



**NEW KENT COUNTY
 PLANNING COMMISSION - REGULAR MEETING
 MONDAY, JUNE 18, 2018, AT 6:30 PM
 COUNTY ADMINISTRATION BUILDING BOARD ROOM
 APPROVED MINUTES**

THE REGULAR MEETING OF THE NEW KENT COUNTY PLANNING COMMISSION WAS HELD ON THE 18TH DAY OF JUNE IN THE YEAR TWO THOUSAND EIGHTEEN IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:30 PM.

IN RE: CALL TO ORDER

The Chairman, Mr. Moyer, called the meeting to order at 6:30 pm.

IN RE: MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

The Chairman led the Moment of Silence and Pledge of Allegiance.

IN RE: ROLL CALL

Attendance:	Ms. Laura Rose	Present
	Ms. Patricia Townsend	Present
	Ms. Joyce Williams	Present
	Mr. Richard Kontny	Present
	Dr. Joanne Schmit	Present
	Mr. Edward Pollard	Present
	Mr. Clarence "Tommy" Tiller	Present
	Ms. Katherine Butler	Present
	Mr. Marc Bennett	Present
	Ms. Amy Pearson	Present
	Mr. John Moyer	Present

The Chairman established a quorum.

Also Attending: Lauren and Michael Campbell, Applicants
 Mr. Brendan Hefty, County Attorney
 Mr. Rodney Hathaway, County Administrator
 Ms. Kelli L. Z. Le Duc, Planning Director

IN RE: APPROVAL OF MINUTES

A. MAY 21, 2018 – REGULAR PLANNING COMMISSION MEETING MINUTES

The Chairman asked for comments or corrections to the minutes.

A motion was made by Ms. Townsend to approve the minutes as presented.

The members were polled:

Ms. Laura Rose	Aye
Ms. Patricia Townsend	Aye
Ms. Joyce Williams	Aye
Mr. Richard Kontny	Aye
Dr. Joanne Schmit	Aye
Mr. Edward Pollard	Aye
Mr. Clarence "Tommy" Tiller	Abstained, absent 05/21/18

Ms. Katherine Butler	Aye
Mr. Marc Bennett	Aye
Ms. Amy Pearson	Abstained, absent 05/21/18
Mr. John Moyer	Aye

The motion to approve the May 21, 2018 minutes carried with a roll call vote of 9:0:2.

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.

The Chair explained the procedures for the Citizens Comments portion of the meeting and called the first person listed, Sandi Gauthier.

Sandi Gauthier of 19665 High Bluff Lane, Barhamsville, explained she and her husband owned Gauthier Vineyards. She and her neighbors held meetings about the Curtis proposal after she received a flyer in her mailbox which alerted her to the proposal. She also read about it in the Chronicle newspaper. She didn't see anything in the Comprehensive Plan about counter-terrorism training. She had about 65 people come to the winery to talk about this and they expected about 100 people at tomorrow night's meeting. She felt this would impacted her home, her life, her children and her business. She didn't want New Kent to let this happen. She noted the New Kent County logo showed grapes, swimming, horses and golf but no pictures of explosives, bombs or counter-terrorism facilities.

Charles Karow of 4800 Windy Lane, Barhamsville, gave a presentation on shooting range safety and his PowerPoint presentation was included in the meeting packet (noted in the file as Exhibit A). He spoke of guidelines for military shooting range standards, danger zones and mitigation issues. His main concern was the use of .50 caliber firearms which could extend out as far as the York River without the proper mitigation.

John Lockwood of 2021 Triangle Road, Barhamsville, gave a presentation on noise and included a hand out in the meeting packet (noted in the file as Exhibit B). He gave a brief history on a company, ITI, who was denied a tactical firearms and training facility in King and Queen County back in 1992. He also reviewed history on G4S International Training that operated near the Middle Peninsula Regional Airport back in 2013 which made a negative impact on the neighborhood due to the noise. He expressed his concern about the noise and the ability of surrounding neighbors to go outside and enjoy their land. He noted Kirby Farm, Holly Fork Farm and Poor Clare's Monastery frequently mentioned the noise that came from the G4S facility. He noted the proposal Curtis site would be directly behind the post office in the heart of Barhamsville. He expressed his concerns for the neighbors, Stonehouse and the Dream Catchers Riding Facility for disabled children. He pointed to the "undermining of the character of the neighborhood" in the County ordinance. He closed by quoting a former ITI owner as stating 'the noise would be heard for miles'.

Hanna Ripchick of 4901 Holly Fork Road, Barhamsville, stated she was 12 years old and in charge of the animals at Holly Fork Farm. She noted having pigs, chickens, rabbits, sheep, donkeys and a pony that would be easily startled by loud noises. She expressed how dangerous riding children on the pony could be if the pony was startled. She expressed how her guests would be disturbed by loud noises while on their walking tours of the farm. She stated she had plans of starting an animal rescue on the farm and asked why her dreams should be given less consideration than that of Ms. Curtis' dream of running a training facility. She asked the County to deny the Curtis proposal.

Stephanie Ripchick of 4901 Holly Fork Road, Barhamsville, owner of Holly Fork Farm, reported she and her family operated the farm since 2008 and was a proud resident of Barhamsville for the past 48 years. She talked about the classes at her farm on canning, soap and candle making, giving hayride and pony rides and how over 9,000 guests came to her farm last season to pick strawberries, blackberries and pumpkins and visit the animals with many visitors coming from Richmond, Hampton and Newport News. She noted she supported her community through the New Kent Education Foundation, the P.T.O. and other non-profits and tonight she asked the County to support her farm and the quiet enjoyment by her family and their guests. She felt the Curtis proposal was a bad idea, unless someone could explain how they could benefit from it, and asked the County to vote no.

Karen Aneiro of 4955 Farmers Drive, Barhamsville, stated her horse farm was directly behind the Curtis property and in order for the Curtis Group to avoid shooting in the direction of the Barhamsville Post Office, they would aim directly east at her home. She felt the placement of the proposed facility would make it impossible not to put New Kent residents at risk. She noted the location of her riding ring as being 600 feet from the site, the horse barn being 950 feet away and her home being 1,100 feet away. She said her and her husband built Their home in 1988 for the quiet, beauty and solitude and that he drove 30 miles each way to work in order to enjoy the Barhamsville area. She talked about her art studio and how she was international known for her art work and how they also bred, raised and showed world-wide awarded winning Royal Friesian horses. She reported having 10 horses and 10 llamas living on their farm and said this proposal would destroy their lives and make their horses a nervous-wreck. She closed by stating it would only take one bullet to kill or maim from the thousands of bullets shot there.

Courtney Rice of 11680 Oakrise Place, New Kent, expressed her understanding of thinking about yourself when threatened and stated that was biological. She stated most people felt patriotic deep down and cared about the country unless it impacted them directly then it would become an issue of how much they cared. She asked everyone to think of the single mothers that deploy into service to make a better life for their children and if people cared enough that she was properly trained or if we cared enough about our government agencies who protect us from people who want to take our freedom away. She asked if we cared enough that our local law enforcement received training on the equipment they are given to protect us. She closed by asking citizens to put down their picket signs and hold on to their patriotism. She felt these types of training facilities were saving American lives and if citizens didn't care enough about that she would just thank them for their time.

Dawn Estrin was called from the list to speak but declined.

Jake Rice of 14623 Wingapo Rd, Lanexa, came to support the Curtis proposal but understood many concerns about the noise and the safety of the shooting range. He expressed how he lived near a train and had to listen to it blow its horn during the night and how he lived near a river with the sound of motor boats most every day. He noted hearing occasional gun fire outside his home when drinking his coffee outside. He stated the thing that bothered him most was not the proposal itself but the backlash of not looking at the facts. He shared his experience training at facilities like this in the past and knew what was involved in preparing to train at one of these facilities. He stated it took a lot of planning and security to do a facility like this and to make sure thousands of rounds of ammunition was properly stored and participants were kept safe. He expressed his thoughts on the amount of revenue being brought into the County through just restaurants and mini-storage facilities and didn't think that was enough. He asked everyone to consider if they were promoting fear because that was not who Americans were.

Janet Mayberry of 10120 Firetower Road, Toano, came to speak on behalf of Dream Catchers horse riding facility for the disabled. She reported Dream Catchers sat on 22 acres near the proposed training facility and was very concerned about the horses becoming spooked by the noise whether it be continuous or intermittent. She expressed how dangerous she thought that could be for a rider. She expressed her concern that once given the go ahead to proceed with this request the company might be able to expand their operations to include other things like drones, helicopters or more. She reported Dream Catchers was celebrating their 25th year in business and planned to stay another 75 years. She expressed her worry about the characteristics of her community which was a quiet and peaceful retreat for her patrons.

No other citizens were signed up to speak and the Chairman thanked everyone for coming out to voice their concerns. He welcomed their input and stated the Commission wanted to know what they were thinking. He encouraged those who did not wish to speak to forward written statements if they desired.

The Chairman called a ten-minute recess to prepare for the public hearings.

IN RE: PUBLIC HEARING

The Chairman reconvened the meeting and asked the Public Hearing Chair to begin the public hearing process.

The Public Hearing Chair explained the procedures and opened the public hearing of application OA-02-18, Changes to the New Kent County Code.

Ms. Le Duc gave her staff report on OA-02-18, a proposal to add definitions for “Historic Horse Racing” and “Horse Racing” in light of the recent passage of House Bill 1609. She asked for the consideration of resolution PC-15-18 and offered a favorable recommendation.

The Public Hearing Chair opened the citizens comment period, no one was signed up to speak, the citizens comment period was closed and the public hearing was closed.

The Chair asked if there were further questions or comments.

Mr. Pollard stated the Colonial Downs Race Track did well when it was open and he looked forward to it coming back into operation.

With no further discussion, Ms. Townsend made a motion to adopt resolution PC-15-18, to forward a favorable recommendation to the New Kent County Board of Supervisors.

The Chair acknowledged the motion and asked for a roll call vote.

The members were polled:

Ms. Laura Rose	Aye
Ms. Patricia Townsend	Aye
Ms. Joyce Williams	Aye
Mr. Richard Kontny	Aye
Dr. Joanne Schmit	Aye
Mr. Edward Pollard	Aye
Mr. Clarence “Tommy” Tiller	Abstained, Board Member
Ms. Katherine Butler	Aye
Mr. Marc Bennett	Aye
Ms. Amy Pearson	Aye
Mr. John Moyer	Aye

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

The Chair asked the Public Hearing Chair to open the public hearing for CUP-01-18.

The Public Hearing Chair opened the public hearing for CUP-01-18, Big Daddy’s Towing and Recovery, LLC Storage Lot.

Ms. Le Duc gave her staff report regarding the Campbell’s request for a towing storage lot on their property located at 11001 Old Church Road. She stated the majority of the review comments came from the Environmental Department and that the Comprehensive Plan designated the area as Rural Lands which was not intended for this type of use. Staff offered an unfavorable recommendation but she noted resolution PC-16-18 could be considered with a list of nine conditions should they wish to forward a favorable recommendation. She noted there was a written public comment about the application in their meeting packet then invited the applicants Lauren and Michael Campbell to speak.

Michael Campbell stated he moved his business to New Kent from Hanover County and towed vehicles mainly for New Kent County and the Virginia State Police. He said he didn’t really need 10,000 square feet of space and would be willing to reduce the size of the lot since he usually only had vehicles in storage about 10 days. He explained he didn’t scrap cars or work on cars and he didn’t want a junk yard on his property. He presented pictures of his property for review. Lauren Campbell wished to reduce their overhead and have the lot on their land. She said the State Police usually had a hold on a towed car for just 10 to 30 days and vehicles were released by then.

Mr. Kontny asked what kind of reduction in lot size was being considered and Mr. Campbell suggested 100’ x 100’ because he thought that was the minimum size the State Police would require but later found out the minimum requirement was actually 25’ x 25’.

Mr. Kontny asked how many cars they normally held in a 30-day period and Mr. Campbell said they were lucky if they had 10 cars.

Mr. Moyer asked what happened to vehicles that were inoperable after 30 days and Mr. Campbell said he did the proper paperwork then they were gone from his lot and that he had another company come pick them up.

Mr. Bennett asked staff if inoperable vehicles would be handled like zoning violations and Ms. Le Duc said if a complaint came in it would be handled by the Zoning Administrator and inspected for any code violations.

Mr. Bennett asked Mr. Campbell if he was okay with the 9 conditions that staff recommended and Mr. Campbell said he was okay with the 9 conditions.

Mr. Moyer asked Mr. Campbell if he would be okay with getting the lot size down to 2,500 square feet so he would not be required to apply for a land disturbance permit and Mr. Campbell said that was fine with that.

Mr. Kontny asked if there could be a five year follow up.

Mr. Bennett asked if this Conditional Use, if approved, would run with the land and Ms. Le Duc told him it would run with the land even if the land changed ownership. She said the only reason it would come back before the Commissioners would be if the new owners wanted to change any of the uses or conditions.

Ms. Rose asked how the owner would deal with leaking fluids and Mr. Campbell said he would have a gravel lot with the appropriate drainage and he did not want to pollute the water or environmental where he lived.

Mr. Kontny said the owner would be subject to the regulations of any required wetland delineation or DEQ requirements through the site plan review by the Environmental Department and Ms. Le Duc said that would be correct.

Ms. Townsend asked Mr. Campbell to elaborate on his privacy fence and Mr. Campbell said he planned on having a 6' to 8' chain link fence with the privacy slats in it to hide the storage lot.

Ms. Townsend and Mr. Bennett both wanted to know if other types of vehicles would be towed in such as panel trucks, recreational vehicles (RV's) or tractor trailers and Mr. Campbell said none of those would be towed in since he did not have the tow equipment to tow those types of vehicles.

With no further discussion, the Chair directed the Public Hearing Chair to proceed to the Citizens Comment portion of the public hearing.

The Public Hearing Chair called Mr. Julian Lipscomb but he was no longer present to speak. Mr. Bennett then called the next person, Ms. Sarah Richardson.

Sarah Richardson of 11300 Groves Road, New Kent, stated she lived just a short way away and drove by the applicants' property every day. She had lived there for 24 years and they loved it there because it is rural. She thought it was an inappropriate change in use to a commercial type use in a rural setting. It didn't matter to her if fences were put up and restrictions were placed on the operations; she felt the Comprehensive Plan was being changed and called it 'spot zoning'. She felt if everyone had money to request these changes in use there would be a lot of re-zonings. She suggested they deny the request and have the owners find a commercially zoned piece of property to run their business.

Kevin Hattis of 9034 Mann Drive, Mechanicsville, said he had helped Mike run Big Daddy's Towing for years and the majority of the vehicles they towed for the State Police were in accidents then after about three days an insurance company picks them up for assessment. He noted several places where cars were already stored in the County and he didn't see why this would be any different. He said they are not a scrap yard that pulls parts and sells them.

The Chair asked if there were any other questions.

Mr. Kontny asked if the lot was less than 2,500 square feet would the 9 conditions still apply and Ms. Le Duc said yes and they would still apply and a site plan would still be required for review. The Zoning Administrator would be responsible for making sure the conditions were met.

Mr. Kontny asked if the issue should be tabled until more information could be gathered and Ms. Le Duc explained the Commissioners would have to vote on that.

Ms. Townsend asked if the site would be located behind the applicants' house after looking at the pictures Mr. Campbell brought in and Mr. Campbell said it was in the back of his property near the railroad tracks. He said you couldn't see anything from Old Church Road.

Ms. Townsend asked if vehicles would be there longer than 60 days and Mr. Campbell said no they would not.

Ms. Rose thought there should be a restriction on the size of the vehicles.

Mr. Moyer stated the approval of the conditional use would stay with the land so they had to look at all the specific details like the size of the vehicles allowed.

Mr. Bennett asked Mr. Campbell if other tow truck companies would bring vehicles to his storage lot and Mr. Campbell said no.

Ms. Townsend thought the conditions should be more detailed and go to the lesser sized storage lot, no more than ten cars at a time, a completely sealed solid fence to allow for no visibility inside the lot and no pieces of vehicles visible on the outside of the fence. She suggested the wrecker be stored in the fenced storage lot as well. She also suggested the conditional use be looked at again in two years instead of five years then be allowed to continue to five years.

Mr. Moyer asked Ms. Le Duc if these things could be changed in the conditions in the resolution and she agreed they could be adjusted with a vote from the Commissioners.

Mr. Kontny suggested a sun set clause but Mr. Brendan Hefty didn't like a sunset clause on the actual use and didn't recommend it.

The Commissioners came to a consensus to modify the conditions to include language that only passenger cars be stored on the lot, that all vehicles be stored behind a solid eight (8) foot fence, that the storage lot not exceed 2,500 square feet in size and if the applicant fail to commence operations on the property, the conditional use permit would expire on the 2nd anniversary of its issuance.

The Chair asked if there was a motion.

Mr. Kontny made a motion to adopt resolution PC-16-18 as revised to include an eight (8) foot solid fence, only passenger cars permitted, a maximum storage lot size of 2,500 square feet and language that the conditional use permit shall expire on the 2nd anniversary of its issuance if operations fail to commence, and to forward the application, CUP-01-18, to the New Kent County Board of Supervisors with a favorable recommendation with these revised conditions.

The Chair acknowledged the motion and asked for a roll call vote.

The members were polled:

Ms. Laura Rose	Aye
Ms. Patricia Townsend	Aye
Ms. Joyce Williams	Aye
Mr. Richard Kontny	Aye
Dr. Joanne Schmit	Aye
Mr. Edward Pollard	Aye
Mr. Clarence "Tommy" Tiller	Abstained, Board Member
Ms. Katherine Butler	Aye
Mr. Marc Bennett	Aye

Ms. Amy Pearson
Mr. John Moyer

Aye
Aye

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

The Chair thanked Mr. and Mrs. Campbell and Ms. Le Duc for their time and work on this application.

IN RE: NEW BUSINESS

None

IN RE: COMMISSIONERS REPORTS

Ms. Townsend reported she would like to see a work session scheduled to better understand the Agricultural and Forestal District (AFD) Program. She voiced concern about determining use and intended use and wanted better guidelines to help preserve the Program. She also suggested the Board of Supervisors and the County Administrator attend the work session.

Mr. Moyer agree and heard the Board of Supervisors had some confusion as to the intent of use as well.

Ms. Le Duc agreed and thought it would be good to have someone from the Commissioner of Revenue in attendance as well to explain the tax code.

Mr. Bennett agreed and thought it would be a good idea to have the Chairman of the Agricultural and Forestal Advisory Committee present also.

Ms. Rose suggested they get as much of the citizens comments and Curtis Group information as soon as possible.

Mr. Kontny reported he would be absent on July 16, 2018 but suggested Camp Peary may have some safe zone information staff could review and how they handled properties around their training facility.

IN RE: CHAIRMANS REPORT AND RRPDC REPORT

The Chairman stated the RRPDC had a speaker on transportation last week and talked about autonomous cars in the show rooms in two years and they would be normal by the year 2030. They talked about how advisory boards needed to start thing about this. They said other countries already had Uber like carriers like small buses that went into neighborhoods and picked up riders. They also talked about the City of Richmond's new Pulse bus line which they anticipate will be a success. He reported information from the James River Association and said VDOT would check with localities to see if water access was needed at bridges and overpasses over rivers that were slated for renovations. He noted six bridges on the Chickahominy within New Kent. They showed positive economic impact to localities that had river access.

The Chairman also politely reminded the Commissioners that scheduled public hearings were the time and place for Commissioners to ask specific questions about the applications on the agenda.

IN RE: STAFF REPORTS

Ms. Le Duc reported the Curtis Group was looking to be on the agenda for the July Public Hearing. She also had a re-zoning application for the Ordinary across the street which was currently zoned R-2 and the applicant was requesting Courthouse Development District zoning to achieve a more mixed use.

Ms. Le Duc suggested forming a subcommittee to help her with conditions for the Curtis Group application since she had little experience with this type of facility and thought it would be helpful to have some input. She noted she had a sound study and several citizens comments she would send out immediately for their review.

She also reported the Curtis Group would be giving a presentation to the Board of Supervisors at their next work session on June 27th if any of the Commissioners wanted to attend.

IN RE: MEETING SCHEDULE

The Chairman stated the Planning Commission's next regular meeting was tentatively scheduled for Monday, July 16, 2018 and stated he would be absent but to consult with the Vice Chair, Ms. Amy Pearson.

IN RE: ADJOURNMENT

A motion to adjourn was made by Mr. Kontny and all agreed. The meeting was adjourned at 8:56 PM.

Respectfully, Sheri L. Wood, Recording Secretary