shall use materials similar in type and color with the site architecture. The design of the signs shall be approved by the Director of Planning prior to final site plan approval for consistency with this condition.
14. Screening of Site Features. All dumpsters, ground-mounted HVAC, mechanical units, and cart corrals which are adjacent to buildings 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. Internal Traffic Signage Plan. The Owner shall include an internal signage plan with the materials submitted for the initial site plan review for the Property, which shall indicate 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 Director of Planning, or designee, prior to final approval of the initial site plan for the Property. Thereafter, the internal signage plan may be amended with review and approval by the Director of Planning, or designee.
16. Shared Maintenance of Site Improvements. Prior to the first site plan approval for the Property, documentation shall be submitted demonstrating that all shared site improvements (including, but not limited to, utilities, stormwater facilities, landscaping, roads and parking lots, and lighting) are subject to appropriate shared maintenance agreements ensuring that the site improvements will be maintained continuously. Compliance with this condition as to the existence of such shared maintenance documentation shall be subject to review and approval of the County Attorney or designee.
17. 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 to any existing or proposed 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.
18. 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 and a lighting plan shall be submitted to and approved by the Director of Planning or designee prior to final site plan approval. All light poles must not exceed twenty (20) feet in height and the lighting plan must indicate no glare outside the boundary lines of the Property unless otherwise approved in writing by the Director of Planning or designee. "Glare" is defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from adjoining properties.

19. Master Stormwater Management Plan. A Master Stormwater Management Plan (MSWMP) for the Property or any Land Bay Area within shall be approved prior to the first site plan submittal for the area. The MSWMP shall comply with the standards within the adopted watershed management plan in place at time of submittal and all outside agency permits shall be issued prior to the third submittal of the MSWMP. Furthermore, each Village Center Area MSWMP shall adhere to the conditions detailed below:
 - A. Land Areas 1, 3, and 4, as delineated on the Conceptual Stormwater Master Plan (revision date 8/20/19) will include a stormwater management facility, designed to the standards and specifications current at the time of Land Area development.
 - B. Each Land Area (1, 2, 3, and 4) will include no less than two treatment trains as part of the Land Area master stormwater approach. Each of these trains will be required to contain at least three low impact development features, such as those noted on the submitted plan set (i.e., vegetated filter strip, permeable pavement, bioretention basin, dry swale, manufactured treatment device).
 - C. If required by the watershed management plan adopted at the time of submittal, Special Stormwater Criteria (SSC) measures may not also be used to achieve required water quality requirements. At the time of an MSWMP submittal, specific SSC measures may be deemed unsuitable for the type of development as determined by the Director of Stormwater and Resource Protection or designee.
20. Convenience Stores With Fuel Sales. The convenience store with fuel sale permitted by this SUP shall be subject to the following additional conditions:
 - A. *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 with fuel sale, only two outside vending machine and one outside ice chest shall be permitted and, if used, shall be situated against the exterior wall not facing Route 30 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.
 - B. *Use Design*: The convenience store shall not be designed or used as a truck stop, as defined within the Zoning Ordinance.
 - C. *Fueling Islands*: There shall be no more than six (6) fueling islands associated with the convenience store.
 - D. *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 developments within the same Land Bay.

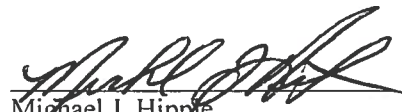
- E. *Landscaping*: Prior to final site plan approval, a landscape plan shall be submitted showing adequate screening of the fuel islands from internal uses and/or external properties through the use of landscaped islands and/or medians. The islands and/or medians shall be a minimum of 5 feet wide in order to accommodate landscaping adjacent to the boundaries of the gas facility. Evergreen plantings with a minimum height of 3 feet shall be planted in these medians to adequately screen the fuel islands. The Director of Planning shall determine whether the screening is adequate prior to final site plan approval. Landscaping of the islands/medians shall be installed and/or Guaranteed prior to the issuance of a temporary Certificate of Occupancy.
 - F. *Architectural Review*: The architecture of any canopy, including any columns, shall match the primary colors, design, and exterior building materials of the convenience store. The canopies shall have a mansard roof design, as determined by the Director of Planning. Any canopy shall have a maximum height of 15 feet measured from the finished grade to the underside of the canopy. The canopy shall not include signage that involves backlighting or electronic lettering. There shall be no more than two signs on the canopy.
 - G. *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. The SPCC Plan shall address chemical handling, including, but not limited to, oil, diesel, and gasoline.
21. *Fast-Food Restaurants*. The fast-food restaurants permitted by this SUP shall be subject to the following additional conditions:
- A. *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, any fast-food restaurant may 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.
 - B. *Screening*: The food order board and drive-through pick up window(s) shall be screened from Route 30 with landscaping and/or fencing, as determined by the Director of Planning or designee.
 - C. *Outside Display, Sale or Storage*: No outside display, sale, or storage of merchandise shall be permitted on the Property.
 - D. *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 developments.
 - E. *Architectural Review - Fast-Food Canopy*: The architecture of any canopy accessory to a fast-food restaurant shall match the primary colors, design, and exterior building materials of the fast-food restaurant, in accordance with the "Design Guidelines for Hazelwood Farms Village Center" and dated September 21, 2021. Final design of such canopy shall be reviewed and approved by the Director of Planning prior to site plan approval.

22. Water and Sewer Facilities.

- A. *Use:* This SUP shall be valid for the installation of a force main and water main, each a diameter of 4 inches or greater, to connect to existing facilities located within VDOT right-of-way for Fieldstone Parkway and extend across the intersection of Fieldstone Parkway and Old Stage Road (Route 30) to serve the Property. A water main loop may be installed on the Property under Interstate 64 to connect to parcels south of the interstate.
- B. *Construction Hours:* The hours of construction of the water and sewer facilities referenced in letter A above shall be limited to daylight hours, Monday through Friday. Limited night and weekend work may be approved by the Director of Planning if requested in advance and it is determined that such work will not negatively affect surrounding properties.
- C. *Replanting:* Prior to issuance of a Land Disturbing Permit, a plan addressing the replanting of disturbed vegetation within the right-of-way shall be submitted and approved by the Director of Planning or designee. The intent of the plan is to restore the area to pre-land disturbing conditions.
- D. *Lighting:* There shall be no new permanent lighting associated with the water and sewer facilities within the rights-of-way.

23. Commencement for Construction. Construction of one of these uses, excluding the public water and sewer facilities, shall commence within 60 months from the date of approval of this SUP or the SUP shall be void. Construction shall be defined as the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Construction does not include land preparation such as clearing, grading, or filling.

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


 Michael J. Hipple
 Chairman, Board of Supervisors

ATTEST:


 Teresa J. Saeed
 Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of December, 2021.