

NEW KENT COUNTY
PLANNING COMMISSION

MINUTES

THE REGULAR MEETING OF THE NEW KENT COUNTY PLANNING COMMISSION WAS HELD ON THE 15th DAY OF MAY THE YEAR TWO THOUSAND SIX OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:30 P.M.

IN RE: CALL TO ORDER

Chairman Howard Gammon 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

Planning Commission:

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

Chairman Gammon called the Planning Commission meeting to order.

IN RE: APPROVAL OF MINUTES

Mr. Smith stated that the minutes did not reflect that he had "*asked if Rockahock Campground would be willing to certify annually that no one is staying beyond the timeframe allowed for campgrounds. The applicant agreed he would be willing to do this and mentioned that the Commonwealth of Virginia looks at this data. Ms. Snyder questioned the need for this certification since the applicant will be sending records to the County. Mr. Smith then asked to have his request for the certification removed since the State is looking at these records.*"

A motion was made by Mr. Chalmers and second by Mr. Smith, to approve the minutes of the 17 April 2006 – Regular Meeting with corrections.

The members were polled:

Jack Chalmers	Aye
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Thomas Evelyn	Absent
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, 10:0:0.

IN RE: CITIZEN COMMENT PERIOD

Chairman Gammon 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. No citizens had signed up and none asked to address the Commission.

IN RE: UNFINISHED BUSINESS

A. S-34-04: THE OAKS SUBDIVISION PRELIMINARY APPROVAL

The Oaks Development L.L.C. has applied for preliminary subdivision approval for phase one of The Oaks subdivision. The applicant proposes to create 140 lots that range from approximately 20,800 square feet to 103,071 square feet. Detached single-family dwellings will be constructed on each lot.

Mr. Tiller disclosed to the Commissioners that he had a conflict of interest due to the fact that his company would be doing business with the applicant if this application was approved, therefore he excused himself from any discussion and voting on this application.

Staff gave a presentation and recommended preliminary subdivision approval for application S-34-04: The Oaks Subdivision Preliminary Approval and the Commission asked questions.

Mr. Trout asked if the applicant is willing to bring the road up to state standards prior to the development of the 50 homes. Staff responded that we have agreed that the applicant will enter into a development agreement with the County, which will be approved by all parties.

Ms. Townsend asked if there would be changes to the intersection that is located at the school. Staff responded that VDOT has a representative here tonight and that is currently sufficient to handle the proposed development. Ms. Townsend asked if this includes the impact from the schools. Staff responded yes.

Chairman Gammon asked if we are talking about the first 50 lots. Staff responded no, we are talking about the entire development.

Chairman Gammon commented that staff made a statement that at the time of the first 50 lots, improvements would be made. Staff responded that an approval would be made where the state road ends to the beginning of the development.

Ms. Godsey asked if that takes into consideration the second entrance. Staff responded yes that condition has not changed they will be required to provide a second entrance to the property prior to the 51st lot being built.

Ms. Snyder asked with all of the school busses and traffic you're sure that Egypt Road can handle the impact. Bobby Campbell, Virginia Department of Transportation responded that with the traffic counts we have today on Egypt Road and Route 249, Egypt Road is already designed for the proposed first 50 lots of the subdivision.

Ms. Townsend asked if Mr. Campbell had included the figures from the new High School. Mr. Campbell responded that he did not have any numbers for that project.

Mr. Trout asked how did you do your count, was it at peak times. Mr. Campbell responded that this was an average daily report. Mr. Trout responded that these areas really need to be considered at peak times, because during the day between 8:00 am and 3:00 pm there is no traffic. Mr. Campbell stated that we were asked to evaluate the impact of The Oaks Subdivision, and when the application for the school comes in the school will be responsible for making some improvements to the roads as well.

Mr. Campbell stated that he would be glad to reevaluate the numbers if he is provided the traffic counts for the new school.

Ms. Townsend stated that it would probably be the same amounts because we are just building a new high school and the middle school students would not be driving.

Mr. Chalmers asked what percentage the traffic impact is currently. Mr. Campbell responded that he does not have that information and stated that when he did his figures he increased the numbers dramatically.

Ms. Townsend asked if this would give us ten years. Mr. Campbell stated that he doesn't want to put a number on it, because he is not sure what development might be coming.

Staff added that if there is future development they would be required to go through the rezoning process and at that time the County could receive proffers for road improvements.

Ms. Godsey asked if there had been any discussion of installing a signal light. Staff responded not at this time because the traffic count does not warrant a signal. Mr. Campbell responded that he had been informed that there is talk of changing the individual school times, which would help with the traffic flow and a signal light would not be required.

Ms. Snyder asked if there could be a traffic study done to include all of the development on Route 249. Staff responded that we can work with VDOT on creating a long range plan for Route 249.

Ms. Snyder asked if there was any other road that The Oaks could use. Staff responded not at this time.

Cameron Palmore, Balzer & Associates a representative for the applicant stated that he would like to take this opportunity to thank staff, the County Attorney and the County Administrator for their assistance during this process.

Ms. Townsend asked if the applicant has agreed to hook up to water and sewer. Staff responded yes.

Ms. Snyder asked if this application is in line with the Subdivision Ordinance. Staff responded yes.

Ms. Godsey asked if staff could clarify what RPA Signs are. Staff responded that they are Resource Protection Area signs that are placed on the property every 300' that show a property owner that there is a 100' buffer from a wetlands area is.

Ms. Townsend asked if the property owner actually owns that piece of property. Staff responded yes.

Mr. Smith asked if the street lights would be the type that shines down to preserve the dark sky. Staff responded that our subdivision ordinance specifically states that luminaries be installed on streetlights to prevent upward light scatter and preserve the dark sky.

A motion was made by Ms. Snyder and second by Ms. Godsey to approve Resolution No. PC-09-06(R1) which grants preliminary subdivision approval to application S-34-04: The Oaks Development LLC.

The members were polled:

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

The motion carried, 9:0:1.

IN REF: PUBLIC HEARINGS

None.

IN REF: NEW BUSINESS

None.

IN REF: CHAIRMAN'S REPORT

Chairman Gammon requested that the Commission discuss the topic of landfills and other possible uses that might warrant being prohibited, and asked the Commission to ask staff to create a resolution with their recommendation to direct the Zoning Ordinance Revision Committee to expedite their study of landfills and certain other uses such as nuclear waste processing that might be prohibited uses in New Kent County.

Mr. Summers stated that Virginia law does not authorize a county to install a moratorium. Virginia is a Dillon Rule state we have no authority to do that, however, the Commission can ask staff to prepare a resolution to forward a recommendation to the Zoning Ordinance Revision Committee asking them to study landfills and their uses, further the Planning Commission can take all deliberate speed when hearing an application and to be assured that an applicant addresses every concern or request.

Chairman Gammon restated that the Commission can request that staff draw up a resolution that we recommend that the revision committee look into this.

Ms. Snyder stated that the only problem she has is that this is still America and if you are a company and you want to build something, you have every right to come before an elected body or commission and say you want to do it.

Mr. Smith stated that if the future requirements of the County are so that they need to dispose of their own trash, then the County will be required to go as far as creating a landfill themselves.

Chairman Gammon stated that zoning can be changed.

Mr. Pollard stated that he thought that there are a couple more applications coming forward, and asked how this would affect those applications.

Chairman Gammon stated that the resolution would be drawn up for the revision committee to look into landfills while rewriting the zoning ordinance.

Mr. Summers stated that if I understand the chairs proposition we would be simply drafting a resolution asking the Zoning Ordinance Revision Committee to study certain uses any applicant would be free to make an application and that application would be processed as any other application is processed. This is not to say that someone cannot apply, this is simply to say that the Zoning Ordinance Revision Committee will be looking into certain uses.

A motion was made by Ms. Snyder and second by Ms. Townsend to direct staff to draw up a resolution for the Commission's consideration, requesting that the Zoning Ordinance Revision Committee study certain uses of landfills and any other prohibited uses if any.

The members were polled:

Jack Chalmers	Aye
Thomas Evelyn	Absent
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, 10:0:1.

IN REF: RRPDC REPORT

None.

IN REF: COMMISSIONER'S REPORT

None.

IN REF: STAFF REPORTS

Mr. Hathaway reported that for the June 19th meeting we will have the following Public Hearings before the Commission:

- PUD-02-06, William Cunningham Development, LLC: a request to rezone approximately 14 acres from R-1, Single Family Residential to PUD, Planned Unit Development
- PUD-03-06, New Kent Farms, LLC: a request to amend Planned Unit Development Ordinance O-09-05 by amending Section 6 (Project Phasing), Paragraph B, which provides year-round caps on construction of non-age-restricted residential units within the PUD.
- ZM-05-06, Horsley Treolo Holdings, LLC: a request to rezone approximately 7 acres from M-1, Light Industrial to M-2, Heavy Industrial for the purpose of expanding the existing Shell Gas station on State Route 106 into a truck stop facility.

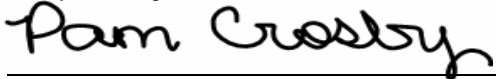
IN REF: MEETING SCHEDULE

The Planning Commission is scheduled to meet Monday, 19 June 2006 at 6:30 p.m. in the Boardroom of the County Administration building.

IN RE: ADJOURNMENT

A motion to adjourn was made and second by all.

Respectfully submitted:



Pam Crosby
Recording Secretary