

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

R-67-09

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 14th day of December, 2009:

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

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

**A RESOLUTION TO APPROVE CONDITIONAL
USE PERMIT APPLICATION CUP-03-09 AUTHORIZING THE
CONSTRUCTION AND OPERATION OF A MINI-STORAGE
FACILITY IN THE BUSINESS ZONING DISTRICT**

WHEREAS, George Philbates Jr. and Rebecca Philbates, applicants and property owners, have submitted an "Application for a Conditional Use Permit" dated April 30, 2009; and

WHEREAS, said application requests a conditional use permit in order to establish a "mini-storage warehouse" facility, which is classified as a conditional use in the Business zoning district, located on property identified on the New Kent County digital map as GPIN # J27-1002-0745 (Tax Parcel 26-87F); 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 on November 16, 2009, and carefully considered the application and public comment received; and

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

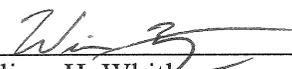
WHEREAS, this conditional use permit application has been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, 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; and

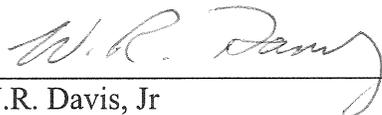
NOW THEREFORE BE IT RESOLVED this, the 14th day of December, 2009, by the New Kent County Board of Supervisors, that application CUP-03-09 be, and it hereby is approved, subject to the following conditions:

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 following conditions set out below shall be met:
 - a. The access point to 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. The gate shall be located so as to prevent vehicles from queuing on public right-of-way before entering said gate.
 - b. Only one entrance shall be provided to the subject property from 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. Only one sign for the subject property shall be allowed along 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 feet 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 inches in height.
 - d. Site lighting shall not be mounted at a height exceeding 20 feet above ground.
 - e. No mini-storage unit shall exceed 20 feet in height.
 - f. 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 turn radii of at least 28 feet shall be shown around the mini-storage units on the site plan to assure efficient vehicular movement and to assure sufficient access to the site by emergency vehicles.
 - g. 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.
 - h. Mechanical equipment shall be screened from the public view at ground level.
 - i. All existing tree cover will be preserved in the transitional buffers that are required in Article XXVII of the New Kent County Zoning Ordinance.

- j. In addition to the transitional buffers and landscape yards requirement in Article XXVII of the New Kent County Zoning Ordinance, permanent fencing shall be installed around the perimeter of the mini-storage facility, excluding the New Kent Highway frontage (refer to ZM-06-09 Proffer #2), to screen the facility from view. All perimeter fencing shall be no less than 6 feet and no greater than 10 feet 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.
 - k. The property shall be developed in general accordance with the concept plan submitted with Applications ZM-06-09 and CUP-03-09 and no barren cinder block shall be visible from public roads or adjacent properties.
 - l. A Site Plan shall be submitted to the New Kent County Community Development Department prior to the commencement of the proposed use. The Site Plan shall be prepared in accordance with Article XXII of the New Kent County Code.
 - m. The Proffers approved by the New Kent County Board of Supervisors during the rezoning approval of Application ZM-06-09, shall apply to this property and shall be set forth on the face of the approved Site Plan. In the event there are conflicts between the Conditions of the Use Permit and the Proffers associated with the Rezoning, the Conditions shall take precedence.
 - n. 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.



William H. Whitley
Interim County Administrator



W.R. Davis, Jr
Chairman