



MEMORANDUM

DATE: June 6, 2019
TO: New Kent County Planning Commission
SUBJECT: Ordinance Amendment OA-01-19

At the May 13, 2019 Board of Supervisors meeting, Mr. Tiller moved to have the Board of Supervisors refer to the Planning Commission for its review, to hold a public hearing, and make a recommendation in accordance with section 15.2-2285 of the Code of Virginia, an Ordinance to add "Combat Range/Combat Training Facility" to the list of prohibited uses in Section 98-64 of the New Kent County Code and to ask the Planning Commission to consider whether to add or remove other uses in the prohibited uses category. The vote passed with a vote of 4:1:0

Staff has been working on a definition for **Combat Tactical Training Facility** and proposes the following definition:

Combat Tactical Training Facility means a single discipline or multi-disciplined facility for training government, military, law enforcement and private corporations' personnel in one or more skill areas - Counterterrorism/Force Protection Operations, Specialized Driver Skills, Mission Simulations, Security Operations, and/or Firearm Skills. The facility may include asphalt driver training course(s) to include a skid pad, off-road and unimproved road driving course(s) to include utility and all-terrain vehicles, multipurpose outdoor and/or indoor shooting ranges, armory/ammunition bunker(s), self-contained Simunition training areas, and/or ballistic shoot house(s). The facility may also have overnight accommodations for trainees/students, as well as accessory uses associated with overnight accommodations or operation of the facility.

Staff has received citizen input regarding the definition, and that has been included on the following page of this packet.

Once the Planning Commission finalizes a definition, that definition will be added to Section 98-2 of the New Kent County Code. Per the direction of the Board of Supervisors, that definition/use will be added to the list of prohibited uses listed in Section 98-64 of the New Kent County Code.

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-03-19, to forward Ordinance Amendment OA-01-19 to the New Kent County Board of Supervisors with a favorable recommendation.

or

2. I move to forward Ordinance Amendment OA-01-19 to the New Kent County Board of Supervisors with an unfavorable recommendation for the following reasons:

a. _____

b. _____

Attachments: Citizen input on Definition
Resolution PC-03-19, with final definition to be added/amended

CITIZEN INPUT ON DEFINITION

Definition

Security Operations and Training Facilities are defined as commercially owned and operated facilities conducting training in military-style operations or personal/facility security operations. Such training typically involves one or more of the following activities:

- outdoor firearms ranges,
- combat training with real or simulated use of firearms, or other military weapons systems or vehicles,
- tactical training areas,
- the use of targets representing or symbolizing persons,
- use of real or simulated explosive devices,
- use of mock firearms blasts, such as shotgun blanks or simulated rocket-propelled grenades
- unenclosed shoot houses,
- tactical driving courses, and,
- accessory buildings or props for simulation of urban operations (UO or MOUT).

This definition shall not apply to bona fide law enforcement or military training facilities operated by local, regional, state or federal government agencies. However, such agencies shall conduct these activities within the scope of the appropriate governing regulations, to include Military Range Safety requirements per DA PAM 385-63. This definition shall not apply to approved recreational firearms uses or civilian firearms safety and proficiency training activities as identified in the New Kent County Code.

**PLANNING COMMISSION
COUNTY OF NEW KENT
VIRGINIA**

PC-03-19

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 17th day of June, 2019:

Present:

Katherine Butler
Marc Bennett
Joanne Schmit
Laura Rose
Amy Pearson
Richard Kontny
John Moyer
Edward Pollard
Tommy Tiller
Patricia Townsend
Curtisa Thomas

Vote:

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

**A RESOLUTION TO RECOMMEND AMENDMENTS
TO SECTION 98-2 OF THE NEW KENT COUNTY CODE
TO ADD A DEFINITION FOR _____
AND SECTION 98-64 OF THE NEW KENT COUNTY
CODE TO ADD _____ AS A PROHIBITED LAND USE**

WHEREAS, the New Kent County Board of Supervisors, at their May 13, 2019 regular meeting, voted 4:1:0 to refer to the Planning Commission for its review, to hold a public hearing, and make a recommendation in accordance with section 15.2-2285 of the Code of Virginia, and Ordinance to add "Combat Range/Combat Training Facility" to the list of prohibited uses in Section 98-64 of the New Kent County Code; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing and carefully considered the public comment received;

NOW THEREFORE, BE IT RESOLVED this, the 17th day of June, 2019, by the New Kent County Planning Commission, that the Commission recommends to the Board of Supervisors that the following sections of the New Kent County Code be readopted as follows:

Section 98-2 - Definitions and Rules of Construction

Cluster homes means a group of dwellings for private and separate ownership similar to condominium development but buildings may or may not be connected; generally associated with planned unit developments.

Code official means the legally designated building authority of the county or his authorized representative.

Combat Tactical Training Facility means

Commercial greenhouse means a structure in which plants, vegetables, flowers and similar other materials are grown for sale.

Commerce park means a tract of land that has been planned, developed and operated as an integrated facility for a number of individual offices and office buildings, industrial facilities, distribution and storage warehouses, and related accessory and ancillary uses, and where traffic/pedestrian circulation, parking, utility needs, open space, aesthetics and use compatibility have been specifically addressed through the site plan process.

Section 98-64 – Prohibited land uses.

Certain uses have been determined to be entirely inconsistent with the comprehensive plan and for which no acceptable conditions can be established that would reduce the inconsistency. These uses, enumerated below, are prohibited in the county.

- (1) Smelting on an industrial scale;
- (2) Operating an adult business or use when located within 3,000 feet of any school, place of worship, public or community park, public building, or another adult business or use;
- (3) Manufacturing nuclear materials;
- (4) Processing, storing or disposing of nuclear waste;
- (5) Manufacture of biologically accumulative poisons or other poisons that are, or ever were, registered in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 136, et seq., as that section may be amended or superseded from time to time);
- (6) Operation of a municipal solid waste landfill or sanitary landfill or solid waste management facility;
- (7) Operation of a construction debris landfill;
- (8) Hazardous waste incinerators;
- (9) Medical waste incinerators;
- (10) Transportation, storage and disposal (TSD) facilities;

(11) Combat Tactical Training Facilities

Attested:

John Moyer, Chair
New Kent County Planning Commission

PUBLIC NOTICE
NEW KENT COUNTY PLANNING COMMISSION

Notice is hereby given that the following public hearing will be held on Monday, June 17, 2019 at 6:30 PM or as soon thereafter as possible in the Boardroom of the New Kent County Administration Building located in New Kent, Virginia, where the Planning Commission of the County of New Kent may or may not take action on the following:

- 1. Application OA-01-19: Amendment to the New Kent County Code:** The Commission will consider amendments to Section 98-2 and Section 98-64 of the New Kent County Code. These amendments will add a definition for "Combat tactical training facility" and add "Combat tactical training facility" to the list of Prohibited Uses.

Questions concerning this public hearing may be directed to the Department of Planning at 804-966-9690. 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 to the New Kent County Department of Planning, P.O. Box 150, New Kent, VA 23124; by fax to 804-966-8531, or by email to planning@newkent-va.us. Comments 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 applications, proposed resolutions, and staff reports may be viewed approximately one week prior to the hearings in the New Kent County Department of Planning at 12007 Courthouse Circle, New Kent, VA 23124 during regular business hours or at <http://www.co.new-kent.va.us/index.aspx?NID=143>. 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. If a meeting cannot be held due to inclement weather, the meeting will be held on the next business day that the New Kent County offices are open.

PLANNING COMMISSION

Please use 10 point upper case type in the heading as indicated. Use 8 point type in the body.

Please publish notice for one week.

Kindly send certification of publication and bill to Sheri Wood, New Kent County Department of Planning.