

PLANNING COMMISSION  
County of New Kent

MINUTES

THE REGULAR MEETING OF THE NEW KENT COUNTY PLANNING COMMISSION WAS HELD ON THE 16<sup>th</sup> DAY OF MAY IN THE YEAR TWO THOUSAND FIVE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING 6:30 P.M.

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IN RE: CALL TO ORDER

Chairman Jay Hubbard called the meeting to order at 6:30 p.m.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Jay Hubbard led the invocation and Pledge of Allegiance.

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IN RE: ROLL CALL

Attendance:

Jack Chalmers	Present
Thomas Evelyn	Present
Howard Gammon	Present
Sylvia Godsey	Present
Mark Hill	Present
Jay Hubbard	Present
Charna Moss	Present
Edward Pollard	Absent
Sam Snyder	Present
Tommy Tiller	Present
Patricia Townsend	Present

Also attending:

Rodney Hathaway, Planning Manager  
George Homewood, AICP, Director of Community Development  
Adam Kinsman, County Attorney  
Pam Crosby, Recording Secretary

Chairman Hubbard established that there was a quorum.

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IN RE: APPROVAL OF MINUTES

A motion was made by Ms. Townsend and second by Mr. Chalmers, to approve the minutes of the 18 April 2005 – Regular Meeting as presented.

The members were polled:

Jack Chalmers	Aye
Thomas Evelyn	Aye
Howard Gammon	Aye
Sylvia Godsey	Aye
Mark Hill	Aye
Jay Hubbard	Aye
Charna Moss	Aye
Edward Pollard	Absent
Sam Snyder	Aye
Tommy Tiller	Aye
Patricia Townsend	Aye

The motion carried, 10:0:0

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IN RE: CITIZEN COMMENT PERIOD

Chairman Hubbard reminded the citizens that at this time the citizen comments would be heard and are limited to those on planning related issues that are not scheduled for a public hearing later on the agenda. Those wishing to speak should sign up on the sheet at the back of the room prior to the meeting is required. No citizens had signed up and none asked to address the Commission.

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IN RE: PRESENTATION

Mr. Jack Chalmers gave an informative presentation on the 2005 Annual Virginia Planning Conference which was held in Warrenton, Virginia at the Airlie Plantation. Mr. Chalmers attended sessions on Watershed Planning, Fiscal Impact Analysis and Cash Proffers, and Rural Planning.

[Mr. Pollard arrives at about 6:45 pm]

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IN RE: UNFINISHED BUSINESS

None.

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IN RE: PUBLIC HEARINGS

ZM-01-05, Timothy Wooten: Mr. Timothy Wooten has applied to reclassify 30 acres of land from C-1, Conservation to A-1, Agricultural. The purpose of this request is to match the property's zoning to the current use of this property. The subject property is located 1840 Polish Town Road and is further identified on the New Kent County tax map as parcel 37-22B. The Comprehensive Plan designates this area as Rural Lands. The applicant has proffered that this property will not be further subdivided.

Staff gave a presentation on the proposed rezoning application.

Ms. Townsend stated that this would be rezoned from C-1 to A-1, is there a time limit for a C-1 Classification for the tax assessments. Mr. Hathaway responded that not for a C-1 zoning classification, however for the AFD program there is a time limit and the property would remain in an AFD.

Mr. Chalmers asked in regards to the proffers is that in perpetuity, how long is that proffer in effect for? Mr. Hathaway responded that the proffer states that the land would never be subdivided.

Mr. Hill asked who initiated the rezoning. Mr. Hathaway responded that the applicant initiated the rezoning, and the applicant recently refinanced the property and the incompatibility of the residential use with the Conservation zoning was brought to his attention at that time.

Mr. Hill stated that it seems that the county issued the building permits for the home; Mr. Wooten shouldn't be penalized for something that the County made the mistake in doing, why are we doing this rezoning. Mr. Homewood responded that the reason that this is before you is because the only way to change the zoning on a piece of property is through this process that we are going through. We cannot comment on how Mr. Wooten was able to get a building permit on property that was not properly zoned for the building that he has built. The bottom line is that it happened and we are now trying to rectify the situation. Mr. Hill stated "I understand that, but I feel like we are trying to rectify for the County's benefit not for the individuals benefit." Mr. Homewood responded that the individual needs this rezoning in order to be able to build an accessory building or to make full residential use of the property.

Mr. Hill asked Mr. Wooten do you have any intentions of building another dwelling or another building on this property. Mr. Wooten responded "I don't have any intentions of building anything other than adding onto my house or building a garage, but as far as that proffer that states that I won't subdivide I have a son and one day I might want to give him some land to build a house on but my intentions are not to subdivide and build thirteen additional dwellings on my property, that's the last thing I want to do."

Mr. Hathaway reminded the commission that proffers are voluntary and proffers can be changed up until the public hearing of the Board of Supervisors.

Mr. Hubbard stated that Mr. Wooten has said he wants to amend the proffer statement.

Ms. Townsend was there an application fee involved in this? Mr. Hathaway responded no the fee was waived.

Mr. Hubbard asked do we know when it was zoned C-1? Mr. Hathaway responded this property was zoned C-1 when it was purchased, I am not sure of the exact date it was zoned C-1. Mr. Hubbard asked is it illegal to subdivide C-1 Land. Mr. Hathaway responded that family subdivisions are only allowed in A-1.

Mr. Hill asked Mr. Wooten to restate his proffer statement. Mr. Wooten stated that he would like to change the proffer statement to for one additional residence for his son.

Ms. Snyder is that not allowed in A-1. Mr. Hathaway stated that a family subdivision is allowed in A-1.

Mr. Wooten stated that if you want to remove the proffer, I don't think I should be under any rules. Who knows what will happen in the county 20 years from now.

Mr. Pollard stated I don't believe he should be required to make a proffer statement.

Mr. Hubbard asked are there other parcels that in this subdivision that needs to be notified. Mr. Hathaway there is another parcel that is currently zoned C-1, we are not sure who owns that property; however I can contact the owner.

Mr. Hill if this goes into A-1 and an AFD what would be the term of the AFD? Mr. Hathaway stated that this property is currently in the York River Agricultural and Forestal District and the expiration date for that AFD is 2009.

The commission held a public hearing in which no citizens made public comment on the proposed Rezoning application.

Mr. Hubbard asked Mr. Wooten to come forward to the podium and please state your request in reference to the proffer statement that was made. Mr. Wooten stated that he would like to remove the proffer statement.

A motion was made by Ms. Townsend and seconded by Mr. Chalmers to approve Resolution No. PC-17-05 to forward Rezoning Application ZM-01-05 to the New Kent County Board of Supervisors with a favorable recommendation, removing the proffer statement: *WHEREAS, the conditions voluntarily proffered by the applicant that are attached hereto and made a part hereof by reference are accepted and made a part of the reclassified zoning of the property.*

The members were polled:

Jack Chalmers	Aye
Thomas Evelyn	Aye
Howard Gammon	Aye
Sylvia Godsey	Aye
Mark Hill	Abstain
Jay Hubbard	Aye
Charna Moss	Aye
Edward Pollard	Aye
Sam Snyder	Aye
Tommy Tiller	Aye
Patricia Townsend	Aye

The motion carried, 10:0:1.

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IN RE: NEW BUSINESS

None.

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IN RE: CHAIRMAN'S REPORT

None.

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IN RE: RRPDC REPORT

Mr. Evelyn stated that there is no report.

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IN RE: COMMISSIONER'S REPORT

None.

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IN RE: STAFF REPORT

PROJECT UPDATES:

Mr. Hathaway stated that we will have two rezoning applications on the agenda for the June 20, 2005 meeting. Application ZM02-05 David L Horsley, Sr. tax map parcel 21 (6) 8 is applying for a rezoning of 6.8 acres from B-1, General Business to B-2, Business Limited. Application ZM-03-05 Carlton Revere tax map parcel 41-22 & 41-23 is applying for a rezoning of 6.688 acres from A-1, Agriculture to B-1, General Business.

Mr. Hathaway stated that we have received a conditional use permit application and a rezoning application for a landfill from SPF Investments called Schiminoe Meadows Waste Management Facility located on State Route 106.

Staff would like to set a date of 27 June 2005 for a Planning Commission Work Session for the purpose of discussing rezoning application ZM-04-05 and conditional use permit application CUP-02-05: SPF Investments, Schiminoe Meadows Waste Management Facility.

Staff would like to set a date of 29 August 2005 for a Planning Commission Work Session for the purpose of discussing the current Capital Improvement Plan which was distributed to the New Kent County Department Heads on 02 May 2005.

Mr. Hathaway distributed maps and information in reference to the Agricultural and Forestal Districts (AFD) in the County.

Ms. Snyder asked can you tell me the total acres in New Kent County that are in an AFD? Staff responded that it is about 136,000\_acres.

Mr. Hubbard stated that he would like to see a comparison on the market value is compared to an AFD assessment.

Mr. Homewood stated that the Draft Zoning Ordinance would be distributed and discussed at the June meeting.

Staff asked the commission if there was anyone who would be interested in attending a VCPA Spring Legal Seminar on 31 May 2005 in Roanoke.

IN RE: NEXT MEETING

The next Planning Commission meeting will be held on Monday, 20 June 2005 in the Boardroom of the County Administration Building at 6:30.

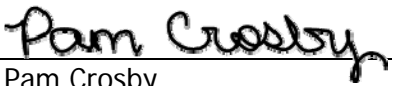
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IN RE: ADJOURNMENT

A motion to adjourn was made and seconded by all.

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Respectfully submitted:



Pam Crosby  
Recording Secretary