

**New Kent County
Planning Commission
Minutes**

Monday, December 15, 2003

Chairman Hathaway called the meeting to order.

Attendance :

Louis Abrams	Present
Jack Chalmers	Present
Mark Daniel	Present
David Frank	Present
Howard Gammon	Absent
Jay Hubbard	Present
Milton Hathaway	Present
Julian Lipscomb	Present
Edward Pollard	Present
Marty Sparks	Present
Robert Stroube	Present

Also Present:

George Homewood, Planning Director
Lamont Myers, Economic Analyst
Pam Crosby, Planning Technician
Kenneth Vaughan, Zoning Administrator
Phyllis Katz, County Attorney

IN RE: ROLL CALL AND ESTABLISHMENT OF A QUORUM

Chairman Hathaway asked for roll call and established that there was a quorum.

IN RE: MINUTES

Mr. Chalmers moved that the minutes of the November 17 meeting approved, seconded by Mr. Frank, Motion adopted unanimously by roll call vote.

IN RE: CITIZEN COMMENT

None.

IN RE: UNFINISHED BUSINESS

None.

RE: NEW BUSINESS

- A. **ZM-5-03, John A. & Ruth D. Hubbard:** Request to reclassify 1.063 acres of property in Lanexa from A-1 (Agriculture) to B-2 (Limited Business). The subject property is a portion of 2.702 acre parcel located on the south side of Pocahontas Trail approximately 600 feet east of Carter Road and identified as Tax Map Parcel 45-61E. The address of the subject parcel is 15625 Pocahontas Trail. The Comprehensive Plan designates land in the vicinity of this parcel for Village uses. The stated intent, but not guaranteed through proffers, of the proposed reclassification is to develop a real estate office and mini-storage warehouses on the frontage while continuing to maintain the existing private residence on the rear of the parcel.

Mr. Hubbard removed himself from the voting due to his involvement in the application.

Questions:

Mr. Chalmers stated that there is a pretty sizeable wetlands area located in an elevated part of the front of the property is that going to be a problem or is it part of the Pocahontas Trail right of way. Mr. Homewood responded, Mr. Hubbard is probably in a better position to answer the question, however, from my site visit to the property it appears to be part of the drainage system of Pocahontas Trail and looking in the VDOT right of way. I am not sure if this criteria or if the area would fall in the area for wetlands and in any case we would address that at the time of the site plan review.

Mr. Daniel inquired as to the general area of the other business in the area are? Mr. Homewood stated that there are a number of parcels in the area that aren't zoned for business however are actually businesses, including the post office, two parcels down that is B-2. At the intersection of Waterside and Route 60 there is the motel and diagonally across is the construction yard. There are several others across the street.

Mr. Hubbard, Gentlemen I think that we will have a positive impact not a negative impact, in having a nice little real estate office in the Village of Lanexa. If you will look back on the pictures you will see that I planted a buffer of a row of evergreen trees to right of the property. They are 30 feet high because I knew that I wanted to build my office there in the years to come. I have talked to my neighbors, not all of them but most everyone. In regards to the drainage ditch, it is a state highway easement. I wouldn't call it wetlands, when they built the post office they piped, they got 4 foot pipes and piped it. I talked to our environmental specialist Ms Jones. About the ditch, what kind of problems will I have when this property is developed?

Ms. Jones commented that you will just have to pipe it. She didn't raise any environmental issues. Obviously that will come on the site plan.

Mr. Lipscomb commented in here you talk about the comprehensive plan. This is in there, in the comprehensive plan, correct? Mr. Homewood responded "yes sir".

Citizens comment:
No comment

Mr. Frank moved to adopt Resolution PC-32-03 to forward Application ZM-5-03 to the Board of Supervisors with a favorable recommendation; the motion was seconded by Mr. Abrams. The motion passed on a roll call vote of 9:0:0. [Mr. Hubbard had removed himself from the voting due to his involvement in the application.]

- B. **ZM-6-03, Edward B. Wood:** Request to reclassify approximately 7.11 acres of property located at 5401 Pocahontas Trail from A-1 (Agriculture) to M-2 (Heavy Industrial) with a Conditional Use Permit. The property located on the south side of Pocahontas Trail (U.S. Route 60) approximately 3,000 feet east of Virginia Route 106 and is further identified as New Kent County Assessor's parcel 31-12G. The Comprehensive Plan designates land in the vicinity of this parcel as Rural Lands. The stated intent of the application is to allow the expansion of an existing automobile body repair and salvage operation on land adjacent to the applicant's existing facility.

Mr. Daniel stated that applicant has proffered how far from Route 60 will the screen be. Mr. Myers responded that it would be 200 feet from Route 60 and 100 feet from South Garden Road.

Mr. Daniel asked with this permit what if something goes wrong and you can see the cars, will it be fixed? Mr. Myers responded that part of the permit is that he would and I'll quote from the application "The applicant shall plant a staggered row of evergreen shrubbery in front and to the rear of the area where inoperable vehicles are to be stored of sufficient height and density to provide a visual screen of any inoperable vehicles from the view of U.S. Route 60 and from South Garden Road. At a minimum, this screen shall consist of a staggered row of evergreen shrubbery on 3 foot centers for a distance of no less than 250 feet in length and which will achieve a height at maturity of no less than 6 feet. There shall be maintained minimum setbacks of 200 feet from U.S. Route 60 and 100 feet from South Garden Road."

Mr. Daniels, if something goes wrong and you can see through it, will it be fixed. Mr. Myers stated yes it was my understanding that it would be fixed.

Reverend Hathaway stated in going through the presentation, it may be my fault in the analysis of the understanding of a salvage yard, but I saw no mention of the selling any of the parts. So that the inoperable vehicles will

simply be stored. Mr. Myers responded that he would let Mr. Wood speak, but it is Mr. Myers understanding that Mr. Wood is not in the business of selling parts; he is in the business of restoring cars that have been damaged. He's not really in the junk yard business per say.

Reverend Hathaway what happens as they begin to pile up, it seems to me that things would pile up. Mr. Myers defers to the applicant, Mr. Wood.

Mr. Wood in question to the zoning, I already have M-2 without a Conditional Use Permit (CUP), the reason I have a salvage yard or am a salvage dealer is because that is the only way that I can buy these cars for insurance companies. I have to be a salvage dealer to buy vehicles that are not repairable, you can't get a title for it but you can get them fairly cheap so you can fix other vehicles. I've been there since 1974 in my existing building which is behind the building that I rent for a small shop. I've been in this building since 1979. The main thing I want to do is to move these cars and get them out of site. I don't have enough room to move them right now. I don't plan on having a bunch more cars there, what is there now is the majority of older cars and they will be gone and not necessarily replaced. As far as the salvage yard, I will not sell parts. I will not clear the trees, because what the trees actually do is keep the undergrowth down. Where I have them now it has grown all up and I cannot cut it. Especially with all of the rain we have had, by moving these cars even so right now, you won't see them from south garden because they would be moved to the other section as well as what is beside my building.

Mr. Hubbard stated to Mr. Wood, you've been at that location for 30 years at this location, some of your neighbors have objections some don't, but you were there before these neighbors, the original building was designed as a gas station in the 1940's and with a gas station you have cars to be repaired sitting around that building, so long before Mr. Wood, the same thing was going on.

Mr. Chalmers asked, how many cars are you planning to have at any one time, you told me once before you were going to junk them out. Mr. Wood responded, I imagine at the most, thirty.

Citizens Comment:

Ms. Katherine Bassetti of Pocahontas Trail. I agree with it.

Mr. David Horsely of Pocahontas Trail, I'm for what he wants to do. However, I do have a question, why does he have to rezone the 200 foot buffer to M-2? Why should he have to pay the taxes on that buffer area? It's just going to be a buffer, I don't think that the buffer should be rezoned, and the 100 feet on South Garden Road, I don't see a problem with that, but the 200 feet I have a problem with.

Mr. Frank Bates of Carraige Road, I'm glad you brought up the service station; it's always been a service station and has always had junk parts

around it. Mr. Wood bought it in 1974 and has done nothing but makes it better and makes improvements.

Mr. Terrell Traylor of Pocahontas Trail directly across from Mr. Woods garage, my house is elevated on top high up on the hill and I paid \$180,000 in August. Now what I am looking at is that Mr. Wood is a body shop man and I am a private investigator for the state of Virginia, I do a lot of investigating for insurance companies too. What I see is that he is trying to put a junk yard not a salvage yard in an area where there are nice homes. What I'm trying to say is that there is big thing in scrap metal if you look at the stock market or some of these shows on television, steel and scrap metal have become very valuable, in other words these crushers come in there and crush these cars put them on a flat bed and carry them out, there's a lot of money in that. And that's all this is going to be. It's going to be operated by buying total lost cars which are junk. Why would you pick a spot where that you can put a junk yard in instead of a nice residential area Pocahontas trail, I love to ride down Route 60 to Williamsburg, but I can look over there and see junk cars and school buses. I just bought my house in August, how would you feel if you spent \$180,000 and I don't mind a body shop I do mind a junk yard. You have the power, I don't, post pone this and I'll get you some more information on chemicals, gasoline, antifreeze all that stuff that is dangerous.

Mr. Abrams stated to Mr. Traylor, I heard the gentleman say he purchased this property in 2003, is that correct? I'm sure you looked across the street, Mr. Wood has been in his property since 1974, I've been in this county for 67 years and I have a problem with people moving into the county and looking next door with six houses going up behind you right now, and telling me that you don't want a welding shop in front of my place, you bought your house in 2003. I don't see how this gentleman bought this house with a body shop across the street, like he said he has 30 cars there now and he is going to buff it, that's an improvement and all we have to do is enforce the regulations of the Conditional Use Permit and don't allow him to make it a salvage yard or a junkyard and if we do that I don't have any problem with it.

Mr. Daniel commented about the CUP, the issue is that he is going to take something you can see and make it better.

Mr. Lipscomb stated that maybe you need to limit the number of cars.

After a lengthy discussion, Mr. Chalmers moved to adopt Resolution PC-30-03 to forward Rezoning Application ZM-6-03 to the Board of Supervisors with a favorable recommendation; the motion was seconded by Mr. Abrams. The motion passed on a roll call vote of 9:1:0 with Mr. Lipscomb dissenting.

Mr. Edward B. Wood has also applied for a Conditional Use Permit on the for same 7.11-acre parcel of land subject to the rezoning request. The applicant seeks to expand his existing automobile body shop operation by storing inoperable vehicles on a portion of his property that has not been previously

used for this purpose. While the New Kent County zoning ordinance allows automobile body and painting operations as a matter of right within M-2 zones, the storage of inoperable vehicles ("salvage yards") and used auto sales and service require a Conditional Use Permit.

After considerable discussion about whether to impose a maximum limit on the number of inoperable vehicles that may be on the property at any one time, Mr. Chalmers moved to adopt Resolution PC-31-03 (R) recommending approval of Conditional use Permit CUP-5-03 for Edward B. Wood to store (without any numerical limits) inoperable vehicles and sell used automobiles on property designated as Tax Map Parcel 31-12G to the Board of Supervisors; the motion was seconded by Mr. Hubbard. The motion passed on a roll call vote of 7:3:0 with Messrs. Frank, Lipscomb and Pollard dissenting.

RE: CHAIRMAN'S REPORT

Reverend Hathaway, let me remind the commissioners of the By-Laws change last year, which means that in January we will elect officers and re-organize the committee for 2004. Since this is my last meeting on the Commission I would like to take opportunity to thank the staff, I really appreciate all of the support that I have gotten from the staff, you have been super in making sure that we had all of the information needed and even answering questions and seemingly did make sense. I really do appreciate the staff and I want to thank you for that. I would like to thank our attorney Ms. Katz who is one of the best attorneys around and a super person I really appreciate all of her assistance. And I want to thank all of the commissioners.

RE: RRPDC REPORT

None.

RE: COMMISSIONER'S REPORT

Mr. Lipscomb stated I'm kind of like you, this is my last meeting, I've enjoyed being here, most of the time, the biggest thing that I've seen over the years on the PC that has kind of irritated me is that a lot of commissioners come in here unprepared, and if you accept the duty then come prepared, read the what you've got, a lot of you listen to people talk about the cases and they can put of a smoke screen, but look at the writing, the writing is what really matters. I guess what irritates me the most is that a lot of times commissioners come unprepared. I've actually seen some open their packages at the meetings. If you accept the job you need to set aside the time to prepare yourself.

Mr. Sparks stated this is also my last meeting, I've wanted to tell you how much I've enjoyed working with all of you, getting to know you, thank the staff and county attorney for all of their help.

Dr. Stroube stated this is going to be my last meeting also and the staff has been great to work with, I've enjoyed working two different times on the commission and it's been great seeing how the county is growing and what we have done to make it best.

Mr. Daniel this is not my last meeting, I would like to thank all of you gentlemen, all that you have taught us and all that you have sacrificed to be here. We've learned a lot from you. And again I'd like to thank you from the bottom of my heart thank you for serving.

Mr. Pollard to all of you on the commission at this time, I can appreciate all that we have done. And certainly I think the commission is going to be hurt for losing so many members at one time however it will give us more of a challenge in the next year. And hope that the issues won't be as difficult this next year to give the new commissioners a chance to get their feet on the ground. It's going to be a challenge for us to go forward.

Mr. Abrams I would like to say that I have 3 more meetings and then I will be stepping down. I have enjoyed it and I expect to enjoy the next three months.

RE: STAFF REPORT

Mr. Homewood stated that we are going to lose several decades worth of experience and that is something that staff is not happy to see happening. And you all have helped us and I am a better person and we are a better County as a result. I do deeply appreciate all of the guidance and help from all of you over the past several years. We are going to miss you and hope that you won't be strangers.

Ms. Katz would also like to say that you are an amazing commission.

RE: MEETING SCHEDULE

The next regular meeting is scheduled at 7:00 p.m. on Tuesday, January 20, 2004 in the Boardroom of the County Administration Building.

ADJOURNMENT

Mr. Abrams motioned to adjourn tonight's meeting, seconded by all.