

***DRAFT DENIAL***

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

**RESOLUTION NO. 2018-**

**Denial – 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 does not sufficiently satisfy 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**, the general welfare and good zoning practice are served by denial of the application.

**NOW, THEREFORE, BE IT RESOLVED** that the Spotsylvania County Board of Supervisors does hereby deny Special Use Permit SUP18-0009 DMS Properties, LLC.

(SEAL)

A COPY TESTE: \_\_\_\_\_

Aimee Mann

Deputy Clerk to the Board of Supervisors

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_