

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

**R-30-20**

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 10<sup>th</sup> day of August, 2020:

<u>Present:</u>	<u>Vote:</u>
Thomas W. Evelyn	Nay
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Patricia A. Paige	Nay

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Motion was made by Mr. Lockwood, which carried 3:2, to adopt the following resolution:

**A RESOLUTION TO APPROVE  
CONDITIONAL USE PERMIT APPLICATION CUP-01-20,  
POCAHONTAS CENTER RETAIL AND MINI-STORAGE  
FACILITY (MARK DANIEL WITH JOAMARK GLOUCESTER)  
ON A PORTION OF TAX MAP & PARCEL 19-46F (GPIN #J05-2776-0521)**

WHEREAS, Robert, William, and Nancy Smithdeal (property owners) and Mark Daniel with Joamark Gloucester (applicant), have submitted a "Conditional Use Permit Application" dated June 5, 2020; and

WHEREAS, said application requests a conditional use permit to construct a mini-storage facility and a retail establishment greater than 30,000 square feet on a portion of a parcel identified on the New Kent County digital map as GPIN #J05-2776-0521 (Tax Map and parcel 19-46F); 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 July 20, 2020, where they carefully considered the public comment received and voted 7:3:1 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 August 10, 2020, 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 standards set forth in the Conditional Use Permit Provisions of the Zoning Ordinance (Article XIX, § 98-741 et seq.), and the proposed conditions in the staff memo; and

WHEREAS, the Board of Supervisors finds that the standards for granting a Conditional Use Permit have been satisfied; and

WHEREAS, the Board of Supervisors finds that approval of this application would 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 10<sup>th</sup> day of August, 2020, by the New Kent County Board of Supervisors, that Conditional Use Permit Application CUP-01-20 submitted by Robert, William, and Nancy Smithdeal (property owners) and Mark Daniel with Joamark Gloucester (applicant), be, and it hereby is, approved, subject to the following conditions:

1. The development shall meet all requirements set forth in New Kent County Code Article XXVIII – Bottoms Bridge Corridor Overlay Regulations. The architectural renderings required in this Article shall include any mini-storage facility units that lie within the Overlay Corridor.
2. 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.
3. The mini-storage facility shall be set back no less than 300 feet from the edge of the Route 60 right of way.
4. The access point into the mini-storage area/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.
5. The maximum amount of storage space, including the office/administrative building for the mini-storage facility, shall be 48,000 square feet, as shown on the "Preferred Layout" exhibit A submitted with the application. Appropriate turn movements and turning radii of at least 28' 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.
6. The use of oil/water separators shall be used in the stormwater management of the site.

7. All VDOT requirements shall be met prior to site plan approval; including but not limited to Access management, spacing requirements, Traffic Impact Analysis requirements, left and right turn lane warrants/requirements, and site distance requirements. The applicant shall install all VDOT improvements, including turning lanes, if required.
8. The 300-foot setback area referenced in condition 3 shall remain fully vegetated and shall not be cleared until construction of the retail area begins, with the exception of an entrance and driveway to provide access to the mini storage facility.
9. The development shall meet all landscaping and transitional buffer requirements in Article XXVII of the New Kent County Zoning Ordinance.
10. This Conditional Use Permit shall expire on the fifth anniversary of its approval if a certificate of occupancy has not been issued.

BE IT FURTHER RESOLVED, that the County Administrator be, and he is hereby, directed to have a fully executed copy of this Resolution recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.

Attest:



Rodney A. Hathaway  
County Administrator




Patricia A. Paige  
Chairwoman

COUNTY OF NEW KENT  
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 11th day of August 2020 by Rodney A. Hathaway, County Administrator and Clerk of the New Kent Board of Supervisors.

My commission expires: 12-31-2022  
My Commission Number: 315272



Notary



COUNTY OF NEW KENT  
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 12th day of August 2020 by Patricia A. Paige, Chairwoman of the New Kent Board of Supervisors.

My commission expires: 12-31-2022  
My Commission Number: 315272

Wanda Faye Watkins  
Notary



INSTRUMENT 200003193  
RECORDED IN THE CLERK'S OFFICE OF  
NEW KENT COUNTY CIRCUIT COURT ON  
AUGUST 12, 2020 AT 02:33 PM  
AMY P. CRUMP, CLERK  
RECORDED BY: KSM