

Attachment C – Harris Teeter Special Use Permit 2021-01

STAFF PROPOSED SPECIAL USE PERMIT CONDITIONS

Applicant: HARRIS TEETER, LLC (the "Applicant")

Owner: NORTHROCK CENTER LLC

Special Use Permit: SUP2021-01, North Rock Harris Teeter Service Station

Address: 530 Fletcher Drive, Warrenton, Virginia

GPIN #: 6984-38-9605 (the "Property")

Zoning: Planned Unit Development (PUD)

Date: September 14, 2022

In approving a Special Use Permit, the Town Council may impose such conditions, safeguards, and restrictions as may be necessary to avoid, minimize or mitigate any potentially adverse or injurious effect of such special uses upon other properties in the neighborhood, and to carry out the general purpose and intent of this Ordinance. The Council may require a guarantee or bond to ensure that compliance with the imposed conditions. All required conditions shall be set out in the documentation approving the Special Use Permit (SUP).

1. Site Development - The property shall be developed in substantial conformance with these conditions and the Special Use Permit Plan for Harris Teeter Service Station prepared by Kimley Horn, sealed April 18, 2021, dated September 2, 2021, and consisting of three sheets, subject to minor modifications in connection with final site plan review or final engineering (the "SUP Plan").
2. Use Parameters -
 - a. Special Use Permit Area - The special use permit shall apply to the identified area on the SUP Plan consisting of approximately +/- 0.48 acres on the larger 11.68 acres property.
 - b. Use Limitations - The use approved with this SUP shall be limited to service station containing eight (8) fueling positions. The uses permitted herewith shall not limit or restrict by-right uses otherwise allowed on the Property.
3. Architecture - The design of the fuel station building, and canopy shall substantially conform to the elevations entitled "Illustrative Elevations," dated May 25, 2022 (hereinafter, the "Elevations"). The Elevations may be subject to minor modification approved by the Zoning Administrator in connection with site plan review. Additional changes to the design and materials may be made provided that any such changes are approved by the Town prior to the issuance of a building permit. Such approval shall be based on a determination that the changes result in equal to or better than the quality shown on the Elevations.
4. Site Preparation - No blasting shall be allowed on the SUP site. If denser materials are encountered in excavations, they will be removed using a trackhoe, hoe ram or pneumatic spade.
5. Foundation Excavations - The bearing subgrade should be evaluated under the direction of the Geotechnical Engineer and supervised by a competent professional as outlined in the March 3, 2020 Terracon GeoReport for Harris Teeter Fuel Center Store #329 and the March 23, 2022 ECS Mid-Atlantic, LLC Review of Terracon Geotechnical Report memo.
 - a. If unanticipated conditions are encountered, the Geotechnical Engineer shall prescribe mitigation options.
 - b. Once materials have been removed, the entire area should be proof rolled with heavy, rubber tire construction equipment, to aid in delineating areas of soft or otherwise unsuitable soil. Once unsuitable materials have been remediated, and the subgrade has passed the proof roll test, the existing and undocumented fill that was removed may be evaluated for reuse as structural fill.

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- c. If the owner elects to construct pavement on the existing fill, the following protocol should be followed. Once the planned subgrade elevation has been reached the entire pavement area should be proof rolled. Areas of soft or otherwise unsuitable material should be undercut and replaced with either new structural fill or suitable, existing on site fill materials.
 - d. The above items shall be shown in connection with, and determined on, the Site Plan. The Town may approve other options, measures, and/or protocols.
6. Site Requirements -
 - a. The existing storm line drain shall be moved so as not to be in conflict with the proposed construction areas. The relocation of the storm drain shall be approved at Site Plan to ensure proper soil support, environmental protection, and installation.
 - b. Utility trenches penetrating beneath the building will be effectively sealed to restrict water intrusion and flow through the trenches. Trenches will be provided with an effective trench plug that extends at least five feet from the face of the building exterior. The plug material will consist of cementitious flowable fill or low permeability clay. The construction shall be supervised by a competent professional as outlined in the March 3, 2020, Terracon GeoReport for Harris Teeter Fuel Center Store #329, and the March 23, 2022 ECS Mid-Atlantic, LLC Review of Terracon Geotechnical Report memo.
 - c. Underground storage tanks - Pea gravel shall be used as backfill around the tanks and up to one to two feet above the tops of tanks. The pea gravel will be compacted with vibratory energy, such as through the use of a hand operated sled-tamper, prior to the placement of the overlying backfill or pavement materials. In addition, there will be a separation geotextile between the pea gravel and adjoining soil to help prevent soil piping.
 - d. The above items shall be shown in connection with, and determined on, the Site Plan. The Town may approve other options, measures, and/or protocols.
7. Emergency Spill Contingency/Notification - Prior to final site plan approval, the Applicant shall prepare and submit an Emergency Spill Notification Contingency Plan for the Fire Marshal for the Town's approval, and shall post that Plan on the SUP Area before the issuance of any occupancy permit. The Applicant shall be responsible for immediately notifying the Fire Marshal for the Town in the event of a spill of more than ten gallons of any petroleum or chemicals on the Property.
8. Oil/Water Separators and Emergency Spills - Prior to discharging from the SUP Site, all stormwater runoff shall be routed through an oil and water separator(s) or an equivalent device or facility approved by the Director of Building and Development. In addition, a gate valve capable of containing any on-site spills shall also be provided. The location of the oil and water separator(s) and gate valve shall be shown on each approved Site Plan for the SUP Use, and such oil and water separators) and gate valve shall be installed prior to the issuance of the first Occupancy Permit for the SUP Use.
9. Safety and Emergency Procedures - The SUP Use shall employ the following safety procedures:
 - a. Spills - If any spills of fuel occur, the SUP Use shall apply absorbent material to the spill, which shall be swept into and stored in sealed drums. The material in the sealed drums shall be disposed of according to hazardous material disposal procedures by companies licensed to perform such work. For larger spills, absorbent booms shall be placed around the perimeter of the spill to contain it during the clean-up procedures. For spills large enough to present the possibility of draining off-site, the oil/water separator shall contain the spilled fuel on-site and in the pipes and manhole structures until clean-up occurs. In

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- the event of a spill of this magnitude, a professional "hazmat" team shall be employed to promptly perform the clean-up and dispose of the waste.
- b. Tank Ruptures - The underground tanks shall have a double-wall design. The SUP Use shall also install continuous leak detection monitoring system to provide for automatic leak detection and tank shutdown. The continuous leak detection monitoring system shall be equipped with an audible alarm to alert staff should a leak occur. A professional "hazmat" team shall be employed to promptly perform the clean-up and waste disposal should an underground leak occur.
10. Deliveries and Refuse - All refuse pickup is the responsibility of the applicant/owner as the Town does not supply commercial trash service. Deliveries and refuse/ solid waste pick-up shall follow Town Code Section 11-19(9).
11. Lighting -
- a. All outdoor lighting shall conform to the Zoning Ordinance. In addition, the gas pump canopy lighting shall be recessed into the ceiling of the canopy or installed with a slope adapter attached to the ceiling of the canopy, such that pinpoint glare from such lighting shall not be visible to drivers and passengers in cars passing the gas pump canopy on adjacent roadways. Pinpoint glare is defined as glare created when the actual light source (i.e., the bulb) is visible from adjacent roadways or off-site property. The lighting installed for the gas pump canopy shall not exceed 40 foot candles.
 - b. The Applicant shall prepare and submit a photometric plan in connection with Site Plan review. The Applicant shall have light readings taken before and after construction of the service station.
12. Signs - The service station shall not have a single tenant monument sign for their use along the frontage of Route 29.
13. Site Transportation Circulation – The pedestrian improvements and parking lot reconfiguration shall be constructed first. Construction shall be staged as to not interfere with the existing businesses and customers. During all times of construction, the parking lot for this project will maintain at least 85% of the parking requirements, as required in the Zoning Ordinance and approved plans, for the businesses at that time.
14. Site Maintenance - The Applicant shall maintain the site in a clean and orderly manner and shall pick up trash, litter, and debris on a daily basis.
15. Access - Access to the site shall be provided as shown on the SUP Plan, subject to changes as may be approved through a Site Plan.
16. Electric Vehicle Charging Space – If electric vehicle charging (EVC) providers are agreeable to providing EVC parking spaces, those spaces shall be located on GPIN #6984-38-9605.
17. Water & Public Sewer Connection - The Property shall connect to public water and public sewer.
18. The Town may terminate the SUP after two years of non-use. Upon termination of the Town, the owner shall be responsible for immediately removing all underground tanks and pumps down to the surface of the ground.
19. Spill mitigation and containment facilities as approved by the Site Plan will continue to operate as designed for the life of the SUP, provided however that they may be upgraded from time to time with a Site Plan Amendment.