

RESOLUTION

CASE NO. SUP-21-0017. 4007 IRONBOUND ROAD

CONVENIENCE STORE WITH FUEL

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. Mark Rinaldi, on behalf of the property owner, G-Square, Inc., has applied for an SUP on property located at 4007 Ironbound Road, further identified as James City County Real Estate Tax Map Parcel No. 3840100002A (the "Property") to allow for a convenience store with fuel sales pursuant to Section 24-390 of the County Code, a convenience store pursuant to Section 24-11(a)(1) of the County Code, and a commercial building or group of buildings, 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

WHEREAS, the Planning Commission, following its public hearing on January 5, 2022, recommended approval of Case No. SUP-21-0017 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-21-0017; 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-21-0017 as described herein with the following conditions:

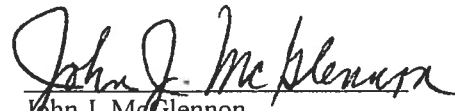
1. Master Plan. This Special Use Permit ("SUP") shall apply to property located at 4007 Ironbound Road, which is further identified as James City County Real Estate Tax Map Parcel No. 3840100002A, (the "Property"). The SUP shall be valid for a convenience store of approximately 6,049 square feet that sells and dispenses fuel (the "Convenience Store"). All final development plans for the Property shall be consistent with the Master Plan entitled, "Master Plan Ironbound Crossing for Special Use Permit" prepared by AES, dated September 21, 2021, and revised December 7, 2021 (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. Design Guidelines. The Property shall be developed in accordance with the adopted design guidelines entitled "Design Guidelines for Ironbound Crossing in James City County, Virginia" prepared by AES Consulting Engineers and Hopke & Associates, dated December 13, 2018 (the "Design Guidelines"). Prior to site plan approval, the Planning Director, or designee, with consultation with the New Town Design Review Board (DRB), shall review the final design elements for consistency with the Design Guidelines.

3. Architectural Review - Convenience Store. Exterior building materials and colors for all structures shall be generally consistent with the drawing entitled “WAWA W50 FB M VA_v.2019.01 STORE #8687” prepared by Cuhaci & Peterson, dated November 3, 2021, and revised December 20, 2021 (the “Exterior Design”). Prior to site plan approval for the Convenience Store, the Planning Director, or designee, with consultation with the New Town DRB, shall review and approve the final building elevations and architectural design for consistency with this Condition and Condition No. 2. In the event the Planning Director disapproves the architectural elevations, the applicant may appeal the decision to the Development Review Committee (DRC), which shall forward a recommendation to the Planning Commission.
4. Architectural Review - Gas Pump Canopy and Trash Compound. The architecture of (1) the canopy covering the fuel dispensing stations (the “Canopy”) and (2) the trash compound as shown on the Master Plan, including any columns, shall match the Design Guidelines, the Exterior Design, and the exterior building materials of the Convenience Store. The Canopy shall have a maximum height of twenty-one (21) feet measured from the finished grade to the top of the pitched A-frame roof structure as shown in the drawing entitled, “WAWA Gas Canopy Stacked 6 A-Frame - Trash Compound MAOF17-R”, prepared by Cuhaci & Peterson, dated September 10, 2019, and revised December 20, 2021. No more than two signs shall be allowed on the Canopy. The Canopy shall not include gas pricing signs. Prior to site plan approval, the Canopy architecture shall be approved by the Planning Director for consistency with this condition, with consultation with the New Town DRB. In the event the Planning Director disapproves the architectural elevations, the applicant may appeal the decision to the DRC, which shall forward a recommendation to the Planning Commission.
5. Lighting. There shall be no light trespass, defined as light intensity measured at 0.1 footcandle or higher extending beyond any property line or into the public right-of-way, unless approved in writing by the Planning Director. All lights, including any lighting on the Canopy, shall have recessed fixtures with no bulb, lens, or globe extending below the casing or the Canopy ceiling. Light poles on the Property shall not exceed twenty (20) feet in height. The lighting for the Property, to include the Canopy lighting, shall be consistent with the Design Guidelines and reviewed and approved by the Planning Director prior to final site plan approval.
6. Landscape. As part of the initial site plan submittal, a landscape plan shall be submitted to the Planning Director or designee consistent with the following standards:
 - a. The perimeter buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas, except that the required evergreen tree and shrub mixture shall be increased from 35% to at least 45%.
 - b. Any proposed fencing or wall shall be shown on the landscape plan and be consistent with the Design Guidelines.
 - c. The required plantings between the Property and 4002 Ironbound Road shall be shown on the site plan for the Property and shall be guaranteed prior to site plan approval in a manner acceptable to the County Attorney. All plantings within this area shall be installed prior to Certificate of Occupancy for the Convenience Store.


Prior to final site plan approval, the landscape plan shall be reviewed and approved by the Planning Director for consistency with this condition. The Planning Director may consult with the New Town DRB in determining consistency with Condition No. 6(b).

7. Signage. All building face signage shall be externally illuminated or use back-lit or channeled lettered lighting as defined in Section 24-67 of the Zoning Ordinance. For any back-lit or channeled lettered signs, the sign shall meet the criteria listed in Section 24-72 of the Zoning Ordinance, or successor section. In addition to any building face signage as permitted by the Zoning Ordinance, the Property shall be allowed one exterior freestanding sign. The freestanding sign shall be externally illuminated, monument style, not exceed eight (8) feet in height, and have a base of brick or other materials similar in type and color with the architecture of the Convenience Store. The Planning Director shall approve the design of the signage for consistency with this condition prior to initial site plan approval and prior to any subsequent sign modifications.
8. Screening of Site Features. All dumpsters and roof and ground-mounted HVAC and mechanical units located on the Property shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal, or cementitious panels in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan and shall be reviewed and approved by the Planning Director for consistency with this condition prior to site plan approval.
9. Outdoor Display, Sale, or Storage. Unless otherwise stated in this condition, no outside display, sale, or storage of merchandise shall be permitted on the Property. As used for this condition, the term “merchandise” shall include but not be limited to ice, soda, candy, and/or snack machines. No more than two (2) outside vending machines and one (1) outside ice chest shall be permitted and, if used, shall be situated against the exterior wall not facing Monticello Avenue and 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 Planning Director prior to site plan approval.
10. Intercom and Speaker Noise. All intercom and other speaker systems on the Property shall operate in such a manner that they are not audible from adjacent properties.
11. Fueling Islands. There shall be no more than six (6) fueling islands on the Property as shown on the Master Plan.
12. Traffic Impacts. Prior to final site plan approval, all recommended improvements and mitigation measures listed within the approved traffic impact analysis titled “Traffic Impact Analysis for Proposed Special Use Permit of Ironbound Crossing” prepared by DRW Consultants, LLC, dated November 23, 2021, as approved by the Planning Director and Virginia Department of Transportation shall be guaranteed in a manner acceptable to the County Attorney. All recommended improvements and mitigation measures shall be installed prior to issuance of a Certificate of Occupancy for the Convenience Store.

- 13. Water Conservation Agreement. Water conservation standards shall be enforced on the Property. Water conservation standards shall be submitted to and approved by the James City Service Authority prior to final site plan approval for the Property. 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.
- 14. Spill Prevention, Control, and Countermeasures (SPCC) Plan. Prior to the issuance of a Land Disturbing Permit, an SPCC Plan which addresses chemical handling, including but not limited to oil, diesel, and gasoline, shall be reviewed and approved by the Director of Stormwater and Resource Protection.
- 15. Offsite Compliance Options. This site may not use offsite compliance options (*i.e.*, nutrient credit bank purchases) to achieve the required water quality. In order to best protect the impaired downstream systems, all required water quality needs/phosphorus nutrient reductions must be met onsite through the proposed stormwater design.
- 16. Quantity Control. As the proposed stormwater design directs flows into an existing system, attenuation of the 2-, 10-, and 100-year storms are required at the point of discharge into the existing 42" RCP crossing Old Ironbound Road. This includes attenuation of the bypass system shown on the Master Plan.
- 17. Commencement of Construction. Construction on both the Convenience Store and the Canopy shall commence within thirty-six (36) months from the date of approval of this Special Use Permit or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection for the Convenience Store and the Canopy.
- 18. Severance Clause. This Special Use Permit 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<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 8th day of February, 2022.