

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

R-25-13

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 13th day of November, 2013:

Present:	Vote:
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
W.R. Davis, Jr.	Aye

Motion was made by Mr. Tiller, which carried 5:0, to adopt the following resolution:

**A RESOLUTION TO APPROVE
CONDITIONAL USE PERMIT APPLICATION
CUP-03-13, JACKASS FLATS LLC,
TO AUTHORIZE THE CONSTRUCTION
OF A MINI-STORAGE FACILITY LOCATED ON
TAX MAP & PARCEL 44-68 (GPIN D22-2098-2112)**

WHEREAS, Monte Brown with Jackass Flats LLC (property owner and applicant), has submitted a “Conditional Use Permit Application” dated August 29, 2013; and

WHEREAS, said application requests a conditional use permit to construct a mini-storage facility on a parcel identified on the New Kent County digital map as GPIN #D22-2098-2112 (Tax Map and parcel 44-68); and

WHEREAS, said application was considered by the New Kent County Planning Commission (the “Planning Commission”) in accordance with applicable procedures at a formal and duly advertised public hearing on October 21, 2013, where they carefully considered the public comment received and voted 9:0:1 to forward a recommendation of approval to the Board of Supervisors; and

WHEREAS, within the timeframes established by the Code of Virginia and New Kent County Code, the Board of Supervisors scheduled and conducted a formal and duly advertised public hearing on November 13, 2013, and carefully considered the comments received, the application and conditions; and

WHEREAS, the Board of Supervisors has evaluated the application based on the current zoning of the parcel, which is Business, the Conditional Use Permit Ordinance, and the proposed conditions in the staff memo; and

WHEREAS, the Board of Supervisors finds that adding conditions to this project is appropriate to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County and the health safety, and general welfare of the citizens in the County;

NOW THEREFORE, BE IT RESOLVED that on this, the 13th day of November, 2013, by the New Kent County Board of Supervisors, that Conditional Use Permit Application CUP-03-13 submitted by Monte Brown with Jackass Flats LLC (property owner and applicant), 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:

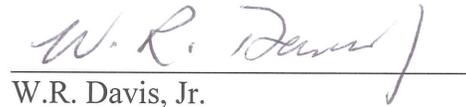
- a. Each access point into the mini-storage facility shall be controlled by a gate which can only be accessed by authorized individuals (employees and lessees of storage units). The landowner shall provide the New Kent Sheriff's Office and New Kent Fire-Rescue Department permanent access pass codes 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. An entrance that meets all of VDOT's spacing requirements must be approved by VDOT. Per the VDOT comment letter dated September 4, 2013, the existing entrances on both Route 60 and Rockahock Road do not meet spacing requirements and will need to be closed. This will be worked out with VDOT during the site planning process.
- c. The applicant shall install all VDOT improvements, including turning lanes, if required.
- d. Only one sign for the subject property shall be allowed along Route 60 (Pocahontas Trail). 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 mini-storage unit 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 1.1.
- h. 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.
- i. The use of oil/water separators shall also be used in the stormwater management of the site.
- j. 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.
- k. Mechanical equipment shall be screened from public view at ground level.
- l. 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. 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, debris, and excessive or tall vegetation.
- m. 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. A performance agreement and surety shall be submitted to and approved by the Department of Community Development before the temporary 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, debris, and excessive or tall vegetation.
- n. If any of the existing structures on the site will be converted to mini-storage units, the structures must be evaluated by an engineer to determine their structural integrity.

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.



Rodney A. Hathaway
County Administrator



W.R. Davis, Jr.
Chairman