

VIRGINIA:

The Charles City County Planning Commission met on April 23, 2015 in the 239th year of the Commonwealth and the 381st year of the County. Chairman Edward L. Baber, Jr. called the meeting to order at 7:00 PM.

PRESENT: Edward L. Baber, Jr., Chairman
Brenda Adkins
William B. Bailey
Barney Lomax
Kevin R. Pittman
Gilbert A. Smith
Alton M. Washington
Yvonne Smith-Jones

OTHERS: B. Randolph Boyd, County Attorney
Matthew Rowe, Planning Director
Rebecca H. Stewart, Recording Secretary

ABSENT: C. Linny Miles

RE: MINUTES

The Commission minutes for April 9, 2015 were presented for approval. Mr. Alton M. Washington made a motion to approve, as corrected, the minutes for April 9, 2015. The motion seconded by Mr. Gilbert Smith carried by an 8:0 vote.

RE: TELECOMMUNICATIONS ORDINANCE

Mr. Matthew Rowe, Planning Director introduced Ms. Lori H. Schweller of LeClair Ryan Law Firm, and Mr. Stephen B. Waller of GDN (a wireless telecommunications site acquisition project management firm) to the Commission. Ms. Schweller and Mr. Waller informed Commissioners on the following:

- Benefits of wireless communications;
- Demand drives wireless deployment;
- Tower construction approval;
- Local authority to zone communication facilities;
- Radio Frequency Emissions/Environmental effects;
- Property values;
- Reasonable time period for approvals;
- Spectrum Act §6409;
- Substantially change the physical dimension of tower or base station;
- Telecommunications zoning ordinance; and,
- Recommendations for developing ordinance.

RE: BYLAWS, ARTICLE 7 – PUBLIC HEARINGS

County Attorney, B. Randolph Boyd briefed the Commissioners on the proposed amendment to Article 7 of the Commission Bylaws. There were concerns regarding the procedure of Joint Public Hearings between the Board of Supervisors and the Planning Commission. Commission requested that staff and Mr. Boyd reword Article 7 to include tonight's discussion and present new language at the next meeting.

RE: #REZ-01-2015, KIMAGES WHARF PARTNERS

Application #REZ-01-2015, Kimages Wharf Partners requests to rezone 25.53 acres (TM #4-14) from Planned Development-Industrial Park (PD-IP) to Heavy Industrial (M-2). The rezoning would allow the owners to better market the property. Site is located between 2261-2271 Roxbury Road. Mr. Milton Hess was present to answer any questions.

Planning staff, Rebecca Stewart presented staff report. The existing land use is forestal. The surrounding land uses are light manufacturing, agricultural, and residential; and the parcels are currently zoned Agricultural (A-1), Planned Development-Industrial Park (PD-IP), and Heavy Industrial (M-2). The Roxbury Industrial Center is located to the east across Roxbury Road. This parcel is in that portion of Charles City County that has traditionally been the County's Industrial Hub and major employment center. It is within the Roxbury Regional Development Area according to the Future Land Use Map in the Comprehensive Land Use Plan.

There is no public water or sewer currently serving the property. The property is served by State Route 106 (Roxbury Road); any new development would be reviewed by VDOT to ensure that entrances and site-distances are adequate for anticipated traffic generation. According to the Environmental Constraint Map the north-west portion of the property contains wetlands and Chesapeake Bay Preservation Act (CBPA) features, including Resource Management Area (RMA).

If rezoned to Heavy Industrial (M-2) zoning, the property would be subject to all permitted uses found in Sections 12-2 and 12-3 of the Charles City County Zoning Ordinance. This is not a conditional rezoning request.

Mr. Alton Washington made a motion to forward application #REZ-01-2015, Kimages Wharf Partners to the Board of Supervisors for the scheduling of a joint public hearing. The motion seconded by Mr. Gilbert Smith carried by an 8:0 vote.

RE: #REZ-02-2015, NEW LEXINGTON, LLC f/k/a THE LEXINGTON CORPORATION

Application #REZ-02-2015, New Lexington, LLC f/k/a The Lexington Corporation requests to rezone 144 acres (TM #8-1 & #8-2) from Agricultural (A-1), General Business (B-1), and Light Industrial (M-1) to Heavy Industrial (M-2). Site is located on Chambers Road around the Chickahominy Substation. Mr. Tom Vosnick was present to answer any questions.

Planning Director, Matthew Rowe presented the staff report. The existing land use is agricultural and industrial; and the surrounding land uses are light manufacturing, agricultural, and some residential. The property and the surrounding properties are currently zoned Agricultural (A-1), Light Industrial (M-1), Heavy Industrial (M-2), and General Business (B-1). The parcel is in that portion of Charles City County that has traditionally been the County's Industrial Hub and major employment center. It is within the Roxbury Regional Development Area according to the Future Land Use Map in the Comprehensive Land Use Plan.

There is no public water or sewer currently serving the property. The property is served by State Route 106 (Roxbury Road) and Route 685 (Chambers Road); any new development would be reviewed by VDOT to ensure that entrances and site-distances are adequate for anticipated traffic generation. According to the County's Environmental Constraint Map a small portion of the property along Chambers Road contains wetlands and Chesapeake Bay Preservation Act (CBPA) features. An environmental phase 1 study has been completed for the property.

If rezoned to Heavy Industrial (M-2) zoning, the property would be subject to all permitted uses found in Sections 12-2 and 12-3 of the Charles City County Zoning Ordinance. This is not a conditional rezoning request.

Commissioners asked the applicant to consider leaving a portion of the property around the corner of Roxbury and Old Union Roads, near old Bragg's Store, zoned General Business (B-1). Mr. Vosnick indicated that he would discuss this with the applicant. Should the applicant agree, it would require amending the application.

Mr. William Bailey made a motion to forward application #REZ-02-2015, New Lexington, LLC f/k/a The Lexington Corporation to the Board of Supervisors for the scheduling of a joint public hearing. The motion seconded by Mr. Barney Lomax carried by an 8:0 vote.

RE: #SUP-02-2015, NEW LEXINGTON, LLC f/k/a THE LEXINGTON CORPORATION

Application #SUP-02-2015, New Lexington, LLC f/k/a The Lexington Corporation request a special use permit for 186 acres (TM #8-1 & #8-2), per Section 12-3 (2) "Central utility system in conjunction with a right of way greater than or equal to 30-feet in width". The applicant/owner is requesting the special use permit in order to actively market the property for a natural gas combined cycle (base-load) power plant up to 1,000 megawatt with secondary solar power, and incidental switching station and fuel storage. Property is located on Chambers Road around the Chickahominy Substation. Mr. Tom Vosnick was present to answer any questions.

Planning Director, Matthew Rowe presented the staff report. The existing land use is agricultural and industrial; and the surrounding land uses are heavy industrial (Charles City Timber and Mat, Lacy Auto Parts, Virginia Natural Gas compressor station, and CoPart storage yard), business (Andy's Storage, Bruce Howard Contracting), agricultural and some residential. The nearest residence is 500 LF from the property line to the south-east. The property is buffered to the south and west by an existing row (roughly 200 feet in width) of pines and hardwood. The property surrounds the Chickahominy Substation, and has 115KV, 230KV and 500 KV transmission lines and their respective easements transecting the property. In addition, the property has direct access to the 16" natural gas line that runs along its frontage on State Route 685 (Chambers Road) from the substation east.

This property is in that portion of Charles City County that has traditionally been the County's Industrial Hub and major employment center. It is within the Roxbury Regional Development Area according to the Future Land Use Map in the Comprehensive Land Use Plan.

There is no public water **or** sewer currently serving the property. The property is served by State Route 685 (Chambers Road); any new development would be reviewed by VDOT to ensure that entrances and site-distances are adequate for anticipated traffic generation. According to the Environmental Constraint Map a small portion of the property along Chambers Road contains wetlands and Chesapeake Bay Preservation Ace (CBPA) features. An environmental phase 1 study has been completed for the property.

The following items were discussed regarding the special use permit application:

- plant of this type will typically utilize 40 acres, with remaining acreage being reserved for buffering;
- Receive approval from other agencies (VDOT, VDH, VADEQ, SCC, EPA, ACOE, County, etc.);
- Many studies to be prepared and presented to proper agency for review and approval;
- Traffic to and from site would utilize Roxbury and Chambers Roads;

- No construction traffic would be permitted by VDOT to access State Route 609;
- Noise levels at property lines would not exceed 55 decibels;
- Water usage would have to be permitted through either VADEQ for surface withdrawals and/or ground water, and VDH for potable water;
- Visible emissions are minor and consist of water vapor plumes, not smoke;
- Emergency response plans will be required through the detailed development review process and will need to be on file with the locality and the state;
- Property has all of the main infrastructure needs for a project of this type;
- Energy sector uses typically do not require many services from the County long-term, while significantly contributing to the tax base.

With the following conditions, possible negative impacts from such a facility would be mitigated to the greatest extent possible. The requested use is consistent with the Comprehensive Plan and is supported in the County's draft Economic Development Plan.

General:

1. This permit is for the construction and operation of a central utility system in conjunction with a right of way greater than or equal to 30 feet in width in order to operate a 1,000 megawatt combined cycle natural gas power plant, with secondary solar power, and incidental switching station and fuel storage. The facility shall be constructed, operated, and maintained in accordance with all rules and regulations of the Charles City County Zoning Ordinance, with any and all terms and conditions of this special use permit, and in compliance with all federal, state and other local laws and regulations for this use.
2. Prior to the issuance of a Building Permit for the proposed facility or any accessory structures and/or equipment, the permittee shall submit a site plan for County approval in accordance with the provisions of the County's Site Plan Ordinance.
3. A copy of any and all permits, and/or licenses from VADEQ, EPA, and any other governmental agency regulating this use must be on file with the County prior to issuance of the Building Permit.
4. Permittee shall secure and maintain all federal, state, and local licenses and certificates required to do business in the Commonwealth of Virginia, and Charles City County.
5. Permittee shall submit to the County all proposed design, construction and operational plans, permit applications and other documents that are submitted to local, state, and federal agencies in connection with the facility.
6. This special use permit shall expire if the use of the site as a power generation facility ceases for 2 years and/or a power generation facility is not constructed on the property within 5 years of the date of its approval.
7. These conditions shall be binding on any person, entity, including the permittee, its assigns, successors, and any subsequent assignee(s), successor(s), owner(s), operator(s), or lessee(s), owning, operating, or leasing the power generation facility and accessory facilities situated on subject property.

Right to Entry and Inspection of Premises:

8. Permittee shall allow designated County representatives or employees access to the facility at any time for inspection purposes. Reports of such inspections shall be provided to the Planning Director to determine compliance with permit.

Light:

9. All exterior, permanent lights shall be arranged and installed so that the direct or reflected illumination is minimized at the property line.
10. All permanent light sources (except emergency and/or safety lighting) shall be directional and shielded fixtures that cast light downward.

Site:

11. Permanent entrance ways and parking areas (excluding onsite travel ways) shall have asphalt surface or better and shall be maintained in a manner that will keep dust to a minimum so as not to adversely impact adjacent properties.
12. A security fence a minimum of 6 feet in height with an anti-climbing device shall be placed around the perimeter of the facility.
13. Signage shall meet Section 16 of the Zoning Ordinance.
14. Landscaping shall meet the requirements of Section 17 of the Zoning Ordinance. There shall be a minimum 100 foot setback from all property lines and public road ways for all structures, except for fences, gates, roads, guardhouses, and utilities and related equipment. Existing trees and vegetation shall be preserved within the setback except where removal is needed for fences, gates, roads, guardhouses, utilities and related equipment. A landscaping plan shall be submitted to the Planning Director for review and approval to ensure that this condition is being met. Nothing herein shall prohibit the removal of diseased or dying trees within the setback area.

Traffic Management:

15. The submitted Site Plan shall be forwarded to VDOT for their review and approval. The Site Plan shall also include a construction management element to ensure that construction entrances and access roads are provided appropriately, to reduce the impact from wide-load and large trucks on the public roadway and the surrounding community.
16. Prior to County approval of the site plan, the permittee shall provide a copy of an approved commercial entrance permit for all proposed accesses to the subject property from VDOT.
17. Construction traffic shall not be permitted to use State Route 609.
18. Any permanent access road shall be paved.

Environment:

19. Prior to commencing land disturbing activities on the subject property, the permittee shall submit to the County for review and approval an Erosion and Sediment Control Plan and Stormwater Management Plan in accordance with the provisions of the Charles City County Combined Stormwater Ordinance and the Virginia Erosion and Sediment Control Handbook and Regulations.
20. A copy of any and all permits, and/or licenses from VADEQ, EPA, and any other governmental agency regulating this use must be on file with the County prior to issuance of the Building Permit.
21. The facility shall utilize Best Available Control Technology (BACT) as determined by VADEQ in order to minimize impacts on air quality.
22. Water usage for the facility shall be approved by VADEQ and/or VDH.
23. The permittee shall operate at or below the emissions established in its VADEQ and/or EPA permits. The permit criteria and limits shall be established by VADEQ and EPA.

Compliance:

24. Violation of any local, state, or federal law, regulation, or ordinance or violation of any condition of this permit shall be grounds for revocation of this permit by the County.
25. In the event the permittee is notified of any violations of applicable laws, regulations or permit conditions at the facility, permittee shall notify the County and shall promptly and diligently cooperate with the applicable regulatory agency and take other reasonable actions in an attempt to cure the violation. Permittee shall promptly notify the County thereof and shall provide the County with all information pertinent thereto and details of the applicant's action to remedy said violation.
26. All complaints received by the County will be referred directly to the permittee which shall give them prompt and courteous attention and shall advise the

County of the disposition of such complaints within 30 days of the complaint referral.

Safety:

27. The facility and all accessory structures shall be designed and constructed to meet all requirements of the Virginia Uniform Statewide Building Code pertaining to fire prevention measures.
28. Permittee shall comply with all federal, state, and local regulations related to the use, storage and transportation of chemicals used at the facility.

Mr. Barney Lomax made a motion to forward application #SUP-02-2015, New Lexington, LLC to the Board of Supervisors for the scheduling of a joint public hearing. The motion seconded by Mr. Kevin Pittman carried by an 8:0 vote.

RE: #REZ-03-2015, RON'S INVESTMENTS, LLC

Application #REZ-03-2015, Ron's Investments, LLC request to rezone one (1) acre (TM #7-86) from Agricultural (A-1) to General Business (B-1) to operate an office and a Retail Business. Site is located at 3421 Roxbury Road. Mr. Ron Marshburn was present to answer any questions.

Planning staff, Rebecca Stewart presented the staff report. The existing land use is residential; and the surrounding land uses are light manufacturing, agricultural, and residential. The surrounding parcels are zoned Agricultural (A-1), Light Industrial (M-1), and General Business (B-1). The property is located within the Roxbury Regional Development Area according to the Future Land Use Map in the Comprehensive Land Use Plan. This portion of Charles City County has traditionally been the County's industrial hub and major employment center.

The existing single-family dwelling will be converted into an office and retail business facility. The existing structure currently is served by a private well and septic system. The property has direct access onto State Route 106 (Roxbury Road); any new development would be reviewed by VDOT to ensure that entrances and site-distances are adequate for anticipated traffic generation. According to the Environmental Constraint Map the western portion of the property contains wetland features. The property does contain Chesapeake Bay Preservation Act (CBPA) features, including Resource Management Area (RMA).

If rezoned to General Business (B-1) zoning, the property would be subject to all permitted uses found in Section 8-2 and 8-3 of the Charles City County Zoning Ordinance. This is not a conditional rezoning request.

Mr. William Bailey made a motion to forward application #REZ-03-2015, Ron's Investment LLC to the Board of Supervisors for the scheduling of a joint public hearing. The motion seconded by Mrs. Brenda Adkins carried by an 8:0 vote.

RE: #SUP-01-2015, RON'S INVESTMENTS, LLC.

Application #SUP-01-2015, Ron's Investments, LLC request a special use permit for an "automobile graveyard" and a "junk yard" per Section 11-3 (2), (5) of the Charles City County Zoning Ordinance. The site is located adjacent to 3421 Roxbury Road. Mr. Ron Marshburn was present to answer any questions.

Planning Director, Matthew Rowe presented the staff report. The existing land use is forestal; and the surrounding land uses are light manufacturing, agricultural, and residential. The surrounding parcels are zoned Agricultural (A-1), Light Industrial (M-1), and General Business (B-1). The property is located within the Roxbury Regional

Development Area according to the Future Land Use Map in the Comprehensive Land Use Plan. This portion of Charles City County has traditionally been the County's industrial hub and major employment center.

There is no public water or sewer currently serving the property. The property is served by State Route 106 (Roxbury Road); any new development would be reviewed by VDOT to ensure that entrances and site-distances are adequate for anticipated traffic generation. Owner intends to access the site through an existing entrance on the adjacent parcel which he owns. According to the Environmental Constraint Map the western portion of the property contains wetlands and Chesapeake Bay Preservation Act (CBPA) features, including Resource Management Area (RMA).

The following items were discussed regarding the special use permit application:

- Applicant runs and operates an existing towing and auto body garage business in the County;
- Applicant wishes to expand this use to include an automobile graveyard for storing inoperable motor vehicles, that are either waiting to be fixed, insurance processes, or transported to an automobile crusher;
- Direct access to Roxbury Road;
- Additional permits are required from agencies such as VADEQ, DMV and the County;
- Approval of site plan, erosion and sediment control/stormwater plan, ingress/egress, and storage plan;
- Focus on the square footage of area dedicated to the use and not the number of cars;
- Inspections from VADEQ to ensure environmental standards are being met;
- Access to drop lot will be 24 hours a day, seven days a week;
- Noise;
- 100 foot screening from Roxbury Road;
- Automobiles stored shall not be visible from entrance;
- Operates two tow trucks at this time;
- Expiration date and Renewal language, *"This permit shall be for five (5) years and will automatically renew every five (5) years provided there have been no unresolved violations at the time of renewal. Should there be unresolved violations renewal will require a joint public hearing, and recommendation of the Planning Commission and approval by the Board of Supervisors. The Zoning Administrator shall have the authority to determine if there are any unresolved violations."*; and,
- Eight foot fencing, six foot would more desirable.

With the following conditions, possible negative impacts from such a facility would be mitigated to the greatest extent possible. The requested use is consistent with the Comprehensive Plan.

General:

1. The automobile graveyard shall be constructed, operated, and maintained in accordance with all rules and regulations of the Charles City County Zoning Ordinance, with any and all terms and conditions of this special use permit, and in compliance with all federal, state, and other local laws and regulations for this use.
2. The automobile graveyard term shall not include the storing of junk, which is scrap material and refuse, but rather inoperable motor vehicles.
3. Prior to the issuance of a Building Permit for the proposed facility or any accessory structures or equipment, the permittee shall submit a site plan for County approval in accordance with the Site Plan Ordinance.

4. A copy of any and all permits, and/or licenses from the VADEQ, DMV, and any other governmental agency regulating this use must be on file with the County prior to issuance of a Building Permit.
5. This special use permit shall expire if the use of the automobile graveyard ceases for 2 years.

Right to Entry and Inspection of Premises:

6. Permittee shall allow designated County representatives or employees access to the facility at any time for inspection purposes. Reports of such inspections shall be provided to the Planning Director to determine compliance with permit.

Light:

7. All exterior, permanent lights shall be arranged and installed so that the direct or reflected illumination is minimized at the property line.
8. All permanent light sources (except emergency and/or safety lighting) shall be directional and shielded fixtures that cast light downward.

Site:

9. The lot shall be developed in accordance with an approved site plan that meets all provisions of the County's Site Plan Ordinance.
10. The drop-lot/storage area shall be surface treated with compacted gravel (or better) and shall be enclosed with an opaque fence at least 8' tall along its immediate perimeter that is in good condition.
11. The drop lot/storage area must be devoid of any trees/vegetation, and must have designated travel aisles of at least 16 feet in width, to allow for the interior movement of vehicles.
12. All inoperable motor vehicles, vehicles being serviced and overnight vehicles, shall be stored within the enclosed drop-lot/storage area. Vehicles shall not be stored in a vertical fashion (placed on top of each other).
13. Parking for employees and customers must be designated in front of the automobile graveyard's office building and must be surface treated with compacted gravel (or better).
14. Prior to issuance of site plan approval, the permittee shall provide a copy of an approved commercial entrance permit for the proposed access point(s).
15. Permittee shall submit a Landscaping Plan in accordance with Section 17 of the Zoning Ordinance for review and approval.
16. All signage shall meet the requirements and provisions of Section 16 of the Zoning Ordinance.
17. Permittee shall preserve the existing 100 foot wide vegetated buffer along State Route 106, except for the area needed for access (including horizontal sight easements) and a sign.

Environment:

18. Permittee shall submit an erosion and sediment control plan and stormwater management plan in accordance with the County's Combined Stormwater Ordinance for review and approval. No land disturbance shall occur prior to this approval.
19. Permittee shall submit a certified "As-Built" statement from the professional engineer(s) who designed the erosion and sediment control plan and stormwater plan, verifying that the grading and stabilization of the site was done in accordance to the approved plans.
20. Discarded tires, scrap, and hazardous elements (oil, chemicals, etc.) must be transported to and disposed of in a certified waste facility.
21. A potable water source and sewage system shall be approved by VDH or the County's Public Works Director (if utilizing County water and/or sewer).

Compliance:

22. Violation of any local, state, or federal law, regulation, or ordinance or violation of any condition of this permit shall be grounds for revocation of this permit by the County.
23. In the event the permittee is notified of any violations of applicable laws, regulations or permit conditions at the facility, permittee shall notify the County and shall promptly and diligently cooperate with the applicable regulatory agency and take other reasonable actions in an attempt to cure the violation. Permittee shall promptly notify the County thereof and shall provide the County with all information pertinent thereto and details of the applicant's action to remedy said violation.
24. All complaints received by the County will be referred directly to the permittee which shall give them prompt and courteous attention and shall advise the County of the disposition of such complaints within 30 days of the complaint referral.

Mr. Alton Washington made a motion to forward application #SUP-01-2015, Ron's Investments, LLC to the Board of Supervisors for the scheduling of a joint public hearing. The motion seconded by Mrs. Brenda Adkins carried by an 8:0 vote.

RE: PLANNING DIRECTOR

Mr. Rowe reminded Commissioners to submit any comments on the Economic Development Strategic Plan.

RE: ADJOURNMENT

The Commission meeting adjourned at 10 P.M.

Edward L. Baber, Jr., Chairman

Rebecca H. Stewart, Recording Secretary