

RESOLUTION

CASE NO. SUP-7-00. HERTZLER CLEARING AND GRADING

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, a contractor's office and warehouse, the storage and repair of heavy equipment and the manufacture and sale of wood products are specially permitted uses of the A-1, General Agricultural, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on August 7, 2000, voted 6 to 0, with one absence, to recommend approval of this application on the property identified as Parcel No. (1-12A) on James City County Real Estate Tax Map No. (4-3).

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-7-99 as described herein with the following conditions:

1. Construction on this project shall commence within 24 months from the date of approval of this special use permit or this permit shall become void. Construction shall be defined as securing permits for land disturbance, building construction, clearing and excavation, and the pouring of footings.
2. An erosion and sediment control and runoff management plan shall be approved by the Environmental Director prior to final site plan approval. This plan shall also address the method of containment for the materials in the wood processing area and stabilization of the berms. All required state permits shall be acquired prior to final site plan approval.
3. This permit shall allow the construction of a 5,000 square foot office/warehouse, the storage and repair of Hertzler Clearing and Grading vehicles and heavy equipment, the storage of cleared stumps and wood material, and the grinding of stumps and wood material into mulch. The total disturbed area for this project, including the location of the office/warehouse, vehicle and equipment storage and repair area, and 2.5 acre wood storage, manufacturing and processing area, shall not exceed twenty five percent of the site, except with prior approval of the Board of Supervisors. No portion of the project shall be located within 400-feet of Barnes Road with the exception of the entrance road.
4. The location of the disturbed area shall be approved by the Director of Planning or his designee prior to final site plan approval.
5. The storage, manufacturing and processing of wood, mulch and wood materials shall be limited to a 2.5 acre area identified on a site plan to be approved by the Development Review Committee. The use of groundwater or chemicals shall not be used to aid in the decomposition of material.

6. The sale of wood, mulch or wood materials shall not be permitted on the site.
7. The use or operation of the tub grinder shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday. Stumps and other accumulated material contained within the 2.5 acre area for storage, manufacturing and processing of wood, mulch and wood materials shall be ground into mulch a minimum of four times and a maximum of six times per calendar year. Operation of the tub grinder shall be limited to a maximum of fifteen days per calendar year with a minimum of 30 days elapsing between each usage. The applicant shall be required to submit written notification to the Planning Director a minimum of one week prior to each usage of the tub grinder.
8. The tub grinder shall be located so as to minimize potential adverse impacts on adjacent properties including, but not limited to noise, dust, debris, and odor. The final location for the tub grinder shall be shown on a site plan to be approved by the Development Review Committee.
9. A minimum 150-foot undisturbed buffer shall be provided along the eastern property line and a minimum 50-foot buffer shall be provided along the western property line adjacent to Interstate 64. The buffers 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. The landscaping plan shall be approved by the Director of Planning or his designee prior to final site plan approval.
10. All traffic improvements required by the Virginia Department of Transportation or the Development Review Committee along Barnes Road (Route 601) shall be installed or bonded prior to issuance of a certificate of occupancy for any structure on the site.
11. The storage and repair of vehicles and heavy equipment on the site shall be limited to vehicles and equipment registered to Hertzler Clearing and Grading. No vehicles shall be allowed to transport wood, mulch or wood materials onto or off of the property except those registered to Hertzler Clearing and Grading. No more than ten vehicles shall be used as part of this commercial operation and no more than four shall be used to transport materials onto or off of the property.
12. Source material to be transported onto the property for storage, manufacturing and processing shall be limited to materials cleared, gathered or removed from Hertzler Clearing and Grading residential and commercial job sites.
13. A maximum height for accumulated stumps, mulch, and other wood materials contained within the 2.5 acre wood storage, manufacturing and processing area shall be identified on a site plan containing a line of sight cross section to be approved by the Development Review Committee. The line of site cross section shall also identify the finished grade of the 2.5 acre wood storage, manufacturing and processing area.
14. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of
September, 2000.

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