

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**R-32-09**

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 10<sup>th</sup> day of August, 2009:

|                  |       |
|------------------|-------|
| Present:         | Vote: |
| Thomas W. Evelyn | Aye   |
| D. M. Sparks     | Aye   |
| James H. Burrell | Aye   |
| Stran L. Trout   | Aye   |
| W. R. Davis, Jr. | Aye   |

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Motion was made by Mr. Sparks, which carried 5:0, to adopt the following resolution:

**A RESOLUTION TO APPROVE CONDITIONAL USE PERMIT  
APPLICATION CUP-02-09 TO AUTHORIZE THE  
ESTABLISHMENT AND OPERATION OF A LANDSCAPING  
CONTRACTOR OFFICE/SHOP WITH OUTDOOR STORAGE**

WHEREAS, Eric Whitlow and Janet Whitlow have submitted an "Application for Conditional Use Permit" dated 11 March, 2009; and

WHEREAS, the Application for Conditional Use Permit requests a Conditional Use Permit to construct and operate a landscaping contractor office/shop with outdoor storage located on property identified on the New Kent County digital map as GPINs L10-1579-2486 & L10-1672-2796 and is identified on the New Kent County tax map as parcels 21-6 & 21-7B; and

WHEREAS, subsequent to receiving a complete application and within the timeframes established by Code, the Planning Commission scheduled and conducted a formal and duly advertised public hearing, carefully considering the public comment received; and

WHEREAS, the Planning Commission voted 9:0:1 to forward the subject application to the New Kent County Board of Supervisors with a favorable recommendation; and

WHEREAS, this application has been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia; and

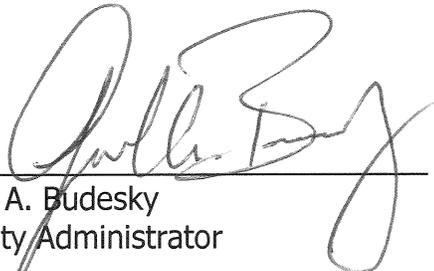
WHEREAS, in order to assure compliance with §15.2-2286.A.7 of the Code of Virginia, it is stated by the Board of Supervisors that the public purpose for this Resolution is to further public necessity, convenience, general welfare and good zoning practices in the County of New Kent and that its approval will further these public purposes; and

NOW THEREFORE BE IT RESOLVED this, the 10<sup>th</sup> day of August, 2009, by the New Kent County Board of Supervisors that application CUP-02-09 be, and it hereby is approved, subject to the following conditions:

1. The landscaping contractor office or shop with outdoor storage shall meet all requirements set forth in New Kent County Code Section 98-871(e) - Standards for construction contractor offices and shall meet all applicable requirements set forth in New Kent County Code Section 98-871(a) - Standards for all business, commercial and service uses. In addition, the parcel-specific conditions set out below shall be met:
  - a. At least 50% of the property shall be reserved for uses associated with the plant nursery/garden center and shall not be used for uses associated with the landscaping contractor office or shop with outdoor storage.
  - b. The landscaping contractor office or shop with outdoor storage shall be operated only between the hours of 7:30 am and 6:00 pm or dusk, whichever is later, Monday through Saturday.
  - c. Only one entrance shall be allowed on the subject property. Said entrance shall provide access to State Route 249 and shall be constructed as a commercial entrance with such turn lanes and/or tapers as may be required by Virginia Department of Transportation standards. Any other improvements warranted by development of the property as determined by the Virginia Department of Transportation shall also be followed.
  - d. The use of oil/water separators shall be used in the stormwater management of the site for those areas where company vehicles are parked and/or maintained and where equipment is stored and/or maintained.
  - e. Only one sign shall be allowed on the subject property. Said sign shall be restricted to one monument sign that is no more than 64 square feet in area, a maximum of eight feet (8') in height, and shall not be internally illuminated. A landscaping area containing at least 6 shrubs shall be installed around the base of the sign. The sign and landscaping area shall not be located within the required sight triangles of the property's entrance.

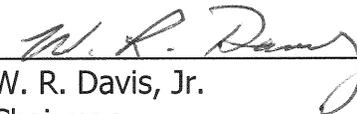
- f. No structures on the subject property shall exceed thirty-five (35') in height.
- g. Mechanical equipment associated with structures located on the property shall be screened from public view at ground level.
- h. No structures shall be built, with the exception of the signage permitted in Condition 1.e, and no parking areas or storage areas that are associated with the landscaping contractor office or shop with outdoor storage, shall be installed within one hundred fifty feet (150') of the New Kent Highway (State Route 249) right-of-way.
- i. A fifty foot (50') buffer shall be placed around the property's well and around the property's drainfield. No structures shall be built and no parking or storage areas that are associated with the landscaping contractor office or shop with outdoor storage shall be installed within said buffers.
- j. All existing vegetation shall be preserved within the transitional buffers and landscape yards required in Article XXVII of the New Kent County Zoning Ordinance. All transitional buffers and landscape yards shall be kept free of trash and debris.
- k. All areas dedicated to vehicle parking and outdoor storage associated with the landscaping contractor office or shop with outdoor storage use shall be effectively screened from view from public streets and adjacent property by landscaping and supplemented where needed by perimeter fencing that is no less than six feet (6') and no greater than ten feet (10') in height. All fencing shall be properly maintained and shall be kept free of trash and debris.
- l. All driveways, parking areas, and areas used for outdoor storage of equipment shall be hard surfaced with gravel or a permanent pavement. The driveway shall be surfaced with asphalt or other permanent pavement acceptable to the Virginia Department of Transportation for a distance of at least twenty feet (20') from the edge of the State Route 249 (New Kent Highway) right-of-way. These requirements shall not be interpreted to preclude the use of pervious surfaces such as porous concrete or asphalt as a part of the stormwater management of the site.
- m. A ten foot (10') strip of the property shall be reserved along the New Kent Highway (State Route 249) right-of-way to accommodate future improvements to the right-of-way. All setbacks shall be measured from the inner edge of this ten foot (10') strip. No construction of public or private utilities shall take place within this ten foot (10') strip.

2. This Conditional Use Permit shall expire on the fifth anniversary of its approval if the plant nursery/garden center is not in operation on the property.



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John A. Budesky  
County Administrator



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W. R. Davis, Jr.  
Chairman