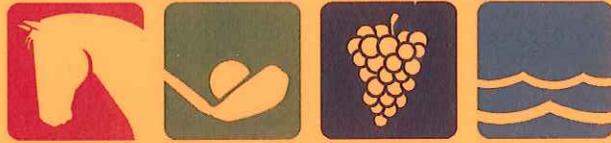


New Kent

C O U N T Y • V I R G I N I A



C O M M U N I T Y D E V E L O P M E N T

MEMORANDUM

Date: September 3, 2013

To: Honorable members of the New Kent County
Planning Commission

From: Kelli Le Duc, Planning Manager
Michele Gowdy, County Attorney
Matthew Venable, Environmental Planning Manager

Re: Stormwater Management Ordinance

THE DRAFT STORMWATER MANAGEMENT ORDINANCE WAS MAILED TO YOU WITH THE MEMO CANCELING THE AUGUST PLANNING COMMISSION MEETING.

AS THIS DRAFT ORDINANCE WILL BE DISCUSSED AT THE SEPTEMBER 16, 2013 PLANNING COMMISSION MEETING, PLEASE BRING YOUR DRAFT WITH YOU.

THANK YOU.

ITEM	DESCRIPTION
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1. CALL TO ORDER

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. ROLL CALL & DETERMINATION OF A QUORUM

4. APPROVAL OF MINUTES

A. APRIL 15, 2013

5. CITIZEN COMMENT PERIOD

COMMENTS ARE LIMITED TO THOSE ON PLANNING - RELATED ISSUES THAT ARE NOT SCHEDULED FOR A PUBLIC HEARING LATER ON THE AGENDA. PLEASE SIGN UP ON THE SHEET AT THE BACK OF THE ROOM PRIOR TO THE START OF THE MEETING.

6. UNFINISHED BUSINESS

A. NONE

7. PRESENTATIONS

A. RESOLUTION TO RECOGNIZE, THANK, AND COMMEND MR. DAVID SMITH FOR HIS SERVICE AS A MEMBER OF THE NEW KENT COUNTY PLANNING COMMISSION

B. OVERVIEW OF CUP-03-13 JACKASS FLATS LLC – PROPOSED MINI-STORAGE FACILITY

MONTE BROWN, APPLICANT, WILL GIVE A BRIEF OVERVIEW OF THE PROJECT TO THE COMMISSION. THIS ITEM WILL BE SCHEDULED FOR A PUBLIC HEARING AT THE OCTOBER 21 PLANNING COMMISSION MEETING.

8. PUBLIC HEARING (HELD AT 7:00 P.M. OR AS SOON THEREAFTER AS POSSIBLE)

A. APPLICATION ZT-02-13: AMEND CHAPTER 98, ARTICLE XXVI, BOARD OF ZONING APPEALS, SECTION 98-1023, APPEALS, WITH CHANGES THAT RESULTED FROM THE 2012 GENERAL ASSEMBLY SESSION.

9. NEW BUSINESS

A. DISCUSSION OF NEW STORMWATER ORDINANCE

10. CHAIRMAN'S REPORT

11. RRPDC REPORT

12. COMMISSIONER'S REPORTS

13. STAFF REPORTS

14. MEETING SCHEDULE

- A. THE NEXT REGULAR MEETING OF THE PLANNING COMMISSION IS SCHEDULED FOR MONDAY, OCTOBER 21, 2013 AT 6:30 PM IN THE BOARD ROOM

15. ADJOURNMENT

ITEMS OF INTEREST & INFORMATION ARE ATTACHED SEPARATELY



NEW KENT COUNTY
PLANNING COMMISSION -- REGULAR MEETING
APRIL 15, 2013, AT 6:30 PM
COUNTY ADMINISTRATION BUILDING BOARD ROOM
MINUTES

THE REGULAR MEETING OF THE NEW KENT COUNTY PLANNING COMMISSION WAS HELD ON THE 15th DAY OF APRIL IN THE YEAR TWO THOUSAND THIRTEEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:30 PM.

IN RE: CALL TO ORDER

Mr. Chalmers called the meeting to order at 6:30 PM.

IN RE: ROLL CALL

Attendance:

Mrs. Patricia Townsend	Present
Mr. Roger Gregory	Present
Mr. Michael Lane	Present
Ms. Katherine Butler	Present
Mrs. Charna Moss-Gregory	Present
Mrs. Joyce Williams	Present
Mr. Richard Kontny, Jr.	Present
Mr. Howard Gammon	Present
Mr. Edward Pollard	Present
Mr. Clarence "Tommy" Tiller	Present
Mr. Jack Chalmers	Present

Also Attending:

Mrs. Adriane J. Marshall, Recording Secretary
Mrs. Kelli L. Z. Le Duc, Planning Manager
Mr. Rodney Hathaway, County Administrator
Mrs. Michelle Gowdy, County Attorney
Mr. Kenneth Vaughan, Zoning Official

Mr. Chalmers established that there was a quorum.

IN RE: MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mr. Chalmers led the moment of silence and Pledge of Allegiance.

IN RE: APPROVAL OF MINUTES

Mrs. Gowdy stated that on page 7 Mr. Bart Leader's name was spelled incorrectly.

A motion was made by Mrs. Townsend to approve the minutes of the March 18, 2013—Regular Meeting with corrections.

The members were polled:

Mrs. Patricia Townsend	Aye
Mr. Roger Gregory	Aye
Mr. Michael Lane	Aye
Ms. Katherine Butler	Aye
Mr. Clarence Tiller	Aye
Mrs. Charna Moss-Gregory	Aye
Mrs. Joyce Williams	Aye
Mr. Richard Kontny	Aye
Mr. Howard Gammon	Aye
Mr. Edward Pollard	Aye
Mr. Jack Chalmers	Aye

The motion carried with an 11:0:0 roll call vote.

IN RE: CITIZEN COMMENT PERIOD

Comments are limited to those on planning related issues that are not scheduled for public hearings later on the agenda. The comment sign-up sheet is located at the back of the room and citizens are required to sign up prior to the start of the meeting.

None.

IN RE: UNFINISHED BUSINESS

A. FY 2014-18 Capital Improvement Plan (CIP).

Mr. Hathaway presented a change to the CIP. Item number two for the School Board is a new item: estimated cost of \$5 million for the Historic School renovation for classrooms. The project regarding the New Kent Elementary School Renovation for \$28 million will be pushed back, as the need for this project will be temporarily eliminated with the renovation of the Historic School for classrooms.

A motion was made by Mr. Gammon to approve Resolution PC-03-13(R1) to forward the FY 2014-18 CIP with a favorable recommendation to the Board of Supervisors.

The members were polled:

Mr. Howard Gammon	Aye
Mr. Edward Pollard	Aye
Mrs. Patricia Townsend	Aye
Mr. Roger Gregory	Aye

Mr. Michael Lane	Aye
Ms. Katherine Butler	Aye
Mr. Clarence Tiller	Abstain (will vote with the Board of Supervisors)
Mrs. Charna Moss-Gregory	Aye
Mrs. Joyce Williams	Aye
Mr. Richard Kontny	Aye
Mr. Jack Chalmers	Aye

The motion carried with a 10:0:1 roll call vote.

IN RE: NEW BUSINESS

Resolution of Appreciation for David Smith

A motion was made by Mr. Gammon to adopt resolution PC-07-13.

The members were polled:

Mr. Richard Kontny	Aye
Mr. Howard Gammon	Aye
Mr. Edward Pollard	Aye
Mrs. Patricia Townsend	Aye
Mr. Roger Gregory	Aye
Mr. Michael Lane	Aye
Ms. Katherine Butler	Aye
Mr. Clarence Tiller	Aye
Mrs. Charna Moss-Gregory	Aye
Mrs. Joyce Williams	Aye
Mr. Jack Chalmers	Aye

The motion carried with an 11:0:0 roll call vote.

IN RE: CHAIRMAN'S REPORT

Mr. Chalmers stated that Lanexa Station 4 Auxiliary would hold its annual meeting at Lakeside Restaurant on April 16, 2013, to elect officers and to meet/greet Chief Opett, the County's new Fire Chief.

Mr. Chalmers stated that he and Ms. Le Duc had attended a Richmond Association of Realtors workshop and felt that the speakers gave very informative predictions on population, workforce housing, and employment.

IN RE: RICHMOND REGIONAL PLANNING DISTRICT COMMISSION (RRPDC)

Mr. Pollard stated at the last RRPDC meeting a presentation was given by Barbara Jacocks regarding the Comprehensive Economic Development Strategy for the Richmond Region and what is left to be done for the report.

IN RE: STAFF REPORTS

Ms. Le Duc stated that there are currently no public hearings scheduled for May, therefore there will be a discussion with the Chairman in the coming weeks regarding cancelling the meeting.

IN RE: COMMISSIONER'S REPORT

Mrs. Townsend stated that she would like for the Board of Supervisors to look into allowing chickens in residential areas, especially those that are not in neighborhoods.

THE COMMISSION TOOK A BRIEF RECESS PRIOR TO THE PUBLIC HEARING AT 7:00 P.M.

Mr. Chalmers called the meeting back to order at 7:00.

Mr. Hathaway introduced Jonathan Stanger, recently hired as Assistant County Administrator, to the Planning Commission.

IN RE: PUBLIC HEARING

A. Application CUP-02-13 Wilco Hess Travel Plaza: Wilco Hess LLC has applied for a Conditional Use Permit to develop a travel plaza on Emmaus Church Road, south of Interstate 64. The request covers approximately 16 acres of a larger parcel (460 acres), which is identified as Tax Map & Parcel number 32-3 (GPIN #113-0958-4889).

Mrs. Townsend, Public Hearing Chairwoman, explained the process for the public hearing:

Ms. Le Duc presented the application. She referenced the staff memo and the 15 proposed conditions listed in the PC Resolution.

Mr. Derek Johnson of Timmons Group, the agent, presented the application. Mr. Johnson introduced Mr. Steve Williams - president of Wilco Hess, Scott Dunn - Timmons Traffic Engineer, and Marshall Toney - real estate agent working with Wilco Hess. The project is proposed to consist of development of an approximate 8,000 square foot convenience market and service center with gasoline pumps providing 20 fueling stations (12 for passenger vehicles and 8 for trucks), development of a 3,400 square foot fast food restaurant with drive through, and the development of a 3 acre restaurant/retail outparcel. Approximately 120 tractor trailer parking spaces are proposed for the site, as well as driver showers and laundry facilities in the service center. The capital investment for this project is estimated at 7 million dollars. Full build out will employ up to 70 people.

Mr. Steve Williams, President of Wilco-Hess, spoke about the company and their proposal. The company was founded in 1963 by his mother and father. The family owns and operates all of the facilities. They are not franchised. They currently operate 390 facilities in 8 states, and have over 7,000 employees. In the history of their company they have never had a layoff. Each facility has a site manager and that person is required to take a training class called Wilco University, some of which Mr. Williams instructs. They are diligent with security and working with local police departments. They are constantly out monitoring their facilities, both

inside and outside. He is concerned with proposed Condition 15 regarding an expiration date of the CUP. He asked that the expiration date for the CUP be extended, for capital investment purposes.

Ms. Townsend opened the public hearing.

Cindy Grecek, 8362 E. Lord Botetourt Loop, spoke against the application. Why does New Kent County need another truck stop? There are enough traffic problems as it is, at Exit 211.

Wayne Sears, 7723 Rockbridge Row, stated he was the sales representative for the Four Seasons development in the Farms of New Kent. Their community is the absolute closest existing neighborhood to the proposed truck stop and the traffic is already horrible. This truck stop will not contribute anything to the community. He asked why they cannot move the proposed project down to Exit 220 off Route 33.

Melvin Belcher, 8050 Vineyards Parkway spoke against the application. His main concern is the traffic.

Eddie Hinton, 8300 E. Lord Botetourt Loop, spoke against the application. His concerns include drugs, prostitution, and traffic congestion, especially in the summer months.

Luke Brady, 7750 Southamptonshire Way, spoke against the application. He moved here a little over 1 year ago and thinks Pilot is uglier than sin. You can't hide trucks.

Scott Reichle, 12350 Jefferson Ave, MHF Dining, representing Burger King. The Burger King on 106 is currently under construction. His client is concerned with truck traffic backing up all the way to the Interstate, and therefore the traffic won't get off at the exit, affecting the potential business of the Burger King. His client hired an independent traffic engineer and their findings were handed out to the Commissioners at the meeting.

John Jay Schwartz, 11825 E Kent Square, commercial broker for the site. This property was rezoned a couple of years ago, precisely for this type of business. New Kent City Center is planned with both Economic Opportunity and Industrial zoning, which will create an enormous positive economic impact for the county, without any additional need for schools and other county services.

Alan Shaia, 8211 Shelly Rd, property owner. This parcel is a front door to his 1600 acres, and the Wilco Hess will not be like the existing Pilot station. This project is designed well and will not add to any traffic back-ups. His family purchased the property in 2005 and it was already zoned Industrial. This is nothing new.

Jane Wood, 5401 Pocahontas Trail, and a member of Emmaus Church. She supports bringing new businesses into the County. She is concerned with the effect of multiple truck stops on the church. Currently the church has to keep its lights on all night to deter inappropriate activities. She is concerned about safety.

Jason Trezza, Arbors in New Kent. He is concerned with traffic and the wear and tear on the roads. He has had issues in the past with truckers not respecting the road, the other traffic on the road, and the rules of the road. He believes that New Kent County is marketing golf courses, vineyards, and rural living. When he moved here he realized that they forgot to mention truck stops.

Greg Wills, 8308 E. Lord Botetourt Loop, Four Seasons. He is a retired police officer and is concerned with the potential for prostitution and drugs. He has seen this in the past.

Alfred Cochran, Four Seasons, 77 years old. He cannot understand why the Commission would allow this kind of use next to a development for 55 + aged residents.

Mrs. Townsend closed the Public Hearing at 7:44.

Mr. Johnson recognized that the citizens have valid concerns. Their firm followed the law in conducting a traffic study and the study was approved by VDOT. They are doing 100% of the required improvements from both VDOT and the traffic study, including construction of a full access road and several turn lanes off of 106. Mr. Johnson introduced Scott Dunn, their traffic engineer.

Mr. Gregory asked Mr. Williams if this facility will be similar to the one in Prince George County off Route 460. Mr. Williams said yes, and it will be similar to the one in Skippers, VA off of I-95. Mr. Gregory asked at the current facilities, how many issues have they had with drugs and prostitution? Mr. Williams defended the integrity of his company and stated that they do not promote drugs, prostitution, nor do they sell any sexually-related items. He cannot be 800 places at one time and trusts his site managers to handle any issues.

Mr. Williams explained that just because they want to build there doesn't mean that the truck traffic is going to increase. They have designed the site to quickly get trucks in and out and off of Route 106. Regarding road repairs – a nickel a gallon in the price of diesel fuel goes towards highway and road repairs, so the truck drivers are doing their part.

Mr. Kontny asked about the wetland areas on the site and the impacts on Kent Lake and Toe Ink Swamp. He questioned what kind of mitigation would be used regarding pollution and runoff. He also asked about traffic and the impacts of the future I-64 widening on the interchange ramps.

Regarding drainage and wetlands, Mr. Johnson explained that the development will have an on-site BMP, which the county requires, and they will follow the guidelines from the State when constructing it, regarding both water quality and quantity. In addition, there will be oil/water separators around all of the truck parking facilities, which will help filter the pollution.

Scott Dunn, who prepared the traffic study, explained that their study was not required to explore the impacts of the I-64 widening, but did take the roundabouts at both interstate ramps which were proffered by the Farms of New Kent, into consideration.

Mrs. Townsend spoke about the existing truck parking at Pilot, and that they currently have approximately 35 spaces. Proposing 120 truck parking spaces at Wilco Hess will increase the volume of trucks and she is concerned with the safety of the interchange.

Mr. Lane commended Mr. Williams on the quality of his company. He appreciates that he was present for the meeting and thinks that is important. Mr. Lane would like to have Wilco in New Kent County. He has full confidence in the NKC Sheriff's Department to handle any safety issues that may come up. Mr. Lane realizes that no one can stop progress and increasing traffic on I-64 and feels that if more development comes at this

interchange, the state or federal folks will take notice and make some improvements. The improvements that Wilco Hess is required to make will help in the meantime.

Mrs. Townsend asked about Condition #15 and the 10-year proposed expiration date for the CUP. She asked Mr. Williams what he would like the Commission to consider and a 30-year expiration date (2043) was proposed.

Mr. Pollard stressed the immense positive financial impact that this development will have for the County. The tax revenue estimated is \$150,000 annually, as well as creating 60-70 jobs.

Mr. Chalmers asked Mr. Robert Butler with VDOT to come to the podium. He asked Mr. Butler what role VDOT has in the process. Mr. Butler explained the parameters of the Traffic Impact Analysis and what the law requires be in the TIA. VDOT's role is to comment on the completeness and the methodology of the TIA and inform the County of their findings.

The Commission held a brief discussion on the importance of reconstructing the interchanges at Exit 211.

Mr. Chalmers asked Mr. Williams if there are plans for full-time security at the travel plaza. Mr. Williams stated that they don't feel 24-hour on-site security is necessary.

Mr. Gregory stated that he has frequented truck stops many times over the years, mostly at night, and he has never seen any of the inappropriate actions that have been described by the citizens this evening. Truck drivers need to make a living too and they are on tight schedules. They don't have time for those activities. Truck stops are not like they used to be.

Mrs. Moss-Gregory stated that there are people that also live at Exit 220, in the Route 33 area. There is a lot of talk about how that is a more appropriate location, which may be true, but there will also be opposition if a use like a truck stop is proposed at that exit.

The Commission discussed whether or not to defer action on the CUP application to further discuss the traffic concerns.

Ms. Gowdy stated that VDOT has reviewed the traffic report, and as the County's expert, has approved it. Conditions are not negotiable as part of the conditional use permit process. This is not a PUD or a rezoning with proffers. Conditions have been proposed by staff and she cautioned the Commission that they applicant has done everything they are required to do by law.

A motion was made by Mrs. Townsend to forward application CUP-02-13 to the New Kent County Board of Supervisors with an unfavorable recommendation for the following reasons:

- Concerns with traffic
- Item 15 in the draft Conditions
- Concerns about the amount of truck parking proposed

The members were polled:

Mr. Richard Kontny	Aye
Mr. Howard Gammon	Aye
Mr. Edward Pollard	No
Mrs. Patricia Townsend	Aye
Mr. Roger Gregory	No
Mr. Michael Lane	No
Ms. Katherine Butler	Aye
Mr. Clarence Tiller*	Abstain
Mrs. Joyce Williams	No
Mrs. Charna Moss-Gregory	No
Mr. Jack Chalmers	No

*Mr. Tiller will be voting on this issue with the Board of Supervisors.

The motion failed with a 4:6:1 roll call vote.

A motion was made by Mr. Lane to adopt Resolution PC-08-13 to forward application CUP-02-13 to the New Kent County Board of Supervisors with a favorable recommendation, with a revision to Condition 15, extending the expiration date of the CUP to December 31, 2043.

The members were polled:

Mr. Richard Kontny	No
Mr. Howard Gammon	No
Mr. Edward Pollard	Aye
Mrs. Patricia Townsend	No
Mr. Roger Gregory	Aye
Mr. Michael Lane	Aye
Ms. Katherine Butler	No
Mr. Clarence Tiller	Abstain
Mrs. Joyce Williams	Aye
Mrs. Charna Moss-Gregory	Aye
Mr. Jack Chalmers	Aye

*Mr. Tiller will be voting on this issue with the Board of Supervisors.

The motion carried with a 6:4:1 roll call vote.

IN RE: MEETING SCHEDULE

The Planning Commission is next scheduled to meet on Monday, May 20, 2013 at 6:30 p.m. in the Boardroom of the County Administration Building.

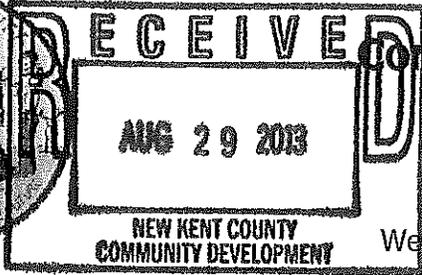
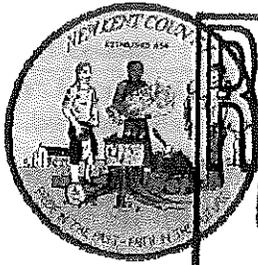
IN RE: ADJOURNMENT

A motion to adjourn was made and seconded by all.

The meeting was adjourned at 8:56 p.m.

Respectfully submitted:

Kelli Le Duc
Planning Manager



**CONDITIONAL USE PERMIT (CUP)
APPLICATION**
County of New Kent, Virginia
Planning Department

Web site: www.co.new-kent.va.us/planning

New Kent County ♦ Community Development Department-Planning ♦ P O Box 150 ♦ New Kent, VA 23124 ♦ Phone 804-966-9690 ♦ Fax 804-966-8531
Use P O Box for all mail. Street address: 12007 Courthouse Circle, New Kent, VA 23124 FOR DELIVERIES ONLY

DESCRIPTION OF PROPERTY

Tax Map Parcel Number(s): 44-68 Total Lot Area (Acres): 4.1+/-
 GPIN: D22-2098-2112
 Property street address: 13201 + 13208 Rockahock Rd.
 Current Zoning: Business Proposed Zoning: _____
 Current Use: VACANT Proposed Use: MINI-STORAGE
 Does proposed zoning/use include entire property? [X] YES [] NO
 If no, how much will be used for proposed use? _____

OFFICE USE ONLY
DO NOT WRITE IN THIS BOX

Application No: CUP-03-13
 AFD Status: n/a
 Date Received: 8/29/13
 Tax Receipts: Yes No
 Fee Amount: \$ Waived
 Staff Initials: Advertising Unit

PROPERTY OWNERS INFORMATION

Name: Jackass Flats LLC (Monte C Brown)
 Address: 4707 Candlelight Ln
 City: Glen Allen State: Va Zip: 23060
 Telephone: Work: N/A Home: 804-432-5113
 Cellular/Pager: 757-784-0233 (Monte) Fax: _____
 E-mail Address: bc23089va@aol.com

APPLICANT'S INFORMATION

Name: Monte C Brown
 Address: 4707 Candlelight Ln.
 City: Glen Allen State: Va Zip: 23060
 Telephone: Work: N/A Home: 804-432-5113
 Cellular/Pager: 757-784-0233 Fax: _____
 E-mail Address: bc23089va@aol.com

AGENTS INFORMATION

Name: N/A
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: Work: _____ Home: _____
 Cellular/Pager: _____ Fax: _____
 E-mail Address: _____

WATER/SEWER SUPPLY

Public Water Public Sewer Well Septic
 Other: _____

As part of the submission, the following questions must be answered in detail in narrative form. Answers of "Yes" or "No" are **NOT ACCEPTABLE** and the application is not complete until 25 copies of this narrative have been submitted.

1. Describe in detail, the proposed use(s) of the property.
2. Describe in detail, how the proposed use may impact surrounding properties. Please relate your response to the existing zoning and land uses in the area, plus the characteristics of the proposed use—hours of operation, activity levels, appearance, etc.
3. Describe the proposed water and wastewater utility infrastructure including sources, discharges, permits, construction, ownership, and maintenance responsibilities.
4. Describe the environmental impact of the proposed development and the efforts to be undertaken to abate air, water, noise, stormwater, and other environmental impacts during and after construction.
5. Describe what techniques will be used to control traffic flow and what impacts the proposed use will have on existing roadways and provide a professionally prepared traffic impact analysis for any development expected to generate 1,000 vehicle trips per day or more.
6. Describe the impact of the proposed use on New Kent County's Schools.
7. Describe the impact of the proposed use on New Kent County public services—water service, wastewater disposal, solid waste disposal, fire, rescue, law enforcement, libraries, etc.
8. Describe the impact the proposed use(s) will have on any historic sites or structures on the property or in the vicinity.
9. Describe the impact the proposed use(s) will have on any rare, endangered, or irreplaceable species or natural areas.
10. Describe the impact the proposed use(s) will have on the scenic or natural beauty of the County.

For those plans requiring review by the Planning Commission, the applicant shall, in addition to the plan sheets required above, submit an overall plan on one (1) or more eleven inch by seventeen inch (11" x 17") reproducible sheets and shall provide sufficient copies of larger plan sheets as required for the Planning Commission distribution list of twelve (12). In addition, the applicant shall provide electronic copies of all applicable documents.

I/We as the property owner/applicant/agent give permission for County personnel to enter subject properties in relation to the administration of this application and to any applicable New Kent County, State of Virginia or U.S. Federal Government regulations. Additionally, if the County Planning Department deems it necessary for an outside agency or organizations review any technical part of this application, I/we agree to reimburse the County for all costs associated with such outside reviews and consultation within 15 business days of being billed by the County.

Property Owner Signature:	<u><i>Mona C. Brown</i></u>	Date:	<u>8/26/13</u>
Property Owner Signature:	<u><i>J. Bushnell</i></u>	Date:	<u>8/26/13</u>
Property Owner Signature:	_____	Date:	_____
Applicant/Agent Signature:	_____	Date:	_____
Applicant/Agent Signature:	_____	Date:	_____

All property owners must sign the application

FEES

The fees for this application consist of an application fee and a Map Maintenance fee (*see below for calculations*). The fee for this application is **\$1600.00 plus \$40.00 per acre/fraction.** Make checks payable to *Treasurer of New Kent County*. **Fees must be submitted at time of application.**

	Fee:	\$	1600.00
+ \$40.00 per acre(fraction),			
Number of acre(fraction): _____ x \$40=	\$	_____	
Map Maintenance Fee:	\$	35.00	
+ \$10.00 per acre(fraction),			
Number of acres(fraction): _____ x \$10=	\$	_____	
Total Due:	\$	_____	

*all fees waived except for advertising
Per RH*

Questions;

1. Describe in detail, the proposed use(s) of the property.

4.10+/- acres zoned commercial located in Lanexa Virginia. 2.75 +/- acres located on the east side of the property that is undeveloped. The request is to operate a storage facility. The property borders Pocahontas Trail and Rockahock Road. The land would require a land disturbance permit to remove existing stumps and site preparation. Under the first phase, the facility would include 40 self-storage units and dry storage for boats and RVs. The second and final stage would increase the number of self-storage by 80; bring the total count of units to 120. The facility would be incased by a secure fencing with a keypad entry gate.

2. Describe in detail, how the proposed use may impact surrounding properties. Please relate your response to the existing zoning and land uses in the area, plus the characteristics of the proposed use—hours of operation, activity levels, appearance, etc.

Currently the property is zoned commercial. The western portion of the property has two existing buildings that have been used for short term residential rental and store frontage. The property north and south boundaries are road frontage. The eastern boundary is shared with one residential homeowner. Currently the eastern boundary is a natural ravine which is wooded and average in width of 75 feet to 150 feet. Located within 1 mile of the property, are two active annual campgrounds and two mobile home facilities. All four facilities have increased the growing need for this type of facility. The proposed hours are 10a.m. to 4p.m. weekdays (an active operator of site) 24 hours for current tenants with access codes.

3. Describe the proposed water and wastewater utility infrastructure including sources, discharges, permits, construction, ownership, and maintenance responsibilities.

There is an active well located on the western portion of the property. No upgrades are scheduled. No waste (bathroom, sinks, or etc.) will be required.

4. Describe the environmental impact of the proposed development and the efforts to be undertaken to abate air, water, noise, storm water, and other environmental impacts during and after construction.

The land has been forested, leaving several stumps. A land disturbance permit will be required. Storm water will be engineered into catch ponds to prevent contamination to the natural water systems in the area. Minimal noise will be created by the development of the property (no more than noise created by a residential home construction). The only noise created by the storage facility would be the cars driving in or out of the property. (Noise created by Rt. 60 is a greater impact)

5. Describe what techniques will be used to control traffic flow and what impacts the proposed use will have on existing roadways and provide a professionally prepared traffic impact analysis for any development expected to generate 1,000 vehicle trips per day or more.

The entry will be located off Rt. 60 where there is an existing driveway.

Improvements will be made to allow all types of vehicular traffic that would use the property to pull safely off of the highway and park.

6. Describe the impact of the proposed use on New Kent County's Schools.

There is no impact to any school systems.

7. Describe the impact of the proposed use on New Kent County public services—water service, wastewater disposal, solid waste disposal, fire, rescue, law enforcement, libraries, etc.

There will be no impact to the county's public services, water, wastewater disposal, or solid waste disposal systems. There may be a minimal impact to fire, rescue, and law enforcement. This will be minimized by security systems and fire preventive systems.

8. Describe the impact the proposed use(s) will have on any historic sites or structures on the property or in the vicinity.

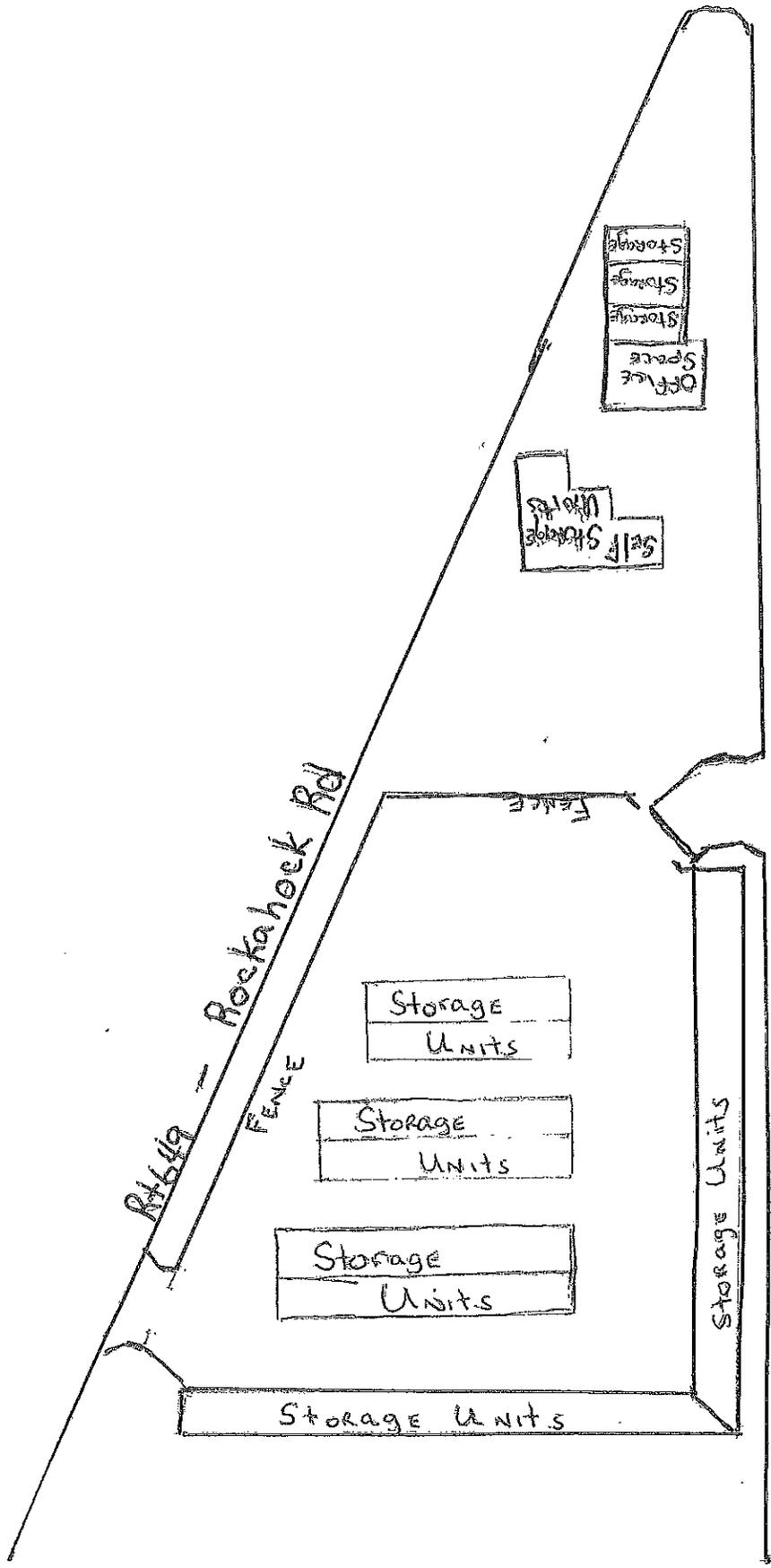
No known historic knowledge for this property has been recorded. Nearby historic property will not be affected by the improvements to this property.

9. Describe the impact the proposed use(s) will have on any rare, endangered, or irreplaceable species or natural areas.

There are no known rare, endangered, or irreplaceable species or natural areas.

10. Describe the impact the proposed use(s) will have on the scenic or natural beauty of the County.

Currently the property is cutover timber. We will leave the trees that still exist along the road frontage, giving more privacy to the property and keeping a rural feel and natural beauty of New Kent. We believe that the improvements to the property will enhance the scenic beauty of the property.



RT 69 - Rockahock Rd

FENCE

Storage Units

Storage Units

Storage Units

Storage Units

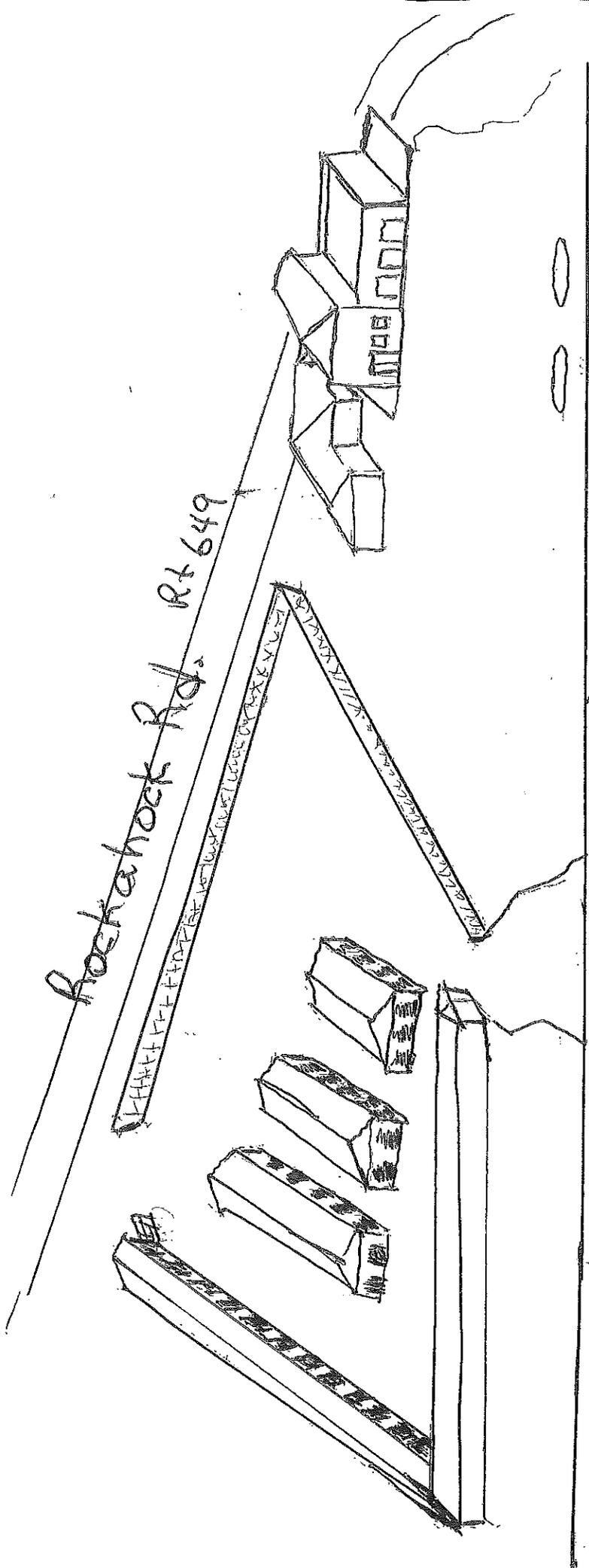
Storage Units

FENCE

Self Storage Units

Office Space
Storage
Storage
Storage

RT 60 - Pocahontas Trail



Rockahock Rd. Rt 649

Rt 60 Pocahontas Trail

MEMORANDUM

TO: Thomas Tiller, Jr.
Jack Chalmers
Howard Gammon
Roger Gregory, IV
Michael B. Lane, Sr.
Charna Moss-Gregory
Edward W. Pollard
Richard Kontny, Jr.
Katherine Butler
Patricia E. Townsend
Joyce B. Williams

From: Michelle M. Gowdy
County Attorney

Re: Amendment of County Code Section 98-1023(c)

Date: September 4, 2013

During the 2012 General Assembly Session, HB 166 was amended 15.2-2311 "Appeals to Board" of the Virginia State Code. 15.2-2311 outlines appeals to the Board of Zoning Appeals and the only change was the following in section (c): "In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by the zoning administrator after 60 days have elapsed from the date of the written order, requirement, decision or determination where the persona aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative office, unless sit is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the attorney for the board of supervisors, modification is required to correct clerical ~~or other nondiscretionary~~ errors."

The County code directly mirrors this section of state code and therefore this change is proposed to the County Code to comply. The Board of Zoning Appeals lawyer, James H. Hudson, III, has reviewed this code change and is in agreement with the change.

Recommended Motion: In order to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County, I move to adopt Resolution No. PC-09-13 to forward zoning text amendment ZT-02-13 to the New Kent County Board of Supervisors with a favorable recommendation.

**PLANNING COMMISSION
COUNTY OF NEW KENT
VIRGINIA**

PC-09-13

At the regular meeting of the Planning Commission of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 16th day of September, 2013:

Present:

C. Thomas Tiller, Jr.
Jack Chalmers
Howard Gammon
Roger Gregory
Michael B. Lane, Sr.
Charna Moss-Gregory
Edward W. Pollard
Richard Kontny, Jr.
Katherine Butler
Patricia E. Townsend
Joyce B. Williams

Vote:

Motion was made by _____, which carried _____, to adopt the following resolution:

**A RESOLUTION TO RECOMMEND APPROVAL OF AMENDING
Ch. 98, Article XXVI, Board of Zoning Appeals. Section 98-1023, with changes that resulted from
the 2012 General Assembly Session**

WHEREAS, the General Assembly has enacted certain changes to the Code of Virginia which require amendments to the New Kent County Code relating to the procedures of the Board of Zoning Appeals and Zoning Administrator; and

WHEREAS, pursuant to Virginia Code Section 15.2-2286, the New Kent County Board of Supervisors has the authority to amend Chapter 98, Article XXVI of the County Code; and

WHEREAS, the New Kent County Planning Commission has been asked to hold a public hearing and provide a recommendation to the Board of Supervisors;

NOW THEREFORE, BE IT RESOLVED that on this, the 16th day of September, 2013, by the New Kent County Planning Commission hereby recommends amending Chapter 98, Zoning, Article XXVI, Board of Zoning Appeals, Sec. 98-1023.

Attested:

Rodney Hathaway, County Administrator