

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**R-29-09(R2)**

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 10th day of September, 2009:

Present:	Vote:
D. M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Nay
Thomas W. Evelyn	Aye
W. R. Davis, Jr.	Aye

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Motion was made by Mr. Evelyn, which carried 4:1, to adopt the following ordinance:

**A RESOLUTION TO APPROVE  
CONDITIONAL USE PERMIT APPLICATION CUP-01-09  
AUTHORIZING THE CONSTRUCTION AND OPERATION OF A MINI-  
STORAGE FACILITY IN THE BUSINESS ZONING DISTRICT**

WHEREAS, David L. Horsley, Sr. and Chester A. Alvis have submitted an "Application for Conditional Use Permit" dated 23 February, 2009; and

WHEREAS, said application requests a Conditional Use Permit to construct and operate a mini-storage facility located on property identified on the New Kent County digital map as GPINs L10-3396-1833 & L10-3621-1758 and is identified on the New Kent County tax map as parcels 21-6-8A & 21-6-8B; and

WHEREAS, subsequent to receiving a complete application and within the timeframes established by Code, the Planning Commission scheduled and conducted a formal and duly advertised public hearing, carefully considering the public comment received; and

WHEREAS, the Planning Commission voted 9:1:1 to forward the subject application to the New Kent County Board of Supervisors ("the Board of Supervisors") with a favorable recommendation; and

WHEREAS, this application has been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, in order to assure compliance with §15.2-2286.A.7 of the Code of Virginia, it is stated by the Board of Supervisors that the public purpose for this Resolution is to further public necessity, convenience, general welfare and good zoning practices in the County of New Kent and that its approval will further these public purposes;

NOW THEREFORE BE IT RESOLVED this, the 10<sup>th</sup> day of September, 2009, by the New Kent County Board of Supervisors that application CUP-01-09 be, and it hereby is approved, subject to the following conditions:

1. The mini-storage facility shall meet all requirements set forth in New Kent County Code Section 98-871(i) - Standards for mini-storage facilities and mini-warehouses. In addition, the parcel-specific conditions set out below shall be met:
  - a. Each access point into the mini-storage facility shall be controlled by a gate which can only be accessed by authorized individuals (employees and lessees of storage units). The landowner shall provide the New Kent Sheriff's Office and New Kent Fire-Rescue Department permanent access pass codes for their use in responding to emergencies, conducting inspections, and enforcing federal, state and local laws and codes. Gates shall be located so as to prevent vehicles from queuing on public right-of-way before entering said gates.
  - b. Only one entrance shall be provided to the subject property from Route 249 (New Kent Highway). This entrance shall include a right-turn lane constructed to Virginia Department of Transportation standards and any other improvements warranted by development of the property as determined by the Virginia Department of Transportation.
  - c. All required setbacks on this property shall be measured from the edge of the future right-of-way that takes into account all potential right-of-way needs of the active Virginia Department of Transportation project to improve the safety and traffic operations of the intersection of Route 249 (New Kent Highway) with Route 612 (Airport Road) (VDOT UPC #52414). No construction of public or private utilities shall take place within any area potentially required for future right-of-way based on the

estimated future right-of-way shown in yellow on the diagrams entitled "Rt 249/Rt 612 Intersection Improvements – VDOT Option 1: Turn Lanes" and "Rt 249/Rt 612 Intersection Improvements – VDOT Option 2: Roundabout", provided by the Virginia Department of Transportation, dated 7/15/2008 and filed in the application file for this Conditional Use Permit or as they may be subsequently revised by VDOT as the project progresses toward construction. The estimated future right-of-way dedication required for Option 1: Turn Lane is as follows: a strip approximately 20' in width along Route 612 (Airport Road) south for approximately 225', a strip approximately 50' in width along the southeast corner of the intersection for approximately 80', and a strip approximately 15' in width along Route 249 (New Kent Highway) east for approximately 175'. The estimated future right-of-way required for Option 2: Roundabout is as follows: a triangular area bound by an arc beginning at least 65' from the center of the roundabout and curving outward to adjoin the existing rights-of-way of Route 249 (New Kent Highway) and Route 612 (Airport Road).

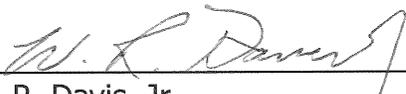
- d. Only one sign for the subject property shall be allowed along Route 249 (New Kent Highway). Said sign shall be restricted to one monument sign that is no more than 64 square feet in area, a maximum of 8' in height, and shall not be internally illuminated. A landscaping area containing at least 6 shrubs shall be installed around the base of the sign. Said shrubs shall be maintained at less than 24" in height.
- e. Site lighting shall not be mounted at a height exceeding 20' above ground.
- f. No structure containing mini-storage units shall exceed 20' in height.
- g. Outdoor storage of boats and recreational vehicles, including outdoor storage provided within 3-sided, covered structures, shall be permitted, provided that said outdoor storage is screened from view of the street rights-of-way and adjacent properties by mini-storage units and by the perimeter fencing required in Condition 1.n.
- h. No mini-storage unit or outdoor storage area shall be located within 250' of the centerline of the Route 612 (Airport Road) right-of-way.
- i. This Conditional Use Permit shall not limit the amount of square footage of storage space to be provided in the mini-storage facility. However, the appropriate turn movements and turning radii of at least 28' shall be shown around the mini-storage units and outdoor storage areas on the site plan to assure efficient vehicular movement and to assure sufficient access to the site by emergency vehicles.
- j. The use of oil/water separators shall also be used in the stormwater management of the site.
- k. All sidewalks, parking/loading areas, and drive aisles shall be hard surfaced with a permanent pavement. This requirement shall not be

interpreted to preclude the use of pervious surfaces such as porous concrete or asphalt as a part of the stormwater management of the site.

- l. Mechanical equipment shall be screened from public view at ground level.
- m. All existing tree cover will be preserved in the transitional buffers that are required in Article XXVII of the New Kent County Zoning Ordinance.
- n. In addition to the transitional buffers and landscape yards required in Article XXVII of the New Kent County Zoning Ordinance, permanent fencing shall be installed around the perimeter of the mini-storage facility to screen the facility from view. Said fencing shall be constructed of masonry, wood, or similar building materials. Chain link fencing may be used to the rear of the subject property. All perimeter fencing shall be no less than 6' and no greater than 10' in height. Mini-storage units may be used as part of the perimeter fencing, provided that the combination of mini-storage units and fencing forms a uniform, cohesive barrier to entry and visual screen. All fencing shall be properly maintained and shall be kept free of trash and debris.
- o. Temporary chain link fencing may be used along a temporary perimeter during the phased development of the mini-storage facility. This temporary chain link fence shall not be present for longer than 730 days from the issuance of a certificate of occupancy at the conclusion of one phase or the issuance of a building permit at the start of the next phase, whichever is later. The chain link fencing shall be no less than six feet (6') and no greater than ten feet (10') in height as measured from the surface of the ground. Any fence so constructed shall run perpendicular to Route 249 (New Kent Highway). A performance agreement and surety shall be submitted to and approved by the Department of Community Development before said fencing is installed. The County Attorney shall approve the form of the surety. The land owner shall properly maintain all fencing and shall keep it free of trash and debris.

2. This Conditional Use Permit shall expire on the fifth anniversary of its approval if a building permit for this location has not been issued.

  
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William A. Whitley  
Interim County Administrator

  
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W. R. Davis, Jr.  
Chairman