

**Unapproved Minutes of the February 6, 2019  
Planning Commission Regular Meeting**

**SUP-18-0030. 6446 Richmond Rd. Convenience Store with Gas Pumps (Wawa)**

Mr. Alex Baruch, Senior Planner, stated that Tim Trant of Kaufman and Canoles, PC has applied for an SUP to allow for the construction of a convenience store and gas station which sells and dispenses fuel. Mr. Baruch stated that the parcels are located at the corner of Lightfoot Road and Richmond Road across from Lightfoot Marketplace and are currently used as an Exxon gas station with convenience store. Mr. Baruch stated that the parcels are zoned B-1, General Business and are designated Mixed Use by the 2035 Comprehensive Plan. Mr. Baruch further stated that a convenience store which sells and dispenses fuel is a specially permitted use in the B-1 Zoning District.

Mr. Baruch stated that the parcel is split by the James City County and York County jurisdictional line with the entrance from Richmond Road in James City County. Mr. Baruch stated that one of the proposed gas pumps and a portion of the canopy also fall on the James City County side of the parcel. Mr. Baruch stated that this site is within a Community Character Corridor (CCC) and is an entry way into the County. Mr. Baruch stated that staff does not find that the visual impacts from the proposed development to this entry corridor have been mitigated through enhanced architectural design, signage and landscaping requirements that have been approved by the Board of Supervisors in previous applications along a CCC.

Mr. Baruch stated that staff recommends that the Planning Commission recommend denial of this application to the Board of Supervisors due to the visual impacts on the entry corridor. Mr. Baruch stated that should the Planning Commission recommend approval of this application to the Board of Supervisors, staff recommends that the conditions listed in Attachment 2 be applied.

Mr. Schmidt opened the floor for questions from the Commission.

Ms. Leverenz inquired about the County's authority to impose the CCC requirements on the architecture for this case.

Mr. Baruch stated that the CCC guidelines have been approved by the Board of Supervisors to ensure that visual appeal is maintained.

Ms. Leverenz inquired if having an entrance on Richmond Road gave the County the right to enforce these standards.

Mr. Baruch stated that because a portion parcel lies in James City County it is subject to the Zoning Ordinance which requires an SUP for this use.

Mr. Holt clarified that the County cannot write conditions that would be binding on the portion of the development in York County; the SUP conditions would only apply to the portion of the parcel in James City County.

Mr. Haldeman inquired if the revised landscape plan and signage submitted earlier in the day had alleviated any of the concerns.

Mr. Baruch stated that there are still aspects of the plan that do not meet James City County standards. Mr. Baruch noted that the digital sign would not be allowed under the Sign Ordinance and the landscaping plan still does not fully meet the landscape requirements.

Mr. Haldeman noted that there is an existing digital sign which is taller than the proposed sign.

Mr. Krapf stated that it appears that the three major concerns are the canopy design, the LED sign and the landscaping plan. Mr. Krapf further stated that the York County Planning Commission has already recommended approval and the case is moving forward through the York County processes. Mr. Krapf inquired if staff met with York County and the applicant early in the process to discuss these issues.

Mr. Baruch stated that there have been a number of meetings with York County and the applicant throughout the process. Mr. Baruch stated that these three issues remain because the James City County Zoning Ordinance sets higher standards. Mr. Baruch further stated that York County has approved similar canopies and signs throughout their jurisdiction and did not want to impose different standards for this development.

Mr. Holt stated that the case is very unique due to the split jurisdiction. Mr. Holt stated that the landscaping and the sign are located on the York County side. Mr. Holt further stated that the only thing the Commission can address is the portion of the canopy on the County side of the parcel. Mr. Holt stated that staff has suggested acknowledging that the canopy is not consistent with County requirements and the standards imposed with recent cases, including the one at Lightfoot Marketplace.

Mr. Polster requested clarification on the landscaping concern along the corridor.

Mr. Baruch stated that the landscaping only extends forty-five feet along the greenway as opposed to the fifty feet that the James City County standards require.

Ms. Leverenz inquired about the difference between this digital sign and the two existing signs at Five Forks.

Mr. Holt stated that those signs are most likely non-conforming. Mr. Holt clarified that at one time digital signs were permitted; however, they are not permitted under the current Sign Ordinance.

Mr. O'Connor inquired if the Commission was limited to considering traffic impacts on Richmond Road or if impacts on the intersection and Lightfoot Road could be considered as well.

Mr. Holt stated that the Traffic Study considered everything together. Mr. Holt further stated that if the improvements on Lightfoot Road were not implemented, then the traffic would be funneled

to the Richmond Road entrance which lies in the County. Mr. Holt noted that the SUP Conditions attempt to address and mitigate this concern.

Mr. O'Connor inquire if VDOT has provided a timeframe to connect the signalization for the Railroad Crossing.

Mr. Holt stated that at this time VDOT has not yet identified funding for that project.

Mr. Schmidt asked if York County has already approved the project.

Mr. Baruch clarified that the case has only been heard by the York County Planning Commission to date.

Mr. Schmidt inquired if they approved the multi-purpose path on Lightfoot Road.

Mr. Baruch stated that York County did approve the multi-purpose path. Mr. Baruch further stated that York County has a separate process in their Zoning Ordinance that allows swapping of different types of bicycle accommodations. Mr. Baruch stated that the multi-purpose path will replace what is shown on the plan.

Mr. Krapf inquired if the Traffic Study included the proposed apartment complex to be constructed in York County adjacent to the subject property.

Mr. Baruch stated that it he believes it was included.

Mr. Polster stated that he believes the apartment complex may not have been included.

Mr. Schmidt called for disclosures from the Commission. Mr. Schmidt stated that he had spoken with Mr. Trant about the matter.

Mr. Krapf stated that he had also spoke with Mr. Trant.

Mr. Schmidt opened the Public Hearing.

Mr. Tim Trant, Kaufman and Canoles, PC, 4801 Courthouse Street, provided a presentation to the Commission. Mr. Trant provided background on Doswell Ventures and Wawa. Mr. Trant noted that Wawa is distinguished in the convenience store industry and provides a very clean, well designed, well landscaped product.

Mr. Trant noted that this store will provide approximately 30 new jobs which come with full benefits and tuition reimbursement even for part-time positions.

Mr. Trant stated that the design team attempted to place the improvements within the larger York County portion of the site in in order to facilitate site plan review as well as construction reviews. Mr. Trant noted that in spite of those efforts, a portion of the fuel canopy falls within James City County.

Mr. Trant stated that the applicant has made a number of concessions to James City County recommendations. Mr. Trant further stated that the applicant believes the monoplane fuel canopy is a better and less visually intrusive design. Mr. Trant requested that the Commission endorse the proposed canopy design.

Mr. Trant noted proposed changes to the SUP Conditions including a change to the size of the building footprint to 6,500 square feet; a 10 foot multi-purpose path instead of a shoulder bike lane; and that the fuels canopy be consistent with the elevations provided for review.

Mr. Polster stated that he is still trying to understand whether the setback is 40 or 50 feet.

Mr. Trant stated that the setback is 50 feet in James City County and drops down to 45 feet in York County to accommodate the standpipes for the fuel tank.

Mr. Polster inquired about the landscaping concern along the line with Hardees.

Mr. Trant stated that the James City County Zoning Ordinance requires a landscaping island every 90 feet in a parking area. Mr. Trant noted that York County does not have the same requirement. Mr. Trant noted that there are areas on this plan where the landscaping gap is approximately 10 feet more.

Mr. Polster stated that his question on the Traffic Study is the left turn lane on Lightfoot Road going north where the entrance has been pushed back toward the railroad tracks. Mr. Polster noted that the VDOT comments indicate that this may ultimately be only a right-out.

Mr. Trant stated that the entrance has been pushed back far as possible toward the railroad tracks to still have the necessary right-in taper; however, this is still not far enough from the Richmond Road/ Lightfoot Road intersection to qualify for access management. Mr. Trant stated that a condition of VDOT's approval of the entrance design is that the left-out may be eliminated.

Mr. Polster stated that the figures he has reviewed indicate the Traffic Study did not include the apartment complex along with its retail and restaurant components. Mr. Polster further stated that when buildout is complete, that segment of road will be at LOS E/F in 2023 where that LOS was not anticipated until 2040. Mr. Polster stated that to him, the left-out is almost unacceptable and he believes it should be eliminated at this stage.

Mr. Trant stated that it was important to VDOT and to both localities that the background traffic numbers include the apartment development as well as the changes to Lightfoot Marketplace.

Mr. Carl Hultgren, Ramey Kemp & Associates, 4343 Cox Road, Glen Allen VA, stated that the trip potential for the apartment community and the expansion at Lightfoot Marketplace was included in the Traffic Study. Mr. Hultgren stated that the projected 2040 figures fell outside the scope of the analysis which was to assess the Wawa build out year of 2020.

Mr. Polster stated that the 2040 study figures were based on the Mooretown Road Extension not being built. Mr. Polster stated that the figures for Wawa at build out equal or exceed those figures.

Mr. Hultgren stated that Mr. Polster's figures could be correct. Mr. Hultgren stated that the 2040 projections would also include the traffic on Richmond Road as well which is an even more heavily traveled corridor. Mr. Hultgren noted that if you grow traffic far enough out to the future, most intersections would be a LOS E or LOS F.

Mr. Polster stated that even the projections in the Comprehensive Plan show the intersection at LOS E/F. Mr. Polster stated that it is the cumulative impact of the traffic impact. Mr. Polster stated that his concern is the impact of the left-out.

Mr. Hultgren noted that VDOT shares those concerns. Mr. Hultgren noted that VDOT. Had concerns about the initial location of the full movement driveway. Mr. Hultgren stated in response to VDOT comments, the entrance has been moved as close to the railroad tracks as possible and the left-in turning movement has been removed. Mr. Hultgren noted that the reduction in turning movements would make the left-out easier. Mr. Hultgren stated that VDOT has provided conceptual approval of the proposed design; however, VDOT has made it clear that they reserve the right to modify the driveway should it proved necessary.

Mr. Hultgren noted that currently there are two access points to the property along Richmond Road. Mr. Hultgren stated that the one closest to the intersection would be closed under this proposal. Mr. Hultgren stated that the second entrance would be right-in; right-out. Mr. Hultgren further stated that the right turn lane on Lightfoot Road and the left turn lane on Richmond Road at the signal would be extended.

Mr. O'Connor inquired if there had been any discussion about making the right turn from Lightfoot Road onto Richmond Road a "No Right on Red" due to the potential increase in U Turns at the intersection.

Mr. Hultgren stated that the "No Right on Red" had not been discussed.

Mr. O'Connor inquired if there was any data on the delays due to train crossings.

Mr. Hultgren stated that the figures did not include the impact of train crossings. Mr. Hultgren noted that the intersection signal is not affected by the train crossing.

Mr. O'Connor noted that the impact would be to the Wawa.

Mr. O'Connor inquired about the difference between trip generation for the Wawa and trip generation for the existing Exxon station.

Mr. Hultgren noted that most of the trips would be pass by traffic from vehicles already on the road. Mr. Hultgren noted that Wawa generally created very few new trips.

Mr. Krapf noted that it appears that Wawa has used A-Frame canopies in other locations. Mr. Krapf inquired whether, since it is an approved Wawa design, the A-Frame canopy could be substituted for the proposed design to eliminate staff objections.

Mr. Trant stated that Wawa takes pride in continually improving its design to be more aesthetically pleasing. Mr. Trant stated that Wawa believes the A-Frame is an inferior design that would be more obtrusive than the proposed design.

Mr. Krapf if the applicant has received confirmation from staff that the landscaping plan for the James City County parcel does meet the Enhanced Landscaping Policy.

Mr. Trant stated that there has not been direct confirmation; however, it appears that it is only the landscaping plan for York County that is in question.

Mr. Hultgren stated that based on standard trip generation figures, the Exxon would generate 1,720 trips and the Wawa 2,766, roughly a difference of 1,000 trips over a 24-hour period.

Mr. Trant noted that a condition coming out of York County requires the facility too be generator equipped to provide service in times of emergency.

Mr. Trant further noted that the conditions for the York County Conditional Use Permit do address traffic improvements.

Mr. O'Connor inquired when VDOT might approve the exception for Lightfoot Road.

Mr. Trant stated that it had already been approved.

Mr. O'Connor inquired if the James City Service Authority is providing water for the site.

Mr. Trant stated that he did not have this information.

Mr. O'Connor noted that he was trying to assess other impacts on the County.

Mr. O'Connor inquired if James City County would receive any financial benefit from the gas pump located on the County portion of the parcel.

Mr. Trant stated that he did not have information on how the sales tax would be apportioned.

As no one else wished to speak, Mr. Schmidt closed the Public Hearing.

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Haldeman stated that this proposal is a far better use for the property than its existing use. Mr. Haldeman stated that the Wawa would be an improvement visually and financially. Mr. Haldeman noted that a digital sign would not be new to the site and that the proposed landscaping is much better than what exists. Mr. Haldeman stated that the entrance changes would also be a great

improvement. Mr. Haldeman stated that if this were a proposal for an undeveloped site, he might look at it differently. Mr. Haldeman stated that he intends to support the application with the two changes proposed by the applicant to Condition Nos. 5 and 9.

Mr. Krapf stated that he concurs with Mr. Haldeman on the aesthetics. Mr. Krapf stated that the traffic impacts of an additional 1,000 trips per day are a concern due to the existing conditions on Lightfoot Road and Richmond Road. Mr. Krapf stated that he has no concern about the proposed change to the square footage in Condition No. 1. Mr. Krapf further stated that he also has no objection to the change to Condition No. 5 to provide a 10 foot multi-purpose path instead of the bike lane. Mr. Krapf inquired if these proposed changes were acceptable to staff.

Mr. Baruch stated that staff would still recommend what is shown on the adopted Bikeways Master Plan which is the bike lane separate from the multi-purpose path. Mr. Baruch further stated that staff would not recommend any change to the condition for the canopy architecture.

Mr. Leverenz inquired if staff concurred to the change in square footage.

Mr. Baruch confirmed.

Mr. Polster stated that the proposal is an aesthetic improvement over the existing use. Mr. Polster further stated that there is not much that can be done about the conditions on Richmond Road. Mr. Polster stated that he does have on Lightfoot Road. Mr. Polster noted that the right turn lane on Lightfoot Road can move quickly. Mr. Polster stated that anyone attempting to negotiate a left-turn onto Lightfoot Road already has difficulty. Mr. Polster stated that it would be almost impossible to negotiate that left turn with the increase in traffic.

Ms. Leverenz stated that while the Wawa would be an aesthetic improvement over the existing use, James City County works very hard to maintain the standards that preserve the character of the area. Ms. Leverenz stated that she does not see a compelling reason to relax those standards. Ms. Leverenz stated that doing so would be a disservice to the businesses that have adhered to the standard, particularly those in proximity to this location. Ms. Leverenz stated that she finds the A-Frame canopy to be more aesthetically pleasing and appropriate.

Mr. Schmidt stated that he does not see the Wawa as generating so many more trips. Mr. Schmidt noted that the apartment community certainly would generate a substantial increase. Mr. Schmidt stated that he believes the multi-purpose path would be much safer and would be more likely to be continued with future development.

Mr. Krapf stated that bicycle accommodations are very important in the County; however, a bit of flexibility could be applied depending on the intensity of the roadway. Mr. Krapf stated that he believes the 10-foot multi-use path is a safer option than the dedicated bike lane.

Mr. Schmidt stated that it appears that York County has approved the multi-use path for their portion of the parcel. Mr. Schmidt stated that he hoped that similar pedestrian accommodations would be incorporate for the apartment community.

Mr. O'Connor stated that it is not the trip generation that concerns him but the increase in turning movements. Mr. O'Connor noted that the Commission did not recommend approval of another proposal for similar concerns. Mr. O'Connor stated that he appreciated the improvements and desire to invest in the community; however, he does not see the greater benefit to the County economically. Mr. O'Connor stated that he is not inclined to support the application.

Mr. Haldeman made a motion to recommend approval of the application with the conditions listed in the staff report with three changes: Condition No. 1 would be amended for the square footage to change from 5,850 square feet to 6,500 square feet; Condition No. 5 would be amended to state a 10 foot multi-use path and condition No. 9 would be amended to state that the architecture of the canopy shall be consistent with the elevations shown on that certain exhibit entitled "WAWA GAS CANOPY STRAIGHT 6 – TRASH COMPOUND MASQ17-R – STORE #8458", prepared by Cuhaci & Peterson Architects Engineers Planners, dated January 7, 2019, a copy of which is on file with the Planning Director.

On a roll call vote the Commission a motion to recommend approval of SUP -18-0030, 6446 Richmond Rd. Convenience Store with Gas Pumps (Wawa) failed by a vote of 2-5.