

## RESOLUTION

CASE NO. SUP-20-0018. 8251 RICHMOND ROAD

HERTZLER AND GEORGE LANDSCAPING

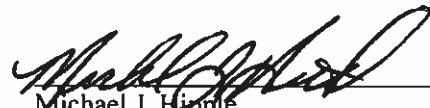
- WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Mr. Ryan Stephenson of AES Consulting Engineers has applied for an SUP on behalf of Mr. Joe Hertzler to allow for the operation of a contractor's office and storage yard on property located at 8251 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 1240100064 (the "Property"); and
- WHEREAS, the Planning Commission, following its public hearing on January 6, 2021, recommended approval of Case No. SUP-20-0018 by a vote of 7-0; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-20-0018; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2035 Comprehensive Plan Land Use Map designation for the Property.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-20-0018 as described herein with the following conditions:

1. Master Plan. This Special Use Permit (SUP) shall be valid for the construction of a contractor's office with associated storage yard (the "Facility") on property located at 8251 Richmond Road and further identified as James City County Real Estate Tax Map No. 1240100064 (the "Property"). The Facility shall be developed and constructed substantially in accordance with the master plan titled "8251 Richmond Road Hertzler and George" prepared by AES, and dated November 25, 2020 and revised December 22, 2020 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Lighting. Prior to final approval of any site plan, if any exterior lighting is proposed for the Facility, the Planning Director or designee shall review and approve a lighting plan for the Property. Any exterior lighting for the Facility or the Property shall be shielded and directed downward. No glare, defined as 0.1-foot-candle or higher, shall extend outside the boundaries of the Property. Lights shall be operated by a motion detector or be able to be turned on as needed by the Facility operator and shall not be routinely illuminated at night. No light poles shall exceed a height of sixteen (16) feet above finished grade unless otherwise approved in writing by the Planning Director prior to final site plan approval.


3. Landscape and Screening. As part of the site plan, a landscape plan shall be submitted to the Planning Director or designee for review and approval prior to final site plan approval with the following standards:
  - a. The area within the building setback as shown on the Master Plan between the Property and James City County Real Estate Tax Map Parcel Nos. 1240100005 and 1240100004 shall remain undisturbed with additional landscaping required per Condition No. 3c. unless approved in writing by the Planning Director or designee. Any disturbance or grading into this area shall be the minimum necessary and shall require additional plantings to adequately screen the Property from adjacent properties. The owner shall meet on-site with the Planning Director or designee to discuss any proposed disturbance or grading into this area and shall submit a tree removal and screening plan prior to site plan or land disturbing permit approval that identifies which of the mature trees, as defined in Section 24-93 of the Zoning Ordinance, are being preserved and which mature trees will be removed for the proposed disturbance.
  - b. Any fencing used for screening shall be of a natural wood color and of a design to screen the Facility from adjacent properties. Fence height shall be a minimum of six (6) feet and a maximum of eight (8) feet. The location of the fence shall be shown on the site plan, and the design of the fence shall be submitted to the Planning Director for review and approval as a component of the site plan. No fencing shall be built within the Community Character Corridor buffer.
  - c. The perimeter buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas, except that the required evergreen tree and shrub mixture shall be increased from 35% to at least 45%. Any existing vegetation may be used to meet the requirements of this subsection as approved by the Planning Director as part of the landscape plan.
4. Material and Equipment Storage. All equipment storage shall be limited to areas designated as "proposed gravel/laydown area" on the Master Plan. All material stockpiles shall be limited to areas designated as "approximate proposed material stockpile area" on the Master Plan. Material stockpiles not exceed eight (8) feet in height and shall not exceed two thousand five hundred (2,500) square feet each in land area. Each material stockpile consisting of wood products shall have a minimum of twenty-five (25) feet of separation from adjacent stockpiles of wood products. A screening plan shall be shown on the site plan, to be reviewed, and approved by the Planning Director or designee, to ensure that no material storage or equipment shall be visible from the Richmond Road or adjacent properties. The screening plan shall also meet Condition No. 3c.
5. Water Conservation. Water conservation standards shall be enforced on the Property through an agreement with the James City Service Authority (JCSA). The standards shall be approved by the JCSA General Manager prior to site plan approval and may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water

resources. Any changes shall be submitted to and approved by the JCSA.

6. Operations Mitigation Plan. Prior to final approval of any site plan for the Facility, an Operations Mitigation Plan shall be reviewed and approved of the Planning Director or designee. The plan shall include:
  - a. Dust mitigation of the gravel laydown areas, such as water trucks or similar methods.
  - b. Noise mitigation, such as the enforcement of hours of operation or restrictions of the on-site activities.
  - c. Road monitoring of Richmond Road, to include cleaning roadways of mud tracked onto Richmond Road from traffic associated with the Facility.
7. Spill Prevention Control and Countermeasure Plan. Prior to approval of any site plan for the Facility, a Spill Prevention Control and Countermeasure Plan (SPCCP) for the Property shall be submitted to the County Director of Stormwater and Resource Protection or designee for review and approval. The SPCCP shall outline measures and procedures necessary for the operation of the Facility and activities conducted on the Property.
8. Limitations. No direct sales of products related to the Facility, including the sales of wood or wood-related products, shall occur at the Property. No mulching or stump grinding shall occur at the Property.
9. Commencement of Construction. Construction of the Facility as described in this SUP shall commence within thirty-six (36) months from the date of approval of this SUP, or this SUP shall be void. Construction shall be defined as obtaining change of use for structures on the Property and site plan approval for the Facility.
10. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

  
 Michael J. Hipple  
 Chairman, Board of Supervisors

ATTEST:

  
 Teresa J. Fellows  
 Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	✓	—	—
ICENHOUR	✓	—	—
LARSON	✓	—	—
MCGLENNON	✓	—	—
HIPPLE	✓	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of February, 2021.

SUP20-18-8251RichRd-res