

RESOLUTION

CASE NO. SUP-0006-2009. SALE/REPAIR OF LAWN EQUIPMENT AND GARDEN SUPPLIES

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. Nick Cianelli has applied on behalf of Toano NCC Investments, LLC for an SUP to allow for the construction of a lawn equipment sale and repair and retail sales of plant and garden supplies shop on a parcel of land zoned A-1, General Agricultural, District; and

WHEREAS, the proposed development is shown on a plan prepared by LandMark Design Group, dated April 29, 2009 (the "Master Plan") and entitled "Binding Master Plan for Property located at 8231 Richmond Road, James City County, Virginia"; and

WHEREAS, the property is located at 8231 Richmond Road and can be further identified as James City County Real Estate Tax Map Parcel No. 1240100007; and

WHEREAS, the Planning Commission, following its public hearing on April 01, 2009, voted 7-0 to recommend approval of this application; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0006-2009 as described herein with the following conditions:

1. **Master Plan:** This SUP shall be valid for the construction of an approximately 7,500-square-foot lawn equipment sale and repair and plant and garden supplies store (with major repair limited to a fully enclosed building) on the property located at 8231 Richmond Road and further identified as James City County Tax Parcel No. 1240100007 (the "Property"). Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled "Binding Master Plan for property located at 8231 Richmond Road, James City County, Virginia," prepared by LandMark Design Group, and dated April 29, 2009 ("the Master Plan"), with such minor changes as the Development Review Committee determines and does not change the basic concept or character of the development.
2. **Spill Prevention and Control Plan:** Prior to final site plan approval, a spill prevention and control plan which addresses chemical handling shall be submitted to the Environmental Director and the Fire Chief for their respective review and approval. Such plan shall include, but is not limited to, fertilizers, pesticides, herbicides, diesel fueling container solvents, oil, and gasoline. Underground storage tanks shall only be permitted for the catchment, storage, and reuse of stormwater. Storage tanks for any other use or intention shall not be permitted on the property.

3. **BMP Discharge:** Overflows from the proposed SWM/BMP facility shall be discharged to an adequate and well-defined channel in accordance with State Minimum Standard #19. If no receiving channel is present at the SWM/BMP outfall, offsite downstream improvements and/or drainage easements may be necessary on adjacent parcels. If no surface discharge is proposed, a full geotechnical investigation is required to show that the underlying soils beneath the trench are permeable and will infiltrate all increased runoff from the proposed development. Said SWM/BMP facility design must be reviewed and approved by the Environmental Director prior to final site plan approval.
4. **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 (“JCSA”) prior to final site plan approval. The standards may include, but are not limited to, such water conservation measures as limitations on the installation and use of irrigations systems and irrigations 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. The proposed rain barrels and/or cisterns shown on the Master Plan shall be included in the Agreement.
5. **Irrigation:** In the design phase, the developer and designing engineer shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. Only surface water collected from surface water impoundments (the “Impoundments”) may be used for irrigating common areas on the Property (the “Irrigation”). In no circumstances shall the JCSA public water supply be used for irrigation, except as otherwise provided by this condition. If the Owner demonstrates, to the satisfaction and approval of the General Manager of the JCSA, through drainage area studies and irrigation water budgets that the Impoundments cannot provide sufficient water for all Irrigation, the General Manager of the JCSA may, in writing, approve shallow (less than 100 feet) irrigation wells to supplement the water provided by the Impoundments.
6. **Exterior Lighting:** All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the Property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. “Glare” shall be defined as more than 0.1 foot-candle at the property line or any direct view of the lighting source from the adjoining properties.
7. **Fencing:** Information on the style, height, colors, and material of any proposed fencing, which is either designed for security and/or ornamental purposes, shall be submitted to the Planning Director or his designee for review and approval prior to final site plan approval.
8. **Dumpsters/HVAC Units:** All dumpsters and heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing approved by the Planning Director or his designee prior to final site plan approval.

9. **Architectural Review:** Prior to final site plan approval, architectural elevations, building materials, and colors shall be submitted to the Planning Director or his designee for review and approval. The purpose of this condition is to ensure that the proposed structure on the Property is uniform and compatible in terms of design, scale, materials, and colors with other structures in the Village of Toano.
10. **Landscaping:** A landscaping plan for the entire Property shall be prepared in accordance with the requirements set forth by the zoning ordinance and approved by the Planning Director prior to final site plan approval for this project. The landscaping plan shall include, at a minimum, the preservation of existing plantings along the perimeter of the Property and along the 50-foot-wide community character corridor buffer. Further, plantings at 125 percent of the required size of plantings shall be required as means to supplement the existing vegetation within the 50-foot-wide community character corridor.
11. **Outdoor Display Areas:** No equipment or garden materials and supplies for sale on the Property shall be displayed in areas which are not specifically indicated on the Master Plan as “outdoor display area”.
12. **Junk Removal:** All junk shall be removed from the Property prior to issuance of any Certificate of Occupancy. For purposes of this SUP condition, “junk” shall mean trash, wood, lumber, concrete, construction debris, pallets, tires, waste, junked, dismantled, or wrecked automobiles, inoperable equipment, machinery, or appliances, construction vehicles or tractors, or parts thereof, iron, steel, and other old scrap ferrous or nonferrous material. This junk shall be properly disposed of in a State-approved facility, or moved into an appropriate offsite enclosed storage building or facility. The James City County Zoning Administrator shall verify, in writing, and prior to issuance of any Certificate of Occupancy, that all junk has been properly removed from the Property. No new junk (as defined by this condition) may be brought to or stored on the Property.
13. **Commencement of Use:** Use of the property as described in this SUP shall commence within 36 months from the date of approval of this SUP, or this permit shall be void.
14. **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

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

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