

## RESOLUTION

CASE NO. SUP-0007-2008/MP-0002-2008. DAVID NICE'S

### CONTRACTOR'S OFFICE AND SHED

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. Archer Marston of AES Consulting Engineers, on behalf of David A. Nice, has applied for a Special Use Permit (SUP) to allow for a contractor's office and shed, with associated storage and maintenance yard, on approximately 10.00 acres of land subdivided from a 79.68-acre parcel zoned A-1, General Agricultural; and

WHEREAS, the proposed site is shown on a binding Master Plan, entitled "Master Plan for Special Use Permit for David A. Nice Builders, Inc. Site Division Contractor's Office," identified as MP-0002-2008, and dated March 26, 2008, with revisions on June 23, 2008; and

WHEREAS, the subject property may be identified as a ten-acre portion of James City County Real Estate Tax Map Parcel No. 1430100042; and

WHEREAS, the Planning Commission of James City County, following its public hearing on July 2, 2008, 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 Special Use Permit SUP-0007-2008, and associated binding Master Plan MP-0002-2008, as described herein with the following conditions:

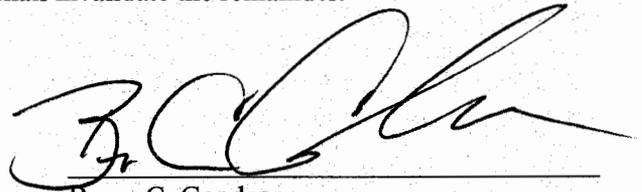
1. **Master Plan and Use:** This SUP shall be valid for the operation of a contractors' offices/shop, storage shed, and gravel work yard and storage area ("the Project") to be located at 4700 Fenton Mill Road, further identified as James City County Real Estate Tax Map No. 1430100042 (the "Property"). Development of the site shall be generally in accordance with, and as depicted on, the binding Master Plan drawing, entitled "Master Plan for Special Use Permit for David A. Nice Builders, Inc. Site Division Contractor's Office at 4700 Fenton Mill Road," prepared by AES Consulting Engineers, and dated March 26, 2008, (further identified by the County as Master Plan MP-0002-2008 and hereafter referred to as "the Master Plan") as determined by the Planning Director of James City County ("Planning Director"). 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 composed 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 above 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:** Final site plan approval for the Project shall be obtained within 18 months of issuance of this SUP, or the SUP shall become void.
4. **Subdivision of Land:** The ten-acre parcel of land intended to support this Project, as depicted on the Master Plan, shall be legally subdivided from the parent parcel within 18 months of issuance of this SUP, or the SUP shall become void. Once the subdivision is completed, the SUP conditions attached to this Project shall run with the ten-acre parcel of land, rather than with the parent parcel.
5. **Certificate of Occupancy:** A Permanent Certificate of Occupancy for the Project shall be obtained 36 months of issuance of this SUP, or the SUP shall become void.
6. **Junk Removal:** The applicant shall remove all junk from the Property prior to final site plan approval. "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, wood, lumber, concrete or construction debris, pallets, tires, waste, junked, dismantled, or wrecked automobiles, inoperable equipment, 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. Junk shall not include construction materials which are new or otherwise suitable for future use being stored on the property, or vehicles/equipment which are actively under repair. The James City County Zoning Administrator ("Zoning Administrator") shall verify, in writing, 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 site.
7. **Landscape Plan:** A landscape plan, 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), except that the owner shall provide enhanced landscaping such that the required size of shrubs and trees located in the 75-foot buffers and berms along Fenton Mill Road equals, at a minimum, 125 percent of the requirements and such that at least 60 percent of the shrubs and trees are evergreens.
8. **Natural Heritage Review:** The natural heritage resources (flora) of the Property are currently under review by the Commonwealth of Virginia Department of Conservation and Recreation (VDCR). The applicant shall comply with all recommendations from, and findings of, the VDCR, as might be applicable to the Property.
9. **Hours of Operation:** The hours of operation for the Project, including the loading or unloading of, or maintenance of, vehicles or equipment, shall be limited to 6:00 a.m. to 8:00 p.m., Monday through Friday, and 7:00 a.m. to 5:00 p.m. on Saturday.
10. **Parking of Vehicles:** No more than 40 vehicles (including construction vehicles such as a backhoe or bulldozer) may be parked on the Property at any given time. For purposes of this condition, a vehicle loaded on a trailer shall count as one vehicle. For purposes of this condition, a vehicle loaded on a trailer and *actively* being towed to or from the Property by a second vehicle shall count as one vehicle.

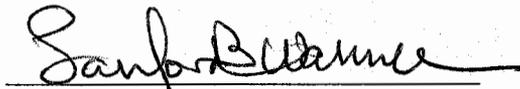
Interpretations of the counting of vehicles on the Property shall be at the sole discretion of the Zoning Administrator. Requests to amend this parking restriction shall be submitted to the Development Review Committee of the Planning Commission ("DRC") in writing for consideration to approve or deny the request.

- 11. **Vehicle Trips per Day:** No more than 80 vehicle trips per day shall be permitted at the Property, regardless of purpose, point of origin, or destination except governmental or emergency vehicles. For purposes of this condition, a trip is defined as any vehicle coming to or leaving the Property. For purposes of this condition, a vehicle loaded on a trailer and *actively* being towed to or from the Property by a second vehicle shall count as one vehicle trip. Interpretations of the counting of vehicle trips to and from the Property shall be at the sole discretion of the Zoning Administrator. Requests to amend this vehicle trips-per-day restriction shall be submitted to the DRC for consideration to approve or deny the request.
- 12. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2008.