

RESOLUTION

CASE NO. SUP-0014-2017. YARD WORKS SPECIAL USE PERMIT AMENDMENT

WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board") has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Marclay LLC, Larry T. Waltrip, Dudley S. Waltrip, Short Neck LLC and Williamsburg-Jamestown Airport, Inc. (collectively, the "Owners") own property located at 3, 10, 20 and 100 Marclay Road, 164 Waltrip Lane and one additional property with no assigned address, which are further identified as James City County Real Estate Tax Map Parcel Nos. 4820100004, 4820100004A, 4820100012, 4820100005A, 4820100005C and 4820100006, respectively (collectively, the "Property"); and

WHEREAS, on June 7, 1993, the Board approved SUP-0015-1993, which permitted the manufacture and sale of wood and wood products on the parcel located at 100 Marclay Road, further identified as James City County Real Estate Tax Map Parcel No. 4820100005A; and

WHEREAS, Mr. Kevin Martin (the "Applicant") has applied on behalf of the Owners to amend SUP-0015-1993 to permit the manufacture and sale of wood products on the Property, as shown on the exhibit titled "SUP-0014-2017, Yard Works SUP Amendment Master Plan" dated January 23, 2018 (the "Master Plan"); and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0014-2017; and

WHEREAS, the Planning Commission, following its public hearing on February 7, 2018, recommended approval of this application by a vote of 5-0 (Polster absent).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-0014-2017 as described herein with the following conditions:

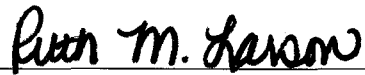
1. Master Plan and Use: This SUP shall be valid for the operation of a +/- 49.90 acre facility for the manufacture and sale of wood products and accessory uses (the "Project") on properties located at 3, 10, 20 and 100 Marclay Road, 164 Waltrip Lane and one additional property with no assigned address, which are further identified as James City County Real Estate Tax Map Parcel Nos. 4820100004, 4820100004A, 4820100012, 4820100005A, 4820100005C and 4820100006, respectively (collectively, the "Property"). The Project shall be in accordance with the master plan titled "SUP-0014-2017, Yard Works SUP Amendment Master Plan" dated January 23, 2018 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

2. Project Activities: All activities on-site shall be in accordance with the designations on the Master Plan. The "Grinding and Storage" area shall be used for the initial grinding of large wood debris using equipment such as a tub grinder or horizontal grinder. The "Processing" area shall be used for the secondary grinding of wood debris, using equipment such as a horizontal grinder and the coloring of mulch. The "Bagging and Storage" area shall be used for the storage of mulch, topsoil and equipment, and for the bagging of products produced onsite. The "Retail" area shall be used for sales to the general public, as more specifically defined in SUP Condition No. 5 below and shall contain all customer parking.
3. Hours of Operation: Hours of operations for the wood grinding equipment shall be limited from 7 a.m. to 7 p.m., Monday through Saturday.
4. Future Expansion: Any future expansion of the Project outside of the areas delineated on the Master Plan shall require an amendment to this SUP.
5. Retail Sales: The accessory retail sales area may be used for the sale of mulch and other ground cover materials, including materials such as stone, gravel and sand. The area used for the sale of ground cover materials other than mulch shall be limited to 10,000 square feet and piles shall not exceed eight feet in height.
6. Material Storage: All storage of wood products shall comply with the following requirements:
 - a. Piles shall be on solid ground or other all-weather surface.
 - b. Piles shall not exceed 25 feet in height, 150 feet in width and 250 feet in length.
 - c. Piles shall be separated from adjacent piles by at least 50 feet.
7. Fire Safety: The Project shall comply with the following requirements:
 - a. The accumulation of combustible waste and vegetation shall be in accordance with Chapter 3 of the Statewide Fire Prevention Code (SFPC).
 - b. Portable fire extinguishers complying with Section 906 of the SFPC and with a minimum rating of 4-A:60-B:C shall be provided on all vehicles operating on piles and at all processing equipment.
 - c. Prior to final site plan approval, the owner or operator shall develop and submit for approval of the Fire Official a plan for monitoring, controlling and extinguishing spot fires.
8. Buffers: A buffer 50 feet in width shall be provided on portion of James City County Real Estate Tax Map Parcel Nos. 4820100004A and 4820100005C, as shown on the Master Plan. Existing trees in the buffer areas shall be retained and any open areas shall be supplemented with additional plantings meeting the requirements of Section 24-96 of the Zoning Ordinance, as amended. The landscaping plan shall be shown as part of the site plan and shall be reviewed and approved by the Director of Planning or his designee. The landscaping shown on the approved landscape plan shall be installed within 12 months of the final site plan approval.


9. Lighting: A lighting plan shall be reviewed and approved by the Director of Planning or his designee prior to final approval of the site plan. Any exterior site or building lighting shall be shielded and directed downward. No glare (*defined as 0.1 foot-candle or higher*) shall extend outside the Property. Lights shall be operated by a motion detector or be able to be turned on as needed and shall not be routinely illuminated at night. No lighting shall be installed on structures at a height greater than 20 feet above finished grade. This condition shall not apply to any lighting required by federal or state regulations.
10. Operations Mitigation Plan: A construction mitigation plan shall be reviewed and approved by the Director of Planning or his designee prior to final site plan approval. The plan shall address:
 - a. Dust mitigation, such as water trucks, mulch or similar methods.
 - b. Noise mitigation, such as the enforcement of hours of operation.
 - c. Road monitoring of Marclay Road, to include cleaning roadways of mud tracked onto Marclay Road from traffic associated with the Project.
11. Junk Removal: All junk, as determined by the Zoning Administrator, shall be removed from the Property. "Junk" shall mean, but not be limited to, old or scrap concrete, wire, rebar, copper, brass, rope, rags, batteries, paper, trash, rubber, waste or junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other ferrous or nonferrous materials. The Zoning Administrator shall verify in writing that all junk has been properly removed from the Property prior to final site plan approval.
12. Material Decomposition: The use of chemicals to aid in the decomposition of material shall be prohibited. No materials shall be burned on the Property.
13. Stormwater Management: Prior to final site plan approval, information regarding the functionality of any existing stormwater management facilities utilized by the Project shall be submitted to the Director of Stormwater and Resource Protection Division for review. This information shall include any existing as-built reports and/or maintenance agreements. If it is determined that the facilities are not functioning properly, proper maintenance, repairs and/or upgrades as determined by the Director of Stormwater and Resource Protection may be required and the owner shall enter into a new maintenance agreement with the County.
14. Resource Protection Area: The location of any Resource Protection Area (RPA), RPA buffer, steep slope (*i.e., slopes greater than 25% in grade*) and/or wetland shall be identified and indicated on any site plan or development plan that is submitted to James City County for approval. No parking, storage of equipment and/or vehicles, and/or additional soil disturbance associated with the Project shall occur within 15 feet of an RPA buffer. Identification of these areas must be approved by the James City County Stormwater and Resource Protection Division prior to the issuance of preliminary site plan approval.

- 15. Entrances: Access to the Project shall be from Marclay Road.
- 16. Spill Prevention: Prior to preliminary site plan approval, an operational phase stormwater pollution prevention plan/spill prevention and control plan to address the outdoor vehicle and material storage, including but not limited to oil, diesel and gasoline, shall be reviewed and approved by the Director of Stormwater and Resource Protection and the Fire Official prior to preliminary site plan approval.
- 17. Conservation Easement: Prior to final site plan approval, a conservation easement of approximately 9.54 acres, identified on the drawing titled "Waltrip Recycling Site Plan" dated May 28, 1993, shall be dedicated to James City County or another County-approved land conservation entity. The easement shall be substantially in the form of the County's natural open space easement as approved by the County Attorney. Alternative locations may be approved by the Director of the Stormwater and Resource Protection Division or his designee. The exact boundaries of the conservation easement shall be shown on the site plan for the Project.
- 18. Site Plan: A site plan shall be required for the Project. Final site plan approval must be obtained within 24 months of issuance of this SUP or the SUP shall become void.
- 19. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED that SUP-0014-2017 shall amend, replace and supersede SUP-0015-1993 and SUP-0015-1993 shall no longer have any force or effect.


 Ruth M. Larson
 Chairman, Board of Supervisors

ATTEST:


 Teresa J. Fellows
 Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	✓	—	—
ICENHOUR	✓	—	—
SADLER	✓	—	—
HIPPLE	✓	—	—
LARSON	✓	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of March, 2018.

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