

## RESOLUTION

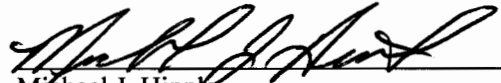
### CASE NO. SUP-0016-2014. TOP NOTCH TREE SERVICE

- 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 ("SUP") process; and
- WHEREAS, Mr. Thomas Napier has applied for an SUP to allow a contractor's warehouse, sheds and office and storage and repair of heavy equipment located at 4680 Fenton Mill Road; and
- WHEREAS, the proposed Development is depicted on the plan prepared by Dean Raynes, Land Surveyor, dated October 31, 2006, and entitled "Master Plan for Top Notch Tree Service"; and
- WHEREAS, the proposed development is located in its entirety on property zoned A-1, General Agricultural, further identified as James City County Real Estate Tax Map Parcel No. 1430300012; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0016-2014; and
- WHEREAS, the Planning Commission, following its public hearing on January 7, 2015, voted 7-0 to recommend approval of Case No. SUP-0016-2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. SUP-0016-2014, as described herein, subject to the following conditions:

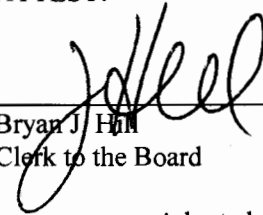
1. **Master Plan:** SUP shall be valid for a contractor's office and the storage of vehicles, equipment and materials associated with the use (the "Proposal") on property located at 4680 Fenton Mill Road and further identified as James City County Real Estate Tax Map No. 1430300012 (the "Property"). The location of the storage and parking of vehicles, equipment, and associated materials shall be generally as shown on the master plan titled "Master Plan for Top Notch Tree Service" dated October 31, 2006 (the "Master Plan"), with such minor changes as the Director of Planning determines does not change the basic concept or character of the development.
2. **Limitations:** No work associated with the Proposal, except for administrative/office work, maintenance of equipment and vehicles, storage, and loading of materials on trucks and trailers shall be conducted at the Property. No retail sales including the sale of wood or wood-related products shall occur at the Property. No manufacturing including the manufacture of wood or wood-related products except firewood shall occur at the Property. No mulching or stump grinding shall occur at the Property.
3. **Hours of Operation:** Transportation of equipment to and from the property shall be limited to 7:00 a.m.-7:30 p.m., Monday through Saturday, except for occasional after-hours and Sunday transportation related to storm cleanup work.

4. **Vehicle Storage:** Storage of vehicles, equipment, and landscape materials shall be as follows:
  - a) Vehicles and equipment, including but not limited to, trucks and trailers, shall be contained within the 6,000 square foot area as shown on the Master Plan.
  - b) Tree care and landscape materials associated with the Proposal, including but not limited to, sod and firewood shall be stored within the 3,000 square foot area as shown on the Master Plan. These materials shall not be located within any required building setback and shall not have a vertical height of more than eight feet from the ground.
  - c) Equipment associated with the Proposal, including but not limited to, power saws, ropes, pole saws, blowers, weed eaters, and various hand tools shall be stored within the existing 120-square-foot shed as shown on the Master Plan.
5. **Perimeter Buffer:** The existing vegetation surrounding the Property and surrounding the storage of vehicle/equipment areas as shown on the Master Plan shall remain undisturbed.
6. **Signage:** No outdoor signage shall be allowed on the Property.
7. **Lighting:** 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 16 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.
8. **Site Plan:** A site plan shall be required for this Proposal. Final approval of the site plan shall be obtained within 24 months of issuance of this SUP, or the SUP shall become void.
9. **Material Removal and Resource Protection Area Restoration:** The applicant shall submit a mitigation plan and execute a Chesapeake Bay Restoration Agreement with the County to remove all materials that have been placed within the Resource Protection Area (RPA) and stabilization of these areas, prior to final site plan approval by the Engineering and Resource Protection Director. Some materials outside the RPA also need to be removed. "Materials" shall mean any wood chips, stumps, junk vehicles, mechanical parts, unused sheds, or other materials brought in from off-site that were placed on-site or in the RPA. The James City County Engineering and Resource Protection Director, or his designee, shall verify, in writing, that all materials have been properly removed or stabilized on-site within six months from approval of the site plan.
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:

  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	<u>X</u>	---	---
MCGLENNON	<u>X</u>	---	---
ONIZUK	<u>X</u>	---	---
KENNEDY	<u>X</u>	---	---
HIPPLE	<u>X</u>	---	---

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of February, 2015.

SUP-16-14TreeSrv-res