



**NEW KENT COUNTY
PLANNING COMMISSION - REGULAR MEETING
MONDAY, JULY 16, 2018, AT 6:30 PM
NEW KENT HIGH SCHOOL AUDITORIUM, 7365 EGYPT RD., NEW KENT, VA
APPROVED MINUTES**

THE REGULAR MEETING OF THE NEW KENT COUNTY PLANNING COMMISSION WAS HELD ON THE 16TH DAY OF JULY IN THE YEAR TWO THOUSAND EIGHTEEN IN THE NEW KENT HIGH SCHOOL AUDITORIUM AT 6:30 PM.

IN RE: CALL TO ORDER

The Vice Chair, Ms. Pearson, called the meeting to order at 6:30 pm.

IN RE: MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

The Vice Chair 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	Absent
	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	Absent

The Vice Chair established a quorum.

- Also Attending:
- Mr. Jonathan C. Kinney, The Ordinary Applicant
 - Mr. William "Bill" Hefty, County Attorney
 - Mr. Rodney Hathaway, County Administrator
 - Ms. Kelli L. Z. Le Duc, Planning Director
 - Mr. Kenneth "Kenny" Vaughan, Jr., Zoning Official
 - Mr. Joey Winter, County Planner
 - Ms. Sheri Wood, Recording Secretary

IN RE: APPROVAL OF MINUTES

A. JUNE 18, 2018 – REGULAR PLANNING COMMISSION MEETING MINUTES

The Vice Chair asked if there were any corrections to the minutes or a motion to accept them.

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	Absent

Dr. Joanne Schmit	Aye
Mr. Edward Pollard	Aye
Mr. Clarence "Tommy" Tiller	Aye
Ms. Katherine Butler	Aye
Mr. Marc Bennett	Aye
Ms. Amy Pearson	Aye
Mr. John Moyer	Absent

The motion to approve the June 18, 2018 minutes carried with a roll call vote of 9:0:0.

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 Vice Chair explained the procedures for the Citizens Comments portion of the meeting and called the first person listed, Mr. John Lockwood.

John Lockwood of 20251 Triangle Road, Barhamsville, thanked everyone for the incredible lesson in civics he received in the last month. He stated they all had other plans for their lives but got to know a lot of incredible people during this process. He thanked members of the Planning Commission that looked at the Barhamsville site with them and for being hands on and present. He also expressed his gratitude toward the District Supervisors for letting them present their side of the story. He stated how he was surprised to hear Curtis Security withdrew their application and how he thought they would be able to defeat the Curtis application. He had a good feel for what the County would and would not allow under the current County Code and expressed hope that it would not come back but would be far better prepared if it did. He also thanked Kelli Le Duc for all her communications and for her concern for the citizens.

Sandi Gauthier of 19665 High Bluff Lane, Barhamsville, stated repercussions of this proposal have already been felt by a property located at 18101 Polish Town Road; a home on five acres, where the house appraised for \$335,000.00 on May 31st prior to public knowledge of the proposal and two weeks later, after the signs starting going up, the second appraisal came in \$80,500.00 less than the first appraisal. She stated that was a 24% decrease in valuation. She stated this house was two miles from the proposed Curtis site and felt it had already made an impact. She counted 236 properties within 2 miles of the Curtis site and estimated that would be \$30 million dollars lost at a 24% devaluation. She also suggested a loss of \$262,000.00 a year in revenue to New Kent County. She stated these were facts and she hoped everyone understood the 24% devaluation.

Charles Karow of 4800 Windy Lane, Barhamsville, in addition to what Ms. Gauthier said about the second appraisal, stated the appraiser specifically said the Curtis proposal was a large part in making that decision. He stated his appreciation of the staff, the Commissioners and the Supervisors for all the responses to their e-mails, letters, phone calls and messages. He thanked everyone for taking seriously the stewardship of the County. He said it was a wonderful place to live and he enjoyed a great quality of life here.

He stated he personally interacted with Ms. Le Duc and found her to be courtesy, professional, helpful and patient and answered the same questions of a great many people he was sure. He concluded with a hand out of pictures that were all taken within a few miles of downtown Barhamsville (with the exception of Dream Catchers) and said they well represented the character of his community. They included art studios, horse and family farms, a monastery, a winery and the beauty of mother nature.

Donna Brock of 3535 Splitwood Road, Toano, stated they lived in the Stonehouse Development in James City County and this proposal was affecting her and her husband also because they were trying to sell their home and was told be two potential buyers, that due to the proximity of the Curtis proposal, they would not consider buying her home. She stated she wrote into the County and spoke to the newspapers because her son and daughter-in-law have their forever home in Barhamsville and the very idea that their home value was going to be decimated was not only troubling to them but to her and her husband as well. She stated although the application was withdrawn, she would stand shoulder to shoulder with her neighbors and her family to protect their home values.

Ms. Terri Peterson of 18040 Stage Road, Barhamsville, living less than a half a mile away from the proposed Curtis site, talked about the firing ranges and the possibility of 75 potential shooters. She also calculated some economic statistics from some numbers in the Curtis proposal. She said the County had their codes and comprehensive plan in place to look at when reviewing a conditional use permit and said Curtis would not be able to comply with the County code or Comprehensive Plan. She reviewed the code language and noted 'all shooting stations would be firing away from residential areas and all fire shall be directed away from such existing uses' and stated that alone would be enough to reject the conditional use permit. She stated there was no way they could mitigate that.

Stephanie Ripchick of 4901 Holly Fork Road, Barhamsville, stated she knew many of the people working at the County but had to deal with them in a different way thought this proposal and still wanted to say she was proud of New Kent County. She said she felt like she could reach out to them, speak with them, call them and e-mail them and get a quick response. She said she had wonderful reception from the office with Kelli and Sheri and she knew it was probably overwhelming for them because they were overwhelmed as well. She said they would stay vigilant since they thought this might not go away. She appreciated everyone's time and noted staff was great to work with.

Eric Cruz of 4600 Windy Lane, Barhamsville, stated he and his wife Jill lived in Barhamsville and he wanted to take the time to thank the members of the staff and thank those who came out to the site and read their letters. He said everybody listened and discussed the issue with them and understood their concerns. He felt the withdrawal of the application may be the end of the threat but the fact that this was entertained has made an impact on the residents' future outlook and their livelihood. He noted Sandi Gauthier's comments on the home values. He expressed how he wanted some level of assurance from elected officials and leadership that the Comprehensive Plan would be followed by the letter and spirit of intent. He said it was hard to believe that the area designated as a "Hamlet" could see something of this industrial nature. He expressed how the potential for approval of such a plan would render the Comprehensive Plan utterly useless. He felt future developers would assume they could build whatever they wanted if this kind of precedent gets set. He explained he would continue working with leadership to ensure and restore confidence that the Comprehensive Plan be abided by. He expressed gratitude for everyone's time.

The Vice Chair thanked everyone for their participation and stated how all of the correspondence helped educate them about the issue at hand.

IN RE: PRESENTATIONS

None

IN RE: UNFINISHED BUSINESS

None

IN RE: PUBLIC HEARING

The Vice Chair asked the Public Hearing Chair to proceed with the public hearing.

The Public Hearing Chair, Mr. Bennett, explained the public hearing procedures and opened the public hearing of Application ZM-03-18, a request for re-zoning from R-2 to Courthouse Development District (CHDD) of approximately 15.8 acres of land and the re-zoning of approximately 2.17 acres of land from A-1 to Courthouse Development District (CHDD) for the New Kent Ordinary by Jonathan Kinney.

Ms. Le Duc gave her staff report and stated the location of the properties as 12000 and 12010 New Kent Highway. She explained the proposal for the Ordinary involved converting it into a mixed-use building; possibly a craft brewery and or a bed and breakfast. She stated the future land use was designated as "Village" which included mixed land uses on a smaller pedestrian scale and indicated the area was home to several small businesses. She noted Maidstone Development, Crumps Church, New Kent County School and Administrative offices, the post office and a few residential properties within the CHDD zone.

She had the application reviewed by VDOT, the Sheriffs' Office, Fire and Rescue and the Environmental Department and received no concerns with the re-zoning application.

She reported the application as being consistent with the current zoning ordinance, the Comprehensive Plan and surrounding land uses in the area. She reported the proposed business would contribute to the County's tax base with little negative impact on County services.

Staff recommended approval of the proposed application ZM-03-18 through the adoption of resolution PC-17-18 and she introduced Mr. Jonathan C. Kinney, the applicant, to give a brief summary of his proposal.

Mr. Kinney requested the consideration of the re-zoning and stated the Ordinary was a unique building and wasn't sure when it was built but the County estimated it was built in 1692. He reported he was renovating the main building and the out-buildings and his hope was to be able to obtain a craft brewer who would be interested in using the tap room which was the existing tavern room on the first floor of the main building. He was requesting the CHDD mixed-use zoning for that purpose but his plan B would be to use the building as a wedding venue and or a bed and breakfast. He said as it stood now he could not be permitted to use the downstairs as a commercial business and use the upstairs as something residential in nature. He reported he had already repaired the porch and put in central heating and cooling in the main building.

The Public Hearing Chair opened and closed the citizens comment portion of the public hearing as there was no one signed up to speak then he closed the public hearing of ZM-03-18 and turned the floor back over to the Vice Chair.

The Vice Chair asked if there were any questions.

Ms. Townsend asked Ms. Le Duc to clarify the different parcels and to explain how each one was currently zoned and Ms. Le Duc reviewed her color-coded map in her staff report stating the blue parcels were zoned R-2 and the uncolored parcel was zoned A-1.

Ms. Townsend asked for the definition of the Courthouse Development District (CHDD) zoning classification and Ms. Le Duc stated it was defined as mixed use village that was added to the code in 2008 when the Maidstone Development was approved.

Ms. Townsend asked how the Courthouse Development District was referenced on a tax map and Ms. Butler asked if "CHDD" was the code and Ms. Le Duc stated it was the abbreviation of "CHDD" in the zoning classification category.

Ms. Rose asked if the A-1 parcel at the intersection of Route 249 and Cumberland Road was being proposed to be CHDD also and Ms. Le Duc said yes it was. Ms. Le Duc apologized for not having the future land use designation map in the packet but said the large A-1 parcel to the east of the post office was also part of the future village designation as well.

Ms. Rose asked if the current buildings were served by a private well and Mr. Kinney confirmed they were served by a private well. She asked if that would be consistent with the use of a brewery and Mr. Kinney said it would not but he would have to know what a potential brewer would need first before he considered hooking up to public water such as the size meter and water mains.

Ms. Le Duc added public water service was available to this area if they decided to hook up in the future.

Ms. Townsend asked about sidewalks and Ms. Le Duc said they really didn't have any requirements for sidewalks unless new buildings were constructed then it would be reviewed like a subdivision. She did recognize that the future land use designation of "Village" talked about 'a walkable community' and she said they could talk to VDOT about it.

Ms. Townsend made a motion to adopt resolution PC-17-18, to forward application ZM-03-18 to the New Kent County Board of Supervisors with a favorable recommendation.

The Vice 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	Absent
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	Absent

The motion carried with a roll call vote of 8:0:1.

IN RE: NEW BUSINESS

None

IN RE: CHAIRMANS REPORT AND RRPDC REPORT

None

IN RE: COMMISSIONERS REPORTS

Ms. Townsend liked to thank the public for being understanding of the Curtis proposal of where they sat on the Commission on making decisions. She stated applications come to them for review but they had to listen to everybody in part and they had to be fair about it. She stated how pleased she was over the letter writing campaign and recommended letters as a good source of communication. She said a lot of times only a couple of people, if any, show up at meetings and then the public is hard-pressed to make any real difference in the matter. She suggested the public pay attention to the newspapers, the County website, to read the agendas and to stay involved.

Ms. Pearson and Ms. Butler agreed whole-heartedly.

IN RE: STAFF REPORTS

Ms. Le Duc had no new applications in house and said she would talk to Mr. Moyer about the August 20th meeting.

IN RE: MEETING SCHEDULE

The Vice Chair stated the Ms. Le Duc would let them know about the next meeting with the understanding it was tentatively scheduled for Monday, August 20, 2018 at 6:30 PM in the Boardroom of the Administration Building.

Ms. Rose expressed a concern in the processing of applications with non-conforming uses and suggested having a work session in lieu of a canceled meeting to address those types of issues. She shared that when she goes before her boards for her power plants she has to notify adjacent property owners when the application comes in. She thought the Commission may want to adjust some of their procedures.

The Vice Chair asked Ms. Le Duc what the adjacent property owner notice requirement was and Ms. Le Duc deferred to Mr. Hefty, the County Attorney, for his expertise but added she suggested to the Curtis Group that they reach out to their neighbors in a pre-application meeting months ago but to her knowledge there was no legal requirement for an applicant to do so. She stated notice was the responsibility of the County through the State Code which says to notify adjacent property owners within ten days of a public hearing which included those across a railroad track or a road.

Ms. Rose asked if they could require something more stringent and Mr. Hefty said a locality could not be more stringent than the State Code. He said the notice of the public hearing could be sent earlier than ten days before a public hearing but the minimum prescribed by State code is at least ten days prior. He said they look to see if an applicant would be required to send notifications of their own.

Ms. Townsend suggested we better utilize the social network system that the County has in place such as Facebook.

Ms. Pearson was told by many citizens they felt caught of guard and were thankful they read the New Kent Charles City Chronicle newspaper.

Mr. Tiller asked Mr. Hefty that if staff has pre-application meetings with potential applicants could they really say anything until an application was received and Mr. Hefty said no they should not.

Ms. Le Duc also noted her staff usually advertises public hearings month to month and can normally turn an application around in a month such as Mr. Kinney's application for the Ordinary. She stated the Curtis Group deferred a month so it took two months to get to public hearing but the application was received back in May.

Mr. Tiller and Ms. Le Duc both agreed there could potentially be two weeks to a months' notice and Mr. Hefty stated the Board of Supervisors, by law, had one hundred days to act on most applications and had ninety days to act on re-zoning and conditional use applications.

Ms. Pearson said they could also defer meetings and Mr. Hefty said they could but didn't recommend upsetting several public citizens turning out to a public hearing just to be sent away to return again at a future date.

IN RE: ADJOURNMENT

A motion to adjourn was made by Ms. Townsend and all agreed. The meeting was adjourned at 7:15 PM.

Respectfully, Sheri L. Wood, Recording Secretary