

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NOS. 4730100002, 30100005, and 4730100003

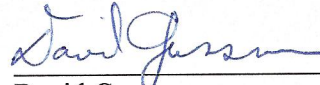
WHEREAS, **Mr. Charlie Martino, operations manager, on behalf of Cooke's Garden Center** (the "Applicant") has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the "Board") on **August 11, 2010** for use of the Resource Protection Area (the "RPA") on parcels of property identified as JCC RE Tax Parcel Nos. **4730100002, 4730100005, and 4730100003** and further identified as **229 Sandy Bay Road, 1820 & 1826 Jamestown Road** (the "Property") as set forth in the application CBE-10-038 for **6,273 square feet of RPA buffer impacts for walkways, display and storage of nursery container stock, and a portion of the stormwater management facility for this retail plant and garden supply sales operation** and;

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

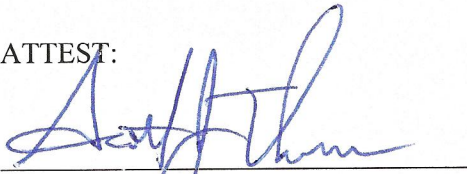
1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - **The applicant must obtain all other necessary federal, state, and local permits as required for the project.**

- The removal of 8,364 square feet of RPA buffer impacts caused by the existing gravel.
- Full implementation of the mitigation measures submitted with the WQIA and site plan plus any additional Board mitigation requirements shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3)(d) and 23-17(c), which is providing a form of surety satisfactory to the County Attorney.
- This exception request approval shall become null and void if construction has not begun by August 11, 2012 or all improvements including the required mitigation measures are not completed by August 11, 2013.
- Written requests for an extension to this exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.



David Gussman
Chair, Chesapeake Bay Board

ATTEST:



Scott J. Thomas
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of July 2011.

GrantExcTemp.res