

JOINT MEETING OF THE NEW KENT COUNTY
BOARD OF SUPERVISORS AND PLANNING COMMISSION

MINUTES

A SPECIAL JOINT MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS AND PLANNING COMMISSION WAS HELD ON THE 17th DAY OF JANUARY IN THE YEAR TWO THOUSAND SIX OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: ROLL CALL

Planning Commission:

Jack Chalmers	Present	--Arrived 6:25 p.m.
Thomas Evelyn	Present	
Howard Gammon	Present	
Sylvia Godsey	Present	
Charna Moss	Present	
Edward Pollard	Present	
David Smith	Present	
Sam Snyder	Present	
Tommy Tiller	Present	
Patricia Townsend	Present	--Arrived 6:10 p.m.
Stran Trout	Present	

Chairman Gammon called the Planning Commission meeting to order.

A motion was made by Ms. Godsey and second by Ms. Snyder, in order for the Board of Supervisors to hear the presentation on CUP-02-05/ZM-02-05: SPF Investments, LLC Proposed Schiminoe Meadows Waste Management Facility I motion to move Item 12: Presentation on CUP-02-05/ZM-04-05: SPF Investments, LLC Proposed to after Item 10: Planning Commission Public Hearings.

The members were polled:

Jack Chalmers	Absent
Thomas Evelyn	Aye
Howard Gammon	Aye
Sylvia Godsey	Aye
Charna Moss	Aye
Edward Pollard	Aye
David Smith	Aye
Sam Snyder	Aye
Tommy Tiller	Aye
Patricia Townsend	Absent
Stran Trout	Abstain

The motion carried, 8:0:1.

IN RE: APPROVAL OF MINUTES

A motion was made by Ms. Snyder and second by Ms. Godsey, to approve the minutes of the 21 November 2005 – Regular Meeting as presented.

The members were polled:

Jack Chalmers	Absent
Thomas Evelyn	Aye
Howard Gammon	Aye
Sylvia Godsey	Aye
Charna Moss	Aye
Edward Pollard	Aye
David Smith	Abstain
Sam Snyder	Aye
Tommy Tiller	Aye
Patricia Townsend	Aye
Stran Trout	Abstain

The motion carried, 8:0:2

A motion was made by Ms. Snyder and second by Ms. Townsend, to approve the minutes of the 19 December 2005 – Regular Meeting as presented.

The members were polled:

Jack Chalmers	Absent
Thomas Evelyn	Aye
Howard Gammon	Aye
Sylvia Godsey	Aye
Charna Moss	Aye
Edward Pollard	Aye
David Smith	Abstain
Sam Snyder	Aye
Tommy Tiller	Aye
Patricia Townsend	Aye
Stran Trout	Abstain

The motion carried, 8:0:2

IN RE: ANNUAL ELECTIONS AND REORGANIZATION

- Mr. Howard Gammon was elected as 2006 Chair of the New Kent County Planning Commission
- Mr. Jack Chalmers was elected as 2006 Vice-Chair of the New Kent County Planning Commission
- Ms. Patty Townsend was elected as 2006 Public Hearing Chair of the New Kent County Planning Commission

- Ms. Sylvia Godsey was elected as 2006 Public Hearing Vice-Chair of the New Kent County Planning Commission
- Mr. Thomas Evelyn was appointed as the 2006 Representative for the Richmond Regional Planning District Commission

IN RE: REVIEW AND RE-ADOPT BY-LAWS

A motion was made by Mr. Hubbard and second by Mr. Gammon, to re-adopt the by-laws as presented to the New Kent County Planning Commission.

The members were polled:

Jack Chalmers	Absent
Thomas Evelyn	Aye
Howard Gammon	Aye
Sylvia Godsey	Aye
Charna Moss	Aye
Edward Pollard	Aye
David Smith	Aye
Sam Snyder	Aye
Tommy Tiller	Aye
Patricia Townsend	Aye
Stran Trout	Abstain

The motion carried, 9:0:1

IN RE: CITIZEN COMMENT PERIOD

Comments limited to those on planning-related issues that are not scheduled for public hearing later on the agenda-sign up on the sheet at back of the room prior to the meeting is required.

IN RE: UNFINISHED BUSINESS

None.

IN RE: PLANNING COMMISSION AND BOARD OF SUPERVISORS CONVENE FOR A JOINT MEETING JOINT PUBLIC HEARINGS

THE NEW KENT COUNTY BOARD OF SUPERVISORS JOINED THE PLANNING COMMISSION WHICH WAS ALREADY IN SESSION, FOR JOINT PUBLIC HEARINGS ON THE 17th DAY OF JANUARY IN THE YEAR TWO THOUSAND SIX OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 7:00 P.M.

IN RE: BOARD OF SUPERVISORS ROLL CALL

Mark E. Hill	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

Chairman Sparks called the Board of Supervisors' meeting to order and yielded chairmanship of the meeting to Howard Gammon, Chairman of the Planning Commission, who briefly explained the rules that would apply during the public hearing.

IN RE: PROPOSED REVISION OF THE SUBDIVISION ORDINANCE

Chairman Sparks addressed the audience. He indicated that the proposed zoning ordinance was developed in response to the public's comments during the Comprehensive Planning process. Citizens felt that the current zoning ordinance was subjective and left much to the discretion of staff. The citizens also felt that growth should be orderly and planned and that the rural character of the County preserved. The Board of Supervisors supported the effort to have the zoning ordinance re-written to reflect these goals. The public hearing process is intended to solicit comments from the citizens. The members of the Board of Supervisors are very interested in hearing from the public and that is why the six joint public hearings were scheduled. At the conclusion of this round of hearings, the Planning Commission will review the comments and make changes. Once the Board receives the recommendation from the Planning Commission, it may decide to direct staff to make further revisions. He emphasized that the Board is very open to hearing the comments of the residents of the County.

Mr. Burrell commented that the vast majority of landowners in New Kent will not be affected, and that the changes are in response to the citizens' requests to keep the County rural. He indicated that if some action is not taken to manage growth, development will continue to take place "helter-skelter." He stressed that the Board was soliciting and would welcome comments.

Chairman Gammon indicated that the Planning Commission also wants comments and input from the citizens.

Mr. Evelyn announced that he, Mr. Hill and Mrs. Townsend were hosting a Town Hall meeting at St. Peter's Church on the upcoming Saturday at 10:00 a.m. and invited the public to attend.

Chairman Gammon turned the meeting over to Public Hearing Chairman Patricia Townsend, who explained the procedures for the public hearing. She indicated that the Board and Commission members will not be providing answers during the public hearing but would take note and later provide comments.

Community Development Director George Homewood reiterated that this was just the beginning of the public phase of the process and that decisions would not be made any time soon. He indicated that the process had been taking place for about a year and a half in the drafting of the basic framework, and that all comments and questions are welcome in writing, by e-mail, by telephone or in any manner. He recounted how the Planning Commission's subcommittee was formed and that there would be plenty more work sessions of the Planning Commission and most likely many changes to the proposals. He stated that this was the single most important piece of the implementation of the Comprehensive Plan, and there are no reasons to either rush or delay the process. He indicated that a summary of Article One was available, and that summaries of the remaining articles should soon be available both on the website and in paper form.

Mr. Homewood undertook to review Article I, which contains definitions of approximately 600 terms and he described it as primarily "boilerplate". Most of the terms are used in the chapters or would be used in other ordinances, and establishes a common vocabulary or jargon that is defined. It also contains the processes for zoning text amendments, zoning maps amendments and conditional use permits. It also establishes civil penalties (instead of criminal as in the current ordinance), and provides for zoning certificates and certificates of zoning compliance, as well as conservation easements.

He stated that he believes that definitions should define, but should not regulate. However, some terms are required by State Code.

He indicated that the zoning and rezoning process is largely determined by the Code of Virginia, and that He text and pictures are included in the proposed draft. He stated that the CUP process is as it is today, and that permits once issued run with the land but expire within 2 years if not implemented or not used at all for a continuous period of two years..

Regarding zoning certificates, he stated that the site issues will be able to be separated from the building issues, so that there will be no hold up on issuance of certificates of occupancy because of weather dependent site work.

Regarding enforcement's, there will be civil penalties provided for seven violations, and will be treated more like a parking ticket than a criminal case.

Mr. Homewood stated that the proposed draft will provide for conservation easements, and that the State Code requires that all conservation easements must be determined to be in conformance with the adopted Comp Plan before establishment.

The proposed draft does not call for any fee changes, as those are determined annually by the Board of Supervisors. It does provide for the use of development agreements and commented that New Kent County is the sole locality in the State that is authorized by the State Code to use development agreements.

In summary, Mr. Homewood admitted that the document as drafted was not perfect and he asked for the public's help to make improvements, and find the errors and unintended consequences. He emphasized that economics and market forces will drive the growth rates – the ordinance can direct the growth and impact what it looks like. He displayed information that reflected that the proposed changes will impact 7% of the parcels in the county (1,051 out of 15,306) or 9% of the acreage (12,018 out of 132,959).

Public Hearing Chair Townsend opened the Public Hearing.

Charles Harwood, a resident of Goochland who owns property on Route 106, spoke about the 100-foot buffers that will be required in the overlay districts. He stated that it was wrong for the County to be control how property owners manage their timber, or to have to get the approval of their neighbors. He stated that the Forestry Department should be the governing authority.

Frank Konier of Old Church Road asked about the certificate of zoning compliance, and would it be retroactive.

Ms. Townsend reminded speakers that their comments tonight should focus on Article I. Mr. Hill disagreed, stating that speakers should be able to address any of the six articles. Mr. Burrell agreed that comments should be about Article I, as the staff presentation on the other articles may address many of the questions. Mr. Gammon agreed with Mr. Hill and stated that it was not fair that Mr. Homewood has not addressed the other articles. Mr. Sparks recommended that all questions and comments be accepted, and that responses be made available on the website and in paper form.

W. O. Isgett of Pocahontas Trail, a resident of District One who runs a business in District Two that is the second oldest continuing operating business in the County, commented on the aggressive time schedule of the process, comparing it with a speeding train that passes through Providence Forge today. He stated that the public had not been given sufficient time to absorb the document, and he urged the Board and Commission to slow down.

David Ruslander of Pocahontas Trail commented on the timetable, stating that the citizens needed time to try to understand the document. He stated that when the Comp Plan was being considered, there was no mention of changing the zoning or that the Direction would be the final arbiter. He talked about the lack of checks and balances in the process, as well his concerns that horses would not be considered livestock or domestic animals, and therefore existing wells may not be in compliance.

David Burks of Bailey Landing spoke about the speed of the process and the document's "lack of clarity". He stated that he is unsure what impact the change would have on his property or where to go to get the answer, and that he was not the only landowner having a problem understanding the document. He also asked if existing uses would be "grandfathered".

Beverly Heath, Sr. of Polish Town Road, owner of an industrial park in Barhamsville as well as "land all over New Kent", commented that there were a lot of questions that needed to be answered. He mentioned concerns that owners of land along Polish Town Road don't have the means to pay the additional taxes that would be assessed if their property were rezoned.

David Adams, owner of Adams Sports Mart in Providence Forge, spoke about his concerns regarding the village zoning and how it would affect his business, in that auto fueling and selling of farm equipment would not be a permitted use in what is a commercial crossroads in the County. He stated that he considered the changes to be "throwing up roadblocks" to existing businesses rather than trying to help them. He indicated that Mr. Homewood had expressed to him that he would "have concerns" about selling fuel in the village.

Sharon Taylor Jordan, a local business owner stated that she had tried to read the document and talked about the responsibility that the County has to its citizens.

Chester Alvis of Quinton Road, a realtor and business developer, stated that the document was "contrary to what any businessman would want to see come to the county". He spoke about the difficulties he has had in trying to attract businesses to New Kent and how these changes will increase those difficulties as many uses will require conditional use permits. He spoke about how hamlets are designed for vehicle traffic but businesses located there would have to have use permits to sell gas or have a car wash. He indicated that many parcels will be "down zoned" which will result in increased taxes. He commented that these changes are not about bringing more businesses to New Kent and that, if they are adopted, the County would remain a "bedroom

community". He called the changes "onerous" and accused the County of trying to "shove it down the throats" of the citizens. He stated that it will have a dramatic impact on the taxpayers, was disgusting, and was being done for personal gain.

Fred Kuester of New Kent Highway, a horse owner and landowner on New Kent Highway, stated that he had not been aware that there was a "horse problem" in New Kent and questioned if the "person who came up with this" was an elected official.

George Philbates, Sr. of New Kent Highway, owner of the oldest continuing operating business in New Kent, stated that all of the property he owns seemed to be impacted by the proposed changes. He talked about his difficulty in trying to understand the document, and that Mr. Homewood had attempted to explain it to him, but didn't seem to understand it himself. He spoke about the time and money he spent in having his business property rezoned to M-2 and stated that the proposal would undo that process. If passed, then his business would not be permitted to have a used car lot, even though the State requires it of a wrecking yard. He urged that if the changes are adopted, that the County issue conditional use permits that run with the property. He stated that Mr. Homewood had advised that he would be able to continue to run his business, but he'd like that in writing.

Becky Philbates of New Kent Highway stated that the zoning needs to be left the way it is.

Isabel Davis White of Farmers Drive stated that the County was taking away the rights of the property owners and blamed the increased development on the County's adoption of PUD's and five-acre subdivisions. She stated that the proposed changes are not fair to the farmers.

Floyd Philbates of Cooks Mill Road stated that all five parcels that he owns would be affected by the proposed changes. He spoke against the changes because of the limits that will be placed on landowners and the red tape that will result.

Randy Caldwell of Docs Creek Road and owner of Rockahock Campground stated that he has not been able to get information that will explain the economic impact that the proposed changes will have on his property or on the County and/or its budget over the next three years. He has concerns about existing businesses and uses will become nonconforming if the changes are made, and stated that it seemed practical that where uses are currently permitted, either by conditional use permit or special use permit, but would become non-conforming, those should be grandfathered and made legal.

William Hodges, owner of South Garden Estates, talked about the lawsuits that will result if the County moves forward with adopting the proposed changes. He suggested that the process be slowed down and that the public be involved in the decision, rather than those with "political interests". He spoke about the problems that Goochland was having with a similar process, and suggested that the County get advice from other localities.

Bill O'Keefe of Brickshire Drive indicated that he and other members from the Brickshire Homeowners Association had reviewed Article I; and he stated that this was too large of a document to review and digest in the time allotted. He spoke about benchmarking, smart growth, the importance of having a good foundation to achieve the goals of the Comp Plan, and the proposal having too much detail that will increase bureaucracy. He urged the Boards to consider starting with the minimum amendment, and allow changes to take place with experience. He

spoke about the authority that would be given to the Zoning Administrator, and the need for checks and balances. He commented on how Thomas Jefferson would view the proposed document.

Charles E. Jones, Jr. of North Waterside Drive, commented on trust, the process, and the concerns shared by many about the changes. He asked that the process be slowed down and the County should take more time. He said the document is hard to understand and made a comparison to the Titanic. He urged that the process start over and allow input from citizens from the beginning.

Wayne Hayden, president of the Chamber of Commerce, stated that the process was too important to rush through, and the County needs to take its time to make sure it is done properly the first time. Many landowners are just becoming aware of the process. The Chamber is concerned that there is too much information, too much emphasis on villages, and that citizens need more time to understand that is being proposed.

Mark Daniel of Dispatch Road talked about a problem with credibility with the assertion that only 7% of the parcels will be affected, when 20% of the property in New Kent is included in the Diascund Reservoir overlay. He talked about his concerns with dispensing with the Business and Manufacturing. He stated that he had spent time and money in rezoning his property, and if the changes are adopted, some uses will only be permitted with a conditional-zoning permit. He stated that businessmen are scared and many are contemplating hiring attorneys to protect their interests. He stated that the county needed to be careful, and that there are too many changes being made too quickly. He asked the Board and Commission members if they had read the document.

Julian Lipscomb of Old Church Road stated that he was around when the first zoning ordinance was written, and he finds the proposed changes most confusing, and hard to compare with the existing ordinance. He complained that a landowner would have to consult five different articles to determine what is permitted in a particular zoning classification. He criticized the format and stated that it was hard for the general layman to understand it. He suggested that it would be preferable if each classification had its own article. He stated that Article I is "okay" but he has many comments about some of the other articles. He urged that the process be slowed down.

George Simmons, a businessman, stated that he has a problem with rules. He indicated that he was looking at purchasing some property in Providence Forge that is now zoned A-1 but would change to "village" if the changes are adopted. He asked if this was a "cover up" attempt to raise taxes or bring in a landfill.

Lloyd Christian of Rte 608 commented about the 22 times during the recent presentation to the Chamber of Commerce that Mr. Homewood referred to "things he'd like to see". He spoke about the poor results of villages in Colonial Williamsburg and the lack of tourist sites in New Kent, and urged the County to be more realistic. He also spoke about the legal ramifications of the adoption of the proposed changes and the likelihood of class action lawsuits that might result.

George Pinelli of Ridge Road and owner of Taylor & Harrison in Providence Forge, stated that he agreed with many of the comments that had been made. He stated that he has seven full time employees, and his business would become noncompliant on two uses if the changes are adopted. He indicated that he understood the need for some changes, but that the proposal would have a dramatic impact. He asked if anyone involved in the process had considered the demographics of

the County. He asked the Boards to take their time, and that every landowner would be affected, either directly or indirectly. He stated that the process needed to be "evolutionary" rather than "revolutionary".

Jack Crane of Kingshire Drive stated that he was a member of the review group referred to by Bill O'Keefe that had come up with many questions and comments. He agreed with many of the comments made by others and emphasized the need to slow down the process. He asked that someone provide a summary and comparison of the changes.

There being no one else voicing a wish to speak, the Public hearing was closed.

Chairman Gammon declared a break.

IN RE: CUP APPLICATION FOR FARMS OF NEW KENT WATER SYSTEM

Under consideration by the Planning Commission and the Board of Supervisors was Application CUP-06-05 filed by New Kent Farms LLC to construct and operate a water system consisting of a storage tank, well, pumps and distribution system to serve the Farms of New Kent PUD and property in the nearby vicinity.

Planning Manager Rodney Hathaway reported that the proposed location for the water system is on the east side of Olivet Church Road/Route 618, approximately 3,000 feet south of New Kent Highway/Route 249, identified as tax map parcel 22-11. He indicated that the proposed elevated water tank would be about 170 feet in height with a storage capacity of 1 million gallons, and would be dedicated to the County for operation once it is constructed. The site is zoned A-1/Agriculture and is adjacent to the Farms of New Kent PUD, as well as A-1 zoned property on all other sides. He indicated that Section 98-213 (28) of the new Kent County Code allows water storage facilities with a conditional use permit. Furthermore, PUD Ordinance O-09-05 approved by the Board on May 23, 2005, requires that the Farms of New Kent PUD be served by public water and sewer systems.

Mr. Hathaway indicated that a visibility study was conducted on January 7, 2006, and resulting photographs show that the proposed water tank will be well screened. He stated that staff finds the requested CUP to be consistent with the current zoning classification and Future Land Use Plan, and the proposed water tank to be consistent with the approved PUD ordinance. He represented that staff was recommending approval with the conditions that were set forth in Planning Commission Resolution PC-02-06 and Board of Supervisors Resolution R-06-06.

Mr. Hathaway was asked to elaborate on the conditions. He indicated that the applicant would be required to comply with the Development Agreement entered into with the County on May 23, 2005, which sets out the provisions relating to public utilities. The applicant will be required to submit a site plan in accordance with the lot layout as depicted on the plan prepared by Resource international dated August 2, 2005.

Ms. Townsend asked about a bonding requirement to protect the County. Mr. Hathaway reminded that the water tank will be dedicated to the County for operation once its construction and there is no bonding requirement.

Ms. Snyder asked how many people on Olivet Church Road near the tower, and had they been notified of this proposal. Mr. Hathaway estimated five to six homes surround the site, and those adjacent property owners had been notified and none had provided comments.

Mr. Chalmers asked if any homes were in 750 feet of the tower. Mr. Hathaway reported that those restrictions did not apply to water towers.

Ms. Snyder asked why the applicant was not placing the water tower on its own property. Chuck Rothenberg, attorney for the applicant, reported that the site was selected with the guidance of the County's Public Utilities Director, and that the applicant did own the property even though it was not located within the PUD.

Ms. Snyder commented that there are other available sites for the tower that are not where people live. Mr. Rothenberg stated that this was the best location according to the Public Utilities Director.

Mr. Smith asked about the ability for fire trucks to obtain water at the site. Charlie Riedlinger of Resource International that fire truck tanks could be filled at any of the system's fire hydrants that are located 800 feet apart and there would be a fire hydrant near the tank itself.

Chairman Gammon turned the meeting over to Planning Commission Public Hearing Chair Patricia Townsend who opened the Public Hearing and again explained the procedures.

Beverly Heath, Sr. of Polish Town Road indicated that he owned adjacent land and expressed his concern that there would be enough water to service his property.

Mr. Rothenberg displayed a map and pointed out the site, which was represented to be about 1500 feet from the daycare center, about a mile from I-64 and about halfway between Route 249 and I-64.

Alan Christian of Olivet Church Road adjacent to and about 600 feet from the proposed site, stated that there were a lot of people in his neighborhood that were not aware that a water tank was proposed to be built there, and only found out when they saw the crane out there. He spoke about the residents' concerns about whether they'd be required to purchase flood insurance for their protection in the event of a break in the tank. He indicated that there is other land where the water tower could be located and would not block his view.

Mr. Rothenberg stated that the applicant had sent out notices to 26 – 27 property owners and advertised the visibility tests for two weeks, and that the County had sent out notices as well.

Mr. Heath commented that the Public Utilities Director is not available and is the person that needs to answer these questions. He again expressed his concern about the 20% capacity allotted for adjacent users would be sufficient.

William Hodges spoke about the visibility of the tank. He indicated that the application should not be approved until it was certain where the tank was going to be located. As with the zoning ordinance process, he indicated that it is important to look into every aspect before making a decision.

There being no one else voicing a wish to speak, the Public Hearing was closed.

There was discussion among the members of the Board of Supervisors and Planning regarding the proposed site, the lack of notification to the landowners that are within view but not adjacent to the proposed water tank, and the reason for an elevated tank as opposed to a ground tank.

Ms. Snyder asked about the visibility of the water tank from the PUD property. Mr. Rothenberg stated that the tank was visible from Land Bay V and from the winery. Pete Johns indicated that the County's Public Utilities Director required an elevated tank, and that the capacity is more than sufficient and that the tank was expandable.

There was discussion regarding pressure, hydraulics, friction loss and fire flow needs, as well as the possibility of moving the water tank more to the rear of the parcel. Mr. Rothenberg stated that the applicant would be amenable to moving it more to the rear.

Photos resulting from the visibility test were shared with the Board and Commission members, who inquired as to why a crane was used instead of a balloon test. Mr. Johns reported that high winds prevented them from conducting a balloon test, which would have been much less expensive than using the crane.

Ms. Snyder asked about the cutting of trees that would be involved. Mr. Johns reported that they would remove only those trees necessary.

There was discussion regarding setbacks. Mr. Homewood indicated that there are no setback requirements for utility uses.

Mr. Burrell suggested moving the tank to the west of the proposed site in order to make it less visible to the neighbors and that perhaps Mr. Harrison didn't take the input of the citizens into account when he designated where the site should be. Mr. Homewood indicated that Mr. Harrison had strong preferences for an elevated water tank in this particular area, based on hydrology and hydraulics.

Mr. Evelyn commented that he would like to hear from Mr. Harrison before making a decision. Mr. Rothenberg agreed, and that the applicant would be agreeable to moving the tank farther back on the site which would provide more screening.

A motion was made by Ms. Snyder and second by Mr. Tiller that the matter be postponed until additional information could be obtained, that would include a map showing exactly where the tank was going.

The members were polled:

Jack Chalmers	Nay
Thomas Evelyn	Aye
Howard Gammon	Aye
Sylvia Godsey	Aye
Charna Moss	Aye
Edward Pollard	Aye
David Smith	Aye
Sam Snyder	Aye

Tommy Tiller	Aye
Patricia Townsend	Aye
Stran Trout	Abstain

The motion carried, 9:1:1

Mr. Burrell suggested that the members of the Planning Commission drive by and look at the site, which would be better than looking at maps.

Mr. Trout clarified that no additional public hearing would be required unless there were significant changes to what had been advertised.

Mr. Hathaway asked if the Commission could consider this as an item on its agenda for next week's joint public hearing. It was noted by members of the Board of Supervisors that there was already a full agenda for the January 23 meeting.

Chairman Gammon declared the Planning Commission to be in recess.

IN RE: OTHER BUSINESS

Under consideration by the Board was Resolution R-05-06 recognizing the 100th birthday of local resident Pauline Pemberton.

Mr. Burrell read the proposed Resolution aloud and then moved for its adoption.

The members were polled:

Mark E. Hill	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye

The motion carried: 5:0:0.

It was noted that a copy of the Resolution would be presented to Ms. Pemberton at the Board's February meeting.

IN RE: DISTRICT APPOINTMENTS

Mr. Trout moved to nominate William Chandler as District Four's representative to the Board of Zoning Appeals to serve a term ending December 31, 2008.

Mr. Davis moved to appoint Farron Cowles as District Five's representative to the Historic Commission to serve a four-year term beginning January 1, 2006 and ending December 31, 2009.

Mr. Davis moved to appoint Patricia Wallace as District Five's representative to the Social Service Advisory Board to complete a term ending December 31, 2009.

The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye

The motion carried, 5:0:0.

Mr. Davis thanked Nell Crump for her many years of service to the Historic Commission, and Fay Patterson for her services on the Social Services Board.

IN RE: APPOINTMENTS TO BOARDS AND COMMISSIONS NOT DELEGATED BY DISTRICT

Mr. Burrell moved to appoint J. Lawrence Gallaher as new Kent's coordinator of Emergency management to serve a one-year term ending December 31, 2006, as required by Virginia Code Section 44-146.19.

Mr. Trout move to appoint Thomas Evelyn as New Kent's Planning Commission representative to the Richmond Regional Planning District Commission, to serve a one-year term beginning January 1, 2006 and ending December 31, 2006.

The members were polled on the motions:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
James H. Burrell	Aye
David M. Sparks	Aye

The motions carried, 5:0:0.

IN RE: ADJOURNMENT OF THE BOARD

There being no further business, Mr. Burrell moved to adjourn the meeting until January 23, 2006. The members were polled:

W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
David M. Sparks	Aye

The motion carried, 5:0:0.

The meeting was adjourned at 9:49 p.m.

IN REF: PLANNING COMMISSION PUBLIC HEARINGS

Chairman Gammon declared the Planning Commission back in session.

SP-32-05: Farms of New Kent Planned Unit Development Area Plan and SP-35-05: Farms of New Kent Design Manual. The New Kent Farms, LLC has applied for approval of the Farm of New Kent Planned Unit Development Area Plan and General Design Manual. The Farms of New Kent PUD is being developed under the terms and conditions of Ordinance O-09-05(R3) approved by the New Kent County Board of Supervisors on 23 May 2005.

Staff gave a presentation on the proposed Area Plan and Design Manual.

The Commission asked questions.

Ms. Snyder ask if the applicant is agreeable with the conditions. Mr. Hathaway responded yes they are, Mr. Pete Johns, applicant also responded yes.

Ms. Snyder stated that she would like more time to review the new information that was provided tonight.

Chairman Gammon turned the meeting over to Planning Commission Public Hearing Chair Patricia Townsend who opened the Public Hearing and again explained the procedures.

Al Alcott of Essex Hills Road stated that I really don't know what your talking about to comment on, but it doesn't seem to me that you know what your talking about either.

There being no one else voicing a wish to speak, the Public Hearing was closed.

Mr. Pollard stated if staff would like to have this in place so that they would know what is to take place. Mr. Hathaway responded that this is a very important document for staff not only does it lay out the design criteria it lays out the responsibilities for each of the homeowners. It is considered a tool on how this development will grow.

A motion was made by Mr. Pollard and second by Ms. Snyder to postpone taking action on this until our next meeting schedule for 23 January 2006.

The members were polled:

Jack Chalmers	Nay
Thomas Evelyn	Nay
Howard Gammon	Nay
Sylvia Godsey	Nay
Charna Moss	Nay
Edward Pollard	Aye
David Smith	Abstain
Sam Snyder	Aye
Tommy Tiller	Nay
Patricia Townsend	Aye
Stran Trout	Abstain

The motion failed, 3:6:2.

A motion was made by Mr. Chalmers and second by Ms. Godsey to approve resolution PC-01-06(R1) to adopt the Area Plan and General Design Manual for the Farms of New Kent PUD.

The members were polled:

Jack Chalmers	Aye
Thomas Evelyn	Aye
Howard Gammon	Aye
Sylvia Godsey	Aye
Charna Moss	Nay
Edward Pollard	Nay
David Smith	Abstain
Sam Snyder	Nay
Tommy Tiller	Aye
Patricia Townsend	Nay
Stran Trout	Abstain

The motion carried, 5:4:2.

IN REF: NEW BUSINESS

[S-39-05: Patriots Landing – Phase II Preliminary Approval was heard after Item 11-C New Business]

S-39-05: Patriots Landing – Phase II Preliminary approval: East West Partners of Virginia has applied for preliminary subdivision approval for the Phase II of the Patriots Landing Planned Unit Development (PUD). The applicant proposes to create 37 lots with a minimum lot size of 11,000 square feet. Single family detached dwellings are proposed for each new subdivided lot. This property is located in the Bottoms Bridge area of the County and is bounded to the North by Interstate 64, to the East by the Five Lakes Subdivision, to the West by State Route 249/33, and to the South by State Route 60. This property is identified as tax map parcel 19-45.

Staff gave a presentation on the preliminary approval application.

The Commission asked questions.

Mr. Pollard I noticed that in Condition number three (3) that it talks about proffers, it states that "the applicant shall reference the approved proffers and PUD ordinance on the face of the final subdivision plat." Staff responded that the proffers do apply to this property. The proffers would be due at the approval of the building permits.

Mr. Chalmers asked if the applicant has agreed to the conditions. Staff responded that they have has been given a copy of the conditions and is available tonight to answer any questions. Mr. Ivan Wu, representative for the applicant stated that the applicant does accept the conditions as presented.

Mr. Pollard asked if there is anything else we need to know. Staff responded that we have no concerns with this plan.

Mr. Smith asked who would be responsible for maintaining the Dam. Staff responded that the applicant has submitted plans for repair of the Dams and are currently being reviewed, after which the Homeowners Association would be responsible for maintaining the Dams.

Ms. Snyder asked which Homeowners Association would be responsible. Staff responded that the Homeowners Association created for Patriots Landing.

Ms. Snyder stated that I hope that this will be made clear to the future homeowners in Patriots Landing. Staff responded that it should be made very clear and should be attached to their deed, it would be up to the developers to make that clear.

Ms. Godsey asked if the developer is required to construct a water tank and sewer pump. Staff responded yes they will and it will be dedicated to the County.

Ms. Snyder asked will this be only used for this PUD or will Five Lakes have access. Staff responded that Five Lakes has a water system, but other surrounding properties may have the option to tap into the system.

Staff stated that for the Bottoms Bridge service area the County has taken on the construction.

Mr. Tiller asked if the emergency access drive will be going across an existing Dam. Staff responded yes.

A motion was made by Ms. Snyder and second by Ms. Godsey to approve Resolution No. PC-03-06 which grants preliminary subdivision approval to application S-39-05.

The members were polled:

Jack Chalmers	Aye
Thomas Evelyn	Aye
Howard Gammon	Aye
Sylvia Godsey	Aye
Charna Moss	Aye
Edward Pollard	Aye
David Smith	Aye
Sam Snyder	Aye
Tommy Tiller	Aye
Patricia Townsend	Aye
Stran Trout	Abstain

The motion carried, 10:0:1

S-16-05: Deerlake – Section B Preliminary approval. Engineering Design Associates has applied for preliminary subdivision approval for Section B of the Deerlake Subdivision. The applicant proposes to create 44 lots with a minimum lot size of 24,368 square feet. Single family dwellings are proposed for each new subdivided lot. This property is located in the Quinton area of the County and is bounded to the North, South, and West by State Route 612 Tunstall Road. This property is identified as tax map parcel 10-51.

Staff gave a presentation on the preliminary approval application. Stating that the applicant is in agreement with the conditions.

The Commission asked questions.

Mr. Gammon asked if Public Works has reviewed this application and do they feel that it meets the necessary requirements. Mr. Hathaway responded yes Public Works has reviewed the application and feels that it does meet the requirements needed.

Mr. Evelyn asked if the remainder of Greenwood, is there still enough water capacity to handle that development. Mr. Hathaway responded we have not visited the capacity aspect for Greenwood section two, because we have not received plans for that section as of yet.

A motion was made by Ms. Snyder and second by Ms. Godsey to adopt resolution PC-04-06 which grants preliminary subdivision approval to application S-16-05.

The members were polled:

Jack Chalmers	Aye
Thomas Evelyn	Aye
Howard Gammon	Aye
Sylvia Godsey	Aye
Charna Moss	Aye
Edward Pollard	Aye
David Smith	Aye
Sam Snyder	Aye
Tommy Tiller	Aye
Patricia Townsend	Aye
Stran Trout	Aye

The motion carried, 11:0:0

[S-33-05: Kentland PUD A17, A18, & A19 Preliminary Approval was heard after Item 7: Unfinished Business]

S-33-05: Kentland – Section 16, 17 & 18 Preliminary approval: Kentland Investments LLC has applied for preliminary subdivision approval for sections A17, A18, & A19 of the Kentland PUD. The applicant proposed to create 194 lots with a minimum lot area of 5,000 square feet. Detached single-family dwellings and townhouses will be constructed on the lots. This property is located on the south side of Kentland Trail and east of Courthouse Road (State Route 155). The property is identified as tax map parcel 33B6-2

Staff gave a presentation on the preliminary approval application.

[Mr. Chalmers arrived approximately at this time]

The Commission asked questions.

Ms. Godsey asked if the applicant is agreeable with these conditions. Staff responded that the applicant has been given a copy of the conditions and is available tonight to answer any

questions. Mr. Steve Campitell, Project Manager stated that the applicant is agreeable with the conditions and feels that they are more than fair and are in line with the PUD requirements.

Mr. Campitell gave a brief presentation on the application.

Ms. Katz asked if there has been work on the sewer availability agreement. Mr. Campitell responded that he has not been a party to this particular subject. Ms. Katz stated that according to the Ordinance you should be paying fees upon approval of the subdivision, this may be the first development approval and it may be premature to approve this application before the Department of Public Utilities has signed off on it.

Staff stated that this is a preliminary approval of the subdivision, the next step will be the actual submission of the development and construction plans, which will show all of the sewer details.

Mr. Smith can you tell me when the latest wetlands delineation done. Mr. Campitell responded that it was done about two (2) years ago and it is good for five (5) years.

Ms. Snyder stated, just to be clear, we don't need to worry about the fees at this point. Ms. Katz referred to the Code and stated that it is not in the code or at least not easily found at this time, what I would recommend is that you grant preliminary approval.

Mr. Campitell we do have the benefit of having received comments from the public works department.

Staff stated that I have nothing to add.

Ms. Snyder asked Ms. Katz could we approve this at this time? Ms. Katz responded that I would recommend approval.

A motion was made by Mr. Pollard and second by Mr. Chalmers to approve Resolution No. PC-05-06 which grants preliminary subdivision approval to Section A17, A18, and A19 of the Kentland PUD subject to conditions: pending staff further negotiations of the sewer agreement.

The members were polled:

Jack Chalmers	Aye
Thomas Evelyn	Aye
Howard Gammon	Aye
Sylvia Godsey	Aye
Charna Moss	Aye
Edward Pollard	Aye
David Smith	Aye
Sam Snyder	Aye
Tommy Tiller	Aye
Patricia Townsend	Aye
Stran Trout	Abstain

The motion carried, 10:0:1

Resolution PC-06-06: Commend and Thank John "Jay" Hubbard approval

A motion was made by Mr. Pollard and second by Mr. Chalmers to adopt resolution PC-06-06 to Commend and Thank John "Jay" Hubbard.

The members were polled:

Jack Chalmers	Aye
Thomas Evelyn	Aye
Howard Gammon	Aye
Sylvia Godsey	Aye
Charna Moss	Aye
Edward Pollard	Aye
David Smith	Aye
Sam Snyder	Aye
Tommy Tiller	Aye
Patricia Townsend	Aye
Stran Trout	Aye

The motion carried, 11:0:0.

IN REF: PRESENTATION

CUP-02-05/ZM-04-05: SPF Investments, LLC Proposed Schiminoe Meadows Waste Management Facility. Mr. Jay Smith a representative of SPF Investments, LLC gave a presentation on the proposed Schiminoe Meadows Waste Management Facility. Mr. Smith stated that they have been working with County staff to come to an agreement. Mr. Smith recapped on what the landfill would be excepting and not excepting. He stated that they have made adjustments stating that the landfill site has been moved so that it is not within a mile of any wells. Mr. Smith also commented that there will be office space onsite.

IN REF: CHAIRMAN'S REPORT

None.

IN REF: RRPDC REPORT

None.

IN REF: COMMISSIONER'S REPORT

Mr. Trout stated that it's nice to be back on the Planning Commission and this is the longest agenda I have ever seen and I was making bets that we would be wishing Mr. Philbates a happy birthday before we got out of here.

IN REF: STAFF REPORTS

Mr. Hathaway stated that we have a Conditional Use Permit application that may be ready for the February meeting.

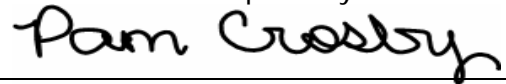
IN REF: MEETING SCHEDULE

The Planning Commission is scheduled to meet: Monday, January 23, 2006 - Article II, Uses and Districts, Monday, January 30, 2006 - Zoning Map, Monday, February 13, 2006 - Article III, Performance Standards, Tuesday, February 21, 2006 - Regular Meeting and Article IV, Site Development Standards, Monday, February 27, 2006 - Article V, Nonconforming Situations and Appeals

IN RE: ADJOURNMENT

A motion to adjourn was made and seconded by all.

Respectfully submitted:



Pam Crosby
Recording Secretary