

## RESOLUTION

### CASE NO. SUP-0027-2016. 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, office, 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-0027-2016; and

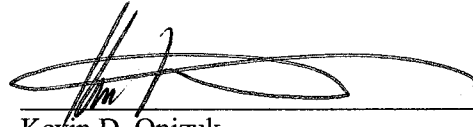
WHEREAS, the Planning Commission, following its public hearing on February 1, 2017, voted 7-0 to recommend approval of Case No. SUP-0027-2016.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. SUP-0027-2016, 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 afterhours and Sunday transportation related to storm cleanup work.

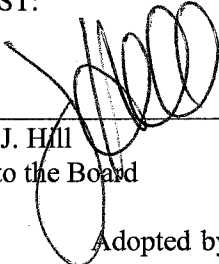
4. Vehicle Storage: Storage of vehicles, equipment and landscape materials shall be as follows:
  - a) All vehicles and equipment associated with the Proposal, including but not limited to trucks and trailers, shall not be located in any required perimeter buffers or Resource Protection Areas (RPA), and shall be contained behind the residence unless an alternative location is approved by the Director of Planning. Any alternative location shall be shown on the approved site plan and shall not be located within 100 feet of Fenton Mill Road and must provide additional screening such as landscaping and/or fencing as approved by the Director of Planning.
  - 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. No light poles shall 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 12 months of issuance of this SUP, or the SUP shall become void.
9. Material Removal and RPA Restoration: Prior to final site plan approval by the Engineering & Resource Protection Director, a Chesapeake Bay Restoration Agreement shall be executed with the County, which shall include a mitigation plan to remove all materials that have been placed within the RPA and stabilization of these areas. Materials outside the RPA that are in violation of the zoning ordinance also need to be removed. The James City County Engineering & Resource Protection Director, or his designee, shall verify, in writing, that all violating materials have been properly removed or stabilized on-site within six months from approval of the site plan. "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.

10. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.



Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:



Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of February, 2017.

SUP27-16TreeSrv-res