

**New Kent County
Planning Commission
Minutes**

Monday, June 17, 2002

Chairman Mark Daniel called the meeting to order.

Members Present:

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

Also Present:

George Homewood, Planning Director
Phyllis Katz, County Attorney
Theresa Carter, Planning Technician
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 June 10, 2002 joint public hearing be approved as submitted. Mr. Wallace seconded the motion. Motion adopted unanimously by voice vote.

Mr. Frank moved that the minutes of the May 20, 2002 meeting be approved as submitted. Mr. Wallace seconded the motion. Motion adopted unanimously by roll call vote.

IN RE: CITIZEN COMMENT PERIOD

None.

IN RE: 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 staff recommends approval.

Mr. Wallace opened the citizen comment portion of the hearing.

John C. Jones, Jr. Attorney Jones was the agent representing the Pearmans. He stated that the parcel had been inherited as part of the family estate. Due to the lack of suitable soils, single family dwelling options were limited. The property has been marketed, the future owners would decide on the use.

After a short discussion, Mr. Wallace moved to adopt Resolution PC-9-02 and forward Application ZM-3-02 to the New Kent Board of Supervisors with a favorable recommendation. Seconded by Mr. Abrams. Motion adopted unanimously by voice vote.

IN RE: UNFINISHED BUSINESS

Family Subdivision Provisions

At the Commission's joint hearing with the Board of Supervisors on 10 June 2002, the Commission voted to defer action on adopting the family subdivision provisions that existed prior to recodification on the New Kent County Code on 14

January 2002. Staff prepared a concept draft to serve as a way of beginning discussion.

Mr. Homewood gave the staff report and reviewed the 17 June 2002 memorandum. Staff recommended that reasonable conditions and criteria be placed on family subdivisions so as to reduce the relative ease with which the process can be abused while not preventing truly legitimate uses of the opportunity. The conditions and criteria were outlined in the draft Resolution PC-10-02.

Discussion began on the February 19, 2002 recommendation to the Board of Supervisors concerning Application SO-1-02, the definition of family in the Family Subdivision ordinance. Through a show of hands, the Commission voted to leave the recommendation to approve as is.

Discussions then centered on three key points: minimum and residual lot sizes, right-of-way dimensions, and holding periods. Seven of the eleven commissioners voted through a show of hands to return to a 1-acre minimum with a 5-acre residual requirement. A majority of the commissioners voted to require that all newly-established access to family subdivision lots be via a 50-foot right-of-way if three or more lots or a private driveway if 1 or 2 lots and that the surface be constructed with a permanent all-weather surface at least 12 feet in width. Three votes were taken on the subject of holding periods. Through a show of hands, seven commissioners voted to include a holding period of two years for the grantee. There were three votes for a holding period of two years for the grantor, and four votes for no holding periods for either the grantee or grantor.

In response to a question from Mr. Frank concerning punishment for intentionally circumventing the ordinance, Ms. Katz replied that it is a Class 1 misdemeanor punishable with a fine of up to \$2,500.00. The property transfer could possibly be undone by the Court. In order to help prevent a person from circumventing the ordinance, she recommended that a completed Family Subdivision Affidavit be recorded with the plat and added to the title.

Mr. Lipscomb made a motion for staff to bring a draft of the proposed amendments to the July meeting. Seconded by Ms. White. Motion passed by a vote of 8-3-0, with Mr. Frank, Reverend Hathaway, and Mr. Sparks the dissenting votes.

In response to a question from Mr. Homewood, the commission agreed to setting out all of the family subdivision requirements in its own section.

IN RE: NEW BUSINESS

None.

IN RE: PRESENTATIONS

The representatives of K. W. Poore and Associates were unable to attend the Commission meeting to present Part B of the Existing Conditions Report of the draft revised County Comprehensive Plan.

IN RE: CHAIRMAN'S REPORT

None given.

IN RE: RRPDC REPORT

None given.

IN RE: COMMISSIONERS REPORT

Mr. Daniel asked those members who had not already done so to provide him with email addresses if possible, but cautioned the commission that the email communications pertaining to the commission were public documents-even those received at home.

IN RE: STAFF REPORT

Mr. Homewood reported that the Planning Department was way ahead of last year in terms of development activity.

IN RE: MEETING SCHEDULE

Mr. Homewood announced the next regular meeting is scheduled at 7:00 p.m. on Monday, July 15, 2002, in the Board Room of the County Administration Building.

ADJOURNMENT

