

**King & Queen County  
Planning Commission Minutes  
December 3, 2012**

The King & Queen County Planning Commission met on Monday, December 3, 2012, at 6:00 p.m. in the King & Queen County Courts and Administrations Building in the Court Room for their regular monthly meeting.

**Planning Commission Members Present:**

John Roane	William Herrin
Milton Watkins	Hunter Richardson
James Guess	David Campbell
Sheila Morton	Joy Harvey
Robert Coleman, Jr.	

**Also in Attendance:**

Donna E. Sprouse, Assistant Zoning Administrator  
Thomas J. Swartzwelder, County Attorney

**Call to Order**

Chairman, Mr. Richardson called the meeting to order.

**Roll Call/Determination of Quorum**

Mr. Campbell took roll call and determined that a quorum was present.

**November 5, 2012 – Regular Meeting**

After a brief review of the minutes, a motion was made by Mr. Herrin to approve the minutes as written, second by Mr. Watkins.

Voting For: Watkins, Roane, Herrin, Guess, Campbell, Morton, Richardson, Coleman, Harvey  
Voting Against: None  
Abstain: None

**Citizens Comment Period – Planning Related Issues Only**

Chairman, Mr. Richardson opened the floor for public comment period.

Hearing no comments, Mr. Richardson closed the public comment period.

### **Approval of Annual Meeting Dates for 2013**

Mr. Richardson stated that because of the Labor Day Holiday, the September meeting date would need to be changed. A motion was made by Mr. Herrin to hold the September meeting the second Monday of the month. Mrs. Sprouse explained that the second Monday of the month is the night the Board of Supervisors meets. Mr. Herrin asked about the third Monday of the month. Mrs. Sprouse stated that if the Board of Zoning Appeals has a meeting that month, it would take place on the third Monday of September. Mr. Watkins suggested that the September meeting date be held the following Tuesday after Labor Day. A motion was made by Mr. Watkins to approve the meeting dates as presented with the exception of the September meeting to be held the following day, seconded by Mrs. Morton. The motion carried with all members stating "Aye". The approved 2013 Planning Commission meeting dates are as follows ...

January 7, 2013  
February 4, 2013  
March 4, 2013  
April 1, 2013  
May 6, 2013  
June 3, 2013  
July 1, 2013  
August 5, 2013  
September 3, 2013 (*This is a Tuesday Meeting due to the Labor Day Holiday*)  
October 7, 2013  
November 4, 2013  
December 2, 2013

### **New Business**

#### **A. RZ12-01 & SP12-02 Ron Varboncoeur & Tammy Poston – (Public Hearing)**

Mr. Richardson asked Mrs. Sprouse to please review the next item on the agenda. Mrs. Sprouse noted that the Planning and Zoning Department received an application on April 11, 2012 from Tammy Poston & Ronald Varboncoeur requesting approval of a Level 2 Site Plan along with the rezoning of their property, consisting of 2.87 acres, further identified as Tax Map Parcel No. 1623-165X-794 from Agricultural/Residential Single-Family (A/RS) to General Business (GB). The property is currently operating a retail business (Remember When Antiques) as a pre-existing non-conforming use. The owners wish to incorporate the use of other buildings on the property for retail, as well as bring the existing use of the property into compliance with the King & Queen County Zoning Ordinance as a legal conforming use.

Mrs. Sprouse stated that the property is located at 6070 Lewis B. Puller Memorial Hwy., in the Buena Vista Magisterial District. She also stated that Virginia Department of Transportation and Virginia Department of Health had issued approval of the proposed entrance design and existing septic system.

Mrs. Sprouse stated that considering that the property was acquired in good faith and having a pre-existing non-conforming use, the rezoning to a business/commercial use will allow for the use to be conforming according to the King & Queen County Zoning Ordinance. Route 33 has substantial potential for new economic development wherein micro businesses should be promoted where possible because most growth comes from expanding small businesses. New businesses provide the opportunity

to expand the employment and tax base in the County. She noted that the location of the business along Route 33 is consistent with the objectives of the Comprehensive Plan. She recommended that the rezoning request is approved.

Mr. Richardson asked if the applicant had any comments at this time. Mr. Varboncoeur approached the Commission and stated that he would like to be approved to rezone his property to General Business so that he is able to expand his business in the future as well as bring the property into compliance with the ordinance.

Mr. Richardson opened the public hearing and opened the floor for public comments.

Ms. Gloria Chandler of Airport Road stated that the property that Mr. Varboncoeur owns is very clean and neat and asked the Commission to help them out and rezone the parcel.

Mr. Tony Braxton stated that he owns a barber shop in Mattaponi and stated that the County needed more businesses and he was in favor of the request.

Hearing no further comments, Mr. Richardson closed public comment period and asked if the Commission had any questions. Hearing no comments, Mr. Richardson stated that he would entertain a motion to approve or deny the request for rezoning and level 2 site plan. A motion was made by Mr. Herrin to approve RZ12-01 & SP12-02 as submitted, seconded by Mr. Roane.

Voting For: Watkins, Roane, Herrin, Guess, Campbell, Morton, Richardson, Coleman, Harvey

Voting Against: None

Abstain: None

## **Old Business**

### **A. International Training Inc. (Public Hearing)**

#### Middle Peninsula Regional Airport Authority #1623-165R-465

- Conditional Use Amendment CU12-02, Middle Peninsula Regional Airport (Tenant ITI) (5.56 ac.)
- Level 3 Site Plan Amendment SP12-03, Middle Peninsula Regional Airport (Tenant ITI) (5.56 ac.)

#### Town of West Point #1623-165R-465K

- Rezoning RZ12-03, Town of West Point (Tenant ITI) (.24 ac. - Agricultural to Industrial w/o proffers)
- Conditional Use Amendment CU12-02, Town of West Point (Tenant ITI) (219.98 ac.)
- Level 3 Site Plan Amendment SP12-03, Town of West Point (Tenant ITI) (219.98 ac.)

#### International Training Inc. #1623-166R-456

- Rezoning RZ12-02, ITI (49.67 ac. +.24 ac. with proffers) - Agricultural to Industrial)
- Conditional Use Permit CU12-02, ITI (49.91 ac.)
- Level 3 Site Plan SP12-03, ITI (49.91 ac.)

Mr. Richardson asked Mrs. Sprouse to review the next item on the agenda. Mrs. Sprouse stated that she would like to provide the Commission with a bit of history on ITI. She noted that the King & Queen County Planning and Zoning Department received an application dated June 28, 1989 from Katherine L.

Kropp on behalf of the applicant, International Training Inc. for a conditional use permit for property standing in the name of The West Point Municipal Airport, further identified on the application as tax map parcel # 278-32L-465A-H. Attached to the June 28, 1989 application, were exhibits explaining the nature of the request, as well as the site plan. According to the documents submitted along with the conditional use permit application, "Training at the ITI Training Facility and on-site, mobile assistance will be offered in three generic categories: Evasive and defensive driver training, small arms weapons (handguns) familiarization, and improvised explosive devices familiarization. The preponderance of training (95%) will involve evasive and defensive driver training." "In addition, Small Arms Familiarization and Improvised Explosive Devices training will also be presented as part of the overall driver training program. The instructors and material for those courses will be provided by the U.S. Government. ITI will be providing only the physical location. The fire arms range will be an NRA approved firearms range. All possible precautions will be taken to assure safe and secure training."

A public hearing was held on August 14, 1989 where the King & Queen County Board of Supervisors granted the request for a Special Use Facilities by approving the requested Conditional Use Permit, tax map parcel # 278-32L-465A-H standing in the name of The West Point Municipal Airport. In 1989, the zoning ordinance of that time required that such a use be permitted within the industrial zoning district by approved Conditional Use Permit as a Special Use Facility.

ITI continues to lease property from the Town of West Point and has since its approval in 1989. ITI acquired property from John Hancock Life Insurance Company identified as tax map #1623-134L-457 in November of 2000. Over the years, ITI has greatly expanded since their initial approval in August of 1989. ITI has grown from a one building/classroom facility to five buildings/classrooms with the current proposal of adding an additional building/classroom. ITI also constructed a vehicle maintenance shop and received proper approvals for the classrooms and shop in September of 2001, all of which are located on the leased property owned by the Town of West Point. The initial installation of the shoot house and one firing range has grown into 3 firing ranges and a shoot house, all of which is located on property zoned Agricultural and without proper approvals over the last 10+ years.

Weapons used during training have also greatly expanded beyond what ITI quoted during their initial 1989 Conditional Use Permit application process. They originally proposed using 9 mm handguns and IED devices (3% to 5% of total training offered by ITI) in an area identified in their 1989 application as being 400 yards from the end of the runway legs on West Point's property, to using handguns, paintball guns, grenade launchers, simunitions, rifles, fake explosions, shotgun blanks, IED Simulators, RPG Simulators, and automatic weapons on many various locations on multiple parcels. ITI has also expanded their designated driving training area from using the old airport runway legs as shown in the their 1989 Conditional Use Permit application & exhibits to the current unapproved off-road driving areas on both properties owned by the Town of West Point & ITI.

Almost 2 years ago, the King & Queen County Planning & Zoning Department was contacted by Mr. John Curry with a request to install an armory building on property owned by ITI. It was then that staff discovered the metal carports, sheds/shipping containers, shooting ranges, modular/industrialized trailers, and an extensive amount of land disturbance over the years without proper approvals. It was also then discovered that there were various areas on properties owned by ITI and the Town of West Point that had unapproved impervious structures/cover in the RPA and RPA buffer. Before ITI was able to move forward with their request for rezoning & conditional use permit, they were required to enter into a corrective action agreement and submit an approved mitigation plan. The RPA mitigation plan and corrective action agreement was approved June 13, 2012.

To access the property, including the leased areas from the Town of West Point & the Middle Peninsula Regional Airport, the entrance is located off of State Route 605, York River Road. The property is located just south of the Middle Peninsula Regional Airport and is bounded by the York River on the west and is north and east of residential homes/uses. The property is located in the Buena Vista Magisterial District.

The properties in which a Conditional Use Permit and Level 3 Site Plan approval is requested are identified as County Tax Map Parcel No. 1623-165R-465, 1623-165R-465K, and 1623-166R-456. Properties in which a Rezoning is requested are identified as County Tax Map Parcel No. 1623-166R-456 and 1623-165R-465K. ITI is requesting approval of a conditional use permit, rezoning and level 3 site plan to allow for the expansion of their facilities and activities.

Mrs. Sprouse noted that property owned by International Training Inc., further identified as Tax Map 1623-166R-456 consists of approximately 477 acres. Of the 477 acres, approximately 428+/- acres consists of tidal and/or non-tidal wetlands and/or 100' Chesapeake Bay RPA buffer and has slopes greater than or equal to 20%. Access to property owned by International Training Inc. is by way of a non-exclusive 50' right of way leading from Route 605, York River Road, across property owned by Forestree GM, C/o Hancock Forest Management, identified as Tax Map 1632-134L-451A and 1623-134L-454A, Middle Peninsula Regional Airport, identified as Tax Map 1623-165R-465, across property owned by Forestree GM, C/o Hancock Forest Management, identified as Tax Map 1623-134L-457, through The Town of West Point, identified as Tax Map 1623-166R-456K and finally reaching property owned by International Training Inc. Access to property owned by International Training Inc also includes the crossing of a single lane bridge over Bakers Creek. The area south of the property presently owned by the Middle Peninsula Regional Airport and the Town of West Point, once known collectively as West Point Airport, is an area made up of Agricultural and Single-Family Residential uses, most of which are waterfront Single-Family Residential uses. The property formally owned by Forestree GM, which was formally owned by Chesapeake Forest Products Corporation, served and should continue to serve as a buffer between the Industrial zoned property and the residential community properties. Mrs. Sprouse noted that rezoning the parcel as requested may impose traffic, public safety and environmental impacts. Mrs. Sprouse said considering the environmentally sensitive nature of the property, along with the existing insufficient limited access to the property, she recommends denial of the rezoning request RZ12-02.

Mrs. Sprouse further noted that property owned by the Town of West Point, further identified as Tax Map 1623-165R-465K presently consists of approximately 348+/- acres zoned Industrial. Tax Map 1623-165R-465K was once a tract of land that was given to the Town of West Point and became the West Point Airport, until the present airport property was divided and conveyed to the Middle Peninsula Regional Airport Authority, leaving the 348+/- acres to the Town of West Point. The .24 of an acre area is the product of a proposed boundary line adjustment subject to the rezoning approval of the International Training Inc property in order to meet the required setbacks for the non-permitted shooting range. Should staff's recommendation be upheld for the rezoning request for International Training Inc property, there is no need to rezone the .24 of an acre for the proposed boundary line adjustment. Mrs. Sprouse recommends denial of the rezoning request RZ12-03.

Mr. Tim Trant, council for ITI, and ITI's president, Richard Weaver presented a power point presentation (printed copies provided to the Planning Commission) as to what ITI does and their history, along with what they are requesting to do as part of their application for rezoning, conditional use permit and level 3 site plan approval.

Mr. Richardson opened the public hearing and opened the floor for public comments. Mr. Richardson also disclosed as members of his family addressed the Commission during public comment period.

- Steve Jadatz of Tree Farm Drive stated that he agrees that the world has changed and supports our military; however ITI has not followed the rules.
- Mac Richardson lives below Tuckers and stated he agrees with Mr. Jadatz.
- Nancy Jadtaz of Tree Farm Drive stated that her family had lived in the area for over 100 years. The noise is too much and has invited ITI to come to her home to hear the noise, however they turned it down. She stated she didn't like ITI when they came and still does not like them.
- William Didlake of Hockley Lane stated that he does not live here presently but stated that it's too loud for his tenants and when he is visiting the family farm place. He noted that he is in favor of economic development around the Airport but does not approve of the noise.
- Brenda Hundley of Mattaponi stated that ITI makes a lot of noise and it would only get worse and is opposed to their request.
- William Brooks of York River Road stated he had two major concerns. He is worried about the value of his property and any noise added to the existing helicopter noise. Mr. Brooks stated it would hurt growth in the community. He was opposed to the amount of weapons proposed up to 10 p.m. at night; children are in bed during those hours. He is opposed to bombs/explosions. He also has concerns with other possible activities on the property.
- Olive Minor of York River Road stated that she agrees with everyone else. She is selling her home and is having difficulty selling it because of the helicopter noise and noise from ITI. She said they are set in the middle of a residential area.
- Rosalyn Taliaferro lives at the corner of York River Road and International Drive. She stated that years ago Dick Brake use to communicate with her and over the past 8 years, there has been no communication with her or the community. She further noted that there should be community involvement, especially with noise and know when such activities are planned or proposed. She added it is very noisy.
- Elwood Taliaferro lives on York River Road and stated that there is a lot of traffic on York River Road and at the intersection of Route 33 and York River Road. He stated that trucks sit in the roadway at the gate waiting to go into ITI. Said there were guys marking trees behind his property and they had no business to be there. He stated that there is lack of communication with the community. He is opposed to noise and shooting at night. Business is okay but they shoot nonstop. Mr. Taliaferro stated that 35 cars will come out all at once and fly down the road. He added that the war was over and ITI never came to anyone in the community. Handguns are okay but should stop at 7p.m.
- Ms. Pratt lives across the street from ITI's entrance on York River Road and stated that cars fly out of there and they should be careful and cut noise at night.
- Tyler Bland lives at Tree Farm Drive and stated that he does not live there full time. He is there May through October, otherwise he resides in West Point. He stated that he does not hear it unless he tries. He said he has to stop talking when a helicopter goes by so the other person can hear him. Mr. Bland stated that there are other noises that affect us also. He feels that ITI must

go by the rules like anyone else. He stated that business is needed in the County. Mr. Bland stated that he was involved when ITI first moved to King & Queen and ITI can be good neighbors.

- Garry Garnett lives across the road from the entrance of ITI and stated that ITI use to go in from Airport Road to access their property. They now gain access from York River Road. He stated that the road use to be dirt, then they put in a bridge and then asphalt on the road. Helicopters coming in at night and lots of noise at night comes from the area. 25 or so cars come in and out of the site at one time.
- Gloria Chandler lives on Airport Road and stated that she has an adult senior home and they all go to bed at 8 p.m. She added that when the fireworks go off at night or the gun fire and squealing tires from cars, she has to console the seniors in her home. She said they are afraid when they hear those loud noises and she has to console them. She stated that traffic has increased on Airport Road. She understands about shooting and the need to be ready for war but enough is enough. She feels ITI has outgrown the area.
- Steve Healy lives on Airport Road and said the gun fire is loud and the explosions rattle his windows in his house. He couldn't give his home away if he wanted to. He also feels there are loop holes in what's requested.
- Mr. Jenkins of Mattaponi stated that it is loud.
- Ms. Bryan of 6613 Lewis B Puller Mem. Hwy. stated that she lived in West Point in 1997 and moved to King & Queen in 2004. She stated she hears the noise all the time. She would like to be able to do something about the helicopter noise.
- Gena Fetterolf lives in Goose Creek Subdivision stated that you only hear the guns if you try and is in full support of ITI.
- Kevin Crump of York River Road stated that he is opposed to the noise because it is too much.
- Buddy Seal of Mattaponi stated he agreed with Mr. Bland. He owned the CB shop on Route 33. He said he can hear the gunfire if he listens for it but it is not as bad as the helicopters.
- Ethel Brown of Goulders Creek stated that she lived in King & Queen all of her life. She is in favor of not rezoning the property and leaving it as Agricultural. She stated that there is noise that she has put up with but doesn't want to add to it. She stated that she misses the sky divers.
- Shirley Greggs of Mattaponi stated that she is opposed because the noise is going to be louder than what is there and it will be louder much later.
- John Bland of Shore Drive stated he is south of the shooting ranges. He stated there is a lot of noise and the noise levels depend on where you live. He added that noise travels near and on water. There should never be a shooting range approved on the water. He loves and supports soldiers however there are better places for such a use. He is worried about property values. Mr. Bland stated that King & Queen county looks at his property as waterfront and has assessed it at a high rate and asks that the Commission protect that. He also questioned accountability. He asked who is going to keep the folks accountable. He asked the Commission to look at history. He stated that they have not followed the rules and have done things that this board has not approved.

- W. T. Wills of Brookshire Road stated that ITI has said that they will suppress sound levels, but what about decibel readings? He added that ITI states that they will not exceed .50 caliber, however such a caliber can travel very far and agrees with the citizens and he is opposed to night shooting.
- Stuart Petke stated that 50 caliber weapons are too much. He also asked what would happen if ITI sells the property or business.
- Douglas Taliaferro stated he would make is short and sweet, he opposed.
- Donnie Bland of Michaels Lane stated that they oppose night time shooting and day time shooting does not bother them. Explosions are too much and too loud.
- Nellie Brown of Michaels Lane stated that ITI noise is really loud and she is concerned about property values going down. She stated that the noise makes her nervous.
- Lee Busick of Mattaponi stated that he was on the Board of Supervisors for 12 years. He stated that on Airport Road, Mrs. Oliver put her house for sale, and it sold quickly within one week. He noted traffic now goes down Route 605 to access the ITI property because you cannot cross the runway to get to the property from Airport Road. Mr. Busick stated that proffers are your responsibility that they are carried out. The Airport Authority approved revenue exceeding \$12,000 at the airport, 50% goes to the localities. In the paper it said they got \$12,000 from Fulcrum to fly C130 planes. Those planes will make noise all night. There is no noise ordinance in King & Queen County. ITI offered to purchase property up the county but it was turned down. The airport area is okay for the noise. He stated he does not want to see a war. He has taken a tour of the facility and it was very nice and clean. He watched them drive and spin cars around. He added that ITI pays more than \$18,500 in taxes a year.
- Charley Little of Hockley stated that Mr. Didlake is going to cut his timber in the area below ITI. He added the noise will be even louder when that happens. He stated that he had folks visiting him and they couldn't believe the noise. He stated that he bought his property to enjoy now and for when he retires, he bets that he cannot give it away when folks hear the noise from ITI.
- William Didlake approached the Commission again and stated that people in Mattaponi do not hear what they hear in their area. His neighbors have complained, C.F. Carter and the church members of Hockley Church have complained.
- William Brooks of York River Road stated that they should consider relocating the night shooting and that would resolve their problems.

Hearing no further comments, Mr. Richardson closed the public hearing and public comment period.

Mr. Trant asked to answer some of the questions posed by the members of audience. He stated that they included 50 caliber rifles so that their employees can sight in their personal black powder rifles or mussel loader for hunting. He stated that the facility is not set up for 50 caliber weapons. He stated that the traffic on Airport Road is coming from the construction work at the Fulcrum site and is not ITI. He also added that the people that were out marking trees on Hancock property were associated with forestry operations, not associated with ITI or its operations. If anyone in the community has any questions or if ITI can do something for them when they have a family gathering or event, to please let them know. They would provide them with a contact phone number and even their personal cell phone number.

He then asked if the Commission members had any questions or comments. Mr. Richardson stated that to help guide the Commission through the thought process, what the Commission should consider first is the rezoning request. Mr. Herrin asked Mr. Richardson if the Commission could take a ten minute recess to stretch because the Commission has been sitting for 3 hours. Mr. Richardson stated that the Commission will take a ten minute recess.

After a ten minute recess, Mr. Richardson called the meeting back in order. He asked the Commission if they had any questions or comments. Mr. Coleman asked Mr. Trant, considering all of the noise concerns the citizens mentioned tonight, is it possible to do the shooting within an enclosed building, for example the shoot house. Mr. Trant stated that the shoot house is built and designed for limited shooting not repetitive firing. All the shooting that they can do in the shoot house, they presently do. The construction design will not allow them to add to it. He stated that they have constructed sound attenuation fencing on the berms of the shooting ranges and will do so on the remaining range. He also noted that to do a fully enclosed shooting facility will be infeasible and they could not recover financially from that. When you enclose the facility you have to meet OSHA and EPA requirements and doing such will be infeasible. He stated that they have proposed what they believe is effective sound abatement measures in sound reduction. Mr. Coleman asked how they could measure that to be sure that there is a reduction in the noise as they state. Mr. Trant stated there are various methods of measuring sound. He stated that ITI has taken sound readings themselves and based on their testing, some sounds were inaudible and others while they were audible were in the range of normal conversation. He stated that they have evidence that they achieve a 30% sound attenuation from the use of the fence. Mr. Coleman asked if in the proffers that they have offered tonight is there a reduction proposed in the amount of shooting than what has been done over the last 11 months. Mr. Trent stated that in the last year they are consistent with what has been going on in the last 11 months, a reduction of operations over the last decade.

Mr. Richardson asked if there were any other questions. Mr. Herrin asked if they could table further discussion on the matter tonight and the vote for another night. Mr. Swartzwelder stated that the Commission is under a timeline and are not permitted to table the request unless you achieve the consent of ITI. Mr. Richardson asked if Mr. Herrin would like to withdraw his motion. Mr. Herrin asked what was ITI's position. Mr. Trent stated that he wants the Commission comfortable with the decision and will allow them enough time necessary and will work with the Commission. Mr. Richardson stated that the motion is still on the table. Hearing no second, the motion died. Mr. Watkins stated that what ITI does is great and hopefully they will be good neighbors but with the environmentally sensitive nature of the property and like a lot of the comments made tonight about accountability, noise, and traffic, he feels that the County and ITI need to work it out but right now he makes a motion to deny this rezoning request. Mr. Richardson stated that a motion was offered to deny the request in consistency of staff's recommendation. He asked if there was a second. Mr. Guess seconded Mr. Watkins motion. Mr. Trant stated that if it were the will of the request of the Commission to deny the request, they would like the opportunity to do more work with staff and the community. Mr. Richardson asked if they are requesting a withdrawal of their application. Mr. Trant stated that they are requesting a deferral. Mr. Richardson stated that there is still a motion and second on the table. He asked if there were any more questions. He stated that if the Commission agrees with Mr. Trant's request for deferral, you would want to vote against this motion. Mr. Coleman asked for clarification on this and asked if the purpose of rezoning is to change it to Industrial to allow for the shooting ranges that presently exist. Mr. Trant stated that the shooting ranges that exist in their belief are a preexisting grandfather use, though the county does not take that position. What they are trying to do is to go through a public process instead of having a gentleman in the black robe to decide. Mr. Trant stated that tonight's request is for the existing shooting

ranges. Mr. Coleman asked if they do not get rezoned is it not possible for you to function today or would you have to rezone. Mr. Trant stated that it depends on the position that the County takes. He stated that ITI could not operate. Mr. Coleman stated unless you move the ranges on the property zoned Industrial. Mr. Trant stated that moving the ranges were impossible.

Mr. Richardson stated that if the Commission were to alter the request submitted by ITI, we forfeit the proffers proposed tonight according to their submitted proffers statement. Hearing no further comments, Mr. Richardson reminded the Commission that there is a motion and second on the table. He also stated that this is one of the many parts that need to be considered. Mrs. Morton asked if this was a vote only for the rezoning request for the one parcel owned by ITI to Industrial. Mr. Richardson confirmed. Mr. Coleman stated that it is his understanding that access cannot be gained by crossing the runway of the Airport and their current access is across a single lane bridge by way of easement. His concern is the access in the future with the necessary equipment for other industrial uses. Mr. Trant stated that the very concerns they mentioned about the access is the same concerns staff had about the entrance into the property. He stated that the entrance was approved by VDOT as part of the site plan process for the level of activity that is going on now. In terms of what could happen in the future and to address that concern, we submitted today the revised proffers to you and staff. ITI is now proposing as part of their proffers, as long as the application were approved as proposed, you wouldn't be able to do anything on that property other than what is proposed today without coming back before the Commission and the Board of Supervisors by way of an approved CUP. Mr. Coleman asked if there was a potential buyer for this property. Mr. Trant stated there was no potential buyer.

Mr. Richardson stated that there is still a motion and second on the table to deny the rezoning request RZ12-02 and accept staff's recommendation. Mr. Richardson asked Mr. Campbell to take roll call.

Voting For: Watkins, Roane, Guess, Coleman, Richardson  
Voting Against: Herrin, Harvey, Morton, Campbell  
Abstain: None

Motion carries with a 5 to 4 vote denying rezoning request RZ12-02.

Mr. Richardson stated that the Commission needs to carry on because there are other items but he needs to go on the record that this submission was submitted together as part of the one Conditional Use Permit and Level 3 Site Plan. Mr. Richardson asked if there were any comments. Hearing none, Mr. Watkins made a motion to deny the requested Conditional Use Permit CUP12-02 and Level 3 Site Plan SP12-03, seconded by Mr. Guess. Mr. Richardson asked for a roll call.

Voting For: Watkins, Roane, Guess, Coleman, Harvey, Morton, Richardson  
Voting Against: Herrin, Campbell  
Abstain: None

Motion carries with a 7 to 2 vote denying CUP12-02 and SP12-03 for all parcels (ITI, Middle Peninsula Regional Airport & International Training Inc).

Mr. Richardson stated that there was one other item to be considered. He noted that there was also a request to rezone a small portion of property owned by the Town of West Point due to a proposed boundary line adjustment plat. A motion was made by Mr. Watkins to deny rezoning request RZ12-03, seconded by Mr. Guess. Mr. Coleman asked if the .24 acre parcel brings in industrial property from the parcel owned by the Town of West Point. Mrs. Sprouse explained that the purpose of the boundary line adjustment plat is so that the existing shooting ranges on ITI's property would meet the required 100'

setback from the property line, should ITI's property is rezoned to Industrial. She explained that the Town of West Point & International Training Inc has proposed to swap .24 acres between the two parcels to allow for the 100' required setback.

Mr. Richardson reminded the Commission that there is a proper motion and second on the table to deny RZ12-03 to rezone a .24 acre portion of property to Industrial. Mr. Richardson asked for a roll call.

Voting For: Watkins, Roane, Guess, Coleman, Harvey, Morton, Richardson

Voting Against: Herrin, Campbell

Abstain: None

Motion carries with a 7 to 2 vote denying rezoning request RZ12-03.

### **Staff's Comments**

Mrs. Sprouse stated that she hoped that everyone has a Merry Christmas and a Happy New Year. She stated that she will see the Commission again in year 2013.

### **Commissioner's Comments**

Mr. Watkins stated that he thanked the people for coming out and expressing their opinion both for and against tonight.

Mr. Campbell wished everyone a Happy New Year and Merry Christmas.

Mr. Richardson wished everyone a Merry Christmas and thanked those for attending the meeting tonight.

The next regular scheduled meeting will be held January 7, 2012 at 6:00 p.m.

### **Adjournment**

There being no further business, a motion was made by Mr. Watkins to adjourn, second by Mr. Guess. Adjournment was ratified by all present members saying "Aye".

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Hunter Richardson, Chairman