

DRAFT

At a meeting of the Spotsylvania County Board of Supervisors held on November 27, 2018, on a motion by _____, seconded by _____ and passed _____, the Board adopted the following resolution:

RESOLUTION NO. 2018-

**Approve with Conditions
Special Use Permit SUP18-0009
DMS Properties, LLC**

WHEREAS, DMS Properties, LLC requests Special Use Permit approval to allow a contractor's office and shop on approximately 10.10 acres of Agriculture 3 (A-3) zoned property. The property is located at 5730 Jefferson Davis Highway, which is located on the west side of Jefferson Davis Highway (Route 1) approximately 530 feet north of the Arcadia Road (Route 603) and Jefferson Davis Highway (Route 1) intersection. The property is located outside the Primary Development Boundary. The property is identified for Rural Residential development on the Future Land Use Map of the Comprehensive Plan. Tax parcel 76-A-15A. Berkeley Voting District; and

WHEREAS, staff has reviewed the subject application and recommends approval with conditions as stated in the staff report and the executive summary; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on November 7, 2018, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended approval of the project with a vote of 5-0; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on November 27, 2018, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Board of Supervisors considered the Special Use Permit request in accordance with Sec. 23-4.5.7, Standards of Review, and finds that the application with the recommended conditions satisfies the following standards:

1. That the proposed use is in accord with the comprehensive plan and other official plans adopted by the county;
2. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;

3. That the proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
4. That the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
5. That the proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood;
6. That the proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities;
7. That the proposed use will not cause undue traffic congestion or create a traffic hazard; and
8. That the proposed use will have no unduly adverse impact on environmental or natural resources.

WHEREAS, general welfare and good zoning practice are served by approval of the Special Use Permit application;

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby approve Shirley P. Joseph's (Columbia Gas of Virginia, Inc.) Special Use Permit with the conditions listed below:

1. The property shall be developed in accordance with the Generalized Development Plan (GDP) titled, "Special Use Permit Generalized Development Plan DMS Properties, LLC" dated June 24, 2016 and last revised October 30, 2018.
2. Landscaping and fencing as identified on the GDP shall be maintained for the life of the use in order to provide a visual screen of the storage yard from the public right of way.
3. All site entrance design shall be approved by VDOT prior to site plan approval.

BE IT FINALLY RESOLVED that the Spotsylvania County Board of Supervisors' approval and adoption of any conditions does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable Spotsylvania County Ordinances, rules, regulations, or adopted standards. To the extent anything in this Special Use Permit is less restrictive than the County's Ordinances, or its rules, regulations, or adopted standards, the lessened restriction shall be void and the County's Ordinances, or its rules, regulations, or adopted standards shall control and be applicable to the Special Use Permit.

(SEAL)

A COPY TESTE:

Aimee Mann
Deputy Clerk to the Board of Supervisors

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____