

## RESOLUTION

### CASE NO. SUP-0022-2010. CHARLIE'S ANTIQUES

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. Charlie Crawford of Charlie's Antiques has applied for an SUP to allow for retail sales of plant and garden supplies and antiques, office, and landscape stone storage on a parcel of land zoned A-1, General Agricultural; and

WHEREAS, the facility would be located at 7691 Richmond Road and 3645 Toano Woods Drive, and can be further identified as James City County Real Estate Tax Map Nos. 1330100004 and 1330100003A; and

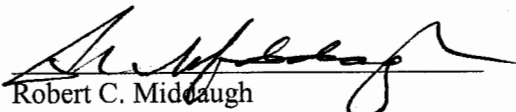
WHEREAS, following its public hearing on October 6, 2010, the Planning Commission voted 6-1 to recommend approval of this application with an amendment to Condition No. 4.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0022-2010 as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for the construction of an approximately 4,000-square-foot retail building for the sale of plant and garden supplies and antiques. Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled "Special Use Permit Exhibit for Charlie's Antiques," prepared by LandTech Resources, Inc., and dated July 15, 2010, with revisions dated September 22, 2010 (the "Master Plan"), with such minor changes as the Director of Planning determines does not change the basic concept or character of the development.
2. Water Conservation Guidelines. The applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority 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, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures to promote water conservation and minimize the use of public water resources.
3. Landscape Buffer. A landscape plan ("Landscape Plan") designed to enhance the visual buffer from adjacent properties and development on the Property shall be prepared by a landscape architect licensed in the Commonwealth of Virginia and submitted to the Director of Planning for review and approval with any site plan for development on the Property. The Landscape Plan shall include a 30-foot landscape buffer around the "gravel landscape stone storage area" as shown as "30' MINIMUM LANDSCAPE BUFFER" on the Master Plan. The buffer shall be comprised of (i) a minimum of 50 percent native, evergreen trees and shrubs with all plantings exceeding existing ordinance size requirements by a minimum of 25 percent or; (ii) a combination of landscaping and fencing that achieves the same or greater effect.

4. Community Character Corridor Buffer. The Landscape Plan shall also include a 50-foot Community Character Corridor Buffer in area shown as "50' COMMUNITY CHARACTER CORRIDOR LANDSCAPE BUFFER" on the Master Plan comprised of (i) landscaping that consists of predominately native trees and shrubs and that exceeds existing ordinance size requirements by 25 percent or; (ii) a combination of landscaping and fencing and/or stone walls that achieves the same or greater effect, and; (iii) shall include only permanent natural landscape elements and rock incorporated as part of a landscape design.
  
5. Special Stormwater Criteria. Special Stormwater Criteria (SSC) as adopted by the County in the Yarmouth Creek watershed shall apply to this project. The owner shall demonstrate the application of SSC on development plans to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval.
  
6. Lighting. All exterior lighting on the property shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Glare, defined as light intensity measured at 0.1 foot-candle or higher at a property line or any direct view of the lighting source from adjacent residential properties, shall be prohibited from extending beyond any property line external to the retail operation.
  
7. Hours of Operation and Deliveries. The receipt of any commercial shipments of goods to the Property shall occur during the normal hours of operation of any business located on the Property and shall be between the hours of 7 a.m. and 7 p.m.
  
8. Commencement of Construction. Construction on this project shall commence within 24 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection for the 4,000-square-foot retail building.
  
9. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

ATTEST:

  
 Robert C. Middaugh  
 Clerk to the Board

James G. Kennedy	
Chairman, Board of Supervisors	
SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of November, 2010.