

## RESOLUTION

### CASE NO. SUP-0009-2014. KING'S GARDEN CONTRACTOR'S

#### OFFICE AND WAREHOUSE

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

WHEREAS, Mr. Mitchell Foos has applied for an SUP to allow for a contractor's office with outdoor storage on property located at 8850 Merry Oaks Lane; and

WHEREAS, the proposed project is depicted on the plan entitled "Master Plan for King's Garden" and dated September 16, 2014; and

WHEREAS, the proposed project is located on property zoned A-1, General Agricultural, further identified as James City County Real Estate Tax Map Parcel No. 1120100032B; and

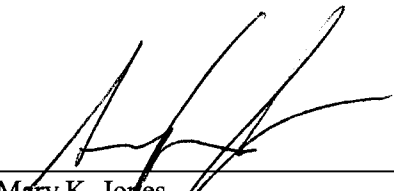
WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0009-2014; and

WHEREAS, the Planning Commission, following its public hearing on October 1, 2014, voted 5-0-1 to recommend approval of Case No. SUP-0009-2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approve Application No. SUP-0009-2014, as described herein, pursuant to the following conditions:

1. This SUP shall be valid for a contractor's office and the storage of vehicles, equipment and landscape materials associated with that business (the "Proposal") on property located at 8850 Merry Oaks Lane and further identified as James City County Real Estate Tax Map No. 1120100032B (the "Property"). The location of the storage of vehicles, equipment, and landscape materials shall be generally as shown on the master plan entitled "Master Plan for King's Garden" dated September 16, 2014 (the "Master Plan"), with such minor changes as the Director of Planning determines do not change the basic concept or character of the development.
2. Commercial activity conducted at the Property shall be limited to administrative/office work, maintenance of equipment and vehicles, storage, and loading of materials on trucks and trailers.
3. Transportation of equipment to and from the Property shall be limited to 7 a.m. to 7 p.m. Monday through Saturday, except for occasional after hours and Sunday transportation related to storm clean-up work and the like.

4. On-site storage of vehicles, equipment, and landscape materials associated with the Proposal shall be as follows:
  - a. Vehicles and associated equipment, including but not limited to, trucks and trailers, shall be contained within an area of up to 2,000 square feet as generally shown on the Master Plan.
  - b. Landscape materials associated with the Proposal, including but not limited to, bricks, rocks, stones, and pavers shall be contained within an area of up to 3,000 square feet as generally shown on the Master Plan. These materials shall not be located within any required building setback or have a vertical height of more than eight feet.
  - c. Equipment associated with the Proposal, including but not limited to, leaf blowers, commercial lawn mowers, spray rigs, spreaders, wheelbarrows, chainsaws, backpack sprayers, and hand tools shall be stored within the existing 1,200-square-foot garage as shown on the Master Plan.
5. An amendment to this SUP shall be necessary should the number of vehicles, equipment, and landscape materials associated with the Proposal exceed the storage capacity as specified by this SUP.
6. The existing vegetation surrounding the storage areas shown on the Master Plan shall remain undisturbed.
7. Neither soil stockpile as defined by Section 24-46 of the Zoning Ordinance, nor storage/stockpiling of landscaping debris shall be allowed on the Property.
8. No outdoor signage advertising the Proposal or commercial activity shall be allowed on the Property.
9. All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Director of Planning or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
10. Prior to final site plan approval, a spill prevention and containment plan that addresses chemical handling, including but not limited to, oil, diesel, and gasoline, shall be submitted to the Director of Engineering and Resource Protection and the Fire Chief for their respective review and approval.
11. A site plan shall be required for this Proposal. Final approval of the site plan shall be obtained within 18 months of issuance of this SUP, or the SUP shall become void.
12. 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

ATTEST:

  
\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

|          | <u>AYE</u> | <u>NAY</u> | <u>ABSTAIN</u> |
|----------|------------|------------|----------------|
| KENNEDY  | <u>X</u>   | ___        | ___            |
| HIPPLE   | <u>X</u>   | ___        | ___            |
| MCLENNON | <u>X</u>   | ___        | ___            |
| ONIZUK   | <u>X</u>   | ___        | ___            |
| JONES    | <u>X</u>   | ___        | ___            |

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2014.

SUP0009-14KingsGarden-res