

PLANNING COMMISSION
County of New Kent

MINUTES

THE REGULAR MEETING OF THE NEW KENT COUNTY PLANNING COMMISSION WAS HELD ON THE 21st DAY OF NOVEMBER 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 6:30 p.m.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Pollard 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
Pam Crosby, Recording Secretary
John Budesky, County Administrator
Phyllis Katz, County Attorney

Chairman Hubbard established that there was a quorum.

IN RE: APPROVAL OF MINUTES

A motion was made by Mr. Gammon and second by Ms. Godsey, to approve the minutes of the 17 October 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.

IN RE: UNFINISHED BUSINESS

John Budesky gave a brief presentation on some changes that were made to the Capital Improvement Program, stating that most of the changes that have occurred to the Capital Improvement Program. Mr. Budesky stated that the total of the CIP was reduced from \$134,637,683.00 to \$115,317,683.00 and the amount of local funds total \$30,161,462.00.

Ms. Townsend asked if the school will have a generator. Mr. Budesky responded yes.

Mr. Budesky stated that the CIP will be presented to the Board of Supervisors on 28 November 2005.

IN RE: PUBLIC HEARINGS

CUP-04-05, Hartfield Associates LLC: Hartfield Associates LLC has applied for a conditional use permit to operate a retail propane business at 8300 Pocahontas Trail. The property is currently zoned B-2, Business Limited and is identified on the New

Kent County Tax Map as parcels 41-22 and 41-23. The Comprehensive Plan designates this area as a village. Villages are intended to involve a mixture of land uses on a pedestrian scale such as residential, retail, services, general offices, and institutional.

Mr. Hathaway gave a presentation on the proposed conditional use permit application.

Ms. Townsend asked if these conditions are in conjunction with the proffers of the rezoning application. Mr. Hathaway responded yes they are.

Mr. Pollard asked about the pedestrian walkway and why is it necessary. Mr. Hathaway responded that this is part of the new zoning ordinance requirements, and the whole idea of a village is that it be developed for pedestrian traffic.

Carlton Revere of Revere Gas stated that the only issue I do have with the conditions would be the construction of a sidewalk. In looking at the Providence Forge area as it is now there are no sidewalks along Route 60, recent developments are without sidewalks, the conditions that are in the staff report are very suggestive as far as the standards for the sidewalk, who is responsible for paying for the lighting? Having said that I offer this for the commission to consider: we would be more than happy to pay a prorated share of whatever cohesive comprehensive plan comes about for pedestrian traffic along that corridor. At a later date when we know what the sidewalk should look like I would be more than willing to pay for that prorated share of linear footage in front of my property.

Ms. Snyder stated that this sounds reasonable.

Mr. Hathaway responded that we would be willing to do that; we would have to work with the County Attorney to do this. As far as the comment on sidewalks having different standards and not connecting, this sidewalk would be in VDOT's right of way and they have a set of sidewalk standards and would be responsible for the lighting.

Ms. Snyder asked if VDOT would maintain the sidewalk and lighting. Mr. Hathaway responded yes.

Ms. Townsend asked what if Revere Gas was to sell the property. Mr. Hathaway responded that this condition runs with the property so the landowner would be responsible.

Mr. Pollard stated that the development has been very slow in that area and I don't see a lot of development happening there in the next twenty-five (25) years.

Ms. Townsend stated that I believe we need to be careful right now, I have a feeling that the County is going to pop and if we are not ready and have these standards in place we could be caught off guard.

Mr. Hill asked Ms. Katz, what about language that would say when an adjacent property is developed then at that point the two properties should put in the sidewalks. Ms. Katz responded that I would suggest something to that effect.

Mr. Hubbard in looking at the site plan do I understand that Revere Gas will be on the parcel on the right, what is planned for the building on the left. Mr. Hathaway stated that it would be a spec building; Mr. Revere stated that it would be for retail.

Ms. Katz asked if the property to the right is not going to be for Revere Gas, why is it listed in the CUP. Should remove one of the parcels from the application? Mr. Hathaway responded that the application stated that those parcels would be used for retail propane. Mr. Revere responded that initially we thought that the land needed would take up both parcels and the conditional use permit should apply to the parcel to the East.

Ms. Katz stated that Mr. Revere has stated that he is going to use the other parcel for a retail business which does not require a conditional use permit. Mr. Revere stated that my intent was just for that one parcel.

Mr. Pollard asked if Ms. Katz could come up with some language that we could use in reference to the sidewalk. Ms. Katz responded that she has some language and we could go over that right now. Mr. Hathaway stated that his only concern would be what if the applicant was to sell the property then the new owner might not be so willing. Mr. Revere stated that he would file a deed restriction that would require the implementation of that condition if there is a property transfer.

Mr. Evelyn asked if VDOT has come down and looked at the property for the sidewalks and lights. Mr. Hathaway responded that the County would approve the lights.

Ms. Moss asked if we are making an assumption that in two or three months from now that sidewalks are going to go in Villages. What if we decide that we don't want sidewalks? Mr. Hathaway responded that staff is making an assumption based on our Comprehensive Plan, on the Village plans etc.

Mr. Hill asked if we had a Village Activity Committee. Mr. Hathaway responded yes, the committee met for at least six months. The majority of those people were realtors and developers.

Ms. Godsey asked how long Revere Gas has been in business. Mr. Revere responded since 1999. Ms. Godsey stated that it looks like Mr. Revere wants to stay in this County

and is willing to work with us and I think it would be prudent to wait.

Mr. Pollard asked what is the period in which staff reviews conditional use permits. Mr. Hathaway responded that conditional use permits are not renewable, once they are approved they are in perpetuity until a property owner applies to amend it.

Mr. Hill asked if staff periodically inspects properties to see if they are in the guidelines of the CUP. Mr. Hathaway responded yes.

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

A motion was made by Mr. Pollard and second by Mr. Gammon to approve Resolution PC-29-05 to forward application CUP-04-05 to the New Kent County Board of Supervisors with a favorable recommendation with the exception of condition number one which was amended to read: *no later than five (5) years from the date of approval of the conditional use permit and upon approval of the zoning ordinance amendment, the applicant will be required to construct a sidewalk along the VDOT right of way should the zoning ordinance require sidewalks to be constructed.*

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.

IN RE: NEW BUSINESS

Thomas Evelyn's term as the Planning Commission representative to the RRPDC expires on 12/31/05. The Board of Supervisors will want a recommendation from the Planning Commission.

Mr. Hubbard made a comment that the Planning Commission has always asked for a volunteer from the commission in January during elections of officers for a representative for the RRPDC.

A motion was made by Mr. Gammon and second by Mr. Pollard to defer the appointment of a representative for the RRPDC to the January 2006 meeting of the Planning Commission.

The members were polled:

Jack Chalmers	Absent
Thomas Evelyn	Abstain
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, 9:0:1.

IN RE: CHAIRMAN'S REPORT

Ms. Godsey reported that she attended a conference on Green Infrastructure at the Rappahanock Community College with Ms. Snyder and found that it was very informative.

IN RE: RRPDC REPORT

None.

IN RE: COMMISSIONER'S REPORT

None.

IN RE: STAFF REPORT

PROJECT UPDATES:

Mr. Hathaway reported that for New Kent County received the Excellence in Rural Planning Award from the Virginia Rural Planning Caucus for the 2005 Subdivision Ordinance.

Mr. Hathaway stated that the December 19th meeting of the Planning Commission will be a joint meeting with the Board of Supervisors to discuss conservation planning; we have invited several speakers including Caren Schumacher from the Williamsburg Land

Conservancy group, Bob Lee from the Virginia Outdoors Foundation, we have also arranged to show the presentation the "Tale of Two Counties". Lisa Guthrie from the Virginia League of Conservation Voters has agreed to be the facilitator. Mr. Hathaway stated that the Farms of New Kent will give a presentation on the area plans for the Farms of New Kent Planned Unit Development and we will have a joint public hearing for a text amendment of Section 98-745 for Communications Towers.

Mr. Hubbard asked when the Zoning Ordinance rewrite would be distributed. Mr. Hathaway stated that the Zoning Ordinance rewrite committee is scheduled to have a meeting on either December 7th or December 14th to discuss finalizing the Draft Ordinance.

Mr. Hill asked if the Board Room will be large enough to accommodate the citizens for the December 19th meeting. Mr. Hathaway responded that we believe it will be.

IN RE: NEXT MEETING

The regular meeting of the Planning Commission will be on Monday, 19 December 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