

**New Kent County
Planning Commission
Minutes
Monday, May 20, 2002**

Chairman Mark Daniel called the meeting to order.
Members Present:

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| Louis Abrams | Present |
| David Frank | Present |
| Reverend Hathaway | Present |
| Julian Lipscomb | Present |
| Edward Pollard | Present |
| Robert Stroube | Present |
| Jay Hubbard | Present |
| Marty Sparks | Present |
| Isabell White | Present |
| Mark Daniel | Present |

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| James Wallace | Absent |
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Also Present:

George Homewood, Planning Director
Phyllis Katz, County Attorney
Theresa Carter, Planning Technician
Courtney Jones, Environmental Planner
Lamont Myers, Economic Analyst
Kenneth Vaughan, Zoning Administrator

IN RE: ROLL CALL AND ESTABLISHMENT OF A QUORUM

Chairman Daniel asked for roll call and established that there was a quorum.

IN RE: MINUTES

Mr. Frank moved that the minutes of the April 15, 2002 meeting be approved as submitted. Dr. Stroube seconded the motion. Motion adopted unanimously by voice vote.

IN RE: CITIZEN COMMENT PERIOD

None.

IN RE: UNFINISHED BUSINESS

None.

IN RE: PUBLIC HEARING

SO-2-02: Residential Open Space Subdivision Provisions

Establish opportunities to subdivide property using open space or cluster techniques and eliminate the exempt status of 15- and 25-acre divisions of property.

Mr. Homewood reviewed the May 10, 2002 memorandum. He provided the Commission with a PowerPoint presentation that explained the concept as well as advantages and disadvantages. He stated that the staff recommended that the Commission take no decisive action but carry the proposal over to a future meeting to allow staff to make any changes stemming from the public hearing and Commission discussion.

Mr. Sparks opened the citizen comment of the hearing.

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| Jennifer Caldwell | She remarked that the idea was a good one, and asked if it would slow down growth. She would like slower residential growth. |
| Stran Trout | Mr. Trout stated that he thought this would allow the county to retain its rural appeal, and that this would be less expensive from a developer's standpoint as the roads could be shorter and no worries about utilities. |
| Walker Ware | He stated that the property owners should be allowed to dispose of their property as they see fit. He went on to say that New Kent could not be kept rural, as the county has Richmond on one end, and Williamsburg (James City County) on the other. He asked that the Commissioners do their duty and deny this proposal. |
| Charlie Kerns | Mr. Kerns stated that while the cluster subdivision idea was a good one, it should only be used as a planning tool because it would not work in 80% of the county. He also added that this would result in 80% of the tax burden would be placed on 20% of the county. He went on to say that the subdivision ordinances needed a complete overhaul. |

Jim Potts He is concerned that this provision may speed up growth, that this may force the property owners to develop their land at a faster pace.

Mr. Sparks closed the public portion of the hearing.

After a lengthy discussion, Mr. Frank made a motion to assign a committee to review the proposed provisions. Mr. Hubbard seconded. The roll call vote was 10-0-0. Chairman Daniel assigned subcommittee B as the work group and he stated that he would be a ex officio member.

SO-3-02 and ZO-3-02

Technical amendments resulting from the actions of the 2002 Session of the Virginia General Assembly.

Mr. Homewood reviewed the May 9, 2002 memorandum and stated that the staff recommended approval.

Mr. Sparks opened the citizen comment of the hearing.

Paul Hinson Asked if the five-year approval would apply to plats submitted before adoption (of HB 495).

Charlie Kerns Mr. Kerns stated that under the current definitions 25/15 is not considered a subdivision and not governed by the county. He further stated that since the law specified "subdivision" a definition problem existed.

Mr. Sparks closed the public portion of the hearing.

In answer to Mr. Hinson's question during the public hearing, Mr. Homewood replied that any plat with current approval on the date of adoption would automatically be extended for a total of five years. Mr. Homewood responded to Mr. Kerns that there did not appear to be a definitional problem because the exempt divisions do not receive preliminary approval-they must meet the nearly non-existent requirements on date of submission.

After a brief discussion, Mr. Frank moved to adopt resolution PC-8-02 to forward SO-3-02 and ZO-3-02 to the Board of Supervisors with a favorable recommendation. Seconded by Mr. Sparks. The motion was unanimously approved by a roll call vote.

IN RE: NEW BUSINESS

S-10-02: Brickshire Section Q

Request by Bluegreen Properties for preliminary approval of 94 lots on 68 acres in Brickshire. Section Q is located on the south side of Kentland Trail, approximately 2,800 feet east of Horseman's Road and directly across Kentland Trail from the currently developing Section 1 of Brickshire.

Mr. Vaughan gave the staff report and stated that the staff recommended conditional approval.

The applicant's representative, Paul Hinson of Koontz-Bryant, stated that he was the engineer who prepared the preliminary plats. He objected to condition 2 because the emergency access would cut between two holes across the golf course and disrupt the planned buffer adjacent to Kentland Trail. He remarked that two other accesses had been provided.

After a brief discussion Mr. Frank made a motion to grant preliminary subdivision approval with conditions 1, 3, and 4. Seconded by Mr. Hubbard. Roll call vote was 10-0-0, all in favor.

SPONSOR AND SCHEDULE FOR PUBLIC HEARING

ZM-3-02: Pearman and Pearman

John A. Pearman, Jr. and James B. Pearman have applied to rezone from R-2 to B-1 approximately 0.7 acres of property located on the south side of Pocahontas Trail (US Rt. 60), approximately 2,000 feet east of its intersection with Courthouse Road (SR 155) and further identified as tax map parcels 41A2-26 and 41A2-26A. The Comprehensive Plan designates this area as the Providence Forge Village.

Mr. Homewood gave the staff report and stated that the staff recommends that the Planning Commission set this application for public hearing on June 17, 2002.

Dr. Stroube made a motion to set the public hearing for June 17, 2002. Seconded by Mr. Sparks. The roll call vote was 10-0-0, all in favor.

CUP-3-02: Connie L. Terry

Connie L. Terry is requesting a use permit to conduct a childcare business as a home occupation on 1.71 acres of property located on the north side of New Kent Highway (SR 249) approximately 900 feet west of the intersection with Old Roxbury Road (SR 640) and further identified as tax map parcel 20-9C. The property is zoned A-1 and has been developed with a single-family dwelling. The property address is 3500 New Kent Highway.

Mr. Homewood gave the staff report and stated that the staff recommends that the Planning Commission set this application for public hearing on June 17, 2002. He further stated that Staff was still working on this application, along with Ms. Katz.

The discussion centered on zoning code Sec 98-9 that only allows one primary use. Mr. Lipscomb proposed that Mr. Homewood and Ms. Katz look at the ordinance to see what changes could be made concerning dual use.

Mr. Frank made a motion for Staff to review Sec 98-9 of the ordinance and bring back a recommendation on whether to leave as is or proposed changes. Seconded by Mr. Lipscomb. Motion carried by roll call vote, 10-0-0. Mr. Lipscomb made a motion to set the public hearing for CUP-3-02 on June 17, 2002. Seconded by Rev. Hathaway. Motion carried by roll call vote, 10-0-0.

IN RE: PRESENTATIONS

ECONOMIC BASELINE STUDY

Lamont Myers gave the Economic Baseline Analysis draft report along with a PowerPoint presentation highlighting key areas. He asked for comments and feedback of his earlier presentation on March 18, 2002. Reverend Hathaway remarked that the presentation was very thorough and that he was very appreciative. Mr. Daniel remarked that Mr. Myers had done a great job. Several scenarios concerning the I-64 interchanges were discussed.

COMPREHENSIVE PLAN

Matt Bolster and Milton Martin of K. W. Poore and Associates presented Part A: Existing Conditions (DRAFT). Mr. Martin stated that the Goals and Objectives , along with Sections E, F, and G, would be presented at the June meeting, followed up by Section H at the August meeting.

Mr. Pollard stated that he would like a visual presentation of the material as well as the printed copy. In response to several comments concerning work sessions, Mr. Homewood suggested that work sessions be set up after the June meeting.

IN RE: CHAIRMAN'S REPORT

None given.

IN RE: RRPDC REPORT

Chairman Daniel attended the May meeting. He reported that discussions concerning the Regional Competitiveness Act were ongoing, and that \$2,000,000.00 had been made available for the entire state as opposed to the \$1,300,000.00 previously available to the RRPDC alone.

IN RE: COMMISSIONERS REPORT

None Given.

IN RE: STAFF REPORT

Mr. Homewood discussed the Joint Public Hearing with the Board of Supervisors on June 10, 2002. He explained that when the Municipal Code Corporation re-codified the New Kent ordinance they replaced the New Kent County Code with the State code. The reason behind the joint hearing is to readopt the family subdivisions provisions in the New Kent County Code prior to re-codification.

Mr. Homewood reported on the inventory of newly created lots. For the year to date, 127 lots were created.

IN RE: MEETING SCHEDULE

Mr. Homewood announced the next regular meeting is scheduled at 7:00 p.m. on Monday, June 17, 2002, in the Board Room of the County Administration Building.

IN RE: MEETING CONTINUATION

Dr. Stroube made a motion to continue the meeting until June 10, 2002 at 7:00 pm. Seconded by Mr. Abrams. All in favor by roll call vote, 10-0-0.