

RESOLUTION

CASE NO. SUP-0010-2009. MICHAEL J. HIPPLE CONTRACTOR'S OFFICE

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. Michael J. Hipple has applied for an SUP to allow for a contractor's office, with associated parking area on a site comprised of three lots totaling approximately 1.03 acres and zoned A-1, General Agricultural; and

WHEREAS, the proposed site is shown on a binding Master Plan, entitled "Binding Master Plan for Michael J. Hipple, Builder Contracting Office," prepared by LandTech Resources, Inc., and dated April 15, 2009; and

WHEREAS, the three lots are located at 7426, 7424, and 7428 Richmond Road and may be further identified as James City County Real Estate Tax Map Parcel Nos. 2320200003, 2320200003A, and 2320200002; and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 6, 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-0010-2009, as described herein with the following conditions:

- 1) ***Permitted Use:*** This SUP shall be valid for the operation of a contractor's office/shed (limited to the existing 1,600-square-foot garage/office building), with associated parking area and two residential houses, (collectively, "the Project"). The Project shall be located at 7426, 7424, and 7428 Richmond Road, further identified as James City County Real Estate Tax Map Nos. 2320200003, 2320200003A, and 2320200002, respectively (the "Property"). Development of the Property shall be generally in accordance with, and as depicted on, the drawing entitled "Binding Master Plan for Michael J. Hipple, Builder Contracting Office," prepared by LandTech Resources, Inc., and dated April 15, 2009, (hereafter referred to as "the Master Plan") as determined by the Planning Director of James City County ("Planning Director"). The two houses shall remain on the Property as shown on the Master Plan and be used only for residential purposes. Minor changes may be permitted by the Planning Director, as long as they do not change the basic concept or character of the development.
- 2) ***Lighting:*** Any exterior lighting installed on the Property shall be comprised of recessed fixtures with no bulb, lens, or globe extending below the fixture housing. The housing shall be opaque and shall completely enclose the light source in such a manner that all light is directed downward and that the light source is not visible from the side of the fixture. Pole-mounted fixtures shall not be mounted in excess of 15 feet in height, as measured from the finished grade beneath them. Light spillage,

defined as light intensity measured at 0.1 foot-candle or higher extending beyond any property line, shall be prohibited.

- 3) **Site Plan Approval:** A site plan shall be required for this project. Final approval of the site plan shall be obtained within 18 months of issuance of this SUP, or the SUP shall become void.
- 4) **Certificate of Occupancy:** A Permanent Certificate of Occupancy for the contractor's office/shed shall be obtained within 36 months of issuance of this SUP, or the SUP shall become void.
- 5) **Water Conservation:** The applicant shall be responsible for developing and enforcing water conservation standards for the Property, to be submitted to and approved by the James City Service Authority (JCSA), 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.
- 6) **Irrigation:** As part of the site plan, the applicant shall include provision 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 collection devices, such as cisterns, rain barrels, etc., 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.
- 7) **JCSA Utility Easements:** Prior to final site plan approval, all JCSA utility easements located on the subject property shall be upgraded to meet current JCSA easement standards, as applicable. This shall be accomplished with an easement plat and/or deed deemed suitable by the JCSA and the County Attorney.
- 8) **Landscaping and Fencing:** The applicant shall install landscaping along the Richmond Road side of the wooden privacy fence that separates the 7424 and 7426 lots. A landscape plan for this area, subject to the review and approval of the Planning Director or his/her designee, shall be submitted for the Property (in accordance with "Article II. Special Regulations Division 4. Landscaping" of the Zoning Ordinance). All privacy fencing shall be maintained in good repair as shown on the Master Plan. Requests to amend the landscaping and/or fencing on the Property may be permitted by the Planning Director or his/her designee, as long as they do not degrade the aesthetics or character of the development, or reduce the effectiveness of the screening being offered.
- 9) **Outdoor Storage:** No tools, materials, or equipment may be stored outside on-site, unless it is fully screened from the view of Richmond Road and adjacent properties by landscaping and/or fencing. This condition excludes work trailers, such as a mobile generator trailer.
- 10) **Impervious Area:** The impervious area of the Property shall be minimized to the greatest extent practical. If the impervious area of the Project site exceeds 10 percent, Low Impact Development (LID) or other suitable measures will be provided to mitigate the effects of stormwater runoff from the Property.

- 11) **Heavy Vehicles:** Traffic to and from the site related to the contractor's office shall be limited to light- to medium-duty passenger vehicles, work trucks, and similar vehicles. Larger, heavier vehicles such as tractor-trailers, stake-bed trucks, dump trucks, and heavy construction vehicles (e.g., bulldozer, backhoe, etc.) are prohibited. Deliveries of supplies shall be made by small-box delivery trucks or smaller vehicles.
- 12) **Hours of Operation:** The hours of operation for the Project, including the loading or unloading of deliveries to/from the site, shall be limited to 6:30 a.m. to 5:00 p.m., Monday through Friday.
- 13) **Parking of Vehicles:** No more than ten vehicles associated with the contractor's office, to include employee vehicles, work trucks, and work trailers, may be parked on the Property at any given time. While only four parking spaces have initially been shown on the Master Plan, the applicant may add up to six other stalls on the 7426 and/or 7428 lots with an approved site plan that properly addresses all stormwater management concerns. All vehicles associated with the contractor's office shall be parked on the 7426 and 7428 lots and shall be screened from Richmond Road and from surrounding properties by privacy fencing, buildings, and/or landscaping. For purposes of this condition, vehicles belonging to tenants of the two rental houses, including employee vehicles, if applicable, shall not be counted against the ten-vehicle limitation. Interpretations of the counting of vehicles on the Property shall be at the sole discretion of the Zoning Administrator. Requests to amend this parking restriction shall be submitted to the Development Review Committee ("DRC") of the Planning Commission in writing for consideration to approve or deny the request.
- 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 26th day of May, 2009.

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