

RESOLUTION

CASE NO. SUP-36-04. FARM FRESH GAS PUMPS

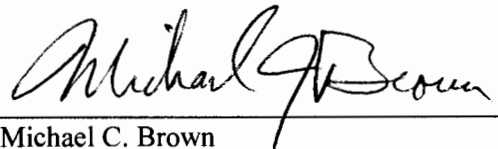
WHEREAS, the Board of Supervisors of James City County has adopted by ordinance, specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has requested a special use permit to allow four gasoline pumps and a canopy in a B-1, General Business District, with proffers, located at 115 Norge Lane, further identified as a Parcel No. (1-71F) on James City County Real Estate Tax Map No. (23-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 36-04 as described herein with the following conditions:

1. The architecture of the canopy shall be generally compatible with that of the Farm Fresh Store and contain architectural features, colors, and materials that reflect the surrounding character of the Norge community as determined by the Planning Director. The architectural design, color, and materials for the canopy shall be approved by the Planning Director prior to final site plan approval.
2. There shall be no more than four gas pumps (a total of eight vehicle fueling stations) permitted on the property. The pumps shall be arranged in a configuration generally consistent with the attached conceptual site layout titled "Exhibit for Special Use Permit", prepared by MSA, P.C. and dated 03/24/2005, herein after referred to as the "master plan".
3. A minimum horizontal separation of 100 feet shall be maintained between all water and sewer piping, the underground storage tanks, and all associated petroleum piping. Water lines and fire hydrants shall be relocated by the applicant at no cost to the James City Service Authority or the County as shown on the attached master plan prior to the issuance of a Certificate of Occupancy. The applicant shall dedicate new utility easements for the relocated lines to the James City Service Authority prior to the issuance of a Certificate of Occupancy. A Certificate to Construct Water and Sewer Facilities shall be obtained prior to construction of the relocated utilities once final site plan approval has been granted.
4. No more than two signs shall be allowed on the canopy unless otherwise mentioned herein. Gas pricing signs may be allowed on a monument type sign in the parking area or the columns of the canopy. Signage shall be consistent with current zoning and sign regulations.
5. An enhanced landscaping plan shall be provided for the landscaped area along Norge Lane. Unless reduced or waived by the Planning Director, the enhanced landscaping to be included with the site plan shall include a quantity of planting materials that is a minimum of 133 percent of the minimum ordinance requirements. A minimum of 50 percent of all trees and 50 percent of all shrubs shall be evergreen.

- 6. The lighting for the site, to include canopy lighting, shall be reviewed and approved by the Planning Director prior to final site plan approval. There shall be no glare outside the boundaries of the additional parking area and fueling facility. All lights, including any canopy lighting, shall have recessed fixtures with no bulb, lens, or globe extending below the casing or canopy ceiling.
- 7. No outside display, sale, or storage of merchandise shall be permitted at the fueling facility. As used for this condition, the term "merchandise" shall include but not be limited to ice, soda, candy, and/or snack machines.
- 8. Intercom and other speaker systems shall operate in such a manner that they shall not be audible from adjacent properties.
- 9. The area beneath the fuel area canopy shall not drain directly into the existing infiltration BMPs for the shopping center. An alternate BMP or a separation system to accept drainage from this project shall be shown on the site plan and shall be approved by the Environmental Division prior to final site plan approval.
- 10. If construction has not begun on the project within thirty-six months of the issuance of the special use permit, it shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
- 11. The applicant shall design access ways, drive aisles, curbing, pavement markings and landscape islands in such a way as to provide for the safe flow of traffic in and around the fueling facility as determined by the Planning Director.
- 12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

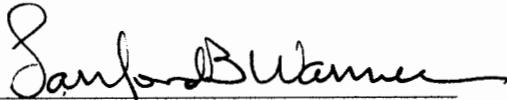


Michael C. Brown
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
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HARRISON	AYE
GOODSON	ABSENT
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.