

## RESOLUTION

### CASE NO. SUP-0019-2010. HARMONIOUS HARDSCAPES

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. David Barglof has applied on behalf of Mid Atlantic Enterprises, Inc. for an SUP to allow for the construction of a retail landscaping store with storage of materials for landscaping as an accessory use; and

WHEREAS, the proposed development is shown on a plan prepared by Cornerstone Design Group, dated August 20, 2010 (the "Master Plan") and entitled "Harmonious Hardscapes Special Use Permit Application Exhibit"; and

WHEREAS, the property is located at 8162 Richmond Road and can be further identified as James City County Real Estate Tax Map Parcel No. 1240100012; and

WHEREAS, the Planning Commission, following its public hearing on September 1, 2010, voted 7-0 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 2009 Comprehensive Plan Use Map designation for this site.

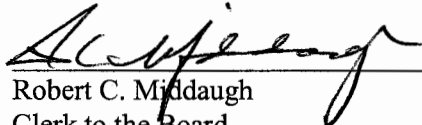
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0019-2010 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the construction of an approximately 1,440 square foot, one-story-high retail landscaping business, which also includes a two-story future expansion of approximately 1,500 square feet for retail and office space and an approximate 2,000-square-foot shop space. The property is located at 8162 Richmond Road and further identified as James City County Tax Map Parcel No. 1240100012. Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled "Harmonious Hardscapes 8162 Richmond Road," prepared by Cornerstone Design Group, date stamped August 20, 2010 (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. Buffering: A privacy fence of at least 6 feet tall made of chain link with vertical slats to accommodate privacy or a comparable material, such as Enviroscreen, approved by the Planning Director shall be provided around the "Inventory and Equipment Storage Area." The trees between the fencing and the residence at 123 Industrial Boulevard shall be preserved and maintained.

3. Hours of Operation: The hours of operation for the business, including the loading or unloading of, or maintenance of, vehicles or equipment, shall be limited from 6 a.m. to 8 p.m., Monday through Friday, 7 a.m. to 8 p.m. on Saturday, and 9 a.m. to 8 p.m. on Sunday.
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 prior to final site plan approval for the initial phase. 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. Lighting: Any parking lot 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 above the finished grade beneath them. Accent lighting to showcase products is allowed but may not produce any glare or light spillage toward the roads or the residence at 123 Industrial Boulevard. Light spillage, defined as light intensity measured at 0.1 foot-candle or higher extending beyond any property line, shall be prohibited.
6. Landscape Plan: A landscape plan, subject to the review and approval of the Planning Director or his designee, shall be submitted for the Property (in accordance with "Article II. Special Regulations Division 4. Landscaping" of the Zoning Ordinance) during the initial phase of development. The owner shall provide enhanced landscaping such that the required size of shrubs and trees located in the 50-foot buffer along Richmond Road equals, at a minimum, 125 percent of the size requirements, and such that at least 60 percent of the shrubs and trees are evergreens.
7. Equipment Storage: All storage of equipment associated with the development shall be located inside the fenced area defined as "Inventory and Equipment Storage" or "Bulk Storage" on the Master Plan.
8. Freestanding Sign: Freestanding signage shall be limited to one monument style sign. For purposes of this condition, a "monument" style sign shall be defined as a freestanding sign with a completely enclosed base not to exceed 32 square feet in size and not to exceed ten feet in height from grade. The sign shall be illuminated by ground mounted lights only.
9. 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:

  
Robert C. Middaugh  
Clerk to the Board

SUPERVISOR	NOTE
MCLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

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