

## RESOLUTION

CASE NO. SUP-18-0030, 6446 RICHMOND ROAD

### CONVENIENCE STORE WITH GAS PUMPS

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, Doswell Ventures LLC (the "Owner") owns property consisting of a parcel located at 6446 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 2430100046 and an unaddressed parcel, further identified as James City County Real Estate Tax Map Parcel No. 2430100067 (together, the "Property"); and

WHEREAS, the Owner has applied for an SUP to allow a convenience store that sells and dispenses fuel on the Property as shown on the exhibit titled "Wawa 6446 Richmond Road," dated February 15, 2019; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-18-0030; and

WHEREAS, the Planning Commission, following its public hearing on February 6, 2019, considered a motion to approve the application which failed by a vote of 2-5.

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-18-0030 as described herein with the following conditions:

1. *Master Plan:* This Special Use Permit ("SUP") shall apply to property consisting of a parcel located at 6446 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 2430100046, and an unaddressed parcel, further identified as James City County Real Estate Tax Map Parcel No. 2430100067; (together, the "Property"). The SUP shall be valid for a convenience store of up to 6,500 square feet that sells and dispenses fuel (the "Convenience Store"). All final development plans shall be consistent with the master plan entitled, "Wawa 6446 Richmond Road" prepared by The Bay Company, dated February 15, 2019 (the "Master Plan") with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. *Existing Fueling Islands:* Prior to final building permit inspection approval for the gas pump canopy on the Property, including any columns (the "Canopy"), all unused gasoline and diesel pumps, canopies, and underground fuel tanks shall be removed from the Property.
3. *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.

4. *Internal Pedestrian Accommodations:* Internal pedestrian connections shall be provided, including, but not limited to, wherever a sidewalk enters the parking area or crosses any entrance to the Property, and shall provide safe connections from the multi-use path shown on the Master Plan to the Convenience Store. The internal pedestrian connections shall be clearly delineated by use of a different color of pavement, brick pavers, or some other method shown in a detail on the site plan and determined to be acceptable by the Director of Planning prior to site plan approval. These improvements shall be installed prior to final building inspection for the Canopy.
5. *Bicycle Accommodations:* In accordance with the Regional Bikeway Map, a bike lane shall be shown on the site plan along the Property's Richmond Road frontage and must be guaranteed in a manner acceptable to the County Attorney prior to site plan approval.
6. *Screening of Site Features:* All dumpsters 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 Director of Planning for consistency with this condition prior to site plan approval.
7. *Outside Display, Sale or Storage:* No outside display, sale or storage of merchandise shall be permitted on the Property.
8. *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 properties.
9. *Architectural Review - Gas Pump Canopy:* The architecture of the Canopy shall match the design and exterior building materials of the Convenience Store. The Canopy shall be consistent with the canopy elevation titled; "Wawa Gas Canopy Straight 6 A Frame - Trash Compound MasQ17-R - Store #8664" prepared by Cuhaci and Peterson dated February 25, 2019. No more than two (2) signs shall be allowed on the Canopy. The Canopy shall not include gas pricing signs. The Canopy architecture shall be approved by the Director of Planning prior to site plan approval.
10. *Signage:* No freestanding signs shall be permitted on the Property. Any signage on the Canopy shall be approved by the Director of Planning prior to sign permit approval. The Canopy sign(s) shall be externally illuminated or use channeled letter signs. The Canopy sign(s) shall meet the criteria listed in Section 24-72 of the Zoning Ordinance, or successor section.
11. *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 by the Director of Planning. 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 in the parking lot shall not exceed 20 feet in height. The lighting for the Property, to include the Canopy lighting, shall

be reviewed and approved by the Director of Planning prior to final site plan approval.

12. *Water Conservation Plan*: 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 site plan approval for the Canopy. 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.
13. *Traffic Impacts*: Prior the final site plan approval all recommended improvements and mitigation measures listed within the approved traffic study and access management exception as approved by the Director of Planning and Virginia Department of Transportation shall be guaranteed in a manner acceptable to the County Attorney.
14. *Commencement for Construction*: Construction of the Canopy shall commence within 36 months from the date of approval of this SUP or the SUP shall be void. Construction shall be defined as obtaining building permits, an approved framing inspection for the Canopy design approved under Condition No. 9, and an approved footing inspection and/or foundation inspection.
15. *Severance Clause*: This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

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

ATTEST:

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Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2019.

SUP18-30Wawa-res