

RESOLUTION

CASE NO. SUP-0017-2009. FREEDOM MARKET

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 (the "SUP") process; and

WHEREAS, Mr. Philip Richardson has applied for an SUP to allow the operation of a convenience store with fuel sales on the property located at 5534 Centerville Road, further identified as James City County Real Estate Tax Map No. 3130100011 (the "Property"); and

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised and adjoining property owners were notified; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 7, 2010, recommended approval of the application by a vote of 7 to 0.

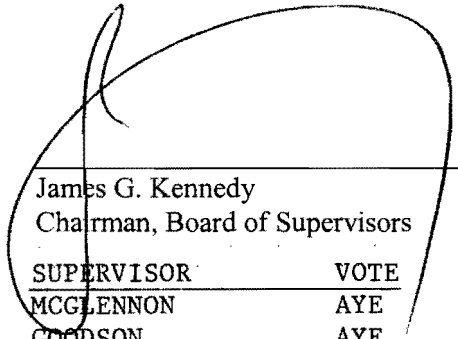
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0017-2009 as described herein with the following conditions:

1. **Master Plan and Use:** This SUP shall be valid for a convenience store with fuel sales at 5534 Centerville Road (the "Property") as shown on the plan titled "Conceptual Plan For Freedom Market" prepared by AES Consulting Engineers, dated June 29, 2009, and revised March 4, 2010 (the "Master Plan"), with minor changes thereto as determined by the Planning Director. The Property shall not contain any vehicle-wash facilities.
2. **Hours of Operation:** The daily hours of operation for both the convenience store and gas pumps shall be limited to the hours of 5 a.m. to 11 p.m. The daily hours for deliveries and solid waste pickup shall be limited to the hours between 7 a.m. and 8 p.m.
3. **Intercoms:** Any intercom systems designed to allow communication between employees and customers shall operate in such a manner that they will not be audible by adjacent property owners.
4. **Architectural Review:** The architecture of the convenience store and the fuel island canopy shall be substantially in accordance with the submitted rendering prepared by Paul White referenced on page 2 of the Community Impact Statement. No stucco or *Exterior Insulation & Finish System* (EIFS) material shall be used on the building or canopy. The canopy roof shall have a roof constructed of materials identical to the store's roof. The canopy shall contain architectural features and materials that complement the store. The rear and sides of the convenience store shall have windows and other treatments consistent with the front of the structure. The architectural design and materials for both the building and canopy shall be approved by the Planning Director prior to final site plan approval.

5. **Fueling Stations:** There shall be no more than three fueling islands (six vehicle fueling positions) permitted on the Property. The pumps shall be arranged in a manner generally consistent with the Master Plan. No high pressure diesel pumps for tractor trailer fueling are permitted. The maximum height of the pump island canopy shall not exceed 20 feet from current grade.
6. **Lighting:** Any exterior site or building lighting, including canopy lighting, 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 in such a manner that all light will be directed downward and the light source is not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height unless otherwise approved by the Planning Director. No glare defined as 0.1 foot-candle or higher shall extend outside the Property lines.
7. **Signage:** The freestanding sign shall be ground-mounted and shall not exceed a height of six feet. The sign's supporting structure shall be constructed to match the building and its design shall be approved by the Planning Director prior to the issuance of a sign permit. The building face sign(s) shall not exceed a cumulative size of 16 square feet and the location, design, materials, and lighting of such sign(s) shall be approved by the Planning Director. No signs shall be allowed on the canopy.
8. **Landscaping:** An enhanced landscaping plan shall be provided in the buffers along Centerville Road and Longhill Road. Enhanced landscaping shall be defined as 125 percent of the minimum ordinance size requirements of planting materials. The 35-foot transitional buffer between the Property and Longhill Grove shall substantially screen the Property using evergreen vegetation and fencing. The transitional buffer shall be designed such that when mature, the vegetation shall substantially obscure the view of the convenience store and gas pumps from all stories of the Longhill Grove apartments. The proposed effect must be demonstrated to the Planning Director prior to final site plan approval.
9. **Dumpster screening:** The dumpster shall be completely screened on three sides with brick or an alternative material approved by the Planning Director. The front gate shall be a dark color and shall screen the view of the dumpster.
10. **Trash Removal:** Rubbish bins shall be available for use by customers during all operating hours and shall be emptied on a daily basis.
11. **Outside Merchandise:** No outside display, sale, or storage of merchandise shall be permitted except for the outside storage of propane. Merchandise shall include, but not be limited to, ice, soda, candy, newspaper, or snack machine(s). Outside propane storage shall be screened from view. Public telephones, Automated Teller Machines (ATMs) for cash, and public restrooms shall be located inside the store.
12. **Water Conservation:** The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. 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, warm-season

grasses, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

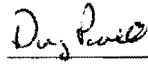
- 13. **Stormwater Pollution Prevention Plan**: Prior to issuance of any Certificate of Occupancy ("CO"), a stormwater pollution prevention plan shall be submitted to the Environmental Director for review and approval.
- 14. **Spill Prevention and Control Plan**: Prior to issuance of any CO, a spill containment plan that addresses the chemical handling and storage areas shall be submitted to the Environmental Director and to the Fire Chief for their review and approval.
- 15. **Commencement of Construction**: If construction has not commenced on this project within 36 months from the issuance of this SUP, this SUP shall become void. Construction shall be defined as obtaining an approved site plan, permits for building construction, and footings and/or foundation has passed required inspections.
- 16. **Severance Clause**: 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

<u>SUPERVISOR</u>	<u>VOTE</u>
MCCLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

ATTEST:



 Doug Powell
 Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of May, 2010.

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