

RESOLUTION

CASE NO. SUP-22-02. SCHMIDT LANDSCAPING

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 process; and

WHEREAS, Mr. Chris Basic of AES Consulting Engineers has applied on behalf of property owner Timothy P. Schmidt for a special use permit to allow a contractors office and warehouse located at 2961 Jolly Pond Road; and

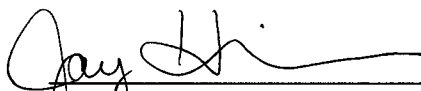
WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-8C) on James City County Real Estate Tax Map No. (30-3); and

WHEREAS, the Planning Commission, following its public hearing on January 13, 2003, voted 7-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-22-02 as described herein with the following conditions:

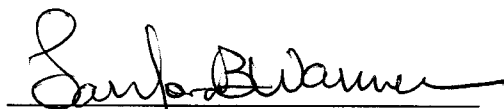
1. This special use permit shall be limited to the following: operation of a landscape contracting business from the existing 2,000-square foot two-story warehouse/office building, storage of vehicles and equipment directly associated with the landscaping business, mulch stockpile area, and landscape material growing area. Development of the site shall generally be in accordance with the "Preliminary Site Plan for Special Use Permit, Schmidt Landscaping" prepared by AES Consulting Engineers, dated November 25, 2002.
2. The sale of plants and related materials shall be prohibited on the property.
3. A site plan shall be submitted to and approved by the Planning Director. The site plan shall include an erosion and sediment control plan which addresses the method of containment for the mulch stockpile and landscape material growing areas.
4. A permanent certificate of occupancy for the warehouse/office building shall be obtained within one year from the issuance of a special use permit or the special use permit shall become void.
5. All entrance improvements required by the Virginia Department of Transportation along Jolly Pond Road (Route 633) shall be installed prior to issuance of a certificate of occupancy for the office/warehouse building on the site.

6. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. Such plan shall contain enhanced landscaping so that the required number of plant material equals at least 133 percent of the County's Landscape Ordinance requirements with at least 33 percent of the required number of trees being evergreen. Other than the driveway and septic field shown on the preliminary site plan, no further land disturbance shall occur within 75 feet from the Jolly Pond Road (Route 633) right-of-way.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
BROWN	AYE
GOODSON	ABSENT
KENNEDY	AYE
HARRISON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of February, 2003.

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