

## RESOLUTION

### CASE NO. SUP-0007-2009. RELOCATION OF THE TEWNING ROAD

#### CONVENIENCE CENTER

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 (SUP) process; and

WHEREAS, Mr. Larry Foster, on behalf of the James City Service Authority, has applied for an SUP to allow for the relocation of the existing convenience center on Tewning Road; and

WHEREAS, the subject parcels may be identified as James City County Real Estate Tax Map Parcel Nos. 3910100003 and 3910100156. The 12.33-acre parcels are zoned PL, Public Land, and are located at 105 and 149 Tewning Road; and

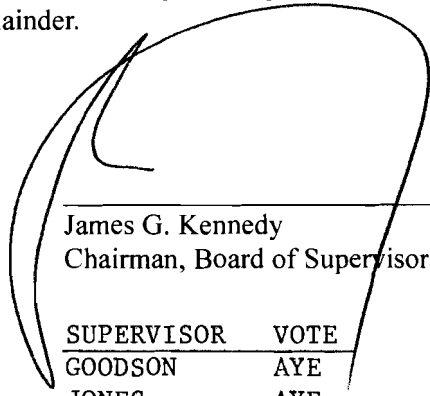
WHEREAS, the proposed development is shown on a Master Plan, titled "Relocation of the Convenience Center at Tewning Road," prepared by AES, and dated February 12, 2009; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 1, 2009, recommended approval of this application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0007-2009 with the following conditions:

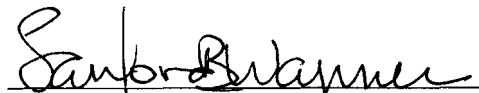
1. This SUP shall be valid for the operation of the Tewning Road Convenience Center and accessory uses thereto as shown on the Master Plan titled "Relocation of the Convenience Center at Tewning Road" dated February 12, 2009 (the "Master Plan"). The convenience center shall be located at 105 and 149 Tewning Road and can be further identified as James City County Real Estate Tax Map Nos. 3910100003 and 3910100156 (the "Properties"). Development of the Properties shall be generally in accordance with the Master Plan as determined by the Director of Planning. Minor changes may be permitted by the Development Review Committee (DRC), as long as they do not change the basic concept or character of the development.
2. The SUP shall be valid for the operation of the convenience center within the fenced area, as shown and identified on the Master Plan as "relocated convenience center".
3. Should a new exterior site or building lighting be installed for the operation of the convenience center, such fixtures shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from any side. Fixtures, which are horizontally mounted on poles, shall not exceed 15 feet in height. No glare defined as 0.1 footcandle or higher, shall extend outside the property lines.

4. The convenience center shall be developed in a manner that maximizes the buffering effects of trees. Tree clearing shall be limited to the minimum necessary to accommodate the convenience center and related facilities. A screening and landscaping plan shall be provided for approval by the Director of Planning or his designee prior to final site plan approval.
5. The fencing used to enclose the area shall be vinyl-coated and shall be dark green or black in color. Any fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.
6. The proposed dry, extended-detention Best Management Practice (BMP) shall be designed and constructed in accordance with the design parameters for BMP C-07 as contained in the approved New Town Master Stormwater Plan dated September 17, 2004, with the revision date of December 2, 2004.
7. The design of the BMP shall be approved by the Director of the Environmental Division. An additional component shall be incorporated into the design of the proposed BMP to successfully capture and contain spills or contaminated runoff of the anticipated materials to be dropped off at the proposed convenience center site. This additional measure shall prevent, to the greatest extent practicable, these materials from entering the downstream tributaries while assisting in the containment and proper disposal of any spilled materials.
8. If construction has not commenced on this project within 36 months from the issuance of the SUP, the SUP shall become void. Construction shall be defined as securing permits for land disturbance.
9. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

  
Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
GOODSON	AYE
JONES	AYE
MCLENNON	AYE
ICENHOUR	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of May, 2009.