

RESOLUTION

CASE NO. SUP-0032-2007. 7761 RICHMOND ROAD - JOHN DEERE DEALERSHIP

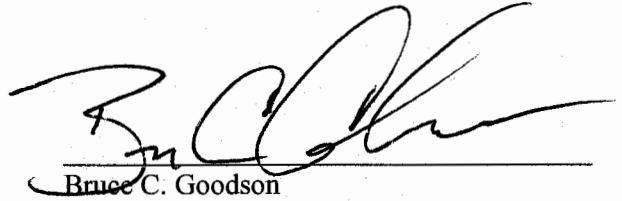
- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, Mr. James Peters has applied on behalf of Fleet Brothers of Williamsburg, Inc. for a special use permit to allow the expansion of the existing building by 8,000 square feet and to allow vehicle and trailer sales and services on the site; and
- WHEREAS, the proposed development is shown on a plan prepared by AES Consulting Engineers, dated June 1, 2007, (the "Master Plan") and entitled " Master Plan B for Special Use Permit for Fleet Brothers of Williamsburg"; and
- WHEREAS, the property is located at 7761 Richmond Road on land zoned B-1, General Business District, and can be further identified as Parcel No. (1-45) on James City County Real Estate Tax Map No. (12-4); and
- WHEREAS, the Planning Commission, following its public hearing on December 5, 2007, voted 6-0 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-0032-2007 as described herein with the following conditions:

1. **Master Plan:** This Special Use Permit (the "SUP") shall be valid for the construction of an 8,000-square-foot expansion in addition to the existing two buildings on the below-described property for a total of 18,000 square feet. This SUP shall also permit the sales and services of vehicles and trailers (with major repair limited to a fully enclosed building) on the property located at 7761 Richmond Road and also identified as James City County Tax Parcel Number 12401100045 (the "Property"). Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled "Master Plan B for A Special Use Permit For Fleet Brothers of Williamsburg, Inc.", prepared by AES Consulting Engineers and dated June 1, 2007 and revised on November 26, 2007 (the "Master Plan"), with such minor changes as the Development Review Committee determines 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 containment plan which addresses chemical handling including but not limited to fertilizers, pesticides, herbicides, the proposed diesel fueling container solvents, oil, and gasoline, shall be submitted to the Environmental Director and the Fire Chief for their respective review and approval.

3. **BMP Discharge:** Overflows from the proposed BMP(s) shall discharge to a roadside (i.e., Richmond Road and or Bush Springs Road) ditch and shall not be conveyed to the adjacent parcel located west of the Property (identified as James City County Tax Parcel Number 1240100047) without an off-site drainage easement. If overflows from the BMP(s) cannot be made to discharge into a roadside ditch and/or off-site drainage easements cannot be secured, the infiltration BMP must be designed to treat and retain all runoff from the proposed improvements ensuring zero surface discharge from said improvements. Said BMP(s) 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 shall not be 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.
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 well to supplement the water provided by the Impoundments.
6. **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 existing and proposed structures on the Property are uniform and compatible in terms of design, materials, and colors, are designed for minimal visual impact, and are compatible with other structures in Toano.
7. **Fencing:** All 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. **Wood Frame Barn:** The existing 2,200-square-foot wood frame barn shall remain on the Property and its outside character (i.e., building material, colors, and scale) shall remain unchanged except as provided herein. Any changes to the outside character of the barn shall be submitted to the Planning Director or his designee for review and approval.

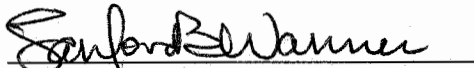
9. **Exterior Lighting:** All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which 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.
10. **Dumpsters:** All dumpsters and heating and cooling units visible from any public street or adjoining property shall be screened with landscaping or fencing approved by the Planning Director or his designee prior to final site plan approval.
11. **Noise Abatement:** No exterior loudspeaker system shall be used on the Property.
12. **Buffer:** A variable 50-to-80-foot-wide landscape buffer area shall be provided along the eastern perimeter of the Property from the rear of the Property line to the existing asphalt entrance road. Landscaping activities within this area may include select clearing, clean up and removal of noxious weeds, vines and additional landscaping, all as approved by the Planning Director. Within the 35-foot transitional buffer, existing vegetation may be removed with the prior approval of the Planning Director and shall be supplemented with additional plantings at 125 percent above ordinance of either size or quantity requirements. A Planting Removal Plan shall be approved by the Planning Director or his designee prior to final site plan approval.
13. **Landscaping:** A minimum of three landscape islands located within the northern parking area of the Property shall be provided along Richmond Road. Further, unpaved areas located within the 50-foot front setback of the Property shall be landscaped in accordance with the requirements set forth by Section 24-96 of the zoning ordinance except that plantings shall be 125 percent above ordinance size requirements. The landscape islands shall be included in the landscape plan and any additional landscaping shall be approved by the Planning Director or his designee prior to final site plan approval.
14. **JCSA Utility Easements:** Unless previously recorded on this property, a JCSA utility easement shall be dedicated at locations along Route 60 and Bush Springs Road where existing JCSA utilities are within 10 feet of the right-of-way line.
15. **Outdoor Display Areas:** No vehicles, equipment, or garden materials for sale on the Property shall be displayed in areas which are not specifically indicated on the Master Plan as "outdoor display area". Further, the types of outdoor displayed item(s) and their respective location(s) on the Property shall be bound by the Master Plan.
16. **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. Use shall be defined as obtaining business license(s) for permitted uses, opening for business with regular business hours and/or obtaining permits for building construction and installation of footings and foundations.

17. **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

| <u>SUPERVISOR</u> | <u>VOTE</u> |
|-------------------|-------------|
| ICENHOUR | AYE |
| MCGLENNON | AYE |
| JONES | AYE |
| KENNEDY | AYE |
| GOODSON | AYE |

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of January, 2008.

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