



Staff Report

Board of Supervisors
March 21, 2023

Case #: C-23-2
Applicant: Ayman Alshaikh and Mustafa Shaikh
CUP Request: To establish a mini-storage facility in the B-2 Zoning District
Property Location: Buckskin Dr. (SR F-080), McKenney, VA
Tax Map Parcel(s): 81-28A, 28B, 28C
Property Size: 3.93 +/- acres
Magisterial District: Sapony
Planning Commission Mtg.: February 8, 2023

CASE OVERVIEW

The applicants, Ayman Alshaikh and Mustafa Shaikh, and their agent, Ronald H. Gordon, are seeking a conditional use permit to allow for a self-service storage facility on the property containing approximately 3.93 +/- acres. The B-2 zoning district allows, for a self-service storage facility with a conditional use permit. The property is located in McKenney, Virginia off Buckskin Dr., which is on the north side of McKenney Highway (Route 40) at the northeastern quadrant of the intersection of I-85 and Route 40 and is further defined as Tax Map Parcel Nos. 81-28A, 81-28B, and 81-28C. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Rural Conservation Area, which allows for service, low-density residential, and agricultural uses for this general area.

ATTACHMENTS

CUP Application, Property Location Map, Conceptual Site Plan, VDOT Preliminary Review Letter

LAND USE/ZONING ANALYSIS

The properties in the immediate area surrounding this land parcel include mixed land uses that include the I-85 onramp and Buckskin Dr. (State Route F-080), forestal, open space, and rural residential land uses. The adjoining property to the north and property directly across Rt. 40 (McKenney Hwy.) are zoned B-2, Business General, the surrounding properties to the east are zoned Agricultural, General, A-2. Tax Map Parcel # 81-27, the parcel directly south of the subject property was rezoned from B-2, Business General, to A-2, Agricultural General, in June 2019.

The subject property is located within the Rural Conservation Planning Area as defined by the Comprehensive Land Use Plan. When I-85 was constructed through the County, the subject property and the property adjacent to the I-85 interchange was originally zoned B-2 by the County to allow for business development around the I-85 interchange.

OVERVIEW OF IMPACTS

Public Utilities, School System, & Public Safety

If on-site water and sewer is needed, the project would have to utilize on-site well and septic systems, therefore there is no impact to public utilities. As the project is not intended for permanent occupancy, there are no impacts to the school system. The impact on public safety is minimal; there is no specific public safety issue related to the self-service storage facility.

Transportation

The subject property has direct access to Buckskin Dr. (F-080) and the site plan proposes two entrances. VDOT has the following preliminary review comments based on the attached site concept plan: (1) The proposed use will require the construction of commercial entrances that meet VDOT standards and specifications; (2) The schematic plan submitted for review shows two proposed commercial entrances, and VDOT has no objection to the two proposed entrances included on the schematic layout plan; and (3) Based upon the ITE Trip Generation Manual, 10th Edition, the proposed use will generate approximately 150 average annual daily trips (AADT). This increase in traffic is not expected to have any impacts on SR F-080, Buckskin Drive.

RECOMMENDATIONS & CONDITIONS

As set forth in the Zoning Ordinance Sec. 22-22. (Conditional use permits generally), “*Any provisions of this Chapter which allow a use with a conditional use permit shall not prohibit the Board of Supervisors from denying an application for a particular permit upon finding, after public hearing, that the issuance of such permit would not be in compliance with the intent, purpose and design of this Chapter and/or Section 22-2 of this Code*”. Section 22-2. (Purpose and design of chapter) states that “*For the purpose of promoting the health, safety and general welfare of the public and of further accomplishing the objectives of Va. Code Section 15.1-427 of the Code of Virginia, 1950, as amended, the provisions of this chapter are hereby adopted as the zoning regulations of the County, together with the accompanying map. This Chapter has been designed:*

- 1) *To provide for adequate light, air, convenience of access and safety from fires, floods and other dangers;*
- 2) *To reduce or prevent congestion in the public streets;*
- 3) *To facilitate the creation of a convenient, attractive and harmonious community;*
- 4) *To expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;*
- 5) *To protect against destruction of or encroachment upon historic areas; and*
- 6) *To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health or property from fire, flood, panic, or other dangers.”*

Planning staff has reviewed the applicants’ request and recommends approval of the requested conditional use permit, subject to the following conditions:

1. The storage buildings and individual storage units located along the front of the subject property that are visible from the I-85 and Buckskin Dr. right-of-ways shall be

constructed with a brick front with eaves for the portion of the building and units visible from the right-of-way.

2. The self-service storage facility shall have no more than 43,560 square feet of enclosed storage.
3. The parking area and all areas between the storage buildings shall be paved as each storage building is constructed.
4. Security and site lighting installed shall be directed inward and downward to the site and shall not directly cast light onto the adjacent properties. In addition, exterior lighting shall be dark sky compliant and shall not exceed ½ foot candle at the property line.
5. The portion of the property housing the self-service storage facility shall have a six (6) foot high chain link fence around its perimeter, and the fencing fronting the Route F-080 right-of-way shall be black or green heavy vinyl coated chain link fencing, or fencing constructed of wood, vinyl, aluminum, or wrought iron.
6. The applicant will maintain the Ordinance required two (2) parking spaces (two (2) office/employee parking spaces as stated in Dinwiddie Code section 22-237-(10)-b.) and one handicap accessible parking space on the site.
7. The commercial entrance(s) to the business shall be at the VDOT approved location. The applicant shall maintain a VDOT commercial entrance permit and the commercial entrance shall meet VDOT design and construction standards.
8. As part of this mini-storage facility, there shall be no more than five (5) inoperative vehicles stored outside on the subject property, and any inoperative vehicles shall be stored in the rear of the facility and screened from public view.
9. The hours of operation for the self-service storage facility shall be limited to Monday – Sunday from 7:00 AM – 8:00 PM.
10. The conditional use permit shall be reviewed a minimum of every two (2) years for compliance with the stated conditions.
11. The applicant shall remain in compliance with all federal, state, and county rules and regulations.

Planning Commission Recommendation

Since this is a zoning matter, the standard statement regarding the Planning Commission’s recommendation on this zoning matter must be read. In order to assist, staff prepared the following motions:

Motion to recommend approval to the Board of Supervisors with conditions:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning

practice, I move that conditional use permit request, C-23-2, as presented, be recommended for approval with conditions to the Board of Supervisors.

Motion to recommend disapproval to the Board of Supervisors:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (3) & (7) and Zoning Ordinance Sections 22-22 and 22-2 it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit request, C-23-2, as presented, be recommended for disapproval to the Board of Supervisors as the issuance of a conditional use permit would not be in compliance with the intent, purpose, and design of the Dinwiddie County Zoning Code.

Mr. Bassett asked if there were any questions from the Commissioners.

Mr. Cunningham asked Mr. Bassett if he knew what the applicant plans on putting in the three building spaces that show they are empty on the concept site plan that has been provided.

Mr. Bassett said he was not sure. However, the applicant is present to answer that question.

The Chairman asked if there were any more questions for Mr. Bassett. He said since there are none would the applicant like to come forward and add anything.

Mr. Ayman Alshaikh, at 12604 Hogans Alley Chester, VA came forward and said he did not have anything else to add, but would answer any questions the Commissioners have for him.

Mr. Cunningham asked Mr. Alshaikh if any of the storage unit buildings were going to be climate controlled.

Mr. Alshaikh said if the need arises, he would consider making one building climate controlled. As to the use of the empty building spaces, he has not given any further thought to what may go there.

Mr. Titmus asked Mr. Alshaikh what his plans are for the building showing they are empty on the site plan.

Mr. Alshaikh said he has a couple of options for the building. For one, they could be used as cover buildings for boats and RV's. The second things is, they could become the climate controlled buildings or at least one of them anyway.

The Commissioners also discussed screening the front of the property and storage facility from the road.

The Chairman said since there are no questions for the applicant he was opening the public hearing portion of this case. He asked if there was anyone had signed up to speak. He said since there is no one he was closing the public hearing portion of the meeting. He asked the Commissioners if they had anymore comments before they voted.

Mr. Harvell said he has some family involvement with this case and because of that I am recusing myself from voting on this case.

Since there was no more questions Mr. Tucker made a motion and read the following: BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit request, C-23-2, as presented, be recommended for approval with revised conditions to the Board of Supervisors. It was seconded by Mr. Cunningham and with Mr. Tucker, Mr. Cunningham, Dr. Prosisie voting “AYE” and Mr. Titmus, Mr. Hayes voting “NO” C-23-2 was approved with revised conditions to the Board of Supervisors.

BOARD OF SUPERVISORS ACTION

Since this is a zoning matter, staff has prepared the following standard statement to assist the Board of Supervisors:

Motion for approval with conditions by the Board of Supervisors:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (3) & (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit request, C-23-2, as presented, be approved with conditions by the Board of Supervisors.

Motion for disapproval by the Board of Supervisors:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (3) & (7) and Zoning Ordinance Sections 22-2 and 22-22 it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit request, C-23-2, as presented, be disapproved by the Board of Supervisors as the issuance of a conditional use permit would not be in compliance with the intent, purpose, and design of the Dinwiddie County Zoning Code.