

PLANNING COMMISSION
County of New Kent

MINUTES

THE REGULAR MEETING OF THE NEW KENT COUNTY PLANNING COMMISSION WAS HELD ON THE 20TH DAY OF JUNE IN THE YEAR TWO THOUSAND FIVE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING 6:30 P.M.

IN RE: CALL TO ORDER

Chairman Jay Hubbard called the meeting to order at 6:32 p.m.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

John Carnes, Associate Pastor of Education and Music with Liberty Baptist Church led the invocation and Pledge of Allegiance.

IN RE: ROLL CALL

Attendance:

Jack Chalmers	Absent
Thomas Evelyn	Present
Howard Gammon	Present
Sylvia Godsey	Present
Mark Hill	Present
Jay Hubbard	Present
Charna Moss	Present
Edward Pollard	Present
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.

IN RE: APPROVAL OF MINUTES

A motion was made by Mr. Gammon and second by Ms. Townsend, to approve the minutes of the 16 May 2005 – Regular Meeting as presented.

The members were polled:

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

The motion carried, 10:0:0

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.

IN RE: UNFINISHED BUSINESS

None.

IN RE: PUBLIC HEARINGS

ZM-02-05, David L. Horsley: Mr. David L. Horsley has applied to reclassify 6.8 acres from B-1, General Business to B-2, Business Limited for the purpose of constructing a rental center for home and light contractor appliances. The property is located at the intersection of New Kent Highway and Airport Road, and is identified on the New Kent County tax map as parcel 21 (6) 8. The Vision 2020 Comprehensive Plan designates this area as a Hamlet. Hamlets are small scale office and retail centers designed primarily to draw patrons from the nearby, local population. The applicant has submitted proffers in regards to architectural design, use prohibitions, lighting and utilities.

Staff gave a presentation on the proposed rezoning application.

The commission asked questions of staff.

Ms. Godsey asked is B-1 limited or general. Mr. Hathaway responded that B-1 is Business General and B-2 is Business Limited?

Mr. Hubbard asked is Mr. Horsley the applicant or contractor. Mr. Hathaway responded that Mr. Horsley is the contractor.

Ms. Snyder asked if light contract equipment would be back hoes etc. Mr. Hathaway stated that we don't consider back hoes light contract equipment, and deferred the question to Mr. Horsley. Mr. Horsley stated that he is thinking it would be like an office warehouse.

Ms. Snyder asked will this generate a lot of traffic. Mr. Hathaway stated that this would increase the traffic and staff would look at the layout that will be proposed.

Ms. Snyder asked if there is a VDOT study for a roundabout at that location. Mr. Hathaway stated that he was not familiar with a proposed roundabout at this location. Mr. Homewood stated that it is proposed to have a roundabout at this intersection.

Ms. Snyder asked how will this affect the traffic. Mr. Hathaway stated that it wouldn't.

Ms. Godsey asked what portion of the acreage will be developed. Mr. Hathaway responded that at this point we do not know exactly, we anticipate that it would be right at the crossroad and the applicant is considering development the back section as well.

Ms. Snyder stated that if there is going to be a roundabout then he probably wouldn't want to be too closed to the intersection, would he? Mr. Hathaway responded that he probably would not be able to come too close, VDOT will limit that. Mr. Homewood stated that the modern roundabout doesn't take anymore land than a typical four way stop.

Mr. Evelyn asked if this property includes the old Washington store. Mr. Hathaway responded no.

The commission held a public hearing in which one citizen made public comment on the proposed Rezoning application.

Barbara Sayles of Hopewell Road spoke on behalf of Mr. Luther Washington, with some concern for the rezoning asking about the etcetera stated in the application and what can be done on this property. This is a pretty large lot for one building and we would like to know would there be anything else other than the rental center. He is asking because he was approached in reference to an underground shooting range and he definitely does not want that.

The public hearing portion was closed.

Ms. Townsend asked in reference to the proposed motion, would we need to use the term Hamlet to control anything else. Mr. Hathaway responded that we are asking to change the zoning classification eventually if the zoning amendment is approved then we would have a zoning classification of Hamlet.

Ms. Townsend asked is the applicant comfortable with the Hamlet term. Mr. Hathaway responded yes he is.

Ms. Snyder asked if the adjacent property owners were notified. Mr. Hathaway responded yes they were noticed.

Ms. Townsend stated as for the Washington store property, will there be a required buffer. Mr. Hathaway responded that it has not been proffered; he will have to comply with setback requirements of 20 feet. Ms. Townsend stated is that 20' from the boundary line. Mr. Hathaway responded yes it is.

Mr. Evelyn stated that he would assume that a Hamlet would not allow an underground shooting range. Mr. Hathaway stated that is correct.

Mr. Hubbard stated to address Ms. Sayles question there is no way that any firearms inside or outside can be discharged in B-2 zoning. Mr. Hathaway responded that they cannot be discharged, as a retail use a retail firearms shop can be permitted. I would also like to state that the proposed use is just that a proposed use.

Mr. Gammon asked stated I am a little confused, what uses are allowed in a Hamlet, is B-1 and B-2 allowed. Mr. Hathaway responded some of those uses that are in the current B-1 and B-2 zoning are allowed in a Hamlet, some of those uses are not. You will be receiving a table that will state all of those uses that are by right in the proposed Hamlet district.

Mr. Gammon asked are you as staff asking us to vote on something that has not been voted on by the board or this body. Mr. Hathaway responded no, we are asking you to vote on rezoning this property in the current B-2 zoning classification. We are just making a point that the proposed uses are consistent with what will be proposed as a Hamlet.

Adam Kinsman stated that the applicant is asking for a rezoning from B-1 to B-2. There are specific uses for each zoning category. What he is asking for is to be zoned B-2 with additional proffer in there stating that these are uses that I won't have in this B-2 zoning. What staff is bringing to you later tonight is a revised zoning ordinance as part of the revised zoning ordinance they are proposing different classifications that are not necessarily classified as B-1 or B-2 it would be a Hamlet which would have a different list of uses.

Ms. Snyder asked, this circle is designated as Hamlet on the map. Does this open that area up for some type of strip mall? Mr. Hathaway responded that in the comprehensive plans land use map those designations are not parcel specific. Basically if you look at all of the Hamlets you will see a circle at each crossroad.

Mr. Pollard stated we haven't heard from the applicant however I was looking at addendum 1 of 1 *it is the intent to use this property for multiple business*. Is it the intent for the applicant to use it as multiple businesses? Mr. Horsley responded yes sir. Mr. Pollard then asked if a small warehouse is one of the buildings, Mr. Horsley stated yes sir.

Mr. Pollard asked about the underground shooting range and if it is being considered one of the businesses and is it allowed in B-2. Mr. Hathaway responded a shooting range is not allowed in a B-2 zoning.

Ms. Snyder asked what other type of businesses are you thinking of having.

Mr. Pollard stated what does the applicant consider light contractor. Mr. Horsley responded storage for people to store their work supplies out of sight.

Mr. Hill stated that this is a storage facility; it is not a place where I could go and rent tools or equipment. Mr. Horsley responded I don't want to rule that out, but that is not my intent.

Mr. Gammon stated that I thought this was to be a rental center. Mr. Horsley responded that I want to zone it B-2 and basically I could do a rental center in B-1, however I want it zoned B-2 where I can upgrade and have a couple of different options.

Mr. Hill stated that we are talking about the entire outlined area; we are not doing B-2 on just a portion of the property. Mr. Hathaway responded that is correct, we are considering the entire parcel.

Ms. Snyder stated that Mr. Horsley just mentioned that it was not going to be a rental center it would be a storage center. Mr. Hathaway responded that this is the first that I have heard that it would not be a rental center, the application states that it would be a rental center.

Mr. Horsley stated that I want to do whatever it takes to get businesses into the county.

Mr. Hill stated that you are proffering that these items will not happen on the property. Mr. Horsley responded that is correct.

Mr. Pollard I am still concerned about the fact that we don't have a definition for light contractor and that there is a chance that items could be stored outside. Mr. Horsley stated that one of the proffers states no outside storage of equipment.

Mr. Evelyn stated you are trying to make a strip mall to get businesses into the county. Mr. Horsley stated that I want to provide a location for small business that would service the community.

Mr. Pollard asked if the Hamlet designation would expand that area. Mr. Hathaway responded that we are not so much as expanding that area; these maps are showing general areas.

Mr. Kinsman stated that we have a definition of contractor's storage *which is a building in or associated land area primarily used for a contractor's office and storage of associated equipment and materials storage of all equipment and materials must be screened from adjoining properties and public right's of way.*

Ms. Townsend asked does that also include the Washington property. Mr. Hathaway responded no, only public right's of way.

Ms. Townsend asked can the county request that there be 20' of buffer. Mr. Hathaway responded that the applicant has proffered that and the County cannot mandate proffers. Ms. Townsend stated that I'm just concerned that if they clear cut the property and Mr. Washington is left with no buffer from a business.

Mr. Hubbard stated that if I own property that is zoned B-1 and there is 6.1 acres how many lots can be created. Mr. Hathaway responded that the business lot size is 1 acre. Mr. Hubbard responded that I could legally cut off and sell 6 lots along Rte 249 that is zoned business.

Mr. Hubbard stated I have seen Mr. Horsley's work; he took a run down building in Providence Forge and turned it into something very nice.

Mr. Hathaway stated that staff does have concerns for Mr. Washington's property; staff does have the ability during the site plan review to enforce buffers etc.

Mr. Pollard stated that Mr. Washington's property is not zoned business; Hathaway responded that it is zoned A-1, Agricultural, that was a business and the business was started prior to our zoning ordinance.

Mr. Pollard stated that he would have to ask for a rezoning if they ever want to start a business in that location. Hathaway responded yes sir, he would have to rezone if he wanted to start a business on that property.

Ms. Snyder commented that across Tunstall Road is zoned B-2 and my concern in building along Route 249 is the traffic. No matter what goes there it will increase the traffic.

Ms. Townsend asked what are the setback requirements on Route 249. Mr. Hathaway responded that the setback is 20 feet if zoned B-1.

A motion was made by Mr. Gammon and seconded by Ms. Townsend to approve Resolution No. PC-18-05 to forward Rezoning Application ZM-02-05 with proffers that were signed on 20 June 2005 to the New Kent County Board of Supervisors with a favorable recommendation.

The members were polled:

Jack Chalmers	Absent
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, 9:0:1.

ZM-03-05, Carlton Revere: Mr. Carlton Revere has applied to reclassify 6.68 acres of land from A-1, Agricultural to B-1, General Business for the purpose of constructing and operating a retail propane business for Revere Gas and Appliance. The subject property is located at 8300 Pocahontas Trail and identified on the New Kent County tax map as parcels 41-22 and 41-23. The Vision 2020 Comprehensive Plan designates this area as a Village. Villages are intended to involve a mixture of land uses on a smaller, pedestrian scale. The applicant has submitted proffers in regards to architectural design, use prohibitions, lighting and utilities.

Staff gave a presentation on the proposed rezoning application.

The commission asked questions of staff.

Ms. Townsend asked at what point will the Board of Supervisors see the Conditional Use Permit. Mr. Hathaway responded that the applicant has proffered that it will be submitted within 90 days of approval.

Mr. Hill stated that the clock wouldn't start until the Board of Supervisors take action.

Mr. Revere stated that since we submitted the application we have found out a few things about the property, the renovation of the current building is not going to be possible, with a site plan and conditional use permit it would be a building. This facility would be like other facilities that we have on the middle peninsula and northern neck. We have also found out that there is a resource protection area on the back part of the property which would restrict use on the rear portion of the property therefore eliminating potentially half of the property.

Mr. Hubbard asked you are in business at the current time. Mr. Revere responded yes sir.

Mr. Hubbard asked and you are located in Providence Forge. Mr. Revere responded that it is behind the old White House restaurant.

Mr. Hubbard asked and with the wetlands on the property you can make your project work. Mr. Revere responded yes sir we can still comply with all regulations.

Mr. Pollard stated you don't currently have storage in Providence Forge. Mr. Revere responded no sir; we have an associated business in West Point.

Mr. Hill asked will this mean a rate decrease because the product is closer. Mr. Revere

responded certainly your level of service is bound to increase.

Mr. Pollard asked would this be the same operation that you have now. Mr. Revere responded yes sir. The condition is the distribution facility.

Mr. Hubbard stated I think that you can see from the staff report that New Kent County Department of Public Safety had no development concerns.

Mr. Pollard asked did they have to do anything environmentally. Mr. Hathaway responded at this point they have not, they have applied for permits. When they submit their site plan they will have to do wetlands delineation.

Mr. Revere stated that the big difference between propane and fuel oil is that propane is non-toxic and there are no environmental concerns.

The commission held a public hearing in which one citizen made public comment on the proposed Rezoning application.

David Horsley of Pocahontas Parkway spoke in favor of the rezoning stating that he thinks that it is a benefit for the county.

The public hearing portion was closed.

A motion was made by Ms. Townsend and seconded by Ms. Godsey to approve Resolution No. PC-19-05 to forward Rezoning Application ZM-03-05 with proffers that were submitted to the New Kent County Board of Supervisors with a favorable recommendation.

The members were polled:

Jack Chalmers	Absent
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, 9:0:1.

CUP-01-05, Donna B. Morris: Mrs. Donna B. Morris has applied for a Conditional Use Permit to operate an Adult Daycare Service at 7800 Olivet Church Road. The property is currently zoned R-2, General Residential and A-1, Agricultural and is identified on the New Kent County Tax Map as parcel 22-15. The Comprehensive Plan designates

this area as rural lands, which incorporates traditional rural development patterns including agriculture and silviculture.

Staff gave a presentation on the proposed rezoning application.

The commission asked questions of staff.

Ms. Townsend asked if the childcare would still be in operation. Mr. Hathaway responded yes it would.

Mr. Evelyn asked wasn't this property a nursing home years ago. Mr. Hathaway and Mr. Gammon stated yes it was.

Mr. Hubbard asked if this applicant has anything to do with the previous nursing home. Mr. Hathaway responded no they do not.

Ms. Morris stated I think that this would be a good thing for the county because the county doesn't have anything like this for adults.

Mr. Hubbard stated when you say close, you mean that the adults will go home. Ms. Morris responded yes.

Mr. Gammon asked would you still operate the child daycare. Ms. Morris responded yes.

Ms. Townsend asked about the limit of a disability or are you taking care of all stages of patients. Ms. Morris responded minimal Alzheimer's not late stages.

Mr. Hill there will be separate area for the adults and children, and how many are you proposing. Ms. Morris responded yes and we are proposing between five (5) and twelve (12) adults and no more than twelve (12) children.

The commission held a public hearing in which one citizens made public comment on the proposed Rezoning application.

David Horsley of Pocahontas Trail spoke in favor stating that it shouldn't be over populated and asking how many adults are allowed and do the adults interact with the children.

The public hearing portion was closed.

Mr. Tiller stated that I believe the applicant answered Mr. Horsley's questions of no more than twelve (12).

Ms. Snyder stated that there are separate facilities.

Mr. Hubbard stated that he would like the commissioners to see in the packets is that *the zoning administrator shall not grant a permit until the applicant demonstrates an*

ability to meet all state certification requirements and state and local health department requirements. The state has requirements that she must follow.

Mr. Hathaway added that we have had conversation with the state and they have requirements that must be followed.

Mr. Hubbard stated that I like adult care; I think that it is a tragedy that we take our senior citizens and send them to nursing homes. I would like to see more adult care centers where they could come home in the evenings.

Ms. Moss stated that I think that there is a need in the county for adult care.

A motion was made by Ms. Snyder and seconded by Ms. Townsend to approve Resolution No. PC-20-05 to forward Conditional Use Permit Application CUP-01-05 subject to state of conditions, to the New Kent County Board of Supervisors with a favorable recommendation.

The members were polled:

Jack Chalmers	Absent
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, 9:0:1.

Application ST-1-05, Right-of-Way Requirements for Large Lot Subdivisions: Consider an amendment to §90-1(2) of the New Kent County Code to establish a requirement that when 3 or more lots of 25 acres or larger are created, they must be accessed by a roadway constructed to the public or private road standards contained in Chapter 91, Subdivisions, and to provide that notice of such requirements be placed on plats containing such subdivisions. The purpose of this amendment is to allow the County to continue to receive funding from VDOT. This provision of the current legacy subdivision provisions found in Chapter 90 does not conform to the requirements of VDOT's Rural Additions program. The Comprehensive Plan, Vision 2020, contains as a strategy having all new subdivisions served by public roads or private roads built to public standards and in this respect, the proposed amendment conforms to the Comprehensive Plan.

Staff gave a presentation on the proposed right-of-way requirements application and noted that Mr. Gary Jennings, Acting Sandston Resident Administrator was present to

answer questions.

The commission asked questions of staff.

Mr. Hubbard asked if these would be higher standards than our parent tract subdivision. Mr. Homewood responded our parent tract subdivision requires for roads to be constructed to public road standards. Mr. Hubbard stated that I didn't think that parent tract roads had to be hard surface roads. Mr. Homewood responded it doesn't have to be hard surface; it has to be built to public road standards.

Mr. Gammon asked if this road is built to state standards will it be accepted into state system. Mr. Homewood responded yes the state will take it into the system if it is built to state standards and it is dedicated to the public and has three uses. It must have three uses on the street for it to serve a public purpose.

Mr. Hill asked do you know approximately how many roads have been a part of the rural addition fund. Mr. Homewood deferred to Mr. Jennings who stated that I don't have exact figures; however I can tell you that Ranch Acres, Essex Hills, 1101 off of Rte 60, and there are a few others that have been accepted into the system. This county has a lot of funds tied up in this account right now and if this doesn't pass as of July 1st then that money would be lost.

Mr. Evelyn stated you mentioned Essex Hills; those lots are not 25 acres or more. Mr. Jennings responded those can be done by using a rural addition policy. Essex Hills has dirt roads and one of the things with the policy is that all of the land owners have to sign off stating that they are donating the 50' right of way.

Mr. Homewood stated that if we lose the ability to use the money we lose the ability to use the money everywhere, not just on 25 acre lot subdivisions.

Mr. Hill asked how many do we have in the system right now; I want to say it is 7. Mr. Jennings responded that I believe it may be 5 or 6.

Mr. Homewood stated that Shooters Run is being looked at right now.

Mr. Pollard stated that VDOT is not doing this because they have concern for rural roads, they have always been hesitant in the past to take roads into the system.

Mr. Hill commented that in the last 6 months through working with VDOT they have accepted the roads in Quinton Park, Deer Lake subdivision and sure it takes more money, time and effort to get things done but I would say that our VDOT branch works very well with the Board of Supervisors, and I believe this is a program that the Board of Supervisors will have a hard time saying that we don't need it any longer.

Mr. Pollard stated that I'm trying to say they are trying to strong arm the county, I'm not saying that

Mr. Hill stated that there are subdivisions out there where the developer will take 250

acres and subdivide it into 15 acre parcels and run a 25' right of way through there and 15 years later when it is built out that's when Mr. Homewood said that the citizens will be calling their supervisor and saying we're tired of the dusty dirty roads and we have put tons of gravel down year after year and we want it in the VDOT system. That is exactly what this is for, and if we say good bye to it, we may not get it back.

Mr. Pollard stated that is true and asked what is the minimum size street that is required for a subdivision. Mr. Homewood responded that the minimum size required is 18' pavement width and a 50' right of way. A 50' right of way is what is required for all roads; there is no change in the 50' right of way.

Ms. Moss asked about the three lot requirement is that a three lot minimum for VDOT. Mr. Homewood responded the three lots is what triggers VDOT's determination for if a street serves a public purpose and by state law they have to determine if the street serves a public purpose before they are allowed to take it into the public system.

Ms. Moss asked if that is a minimum or can we say five lots. Mr. Homewood stated that for this we have to say three because anytime you get per uses that triggers the public purpose part of that condition.

Ms. Snyder stated supposing there are five houses and 3 people want to place it in a state program and the others don't what happens. Mr. Homewood responded then it is not accepted, anytime it is a private road there must be a property owners association created that owns the private road so that when there is a vote then a 3-2 vote passes. The way most things are requires that in some cases if you have 3 people that say yes and 2 say no the 2 that say no rule the day and the road will not be accepted.

Mr. Pollard asked should we approve this will we need to make an adjustment to the comprehensive plan as well. Mr. Homewood responded that if you adopt this you are implementing your comprehensive plan.

The commission held a public hearing in which one citizen made public comment on the proposed application.

David Horsley of Pocahontas Trail spoke in opposition of the application stating that the 25 acre lot thing I feel that if I have 25 acres and my neighbor has 25 acres and we want a dirt private road then I believe that we should be allowed by right to be able to have a dirt road. I believe if you have a 25 acre lot you can have a private road, they should not have to turn it over to the state system.

The public hearing portion was closed.

Mr. Homewood stated that there is nothing in here or the subdivision ordinance that requires someone to have public streets; however a private street would need to be built to the public street standards.

Ms. Snyder asked would the homeowners association would be required to maintain it at the state level. Mr. Homewood responded that the requirement is to maintain it in a

condition passable for emergency apparatus at all times.

Ms. Townsend asked if there is a stretch of dirt road that is a public road but the residents would like to keep it as is what would protect it. Mr. Homewood responded that as long as the Board of Supervisors continues to make the determination in conjunction with VDOT that the public necessity is served then there would not be a need to change that.

Ms. Townsend asked would the people on the street be notified first. Mr. Homewood responded yes.

Mr. Hill stated that these so called legacy roads, you are still requiring 100% participation for it to come into the VDOT system. If there is one resident that says no then VDOT will not accept it.

Mr. Hubbard stated that a 25 acre lot is not a subdivision in New Kent County. Mr. Homewood stated yes it is, whenever you divide a piece of property you create a subdivision. Mr. Hubbard stated but it doesn't come under the subdivision law. Mr. Homewood stated it comes under a specific category called the legacy subdivision provisions.

Mr. Homewood stated that currently the rule for everything in New Kent County, except for dividing lots of 25 acres or larger or family subdivision; family subdivisions are still exempt from VDOT interpretations.

Mr. Pollard asked did VDOT indicate that they would be willing to make any exceptions. Mr. Jennings responded no.

Mr. Hubbard stated that the comprehensive plan states a lot about our rural character, we don't want to lose our rural character, what is more rural than a citizen buying 25 acres of land and having a gravel road. If you choose to live on a 25 acre lot you may have to suffer the consequences that the emergency crews not be able to get to you.

Ms. Snyder stated that again it is not mandatory; if one person does not agree then it doesn't happen.

Ms. Townsend stated that people who purchase 25 acres have good intent and want it preserved as is, but things change, people sell and if it is not up to state specifications then it is going to cause decay.

Mr. Hubbard asked am I correct in stating that if we don't make a decision tonight then the funds are lost. Mr. Homewood responded no sir, we have been placed in the category of non complying but working on a remedy, and have been assured by VDOT that as long as we are in fact working on it, then they will not pull the plug on July 1. Even if you were to act on this tonight the Board of Supervisors cannot act on it prior to July 1.

Mr. Pollard asked what is magic about the three, could it be five or more. Mr.

Homewood responded that what is magic about the three is that is what is specified in the Virginia Department of Transportation subdivision street regulations.

Mr. Evelyn asked in other counties are there 25 acre lot subdivision that have to abide by this. Mr. Jennings stated yes, for example Charles City County.

Mr. Hill stated I would recommend that the commission take action tonight if you table it until July it wont be heard at the Board of Supervisor level until August.

A motion was made by Ms. Townsend and seconded by Mr. Gammon to approve Resolution No. PC-21-05 to forward Application ST-01-05 to the New Kent County Board of Supervisors with a favorable recommendation.

The members were polled:

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

The motion failed 5:5.

A motion was made by Mr. Gammon and seconded by Ms. Snyder to forward Application ST-01-05 to the New Kent County Board of Supervisors with no recommendation.

The members were polled:

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

The motion passed 9:1.

IN RE: NEW BUSINESS

None.

IN RE: CHAIRMAN'S REPORT

Mr. Hubbard stated that the citizens do tune into watch the government channel 48 however they have difficulties hearing the commissioners that are seated at the tables on the floor.

A motion was made by Mr. Hubbard and second by Mr. Gammon to make a request of the Board of Supervisors to look into getting microphones installed for the commissioners that are seated at the tables.

The members were polled:

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

The motion carried, 10:0:0.

IN RE: RRPDC REPORT

Mr. Evelyn stated that the meeting was canceled for this month.

IN RE: COMMISSIONER'S REPORT

Ms. Snyder stated that she would like to recommend that we adopt the same method of the Board of Supervisors and other localities have for public hearings. They are using sign up sheets where any citizen who wishes to speak signs up and is called to the podium.

Mr. Pollard stated that because someone doesn't sign up, they shouldn't be prohibited to speak. Ms. Snyder recommended that we can have sign up sheets for the public hearing and after we have heard from those who have signed up, we can then state that if there is anyone who would now like to speak who didn't sign up.

Mr. Pollard has concern that people will think that they cannot speak if they did not sign up.

Mr. Hubbard stated that the commission should think about this and at the July meeting we will make a formal motion.

Ms. Snyder stated that while driving around the county I have noticed how beautiful our county and byways are and I think that there is concern about conservation easements. For example, on my road we have 5 acre lots and people come in and completely clear the lots, we have 100 year old trees, I would like to recommend that we appoint a commission to look into whether or not we can take 100' to 150' that you cannot clear and put it into perpetuity or conservation easement.

Mr. Pollard stated that I would have a problem with that, because sometimes we put restrictions on people that are not necessary and I realize that we have development concerns in the county, but I don't think that we need to be putting restrictions on a person's property. Ms. Snyder stated that this would not be telling them it would be giving them an option.

Mr. Hubbard I would be grateful if we could appoint someone to take a look into this and report back to the commission. Ms. Snyder, Mr. Tiller and Ms. Godsey will you please work on this and report back to the commission.

IN RE: STAFF REPORT

PROJECT UPDATES:

Mr. Hathaway stated that we are anticipating that The Oaks Subdivision may be ready for the July meeting. Pending a site visit to determine the location of wetlands on the property, the location of the wetlands could affect the property layout. We anticipate doing the site visit on Thursday, 23 July 2005.

Mr. Hathaway stated that on the agenda for the July meeting we currently have two items:

- An Agricultural and Forestal District withdrawal request by the New Kent County Economic Development Authority tax map parcel 21-86 which is part of the Ashland farm Agricultural and Forestal District
- Mr. Andy Hagy, Economic Development Authority will give the commission an update on the Economic Development Authority

Mr. Hubbard asked if there was an update on DragonsRidge Motorsports Park. Mr. Hathaway stated that we have not heard anything from DragonsRidge.

Mr. Hathaway reminded the commission that we have a work session scheduled for Monday, 27 June 2005 to hear a presentation from the development team for ZM-04-05 & CUP-02-05, SPF Investments a proposed Schiminoe Meadows Waste Management Facility. The New Kent County Board of Supervisors has a work session scheduled at that same time and has requested that we meet at 7:00 pm in the Old Courthouse.

Zoning Ordinance Re-write: George M. Homewood, AICP, Director of Community Development

Mr. Homewood distributed Revision 1 of the Zoning Ordinance Re-write and gave a brief presentation.

Mr. Homewood stated that this takes the work that the Village Committee did and takes those concepts and put them into ordinance form, this does not address the residential zoning classification, including A-1 and C-1 districts. For the most part we have preserved those regulations as they exist in the current ordinance. Take this home and read it, there will be sections that we cannot change; we are requesting that a committee be created of about 3 commissioners who would go over this in detail.

Mr. Hubbard asked that Ms. Snyder, Mr. Gammon and Ms. Moss will serve on the committee.

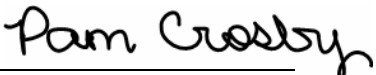
IN RE: NEXT MEETING

The Planning Commission will hold a work session on Monday, 27 June 2005 in the Old Courthouse at 7:00. The regular meeting of the Planning Commission will be on Monday, 18 July 2005 in the Boardroom of the County Administration Building at 6:30.

IN RE: ADJOURNMENT

A motion to adjourn was made and seconded by all.

Respectfully
submitted:



Pam Crosby
Recording Secretary