

## RESOLUTION

### CASE NO. SUP-19-0005 HAZELWOOD FARMS - ENTERPRISE 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 & Canoles, P.C. has applied on behalf of Hazelwood Farms L.L.C., HHD L.C., Larry L. Hazelwood, Deborah H Drudge, and R.M. Hazelwood, III, for an SUP on properties at 301 Old Stage Road, 9211 Old Stage Road, 275 Old Stage Road, and the portion of 9400 Barnes Road located south of Interstate 64, further identified, respectively, as James City County Real Estate Tax Map Parcel Nos. 0440100015, 0440100014, 0440100013, and that portion of 0430100017 lying south of Interstate 64 (collectively the "Property"); and
- WHEREAS, the requested SUP on the Property would allow for fast food restaurants; the manufacture and processing of textiles and textile products in structures more than 10,000 square feet; heavy equipment sales and service with major repair under cover or screened with landscaping and fencing from adjacent property; machinery sales and service with major repair under cover; a convenience store pursuant to Section 24-11(a)(1); 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 site during the peak hour of the operation pursuant to Section 24-11(a)(3) of the County Code; buildings, additions, and expansions requiring an SUP pursuant to Section 24-11(b) of the County Code; and the extension of public water and sewer facilities at; and
- WHEREAS, the Planning Commission, following its public hearing on January 5, 2022, recommended approval of Case No. SUP-19-0005 by a vote of 4-2; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-19-0005 and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with 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-19-0005 as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for approximately 328 acres of property located at 301 Old Stage Road, 9211 Old Stage Road, 275 Old Stage Road, and the portion of 9400 Barnes Road located south of Interstate 64, further identified, respectively, as James City County Real Estate Tax Map Parcel Nos. 0440100015, 0440100014, 0440100013, and the portion of 0430100017 lying south of Interstate 64 (collectively the "Property"). Development of the Property shall be generally in accordance with the master plan entitled "Master Plan for Rezoning of Enterprise Center at Hazelwood Farms" prepared by AES Consulting Engineers, dated 12/07/21 (the "Master Plan") and the design guidelines entitled "Design Guidelines for Hazelwood Farms Enterprise Center," prepared by Hopke & Associates, dated 12/08/21 (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 the following specially permitted uses under the James City County Code, as amended ("County Code"):
  - A. In accordance with Section 24-536.4 of the County Code:
    - A Fast-Food Restaurant (see Condition No. 24);
    - Manufacture and processing of textiles and textile products in structures more than 10,000 square feet (see Condition No. 22);
    - Heavy equipment sales and service with major repair under cover or screened with landscaping and fencing from adjacent property (see Condition No. 23);
    - Machinery sales and service with major repair under cover (see Condition No. 23); and
    - Water facilities (public), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions (see Condition No. 25).
  - B. This SUP shall also be valid for one convenience store pursuant to Section 24-11(a)(1) (see Condition No. 21), 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, and 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 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 any permitted uses under Section 24-536.4 of the County Code, as amended, and those special uses permitted by this SUP. Furthermore, the uses authorized in this condition by 24-11(a)(2), 24-11(a)(3), and 24-11(b) shall not exceed a total of 75,000 square feet of commercial as referenced on the Master Plan. The use limitations within Condition No. 2 are not applicable to those uses not subject to 24-11(a)(2) and 24-11(a)(3). The uses within such square footage are further subject to the following restrictions:
    - i. There shall be no more than one fast-food restaurant, one convenience store, and one bank with drive-through on the Property without amendment of these conditions and proffers.
    - ii. The uses identified in subsection (i) shall be located within the Frontage Retail Area, as shown on the Master Plan.

- iii. Drive-through windows for the uses identified in subsection (i) shall be screened from Route 30 and Old Stage Road (Route 746) with landscaping and/or fencing as determined by the Director of Planning.
  - iv. Any fast-food restaurant within the approved commercial square footage on the Property shall also be subject to Condition No. 24 of this SUP.
3. Square Footage Limitations. Development of the Property shall not exceed the following: (i) 3,220,000 square feet of combined warehouse, industrial, or office use; and (ii) 75,000 square feet of commercial use. 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. Conservation and Irrigation. 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. Prior to development plan approval, the General Manager of the James City Service Authority (JCSA) and the Director of the Stormwater and Resource Protection Division or their designees shall confirm in writing that such design has been considered. Only surface water collected from surface water impoundments, or water taken from an underground cistern, may be used for irrigation 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 JCSA General Manager through drainage area studies and irrigation water budgets that the impoundments cannot provide sufficient water for all irrigation, the General Manager may, in writing, approve a shallow (less than 100 feet) irrigation well to supplement the water provided by the impoundments or cisterns.
5. Street Trees. Street trees shall be planted along the entirety of the spine road and placed in such a way as to establish a streetscape effect. The initial development plan for the spine road shall include a landscape plan showing the proposed street trees, subject to approval by the Director of Planning or designee. The street trees shall be guaranteed prior to approval of the spine road construction plan and each development plan adjacent to the spine road shall include the required plantings. The required street tree plantings for each development plan shall be installed prior to issuance of any Certificate of Occupancy, unless another timeline for planting has been approved by the Director of Planning.
6. Route 30 and Route 746 Buffer. Prior to final approval of any site plan in Land Area 3, the Director of Planning or designee shall review and approve a landscape plan for the entirety of Land Area 3. The landscape plan for Land Area 3 shall provide a 50-foot vegetated community character corridor buffer along the right-of-way for Route 30 and the right-of-way for Route 746 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 Section 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 Section 24-98 of the Zoning Ordinance, supplemental evergreen shrubs and trees shall be required. In areas of the buffer where little or no vegetation exists, as determined by

the Director of Planning or designee, the buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas. The landscaping detailed in this condition shall be shown as part of the initial site plan or shall be submitted as a separate plan concurrent with the initial site plan in Land Area 3. All landscaping on the landscape plan shall be guaranteed prior to site plan approval. The landscaping shown on the approved landscape plans for Land Area 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 Area 1, Land Area 2, or Land Area 3, the Director of Planning or designee shall review and approve a landscape plan for the Land Area(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 Section 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 Section 24-98 of the Zoning Ordinance, supplemental evergreen shrubs and trees shall be required. In areas of the buffer where little or no vegetation exists, as determined by the Director of Planning or designee, the buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas. The landscaping detailed in this condition shall be shown as part of the initial site plan or shall be submitted as a separate plan concurrent with the initial site plan in Land Area 1, Land Area 2, or Land Area 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 the relevant Land Area 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 and Leisure Road Buffer. Prior to final approval of any site plan in Land Area 1, Land Area 4, or Land Area 6, the Director of Planning or designee shall review and approve a landscape plan for the Land Area(s). The landscape plan for the Land Area shall provide a 100-foot vegetated buffer along the Barnes Road right-of-way or Leisure 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 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 Section 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 Section 24-98 of the Zoning Ordinance, supplemental evergreen shrubs and trees shall be required. In areas of the buffer where little or no vegetation exists, as determined by the Director of Planning or designee, the buffer shall be landscaped

to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas. The landscaping detailed in this condition shall be shown as part of the initial site plan or shall be submitted as a separate plan concurrent with the initial site plan in Land Area 1, Land Area 4, or Land Area 6. All landscaping on the landscape plan shall be guaranteed prior to site plan approval. The landscaping shown on the approved landscape plans(s) for the relevant Land Area 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. *Bicycle and /Pedestrian Accommodations.*

- A. *Route 30 and Route 746.* A multiuse path shall be constructed along Route 30 and Route 746, as shown on the Master Plan. Prior to the issuance of a land disturbance permit for either Land Area 3 or Land Area 6, the multiuse path shall be guaranteed in a manner acceptable to the County Attorney. The multiuse path shall be constructed in its entirety prior to issuance of the first commercial Certificate of Occupancy.
- B. *Leisure Road.* As shown on the Master Plan, a multiuse path shall be constructed along the property line abutting Leisure Road. The multiuse path shall be guaranteed prior to issuance of a land disturbance permit within Land Area 6 and shall be installed in its entirety prior to issuance of the first Certificate of Occupancy within the Land Area. A connection from this multiuse path to the interior of Upper County Park shall be provided.

10. *Vehicular Access Restriction.* Access to the Property from Route 30 and Route 746 shall be restricted to "South Entrance #1" and "South Entrance #2" as shown on the Master Plan. No vehicular access shall be provided to the Enterprise Center from Barnes Road, except for emergency access, as 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.

11. *Lighting.* All new exterior light fixtures on the Property, including building lighting, 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 for each development plan that includes new lighting. Each site plan shall include a lighting plan meeting the requirements of this condition. 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.

12. *Sustainable Design Initiatives.*

- A. Construction of all commercial buildings within Land Area 3 and any office or institutional building in Land Areas 1, 2, 4, 5, or 6 on the Master Plan shall 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 No. 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 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. Application for formal LEED certification by the United States Green Building Council (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 methods such as, 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.
13. Architectural Review. Prior to each site plan approval for development within the Property, 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 and Route 746) or Leisure Road. A determination of substantial architectural consistency shall be required from the Director of Planning or designee. In the event the Director of Planning finds the design to be inconsistent with the Design Guidelines, 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.
14. Site Design.
- A. For Land Areas 3 and 6, 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 and Route 746) or Leisure Road.
  - B. Any drive-through element for a use on the Property shall be located to the side or at the rear of the building and shall not face Route 30.

- C. 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.
15. Freestanding 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.
16. 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.
17. Internal Traffic Signage Plan. An internal signage plan indicating the location of internal traffic signs and the orientation of vehicular flow within the Property shall be included along with the materials submitted for the initial site plan review process. 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.
18. Shared Maintenance of Site Improvements. All shared site improvements (including, but not limited to, utilities, stormwater facilities, landscaping, roads and parking lots, and lighting) shall be subject to appropriate shared maintenance commitments 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 prior to initial site plan approval.
19. Internal Pedestrian Accommodations. Internal pedestrian connections shall be provided on the Property, including, but not limited to, wherever sidewalks enter a parking area or cross any entrance to the Property or drive-through lane, and shall provide safe connections from any 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.
20. Master Stormwater Management Plan. Development of the Property shall be governed by one or more Master Stormwater Management Plans (MSWMP). Each MSWMP shall address, at minimum, a Land Bay Area within the Property and shall be approved prior to the first site plan submittal for any such area. Furthermore, each MSWMP shall adhere to the following:
- A. Each land bay area will include a stormwater management facility designed to the standards and specifications current at the time of area development design. Furthermore, each land bay area as shown on the master plan will include no fewer than two treatment trains as part of the 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).

- B. The MSWMP shall comply with the standards of any adopted watershed management plan in place at time of submittal.
- 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 or designee.

21. Convenience Stores with Fuel Sales.

- 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” includes, but is not limited to ice, soda, candy, and/or snack machines. For the convenience store, only two outside vending machines and one outside ice chest shall be permitted and, if used, shall be situated against the exterior wall not facing Route 30 and 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 as part of the initial site plan submittal.
- B. *Use Design.* The convenience store shall not be designed as a truck stop, as defined within the Zoning Ordinance.
- C. *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 Area.
- D. *Fueling Islands.* There shall be no more than six (6) fueling islands associated with the convenience store.
- 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 site. Evergreen plantings with a minimum of 3 feet tall 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 for the islands/medians shall be installed and/or bonded 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.

22. *Manufacturing and Processing of Textiles.*

- A. *Outside Storage of Materials.* No outside display, sale, or storage of materials shall be permitted at the Property. For the purpose of this condition, “materials” shall include, but not be limited to, chemicals, dyes, fabrics, etc. Off-chassis shipping containers, storage barrels, and other containers are prohibited.
- B. *Location.* All facilities for the manufacturing and processing of textiles shall be located in either Land Areas 1, 2, or 5. There shall be a minimum setback of 1,000 feet from the Barnes Road right-of-way for any structure for this use proposed in Land Area 1. An additional landscape plan showing enhanced buffering and landscaping to accomplish screening consistent with Section 24-100 of the Zoning Ordinance shall be submitted for review and approval by the County Director of Planning prior to site plan approval. The purpose of the enhanced buffering and landscaping plan is to demonstrate that the use is fully screened from roadways external to the Property and any residential uses.
- C. *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, dyes, and gasoline.
- D. *Limitation on Use.* Any such manufacturing and processing of textiles use shall be conducted within a fully enclosed building, with no outside evidence of dust, noise, odor, or other objectionable effect.

23. *Heavy Equipment Sales and Service and Machinery Sales and Services.*

- A. *Location.* All facilities for heavy equipment sales and service or machinery sales and service shall be located in either Land Areas 1, 2, or 5. There shall be a minimum setback of 1,000 feet from the Barnes Road right-of-way for any structure for this use proposed in Land Area 1. An additional landscape plan showing enhanced buffering and landscaping to accomplish screening consistent with Section 24-100 of the Zoning Ordinance shall be submitted for review and approval by the Director of Planning prior to site plan approval. The purpose of the enhanced buffering and landscaping plan is to demonstrate that the use is fully screened from roadways external to the Property and any residential uses.
- B. *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.

- C. *Outside Storage of Materials.* Except as described in subsection D below, no outside storage of materials or merchandise shall be permitted at the Property without being fully screened via landscaping or fencing, which is to be shown on the site plan and reviewed and approved by the Director of Planning. Materials and merchandise include, but not be limited to, off-chassis shipping containers and equipment utilized for repair and servicing.
- D. *Outside Display, Sale.* The outside display or sale (wholesale, retail, or otherwise) of merchandise shall be permitted only on the locations on the Property detailed on the site plan accompanying this proposal. The site plan shall show all adequate features needed, as determined by the Director of Planning, to mitigate visual impacts of this display or sale on adjacent properties. These features include, but are not limited to, landscaping, berming, buffering, vehicular display pad spacing requirements, etc.
- E. *Fencing.* Except as described in subsection D above, on-site fencing shall be of sufficient height and design to screen all vehicles and material related to the use on the Property from view of the spine road right-of-way and all adjacent rights-of-way. Fencing shall be shown on the site plan and approved by the Director of Planning prior to site plan approval.
- F. *Maintenance to be Enclosed.* All maintenance is to occur only within a fully enclosed building. All noise, dust, and odor effects from any maintenance work shall be limited to a fully enclosed building.

24. *Fast-Food Restaurant.*

- 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.
- B. *Screening.* The food order board(s) 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 design and exterior building materials of the fast-food restaurant, in accordance with the “Design Guidelines for Hazelwood Farms Enterprise Center” and dated December 8, 2021. Final design of the canopy shall be reviewed and approved by the Director of Planning prior to site plan approval.

25. *Water and Sewer Facilities.*

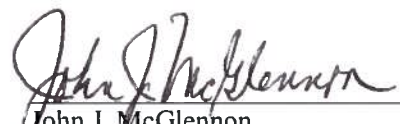
- A. *Use.* This SUP shall be valid for the installation of a force main and water main, each a diameter of 4 inches or greater, within the VDOT right-of-way for Barhamsville Road (Route 30) from the intersection of La Grange Parkway

and Barhamsville Road (Route 30) north along Barhamsville Road to the intersection of Old Stage Road (Route 746), then extending south along Old Stage Road (Route 746) to then extend along the proposed public road to serve the Property. A water main loop may be installed from the proposed public road on the Property under Interstate 64 to serve parcels to the north of the interstate.


- B. *Construction Hours.* The hours of construction of the water and sewer facilities 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.* Unless required by safety codes, there shall be no new permanent lighting associated with the water and sewer facilities.

26. Commencement for Construction. Construction of one of these uses authorized within the SUP, 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 the Property, 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.

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

  
 John J. McGlennon  
 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>
ICENHOUR	—	✓	—	—
HIPPLE	✓	—	—	—
LARSON	✓	—	—	—
SADLER	✓	—	—	—
MCGLENNON	—	✓	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of February, 2022.