



NEW KENT COUNTY
PLANNING COMMISSION -- REGULAR MEETING
SEPTEMBER 21, 2015, AT 6:30 PM
COUNTY ADMINISTRATION BUILDING BOARDROOM
AGENDA

ITEM DESCRIPTION

1. CALL TO ORDER
2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES

JUNE 15, 2015

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. PRESENTATION - NONE
7. UNFINISHED BUSINESS
8. PUBLIC HEARINGS

7:00 PM OR AS SOON THEREAFTER AS POSSIBLE. SPEAKERS ARE LIMITED TO THREE MINUTES EACH AND SHOULD COME TO THE PODIUM AND STATE THEIR NAME AND ADDRESS.

- A. **APPLICATION CUP-01-15, PHILBATES/NEW KENT COUNTY FIRE & RESCUE:** REBECCA PHILBATES AND NEW KENT COUNTY FIRE & RESCUE HAVE APPLIED FOR A CONDITIONAL USE PERMIT TO OPERATE A VEHICLE EXTRICATION TRAINING/PUBLIC SAFETY TRAINING FACILITY LOCATED ON NEW KENT HIGHWAY, ACROSS THE STREET FROM PHILBATES AUTO WRECKING AND TOWING (16238 NEW KENT HIGHWAY). THE PROPERTY IS IDENTIFIED AS TAX PARCEL 26-87F (GPIN #J27-1002-0745).
- B. **APPLICATION CUP-03-15 HORSLEY TREOLO HOLDING/DENNIS' TRUCK & AUTO REPAIR:** HORSLEY TREOLO HOLDINGS & DENNIS GENTRY HAVE APPLIED FOR A CONDITIONAL USE PERMIT TO OPERATE A TRUCK AND TRAILER REPAIR SHOP AT 6570 EMMAUS CHURCH ROAD. THE PROPERTY IS IDENTIFIED AS TAX PARCEL 31-2B (GPIN #112-0892-3687).

9. NEW BUSINESS
10. CHAIRMAN'S REPORT
11. RRPDC REPORT
12. COMMISSIONER'S REPORTS

13. STAFF REPORTS

14. MEETING SCHEDULE

- A. THE PLANNING COMMISSION'S NEXT REGULAR MEETING IS SCHEDULED FOR MONDAY, OCTOBER 19, 2015 AT 6:30 PM IN THE BOARDROOM**

15. ADJOURNMENT



NEW KENT COUNTY
PLANNING COMMISSION -- REGULAR MEETING
MONDAY, JUNE 15, 2015, 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 JUNE IN THE YEAR TWO THOUSAND FIFTEEN IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:30 PM.

IN RE: CALL TO ORDER

Chairwoman Townsend called the meeting to order at 6:30 pm.

IN RE: ROLL CALL

Attendance:

Mrs. Joyce Williams	Present
Mr. Clarence "Tommy" Tiller	Present
Mrs. Charna Moss-Gregory	Present
Dr. Joanne Schmit	Present
Mr. John Moyer	Present
Mr. Edward Pollard	Present
Ms. Katherine Butler	Present
Ms. Laura Rose	Present
Mrs. Patricia Townsend	Present
Mr. Richard Kontny	Present
Mr. Jack Chalmers	Present

Ms. Townsend established that there was a quorum.

Also Attending:

- Mr. Rodney Hathaway, County Administrator
- Mr. Jeff Gore, County Attorney
- Mr. Matthew Smolnik, Director of Community Development
- Ms. Kelli L. Z. Le Duc, Planning Manager
- Mr. Matthew Venable, Environmental Planning Manager
- Mr. Kenneth Vaughan, Zoning Official
- Ms. Sheri Wood, Recording Secretary

IN RE: MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mrs. Townsend led the Moment of Silence and Pledge of Allegiance.

IN RE: APPROVAL OF MINUTES

A. May 18, 2015 – Regular Planning Commission Meeting.

A motion was made by Mrs. Williams to approve the minutes as presented.

The members were polled:

Dr. Joanne Schmit	Aye
Mrs. Joyce Williams	Aye
Mr. Clarence "Tommy" Tiller	Aye
Mr. Edward Pollard	Aye
Mrs. Patricia Townsend	Aye
Mrs. Charna Moss-Gregory	Aye
Mr. Jack Chalmers	Abstain – absent at May meeting
Ms. Laura Rose	Aye
Mr. Richard Kontny	Aye
Ms. Katherine Butler	Abstain – absent at May meeting
Mr. John Moyer	Aye

The motion carried with a 9:0:2 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: PRESENTATIONS

After the Commissioners thanked Mr. Lane, Mr. Kontny presented him with a Resolution of Appreciation for his years of service on the Commission as a District 2 representative.

Mr. Lane addressed the Commission, thanked them for their service, and expressed his gratitude for his opportunity to serve with them.

IN RE: UNFINISHED BUSINESS

Ms. Le Duc introduced Jeff Gore, County Attorney.

* THE ORDER OF BUSINESS WAS CHANGED DUE TO A PERIOD OF TIME AVAILABLE BEFORE THE PUBLIC HEARINGS AT 7:00 P.M.

IN RE: NEW BUSINESS

Staff gave an overview of an upcoming Conditional Use Permit for a public safety training center on the Philbates property.

IN RE: CHAIRMAN'S REPORT

None

IN RE: RICHMOND REGIONAL PLANNING DISTRICT COMMISSION (RRPDC) REPORT

Mr. Pollard reported that at the last RRPDC meeting there was a presentation regarding a study of certain economic and demographic data in the Richmond Region compared to other regions of a comparable size. The median household income in the Richmond Region is significantly less than other regions of a comparable size. The unemployment rate in Richmond is currently 5.1%.

Mr. Crum was recognized and thanked for his service as the Executive Director of the RRPDC, and Barbara Jacocks was introduced as the interim Director.

IN RE: COMMISSIONER'S REPORTS

None

IN RE: STAFF REPORTS

None

Chairwoman Townsend called for a brief recess prior to beginning the public hearings.

IN RE: PUBLIC HEARINGS

The meeting was called back to order at 7:00 PM

Public Hearing Chairwoman, Ms. Butler, took a moment to explain the procedure for the public hearings.

A. APPLICATION ZM-01-15, SHARON TRAYLOR: MRS. SHARON TRAYLOR HAS REQUESTED THE REZONING FROM A-1, AGRICULTURAL TO R-1, SINGLE FAMILY RESIDENTIAL, OF APPROXIMATELY 2.75 ACRES OF LAND. THE SUBJECT PROPERTY IS LOCATED AT 5400 POCAHONTAS TRAIL AND IS IDENTIFIED AS TAX PARCEL 31-12F (GPIN #H10-0971-1968). THE PROPERTY IS DESIGNATED AS RURAL LANDS ON THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP.

Planning Manager Kelli Le Duc reviewed the application and explained that the purpose of Mrs. Traylor's request is to allow her property to be subdivided in order for her son to obtain a lot and build a single-family home next door. The minimum acreage for a family subdivision in A-1 is 6 acres, so that was not an option for this family. The Future Land Use Map designates this area of the County as Rural Lands. The designation of Rural Lands is the most extensive designation on the Land Use Map, representing the majority of land contained within the County. The area surrounding the intersection of Routes 60 and 106 currently is home to several County businesses as well as a recently approved R-1 subdivision, Baylor Grove. The subject property

is directly south of Baylor Grove. The applicant has shared with staff that the new lot for her son will be located near the rear of the property and the new home will not be visible from Route 60, due to the foliage and topography of the parcel.

The application was reviewed by VDOT, the Sheriff's Department, Fire & Rescue, and the Environmental Division. None of these agencies had any comments. This rezoning will not contribute negatively to the County services.

While this area of New Kent County has been designated as Rural Lands in the Comprehensive Plan, it currently has several businesses and a residential subdivision that is currently under construction. The addition of one residential lot will not change the rural nature of this area of New Kent County. Staff recommends approval of Application ZM-01-15. This can be done with the adoption of Resolution PC-12-15.

Mrs. Traylor addressed the Commission, explaining her situation. Her property is directly across Route 60 from Wood's Body Shop. Her husband passed away three months ago and she has one son who is 44 years old who wants to move next door to help take care of her. She knows her property is zoned for Agriculture, but it has never been farmed. It is currently wooded. She has had the perc test done on the property where he wants to construct his home, and it does perc. She has also been in touch with a surveyor who will help her with her subdivision plat.

The citizen comment period of the public hearing was opened and closed (no one spoke) by Ms. Butler and the meeting was turned back over to Mrs. Townsend.

Mr. Kontny asked about the location of the driveway to the second house. Staff explained that the location of the second driveway will be determined during the subdivision process, in conjunction with VDOT. It may end up being a shared driveway with the existing home. Mrs. Traylor reassured the Commission that there will only be one additional home constructed and explained that her son has no children of his own; therefore the impacts for the additional home will be minimal to the County.

Mr. Chalmers clarified that the minimum lot requirement in R-1 is 20,000 square feet, but Mrs. Traylor's intent is to subdivide the property equally into two lots approximately 1.25-1.5 acres in size.

Mr. Tiller asked if the property could be further subdivided in the future, down the road.

Staff responded that it is allowed per the zoning ordinance, but the re-subdivision would have to meet all requirements in place regarding access, minimum lot size, etc. The re-subdivision would have to be reviewed and approved by the County.

Mrs. Traylor explained that there is a large gully on the property that would prevent it from ever being subdivided again.

A motion was made by Mr. Chalmers to adopt PC Resolution PC-12-15 to forward application ZM-01-15 to the New Kent County Board of Supervisors with a favorable recommendation.

The members were polled:

Mr. Clarence "Tommy" Tiller	Abstain
Mr. Richard Kontny	Aye
Mrs. Charna Moss-Gregory	Aye
Mr. Edward Pollard	Aye
Dr. Joanne Schmit	Aye
Mr. Jack Chalmers	Aye
Ms. Katherine Butler	Aye
Ms. Laura Rose	Aye
Mrs. Patricia Townsend	Aye
Mrs. Joyce Williams	Aye
Mr. John Moyer	Aye

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

B. AFD-001-15, ADDITION TO COOKS MILL AFD: REQUEST BY CHRISTOPHER S. SCHULTZ TO ADD TAX MAP PARCEL 25-32, APPROXIMATELY 51 ACRES, TO THE COOKS MILL AFD

Ms. Butler opened the public hearing for Application AFD-001-15.

Mr. Venable stated, for the benefit of new member, Mr. Moyer, that these applications are contracts with the landowners throughout the county to preserve their land for a ten year period of time; it gives them a tax benefit to preserve their land and not develop it into a more intensive land use. The AFD Program thereby helps to preserve the environment, nature and lands that are viable to the production of agriculture and forestry. The requirements are five acres minimum for agriculture and twenty acres minimum for forestry. Four agencies are involved with the AFD Program and they are Forestry Division, Virginia Cooperative Extension, the Colonial Soil and Water District and his department does environmental staff reviews. This gives a physical verification process of the parcels for example the Virginia Cooperative Extension verifies agricultural production and the Forestry division looks to see that timber is viable. The Colonial Soil agency checks to see that soil can produce crop growth. That being said, he will review the individual additions to the AFD Program then look at the group renewals towards the end of this meeting.

Mr. Venable stated that Christopher Schultz' application was approved by the AFD Advisory Committee and meets the criteria for approval and suggested a favorable recommendation to the Board of Supervisors to approve application AFD-001-15.

Ms. Townsend noted that the pasture acreage did not meet the minimum of five acres but explained to the members that a favorable vote would add the parcel to the AFD District and that the Commissioner of Revenue's office would be in charge qualifying the appropriate acreage for tax reduction. Mr. Venable confirmed Ms. Townsend's statement.

Ms. Butler closed the public hearing with no one signed up to speak.

Ms. Townsend asked the members if they had any questions. There were no questions asked.

A motion was made by Mr. Chalmers to forward Resolution PC-13-15, Application AFD-001-15 to the New Kent County Board of Supervisors with a favorable recommendation.

The members were polled:

Mrs. Charna Moss-Gregory	Aye
Dr. Joanne Schmit	Aye
Mr. Richard Kontny	Aye
Ms. Laura Rose	Aye
Ms. Katherine Butler	Aye
Mrs. Joyce Williams	Aye
Mr. Clarence "Tommy" Tiller	Abstain
Mr. Edward Pollard	Aye
Mr. John Moyer	Aye
Mr. Jack Chalmers	Aye
Mrs. Patricia Townsend	Aye

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

C. AFD-002-15, ADDITION TO COOKS MILL AFD: REQUEST BY ALLEN D. SCHULTZ TO ADD TAX MAP PARCEL 25-33, APPROXIMATELY 96.5 ACRES, TO THE COOKS MILL AFD

Ms. Butler opened the public hearing for Application AFD-002-15.

Mr. Venable presented the application stating this parcel was adjacent to this sons' parcel and that it's all in the family although they are separate parcels. Four acres of pasture do not qualify and some of the marsh would not be able to be cut. Only fifty percent (50%) can be cut in a marsh. The timber does qualify and a portion of the wetland marsh can still qualify as viable timber. The ADF Advisory Committee approved this application as it meets the AFD guidelines. He suggested a favorable recommendation to the Board of Supervisors to approve application AFD-002-15.

Ms. Townsend asked if all 96.5 acres would be put in or just 92.5 acres since the 4 acres of pasture did not qualify. Mr. Venable explained that the Planning Commission is just to vote on adding the parcels to the Program and that the Commissioner of Revenue would determine the actual qualified acreage and only give tax breaks according to the acres that qualify by the tax code. The Planning Commission need not vote based on the qualification of acres; that will be addressed administratively on the resolutions to the Board.

Mr. Moyer wanted to know about the tax rates and Ms. McLaughlin, of the Commissioner of Revenue office stated that about a seventy-five percent (75%) reduction in taxes would apply to the timber making the rate about \$600.00 to \$700.00 per acre they pay on. The four (4) acres of Agricultural pasture would be taxed at the normal tax rate. Mr. Moyer also wanted to know about how the timber was managed. Mr. Venable explained that the Division of Forestry creates a living document Management Plan for each owner on how to cut and care for their forest timber.

Ms. Butler closed the public hearing with no one signed up to speak.

A motion was made by Mr. Kontny to forward Resolution PC-14-15, Application AFD-002-15 to the New Kent County Board of Supervisors with a favorable recommendation.

The members were polled:

Mrs. Charna Moss-Gregory	Aye
Dr. Joanne Schmit	Aye
Mr. Richard Kontny	Aye
Ms. Laura Rose	Aye
Ms. Katherine Butler	Aye
Mrs. Joyce Williams	Aye
Mr. Clarence "Tommy" Tiller	Abstain
Mr. Edward Pollard	Aye
Mr. John Moyer	Aye
Mr. Jack Chalmers	Aye
Mrs. Patricia Townsend	Aye

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

D. AFD-003-15, ADDITION TO MILL CREEK AFD: REQUEST BY TIMOTHY K. & REBECCA L. SALAVEJUS TO ADD TAX MAP PARCELS 37-18, APPROXIMATELY 11 ACRES, AND 37-18A, APPROXIMATELY 10 ACRES, TO THE MILL CREEK AFD

Ms. Butler opened the public hearing for Application AFD-003-15.

Mr. Venable presented the application notifying the members that his office and the Virginia Cooperative Extension office had made inspections of the property to determine the use of the pastures since the AFD Advisory Committee met in May. (At that time the property owners had not submitted proper documentation on the pastures.) Their physical inspection found hay baling equipment, harvested hay fields and existing livestock of goats and cows. The hay could also be sold for those purposes. These two parcels are being presented together to ease the meeting tonight. The AFD Advisory Committee voted unfavorably since the documentation was not into them at the time they met but we do have it now. He suggested a favorable recommendation to the Board of Supervisors to approve application AFD-003-15.

The Public Hearing was closed with no one signed up to speak.

Mr. Kontny asked if the two parcels had to be maintained as one. Mr. Venable explained that each parcel has met the minimum requirements and the property owners have to give an annual report to the Commissioner of Revenue to make sure they both qualify individually; we just grouped them together to save time in the meeting tonight.

A motion was made by Mr. Chalmers to forward Resolution PC-15-15, Application AFD-003-15 to the New Kent County Board of Supervisors with a favorable recommendation to approve.

The members were polled:

Mrs. Charna Moss-Gregory	Aye
Dr. Joanne Schmit	Aye
Mr. Richard Kontny	Aye
Ms. Laura Rose	Aye
Ms. Katherine Butler	Aye
Mrs. Joyce Williams	Aye
Mr. Clarence "Tommy" Tiller	Abstain
Mr. Edward Pollard	Aye
Mr. John Moyer	Aye
Mr. Jack Chalmers	Aye
Mrs. Patricia Townsend	Aye

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

E. AFD-004-15, ADDITION TO SCHIMINOE CREEK AFD: REQUEST BY JAMES A. & REGINA W. TALLEY TO ADD TAX MAP PARCEL 31-16-A, APPROXIMATELY 47 ACRES, TO THE SCHIMINOE CREEK AFD

Ms. Butler opened the public hearing for Application AFD-004-15.

Mr. Venable presented the application and told the members Mr. Talley was a member of the AFD Advisory Committee and that his application and Forestry Report was all in good order. Most of the timber on his parcel is in the Marsh and Wetland area and most wouldn't be harvested due to Forestry regulations. Mr. Venable suggested a favorable recommendation to the Board of Supervisors to approve this application.

Ms. Butler closed the public hearing after no one signed up to speak.

A motion was made by Mr. Kontny to forward Resolution PC-16-15, Application AFD-004-14 to the New Kent County Board of Supervisors with a favorable recommendation.

The members were polled:

Mrs. Charna Moss-Gregory	Aye
Dr. Joanne Schmit	Aye
Mr. Richard Kontny	Aye
Ms. Laura Rose	Aye
Ms. Katherine Butler	Aye
Mrs. Joyce Williams	Aye
Mr. Clarence "Tommy" Tiller	Abstain
Mr. Edward Pollard	Aye
Mr. John Moyer	Aye
Mr. Jack Chalmers	Aye
Mrs. Patricia Townsend	Aye

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

F. AFD-005-15, ADDITION TO WAHRANI SWAMP AFD: REQUEST BY KEVIN L. CULPEPPER, JR. TO ADD TAX MAP PARCELS 36-4-7, APPROXIMATELY 16 ACRES, AND 36-4-11, APPROXIMATELY 25 ACRES, TO THE WAHRANI SWAMP AFD

Ms. Butler opened the public hearing for Application AFD-005-15.

Mr. Venable presented the application stating the current size of the Wahrani Swamp AFD District. The AFD Advisory Committee had insufficient documentation at the time and voted unfavorably but documentation has since been received by his office. The Virginia Cooperative Extension Agency reported and ruled it not agriculturally significant at this time. The Culpepper's have future intensions of raising livestock but just recently purchased the property. All the minimum requirements have been met for the timber. The owner will re-apply for the agricultural portion next year.

He suggested a favorable recommendation to the Board of Supervisors to approve application AFD-005-15 with a reduced acreage from 42 acres to 34 acres which removes the 8 pasture acres.

Ms. Le Duc indicated that no Planning Commission Resolution Form was prepared for this meeting since the AFD Advisory Committee declined the application. However, our staff can create a pink form using number PC-21-15 should the Planning Commissioners wish to approve it and include a resolution number in their motion tonight.

Ms. Butler closed the public hearing with no one speaking.

A motion was made by Mr. Chalmers to forward Resolution PC-21-15, Application AFD-005-15 to the New Kent County Board of Supervisors with a favorable recommendation minus eight (8) acres of pasture.

The members were polled:

Mrs. Charna Moss-Gregory	Aye
Dr. Joanne Schmit	Aye
Mr. Richard Kontny	Aye
Ms. Laura Rose	Aye
Ms. Katherine Butler	Aye
Mrs. Joyce Williams	Aye
Mr. Clarence "Tommy" Tiller	Abstain
Mr. Edward Pollard	Nay
Mr. John Moyer	Aye
Mr. Jack Chalmers	Aye
Mrs. Patricia Townsend	Aye

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

Mr. Tiller asked the legal counsel, Ms. Gore, if it would be alright to omit reading all the parcel numbers and GPIN's in an effort to save time and Mr. Gore thought it would be fine since everyone had a written record of the details that corresponded with the application number being referenced.

G. AFD-006-15, ADDITION TO WAHRANI SWAMP AFD: REQUEST BY TIMOTHY K. & REBECCA L. SALAVEJUS TO ADD TAX MAP PARCEL 37-18B, APPROXIMATELY 27 ACRES, TO THE WAHRANI SWAMP AFD

Ms. Butler opened the public hearing for Application AFD-006-15.

Mr. Venable stated this parcel was not connected previously that is why it is being considered as a separate application. This one is all timber land. There is no marsh or wetland on this parcel and the Forestry Report is in. The request appears to comply with the requirements and offers a favorable recommendation for application AFD-006-15.

Mr. Moyer asked why the Salavejus' had different application numbers and Mr. Venable explained that this parcel is the same owners as those listed in application AFD-003-15 but this parcel of timber was closer to the core of Wahrani Swamp than it was to Mill Creek so a separate application number was created.

Ms. Butler closed the public hearing with no one signed up to speak.

A motion was made by Mr. Kontny to forward Resolution PC-17-15, Application AFD-006-15 to the New Kent County Board of Supervisors with a favorable recommendation.

The members were polled:

Mrs. Charna Moss-Gregory	Aye
Dr. Joanne Schmit	Aye
Mr. Richard Kontny	Aye
Ms. Laura Rose	Aye
Ms. Katherine Butler	Aye
Mrs. Joyce Williams	Aye
Mr. Clarence "Tommy" Tiller	Abstain
Mr. Edward Pollard	Aye
Mr. John Moyer	Aye
Mr. Jack Chalmers	Aye
Mrs. Patricia Townsend	Aye

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

H. AFD-007-15, Renewal of Higgins Swamp AFD, Proposed Renewal Date of 08/31/2015: Request to renew tax map parcel #8-29 (GPIN #M05-2217-1491); tax map parcel #8-31 (GPIN #M04-3065-0290); tax map parcel #19-8 (GPIN #L04-3760-4015); tax map parcel #19-31 (GPIN #L06-1033-0822); tax map parcel #19-31F (GPIN #K06-3406-4497); tax map parcel #19-32A (GPIN #L05-3251-1931); tax map parcel #19-34 (GPIN #K05-3874-4864); tax map parcel #19-33 (GPIN #L05-1794-1501); tax map parcel #20-7C (GPIN #L07-3082-4822); tax map parcel #20-27 (GPIN #K07-1191-3652); and tax map parcel #20-28 (GPIN #K07-1304-4837)

Ms. Butler opened the public hearing for Application AFD-007-15.

Mr. Venable started by saying that the word "Renewal" would be replaced with the word "Re-creation" on the resolutions which is the correct term as referenced in the AFD regulations.

He went on to explain that two parcels were viewed unfavorably by the AFD Advisory Committee. Mr. Venable visited Mr. Ellyson's property which is Tax map parcel number 8-31 and it was determined that farming is no longer occurring on his 30.6 acre tract so the Commissioner of Revenue would exclude that acreage from its calculations for tax reductions. The Virginia Cooperative Extension (VEC) confirmed the lack of farming in their report as well.

The second parcel in question was tax map parcel number 19-31F. The 6.3 acres of timber would not qualify since it does not meet the minimum 20 acres required and is not contiguous. Again, this would be reviewed by the Commissioner of Revenue office and adjusted accordingly.

Mr. Kontny asked if it would have been okay if it was contiguous in the same owners name and Mr. Venable replied that scenario would be correct.

Mr. Pollard wanted to know if the AFD Advisory Committee voted in favor of approving this application with these exceptions and Mr. Venable confirmed that was correct and is part of the recorded minutes from the May 19, 2015 AFD Advisory Committee meeting.

Mr. Moyer wanted to know if Shannon McLaughlin from the Commissioner of Revenue office would make the acreage adjustments internally and Ms. McLaughlin confirmed that she would.

Ms. Rose needed clarification on the time period of the re-creation which Mr. Venable verified it was for a ten (10) year period.

Ms. Butler closed the public hearing with no one speaking.

A motion was made by Mr. Kontny to forward Resolution PC-18-15, Application AFD-007-15 to the New Kent County Board of Supervisors with a favorable recommendation with the exception of the 30.6 acres not being farmed on tax map parcel number 8-31 and the 6.3 non-qualified acres of timber on tax map parcel number 19-31F.

The members were polled:

Mrs. Charna Moss-Gregory	Aye
Dr. Joanne Schmit	Aye
Mr. Richard Kontny	Aye
Ms. Laura Rose	Aye
Ms. Katherine Butler	Aye
Mrs. Joyce Williams	Aye
Mr. Clarence "Tommy" Tiller	Abstain
Mr. Edward Pollard	NAY

Mr. John Moyer	Aye
Mr. Jack Chalmers	Aye
Mrs. Patricia Townsend	Aye

The motion carried with a 9:1:1 roll call vote.

- I. **AFD-008-15, Renewal of Pelham Swamp AFD, Proposed Renewal Date of 08/31/2015:** Request to renew tax map parcel #22-38 (GPIN #L14-3532-0948); tax map parcel #22-65A (GPIN #K15-2406-2888); tax map parcel #22-65B (GPIN #K15-1408-3912); tax map parcel #22-65D (GPIN #J16-0515-2279); tax map parcel #22-65E (GPIN #K15-1474-2998); tax map parcel #22-65F (GPIN #K15-2673-4468); tax map parcel #22-66 (GPIN #J15-2588-2049); tax map parcel #22-66A (GPIN #J15-3471-1130); tax map parcel #22-78 (GPIN #K15-0068-2339); tax map parcel #23-5 (GPIN #L16-3181-4430); tax map parcel #23-6 (GPIN #L17-0517-4423); tax map parcel #23-30 (GPIN #J17-2223-3547); tax map parcel 23-36 (GPIN #K17-1864-1590); tax map parcel #23-40E (GPIN #K18-0195-3859); tax map parcel #23-40F (GPIN #K18-0562-3615); tax map parcel #23-41 (GPIN #K17-2967-3190); tax map parcel #23-41G (GPIN #K17-3859-4183); tax map parcel #23-69 (GPIN #J16-3523-3426); tax map parcel #23-69A (GPIN #K17-0352-0034); tax map parcel #23-69B (GPIN #J15-1992-2268); tax map parcel #23-70 (GPIN #J16-3640-0954); tax map parcel #23-70A (GPIN #I16-2813-4936); tax map parcel #23-70B (GPIN #J17-0708-2320)

Ms. Butler opened the public hearing for Application AFD-008-15.

Mr. Venable presented the application for the Pelham Swamp AFD District re-creation noting a total of 23 parcels totally approximately 1,985 acres. All of the adjacent property owners (APO's) were appropriately notified. The District will expire at the end of August this year. All the members have expressed their desire to withdraw or renew their parcels. The application request complies with the requirements of State and County codes regulating AFD's and our staff offers a favorable recommendation for AFD-008-15.

The AFD Advisory Committee forwarded a favorable recommendation as well with the following exceptions: Tax map 8-31 needs a report from the Virginia Cooperative Extension to review the agricultural use; and tax map 19-31F did not meet the minimum 20 acre requirement for timber so that would not qualify for a tax break.

Ms. Rose asked Mr. Venable if the Commissioner of Revenue's office will adjust the noted unqualified acreage and he verified to her that they would. The number of acres has the potential to change from year to year based on how the property owners use the parcel and that is reported to the Commissioner of Revenue. You also have parcels adding on and parcels withdrawing sometimes.

Ms. Carole Harrison Miles was signed up to speak and took the floor to address the Planning Commission. Carole represents Criss Cross farm and that is tax map parcel 23-70. She expressed her concern that her farm is zoned Economic Development (EO) instead of Agricultural (A-1) and because of that she is taxed a higher rate. She asked that the Planning Commission consider this so she is not taxed at the higher rate.

Ms. Butler closed the public hearing.

Mr. Kontny asked the staff if zoning of the parcels mattered in terms of the AFD Program.

Ms. McLaughlin stated that Ms. Miles is still getting the tax breaks associated with the AFD Program.

Ms. Townsend stated that Ms. Miles would have to go through the re-zoning process with the Planning office in order to request her parcels to be re-zoned from EO to A-1.

Ms. Chalmers said she could work on the re-zoning and the Planning Commission could hear it at a later date once the Planning staff receives an official request from Ms. Miles.

Mr. Pollard wanted to know if there was anything the Commission could do now and Mr. Chalmers explained that if she was not included in the AFD Program now then her taxed would be even more and that just the AFD Program could be considered at this time.

A motion was made by Mr. Chalmers to forward Resolution PC-19-15, Application AFD-008-15 to the New Kent County Board of Supervisors with a favorable recommendation.

The members were polled:

Mrs. Charna Moss-Gregory	Aye
Dr. Joanne Schmit	Aye
Mr. Richard Kontny	Aye
Ms. Laura Rose	Aye
Ms. Katherine Butler	Aye
Mrs. Joyce Williams	Aye
Mr. Clarence "Tommy" Tiller	Abstain
Mr. Edward Pollard	Aye
Mr. John Moyer	Aye
Mr. Jack Chalmers	Aye
Mrs. Patricia Townsend	Aye

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

J. AFD-009-15, Renewal of Putney Creek AFD, Proposed Renewal Date of 08/31/2015: Request to renew tax map parcel #2-1A (GPIN #R09-3335-1894); tax map parcel #2-1B (GPIN #R09-3675-4283); tax map parcel #2-2 (GPIN #R09-1755-3697); tax map parcel #2-4 (GPIN #Q09-3256-2673); tax map parcel #2-4A (GPIN #Q10-0107-1525); tax map parcel #2-4B (GPIN #Q09-3557-1078); tax map parcel #2-4C (GPIN #Q09-2957-0409); tax map parcel #2-4D (GPIN #Q09-2254-0072); tax map parcel #2-4E (GPIN #Q09-2728-3841); tax map parcel #2-5 (GPIN #P09-3769-3875); tax map parcel #2-5A (GPIN #P09-1893-4748); tax map parcel #2-31 (GPIN #P08-3590-0945); tax map parcel #2-37 (GPIN #P08-3407-2537); tax map parcel #2-46 (GPIN #P07-3187-2793); tax map parcel #2-46A (GPIN #P07-2704-3425); tax map parcel #2-46B (GPIN #P07-3234-1463); tax map parcel #2-49 (GPIN #P07-0344-1209); tax map parcel #2-49C (GPIN #P06-3567-1534); tax map parcel #2-50C (GPIN #P07-0149-3563); tax map parcel #3-2 (GPIN #R10-3107-3160); tax map parcel #3-3 (GPIN #R11-1134-0882); tax map parcel #3-11A (GPIN #Q10-3902-3141); tax map parcel #3-13 (GPIN #Q10-1295-0619); tax map parcel #3-21 (GPIN #P10-3515-2837); and tax map parcel #9-70 (GPIN #O08-3332-3691)

Ms. Butler opened the public hearing for Application AFD-009-15.

Mr. Venable presented the application stating all the members have reported and all the adjacent property owners have been notified. There is one parcel, tax map number 2-4D, William Wallace, that was not included but has since been updated by the Commissioner of Revenue office. There is an Attorney General finding that a part of the home site can be included in the timber acreage to round it up to the minimum twenty (20) acres of timber. We are now considering adding it to the district as well.

Mr. Gore explained that the Planning Commission could consider this AG opinion and send it to the Board of Supervisors for further review.

Ms. Townsend expressed a concern about setting a presence in reviewing home site acres and the size of houses.

Mr. Moyer asked if they would have to change their deed. Mr. Gore suggested just moving forward with the research and presenting it to the Board of Supervisors.

Ms. Butler closed the public hearing with one signed up to speak.

A motion was made by Mr. Chalmers to forward Resolution PC-20-15, Application AFD-009-15 to the New Kent County Board of Supervisors with a favorable recommendation with the exception of tax map parcel number 2-4D for further review of the Attorney General's finding presented by the Commissioner of Revenue office explaining the home site acreage calculation.

The members were polled:

Mrs. Charna Moss-Gregory	Aye
Dr. Joanne Schmit	Aye
Mr. Richard Kontny	Aye
Ms. Laura Rose	Aye
Ms. Katherine Butler	Aye
Mrs. Joyce Williams	Aye
Mr. Clarence "Tommy" Tiller	Abstain
Mr. Edward Pollard	Aye
Mr. John Moyer	Aye
Mr. Jack Chalmers	Aye
Mrs. Patricia Townsend	Aye

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

IN RE: MEETING SCHEDULE

The Planning Commission's next meeting is scheduled for Monday, July 20, 2015 at 6:30 p.m. in the Boardroom of the County Administration Building.

IN RE: ADJOURNMENT

A motion to adjourn was made by Mr. Chalmers and approved unanimously by a voice vote.

The meeting was adjourned at 8:26 p.m.

Respectfully submitted by: Kelli Le Duc, Planning Manager
Sheri Wood, Recording Secretary

DRAFT



MEMORANDUM

DATE: September 21, 2015

TO: New Kent County Planning Commission

SUBJECT: Application Number CUP-01-15 Philbates/New Kent County Fire & Rescue

REQUEST

Rebecca Philbates and New Kent County Fire & Rescue have applied for a conditional use permit to operate a vehicle extrication training/public safety training facility located on New Kent Highway, across the street from Philbates Auto Wrecking and Towing.

PUBLIC HEARINGS

Planning Commission: September 21, 2015, 7:00 p.m., County Boardroom
Board of Supervisors: Tentatively scheduled for November 12, 2015, 7:00 p.m.,
County Boardroom

GENERAL INFORMATION

Location: The subject property is located across from 16238 New Kent Highway in the gravel lot (across from Philbates Auto Wrecking and Towing)

Tax Parcel: 26-87F

Size: Approximately 4 acres

Owners: Mrs. Rebecca Philbates

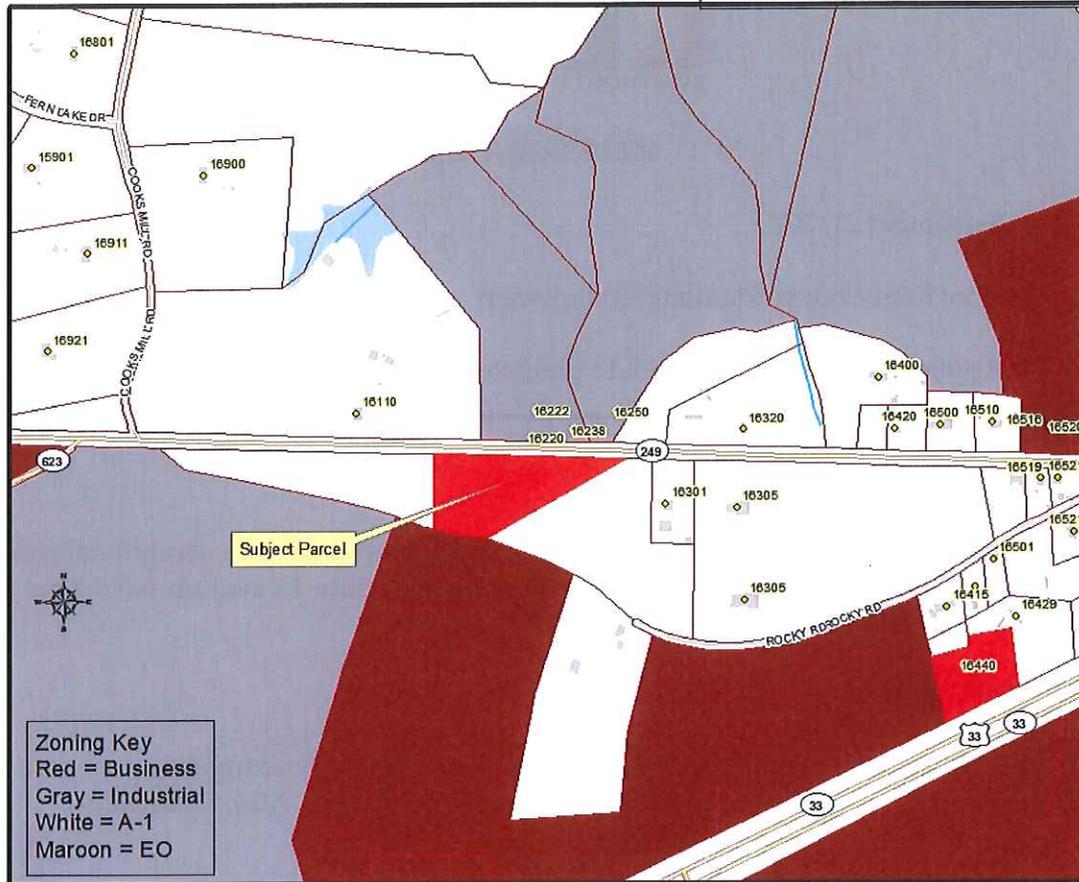
Current Zoning: Business

Current Use: Vacant/Gravel lot

Adjacent Zoning: North - Industrial
East - A-1
West - A-1 and Industrial
South - Economic Opportunity and Industrial

New Kent County Comprehensive Plan Future Land Use Designation: Rural Lands

CUP-01-15 Zoning Map



CONSIDERATIONS

- In 2014, the New Kent County Zoning Ordinance was amended to read “Sec. 98-61 – Land uses by conditional use permit – If a use is not permitted under section 98-62, a conditional use permit application may be submitted in accordance with article XIX of this chapter.” There is no definition in the Code for “vehicle extrication training”; therefore a conditional use permit is required for the operation in question.
- The property was rezoned from A-1 to Business in December of 2009 (ZM-06-09), by Ordinance O-26-09. Along with this rezoning there were four (4) proffers:
 - There will be no outside storage for boats, RV’s, or motor vehicles.
 - Front wall will be of cinder block construction, 8 feet tall, faced with stone in open area, and entrance will make a 90 degree angle, making building and contents not visible from the road.
 - Site will be used for mini-storage use only.
 - Site will be developed in stages as close to concept plan as possible.
- At the same meeting in December 2009, a Conditional Use Permit for a mini-storage facility was approved with Resolution R-67-09. This Conditional Use Permit expired on December 14, 2014.
- New Kent County Fire & Rescue wants to utilize the property for vehicle extrication training.

- The surrounding properties are zoned Industrial, A-1, and Economic Opportunity. The training will produce moderate levels of noise typically associated with using gas-powered generators, gas-powered saws, etc. The noise will not exceed 75 decibels and will not violate the County's noise ordinance. Training will be conducted during daylight and evening hours, but not past 10:00 p.m. Vehicles used in training scenarios will be removed from the property promptly after the conclusion of the training session.
- No water or wastewater infrastructure will be needed on site.
- No construction or land disturbance will be necessary for the issuance of this Conditional Use Permit.
- Traffic will enter and exit the site from New Kent Highway.
- This CUP will have no impact on New Kent County schools or other public services. The use of this site as a training area will have a positive impact on the County's Fire-Rescue agencies. Crews can train more often and more effectively at this site, allowing them to practice lifesaving extrication techniques more frequently.

COMMENTS FROM REVIEWING AGENCIES

Staff sent the conditional use permit application and information to all County and State reviewing agencies and received the following comments:

- New Kent County Fire Marshal Office - "Plans submitted have been reviewed and approved as they meet all requirements of the Statewide Fire Prevention Code."
- New Kent County Sheriff's Office - No comments or problems with this request
- VDOT - No comments

STANDARDS FOR REVIEW

The standards for review of Conditional Use Permits are set forth in Section 98-744 of the New Kent County Zoning Ordinance:

1. *The proposed use shall not be prejudicial to the character of the neighborhood.*
2. *The proposed use shall not adversely affect the general plans for the physical development of the county as embodied in the comprehensive plan.*
3. *The proposed use shall not be detrimental to the use or development of adjacent properties or the general neighborhood nor impair the value of buildings or property in surrounding areas.*
4. *The proposed use shall not unreasonably restrict an adequate supply of light, water, or air to adjacent property nor produce undue congestion in the street.*
5. *The proposed use shall adequately provide for access facilities for the estimated traffic.*

6. *The proposed use shall be subject to any applicable site planning or performance standards enumerated in article XXII of this chapter.*
7. *The proposed use shall be reasonable in terms of the logical, efficient, and economical extension of public services and facilities serving the county, such as water, sewer, streets, police and fire protection, transportation, recreation, and public schools.*

The Zoning Ordinance also lists specific restrictions for conditional use permits. Restrictions on any conditional use may include, but are not limited to the following:

1. Hours of operation
2. Access to and from the subject property
3. Protection of surface and groundwater
4. Lighting of the site, including the intensity and shielding so as to not adversely affect adjacent or nearby property owners
5. Adequate sewer and water supply
6. Sound limitation as needed to ensure peaceful enjoyment of neighboring property
7. Location, size, height, design of buildings, walls, fences, landscaping, and buffer yards
8. Covenants and/or homeowners associations for maintenance of applicable restrictions
9. Timing or phasing of development
10. Type and placement of utilities including underground placements
11. Controls for smoke, dust, and odors
12. Requirements for performance guarantees ensuring that all conditions are met and plans are implemented
13. Any other conditions deemed necessary to protect the health, safety, and general welfare of the public.

OVERALL ANALYSIS AND RECOMMENDED CONDITIONS

Staff has reviewed this conditional use permit application in the same manner as other zoning change applications and has found that the following proposed conditions will assist in addressing, protecting, and promoting health, safety, and the general welfare of New Kent County citizens.

1. Training activities shall occur no more than six (6) times in a calendar quarter.
2. No more than six (6) vehicles shall be permitted per training activity.

3. All vehicles shall be drained of fluids prior to the training activity.
4. Vehicles may be stored on site for no more than 48 hours prior to the training activity.
5. Vehicles shall be removed no more than 24 hours after the training activity.
6. No training activity shall occur on the property between 10:00 p.m. and 7:00 a.m.
7. New Kent County shall be responsible for clean up on the site, including any spills, which may occur during the training activity.
8. This Conditional Use Permit shall expire on the 30th anniversary of its issuance.

SUGGESTED ACTION and MOTION

At the October 19, 2015 Planning Commission meeting staff will bring forward a request from the property owner to repeal the four (4) proffers associated with this property. Staff will also bring forward a draft PC Resolution to incorporate both the repeal of proffers and action on CUP-01-15.

1. I move to defer action on CUP-01-15 until the October 19, 2015 Planning Commission meeting.

Attachments:

- Application CUP-01-15
- Advertisement & Adjacent Property Owners List

Copies to:

- Applicant
- File



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): 26-87F Total Lot Area (Acres): 4.08
GPIN: J27-1002-0745
Property street address: across from 16238 New Kent Highway
Current Zoning: Business Proposed Zoning: Business
Current Use: Vacant/Parking lot Proposed Use: Public Safety Training
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 01-15
AFD Status: N/A
Date Received: 6/10/15
Tax Receipts: Yes No
Fee Amount: \$ 0
Staff Initials: Slw
Reviewed

PROPERTY OWNERS INFORMATION

Name: Rebecca C. Philbates
Address: PO Box 28
City: New Kent State: VA Zip: 23124
Telephone: Work: 804-843-9787 Home: 804-966-2970
Cellular/Pager: 804-366-3854 Fax: None
E-mail Address: None

APPLICANT'S INFORMATION

Name: New Kent County
Address: PO Box 150
City: New Kent State: VA Zip: 23124
Telephone: Work: _____ Home: _____
Cellular/Pager: _____ Fax: _____
E-mail Address: _____

AGENTS INFORMATION

Name: New Kent Fire-Rescue
Address: PO Box 209
City: New Kent State: VA Zip: 23124
Telephone: Work: 804-966-9618 Home: _____
Cellular/Pager: _____ Fax: _____
E-mail Address: _____

WATER/SEWER SUPPLY

- Public Water Public Sewer Well Septic
 Other: N/A - No utilities on property and none requested

Narrative Responses to Conditional Use Permit Application

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

The property will be used by New Kent Fire-Rescue for vehicle extrication training.

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.

Training will produce moderate levels of noise typically associated with using gas-powered generators, gas-powered saws, etc. The noise will not exceed 75 decibels and will not violate the County's noise ordinance. Training will be conducted during daytime and evening hours. No training will occur past 10:00 p.m. Vehicles used in training scenarios will be removed from the property promptly after the conclusion of the training session.

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

No water or wastewater infrastructure will be needed on site.

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.

No construction or land disturbance will be necessary for the issuance of this CUP; therefore, there will be no environmental impacts associated with using the site as a training area. Noise will not exceed 75 decibels and will not violate the County's noise ordinance. Training will be conducted during daytime and evening hours. No training will occur past 10:00 p.m.

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.

Traffic will enter and exit the site from New Kent Highway. The training area will have a minimal impact on traffic and the roadway.

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

This CUP will have no impact on New Kent Public 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.

The use of this site as a training area will have a positive impact on the County's Fire-Rescue agencies. Crews can train more often and more effectively at this site, allowing them to practice lifesaving extrication techniques more frequently. The proposed training area will have a negligible impact on other County agencies.

NEW KENT COUNTY
Notice of Mailing

Applicant Name: Philbates/New Kent County F & R
Application Number: CUP-01-15
Public Hearing Date: Monday, September 21, 2015

STATE OF VIRGINIA
COUNTY OF NEW KENT, to wit

I, Kelli L. Z. Le Duc, of the New Kent County Planning Division, do make oath that notices as required by Section 15.1-431 of the Code of Virginia, 1950, as amended, were mailed on the 8th day of September 2015, by first class mail, postage prepaid, to the persons whose names and addresses are attached.

Kelli Le Duc
Signed

Subscribed and sworn to before me this 8th day of September, 2015.

Sheri Lynn Wood
Notary Public

My commission expires: December 31, 2015.



§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter, need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a description of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. The local planning commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the governing body. The term "two successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § 15.2-2311 or 15.2-2314, is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

(Code 1950, § 15-961.4; 1962, c. 407, § 15.1-431; 1964, c. 632; 1968, cc. 354, 714; 1973, cc. 117, 334; 1974, cc. 100, 570; 1975, c. 641; 1976, c. 642; 1977, c. 65; 1982, c. 291; 1990, c. 61; 1992, cc. 353, 757; 1993, cc. 128, 734; 1994, c. 774; 1995, c. 178; 1996, cc. 613, 667; 1997, c. 587; 2001, c. 406; 2002, c. 634; 2004, cc. 539, 799; 2005, c. 514; 2007, cc. 761, 813; 2011, c. 457; 2012, c. 548; 2013, cc. 149, 213.)

PUBLIC NOTICE
NEW KENT COUNTY PLANNING COMMISSION

Notice is hereby given that the following public hearings will be held on Monday, September 21, 2015 at 7:00 PM or as soon thereafter as possible in the Boardroom of the New Kent County Administration Building located in New Kent, VA, where the Planning Commission of the County of New Kent may or may not take action on the following:

1. **Application CUP-01-15 Philbates/New Kent County Fire & Rescue:** Rebecca Philbates and New Kent County Fire & Rescue have applied for a Conditional Use Permit to operate a vehicle extrication training/public safety training facility located on New Kent Highway, across the street from Philbates Auto Wrecking and Towing (16238 New Kent Highway). The property is identified as Tax Parcel 26-87F (GPIN #J27-1002-0745).
2. **Application CUP-03-15 Horsley Treolo Holdings/Dennis' Truck & Auto Repair:** Horsley Treolo Holdings & Dennis Gentry have applied for a Conditional Use Permit to operate a truck and trailer repair shop at 6570 Emmaus Church Road. The property is identified as Tax Parcel 31-2B (GPIN #I12-0892-3687).

All interested persons may appear and present their opinions at the above time and place. If a member of the public cannot attend the hearing, comments may be submitted in writing. Those received by 12:00 P.M. on the day of the hearing will be distributed to Planning Commission members and made a part of the public record. Copies of the applications may be viewed in the New Kent County Office of Community Development, located at 12007 Courthouse Circle, New Kent, VA 23124, during regular business hours. Copies of staff reports will be available approximately 5 days prior to the public hearing date and may be downloaded from the County web site http://www.co.new-kent.va.us/planning/staff_reports/. Anyone needing assistance or accommodation under the provisions of the Americans with Disabilities Act should call the County Administrator's Office at (804)966-9683 at least 24 hours in advance of the hearing.

PLANNING COMMISSION



MEMORANDUM

DATE: September 21, 2015
TO: New Kent County Planning Commission
SUBJECT: Application Number CUP-03-15 Dennis' Truck & Auto Repair

REQUEST

Horsley Treolo Holdings & Dennis Gentry have applied for a conditional use permit to operate a truck and trailer repair shop at 6570 Emmaus Church Road. Mr. Gentry also does auto repair, but that is already a permitted use on the property.

PUBLIC HEARINGS

Planning Commission: September 21, 2015, 7:00 p.m., County Boardroom
Board of Supervisors: Tentatively scheduled for October 13, 2015, 7:00 p.m.,
County Boardroom

GENERAL INFORMATION

Location: The subject property is located at 6570 Emmaus Church Road
Tax Parcel: 31-2B
Size: Approximately 5 acres
Owners: Horsley Treolo Holdings
Current Zoning: Economic Opportunity
Current Use: Dennis' Truck and Auto Repair (towing, recovery, repair shop)
Adjacent Zoning: North - Economic Opportunity
East - Economic Opportunity & Industrial
West - Economic Opportunity
South - Economic Opportunity

New Kent County Comprehensive Plan Future Land Use Designation: Economic Opportunity

- All vehicles on site are stored behind a privacy fence.
- The site has a well and septic system.
- No construction or land disturbance will be necessary for the issuance of this Conditional Use Permit. Any future development of the site will be subject to the site plan review process outlined in the Zoning Ordinance.
- This CUP will have no impact on New Kent County schools or other public services. Dennis' currently tows for New Kent Sheriff's Office and the VA State Police.

PHOTOS OF SITE



COMMENTS FROM REVIEWING AGENCIES

Staff sent the conditional use permit application and information to all County and State reviewing agencies and received the following comments:

- New Kent County Fire Marshal Office - "Plans submitted have been reviewed and approved as they meet all requirements of the Statewide Fire Prevention Code."
- New Kent County Sheriff's Office - No comments or problems with this request
- VDOT - No comments

- Public Utilities – The parcel in question is not connected to public water or sewer. The county may extend water and sewer to the site in the near future which may provide the applicant these services, if desired.

STANDARDS FOR REVIEW

The standards for review of Conditional Use Permits are set forth in Section 98-744 of the New Kent County Zoning Ordinance:

1. *The proposed use shall not be prejudicial to the character of the neighborhood.*
2. *The proposed use shall not adversely affect the general plans for the physical development of the county as embodied in the comprehensive plan.*
3. *The proposed use shall not be detrimental to the use or development of adjacent properties or the general neighborhood nor impair the value of buildings or property in surrounding areas.*
4. *The proposed use shall not unreasonably restrict an adequate supply of light, water, or air to adjacent property nor produce undue congestion in the street.*
5. *The proposed use shall adequately provide for access facilities for the estimated traffic.*
6. *The proposed use shall be subject to any applicable site planning or performance standards enumerated in article XXII of this chapter.*
7. *The proposed use shall be reasonable in terms of the logical, efficient, and economical extension of public services and facilities serving the county, such as water, sewer, streets, police and fire protection, transportation, recreation, and public schools.*

The Zoning Ordinance also lists specific restrictions for conditional use permits. Restrictions on any conditional use may include, but are not limited to the following:

1. Hours of operation
2. Access to and from the subject property
3. Protection of surface and groundwater
4. Lighting of the site, including the intensity and shielding so as to not adversely affect adjacent or nearby property owners
5. Adequate sewer and water supply
6. Sound limitation as needed to ensure peaceful enjoyment of neighboring property
7. Location, size, height, design of buildings, walls, fences, landscaping, and buffer yards
8. Covenants and/or homeowners associations for maintenance of applicable restrictions

9. Timing or phasing of development
10. Type and placement of utilities including underground placements
11. Controls for smoke, dust, and odors
12. Requirements for performance guarantees ensuring that all conditions are met and plans are implemented
13. Any other conditions deemed necessary to protect the health, safety, and general welfare of the public.

OVERALL ANALYSIS AND RECOMMENDED CONDITIONS

Staff has reviewed this conditional use permit application in the same manner as other zoning change applications and has found that the following proposed conditions will assist in addressing, protecting, and promoting health, safety, and the general welfare of New Kent County citizens.

1. All motor vehicles that are being repaired or stored on the property shall be placed behind the privacy fence.
2. This Conditional Use Permit shall expire on the 30th anniversary of its issuance.

SUGGESTED MOTIONS

1. 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-22-15 to forward Application CUP-03-15 to the New Kent County Board of Supervisors with a favorable recommendation.

or

2. I move to forward Application CUP-03-15 to the New Kent County Board of Supervisors with an unfavorable recommendation for the following reasons:

a. _____

b. _____

c. _____

Attachments:

- Application CUP-03-15
- Advertisement & Adjacent Property Owners List
- Resolution, PC-22-15

Copies to:

- Applicant
- File



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): 31-2B Total Lot Area (Acres): 5 ac.
 GPIN: I 12-0892-3687
 Property street address: 6570 Emmas Church Rd
 Current Zoning: E0 Proposed Zoning: _____
 Current Use: Towing & Repair Proposed Use: _____
 Does proposed zoning/use include entire property? YES NO
 If no, how much will be used for proposed use? _____

OFFICE USE ONLY

DO NOT WRITE IN THIS BOX

Application No: CUP-03-15
 AFD Status: N/A
 Date Received: 8/19/15
 Tax Receipts: Yes No
 Fee Amount: \$1,835.00
 Staff Initials: SLW

PROPERTY OWNERS INFORMATION

Name: Horsley Treolo Holdings
 Address: 6339 Pocahontas Trail
 City: Providence Forge State: Va Zip: 23140
 Telephone: Work: 804 241-2294 Home: _____
 Cellular/Pager: _____ Fax: (804) 966-9042
 E-mail Address: OLDFORGE.HALL9 GMAIL.COM

APPLICANT'S INFORMATION

Name: Dennis Truck & Auto Repair Dennis Gentry
 Address: 6570 Emmas Church Rd
 City: Providence Forge State: Va. Zip: 23140
 Telephone: Work: 804-230-7905 Home: 804-572-2388
 Cellular/Pager: 804-572-2388 Fax: _____
 E-mail Address: DennisTRK Repair AT AOL.COM

AGENTS INFORMATION

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

WATER/SEWER SUPPLY

- Public Water
 Public Sewer
 Well
 Septic
 Other: _____



DENNIS'
TRUCK & TRAILER REPAIR, INC.
309 MAURY ST.
RICHMOND, VA 23224
PHONE (804) 230-7905
FAX (804) 232-1302

COMPLETE
TRUCK & TRAILER REPAIRS
STATE INSPECTIONS

- 1) Minor Truck, Trailer and Auto Repairs. Towing for the public & state and county Police Departments.
- 2) We are currently doing repairs & tire work for a number of other businesses around us. We are open 8:00 a.m. to 5:00 p.m. Monday thru Friday and Tow 24/7 days a week. All vehicles are stored behind Privacy fence so it doesn't look like a Junk yard.
- 3) Our water runs off of well and septic system. we also hope to expand the shop by 2 more Bays after we purchase the property, and all maintenance will be done by local vendors or myself.
- 4) A license contractor will do any construction.
- 5) Not at that level.
- 6) I have Employees who have kids in the School System. I would also like to start maybe Towing & doing Repairs at a discounted Price for the county.
- 7) We currently tow for County (New Kent) Police, Training with Fire & Rescue Will start real soon. I also took the TIMS Class in New Kent a year ago, so I know they would like the roads open as fast & safe as possible.
- 8) NONE
- 9) None
- 10) NONE

NEW KENT COUNTY
Notice of Mailing

Applicant Name: Dennis' Truck & Auto Repair/Horsley
Application Number: CUP-03-15
Public Hearing Date: Monday, September 21, 2015

STATE OF VIRGINIA
COUNTY OF NEW KENT, to wit

I, Kelli L. Z. Le Duc, of the New Kent County Planning Division, do make oath that notices as required by Section 15.1-431 of the Code of Virginia, 1950, as amended, were mailed on the 8th day of September 2015, by first class mail, postage prepaid, to the persons whose names and addresses are attached.

Kelli Le Duc
Signed

Subscribed and sworn to before me this 8th day of September, 2015.

Sheri Lynn Wood
Notary Public

My commission expires: December 31, 2015.



§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this title need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. The local planning commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the governing body. The term "two successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § 15.2-2311 or 15.2-2314, is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

(Code 1950, § 15-961.4; 1962, c. 407, § 15.1-431; 1964, c. 632; 1968, cc. 354, 714; 1973, cc. 117, 334; 1974, cc. 100, 570; 1975, c. 641; 1976, c. 642; 1977, c. 65; 1982, c. 291; 1990, c. 61; 1992, cc. 353, 757; 1993, cc. 128, 734; 1994, c. 774; 1995, c. 178; 1996, cc. 613, 667; 1997, c. 587; 2001, c. 406; 2002, c. 634; 2004, cc. 539, 799; 2005, c. 514; 2007, cc. 761, 813; 2011, c. 457; 2012, c. 548; 2013, cc. 149, 213.)

PUBLIC NOTICE
NEW KENT COUNTY PLANNING COMMISSION

Notice is hereby given that the following public hearings will be held on Monday, September 21, 2015 at 7:00 PM or as soon thereafter as possible in the Boardroom of the New Kent County Administration Building located in New Kent, VA, where the Planning Commission of the County of New Kent may or may not take action on the following:

1. **Application CUP-01-15 Philbates/New Kent County Fire & Rescue:** Rebecca Philbates and New Kent County Fire & Rescue have applied for a Conditional Use Permit to operate a vehicle extrication training/public safety training facility located on New Kent Highway, across the street from Philbates Auto Wrecking and Towing (16238 New Kent Highway). The property is identified as Tax Parcel 26-87F (GPIN #J27-1002-0745).
2. **Application CUP-03-15 Horsley Treolo Holdings/Dennis' Truck & Auto Repair:** Horsley Treolo Holdings & Dennis Gentry have applied for a Conditional Use Permit to operate a truck and trailer repair shop at 6570 Emmaus Church Road. The property is identified as Tax Parcel 31-2B (GPIN #I12-0892-3687).

All interested persons may appear and present their opinions at the above time and place. If a member of the public cannot attend the hearing, comments may be submitted in writing. Those received by 12:00 P.M. on the day of the hearing will be distributed to Planning Commission members and made a part of the public record. Copies of the applications may be viewed in the New Kent County Office of Community Development, located at 12007 Courthouse Circle, New Kent, VA 23124, during regular business hours. Copies of staff reports will be available approximately 5 days prior to the public hearing date and may be downloaded from the County web site http://www.co.new-kent.va.us/planning/staff_reports/. Anyone needing assistance or accommodation under the provisions of the Americans with Disabilities Act should call the County Administrator's Office at (804)966-9683 at least 24 hours in advance of the hearing.

PLANNING COMMISSION

PLANNING COMMISSION
COUNTY OF NEW KENT
VIRGINIA

PC-22-15

At the regular meeting of the Planning Commission of the County of New Kent, in the Boardroom of the New Kent Administration Building in New Kent, Virginia, on the 21st day of September, 2015:

Present:

Katherine Butler
Jack Chalmers
Joanne Schmit
Laura Rose
Charna Moss - Gregory
Richard Kontny, Jr.
John Moyer
Edward Pollard
Tommy Tiller
Patricia Townsend
Joyce Williams

Vote:

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

**A RESOLUTION TO RECOMMEND APPROVAL OF
CONDITIONAL USE PERMIT APPLICATION CUP-03-15,
HORSLEY TREOLO HOLDINGS/DENNIS' TRUCK AND AUTO REPAIR
TO ALLOW FOR TRUCK & TRAILER REPAIR
ON TAX MAP & PARCEL 31-2B (GPIN #I12-0892-3687)**

WHEREAS, Horsley Treolo Holdings (property owner), and Dennis Gentry (applicant), have submitted a "Conditional Use Permit Application" dated August 19, 2015; and

WHEREAS, said application requests a conditional use permit to allow for a truck and trailer repair on a parcel identified on the New Kent County digital map as GPIN #I12-0892-3687 (Tax Map and parcel 31-2B); 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, carefully considering the public comment received; and

WHEREAS, the Planning Commission has evaluated the application based on the current zoning of the parcel, which is Economic Opportunity, 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 Commission finds that approval of CUP-03-15 with the conditions stated herein 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 21st day of September, 2015, by the New Kent County Planning Commission, that Conditional Use Permit Application CUP-03-15 submitted by Horsley Treolo Holdings and Dennis Gentry, be forwarded to the New Kent County Board of Supervisors with a recommendation of approval with the following conditions:

1. All motor vehicles that are being repaired or stored on the property shall be placed behind the privacy fence.
2. This Conditional Use Permit shall expire on the 30th anniversary of its issuance.

Attested:

Patricia Townsend, Chair
New Kent County Planning Commission