

RESOLUTION

CASE NO. SUP-0026-2010. TRACTOR SUPPLY COMPANY, NORGE CENTER

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, Kenneth Beuley has applied on behalf of TKC CL, LLC for an SUP to allow for the construction of a retail farm supply store with vehicle and trailer sales on approximately 3.41 acres zoned B-1, General Business, with proffers; and

WHEREAS, the proposed development is shown on a plan prepared by AES Consulting Engineers, dated September 20, 2010, (the "Master Plan") and entitled "Tractor Supply Company 19,000 S.F. Retail Norge Center"; and

WHEREAS, the property is located at 7508 Richmond Road and can be further identified as James City County Real Estate Tax Map Parcel No. 2320100071 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on December 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 Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0026-2010 as described herein with the following conditions:

1. Master Plan: This SUP shall permit: (1) the construction of an approximately 19,000-square-foot, one-story retail store building (the "Store") on the property located at 7508 Richmond Road and also identified as James City County Real Estate Tax Map Parcel No. 2320100071 (the "Property") along with a fenced outdoor sales area to the east of the Store equal to or less than 15,000 square feet, an outdoor equipment display area immediately in front of the Store equal to or less than 3,200 square feet, and a 3,000-square-foot permanent trailer and equipment display area as shown on the plan; and (2) the sales of vehicles and trailers on the Property. For the purposes of this SUP: (1) "vehicles" shall be limited to those typically associated with agricultural or landscape use (e.g., all terrain vehicles (ATVs), bobcats, tractors, etc.) and shall specifically exclude cars, trucks, or recreational vehicles (RVs); and (2) "trailers" shall be limited to those typically associated with agricultural or landscape use (e.g., landscape, open or enclosed utility trailers) and shall specifically exclude manufactured homes, office trailers, or tractor/trailer rigs. Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled "Tractor Supply Company 19,000 S.F. Retail Norge Center," prepared by AES Consulting Engineers date stamped September 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. 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. 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.
3. Shared Access Easement(s): Prior to final site plan approval for the Store, the applicant shall demonstrate to the satisfaction of the County Attorney that shared access easement(s) have been obtained and recorded, as applicable, allowing vehicular access to the Property via the private roadways shown on the plan as the Shared Access Drive from Norge Lane and the Shared Entrance from Richmond Road.
4. Low Impact Development: If the site completely drains to the York River, Special Stormwater Criteria requirements will not apply. If it is determined by the Environmental Director that stormwater is draining to the Yarmouth Creek because of the engineered drainage pattern, Special Stormwater Criteria will apply to the area which drains into the Yarmouth Creek. Low Impact Development ("LID") techniques shall be used such that the total extent of the LID on the Property shall achieve a minimum of two unit measures as defined by *Special Stormwater Criteria in James City County* (adopted December 14, 2004). The proposed LID techniques to be implemented shall be approved by the Environmental Director prior to site plan approval. All approved LID techniques shall be constructed on the Property prior to the release of the posted erosion and sediment control surety.
5. Architectural Review: Prior to final site plan approval, the Director of Planning, or his designee, shall review and approve the final building elevations, architectural design, colors, and materials for the Store, each of which shall be consistent, as determined by the Director of Planning or his designee, with the architectural elevations titled "James City County Elevations" and dated November 18, 2010, submitted with this SUP application and prepared by Oxford Architecture.
6. Fencing: The fencing used to enclose the "Fenced Outdoor Sales Area" shall be vinyl-coated and shall be dark green or black in color and all fencing facing Route 60 shall be dark green or black in color and shall be constructed of aluminum or a similar material. All fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.
7. Dumpsters: All dumpsters and heating and cooling units visible from any public street or adjoining property shall be screened with landscaping and/or fencing approved by the Director of Planning or his designee prior to final site plan approval.
8. Outdoor Display Areas: Vehicles, equipment, or garden materials for sale on the Property shall only be displayed in those areas specifically indicated on the Master Plan as "Permanent Trailer and Equipment Display Areas," "Permanent Sidewalk Display Area," or "Fenced Outdoor Sales Area."

9. Commencement of Construction: If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
10. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

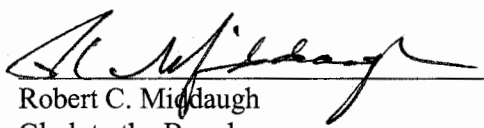


Mary K. Jones

Chairman, Board of Supervisors

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

ATTEST:



Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of January, 2011.

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