

**New Kent County
Planning Commission
Minutes**
Monday, October 21, 2002

Chairman Mark Daniel called the meeting to order.

Members Present:

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

Also Present:

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

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 to approve the minutes of the September 16, 2002 meeting as submitted. Mr. Abrams seconded the motion. Motion adopted unanimously by roll call vote.

IN RE: CITIZEN COMMENT PERIOD

None.

IN RE: UNFINISHED BUSINESS

S-39-02: BRICKSHIRE SECTION O
S-40-02: BRICKSHIRE SECTION P

Both applications had been tabled at the September meeting. The applicant requested that the applications be continued until the November meeting at the request of the applicant. Mr. Lipscomb made a motion to continue until the November meeting. Mr. Sparks seconded the motion. Motion adopted unanimously by roll call vote.

IN RE: PRESENTATION

The Planning Commission received a presentation on preserving open space from Mary Heinrich. Ms. Heinrich is the mid-Atlantic director of the American Farmland Trust, a non-profit, national organization to protect the diminishing productive farmland in America.

According to Ms. Heinrich, one of the challenges to protecting farmland is a lack of effective agricultural zoning. Existing zoning allows uses other than agricultural. To keep agriculturally zoned property from being over developed, the development rights for those uses other than agricultural could be purchased from the landowner. There is no Virginia law that explicitly allows the purchase of development rights; there is the Open Space Land Act, which allows localities to take less than the full interest in property through easement.

The city of Virginia Beach as well as Albemarle, Loudoun, Fauquier, and James City counties have established programs to purchase development rights through easement. The counties of Spotsylvania, Stafford, Rockbridge, Culpeper, and Bedford are working on similar programs.

Ms. Heinrich provided handouts on programs and legislature aimed at funding the purchase of conservation easements.

Her recommendations on preserving farmland included getting a clear idea of where farming should be and not allow other uses in that area and adjusting tax policies for farmers. She offered technical help for staff and daytime workshops for interested parties. She also offered to gather information from other localities on their efforts.

Reverend Hathaway requested that staff review the Local Strategy Assessment and report to the Commission.

IN RE: PUBLIC HEARING

SO-2-02: CLUSTER SUBDIVISION

Consideration of a series of amendments to Sections 90-1, 90-16 and 90-78 of Chapter 90, Subdivisions, New Kent County Code and to Section 98-212 of Chapter 98, Zoning, New Kent County Code to establish open space or cluster subdivision opportunities.

Mr. Homewood gave the staff report and stated that staff recommended approval.

Mr. Wallace opened the citizen comment portion of the hearing. There being no comment, the citizen comment portion was closed.

There was considerable discussion concerning the use of mandatory property owner associations and the elimination of large lot-exempt subdivisions.

Reverend Hathaway moved to adopt Resolution PC-18-02 and forward application SO-2-02 to the New Kent County Board of Supervisors with a favorable recommendation. The motion was seconded by Mr. Abrams. The roll call vote was 4:7 with Reverend Hathaway, Mr. Lipscomb, Mr. Wallace, and Mr. Abrams the aye votes. Mr. Frank made a motion to table the application and direct staff to work on additional options. Mr. Sparks seconded the motion. Before the vote was called, Mr. Pollard voiced his concern about proper procedure regarding the previous motion. Mr. Lipscomb made a motion to reconsider the previous vote. There was discussion concerning proper procedure in regard to the motions. Mr. Frank made a motion to reconsider the previous vote, which was seconded by Dr. Stroube. The roll call vote was 8:2 with Mr. Pollard and Mr. Hubbard voting no. Mr. Frank then made a motion to table the application. The motion was seconded by Mr. Sparks. The roll call vote was 8:3 with Mr. Pollard, Mr. Hubbard, and Ms. White voting no.

ZO-4-02: ACCESSORY APARTMENTS

Consideration of a series of amendments to the provisions of Sections 98-213, 98-294, 98-334 and 98-745 of Chapter 98, Zoning, New Kent County Code to permit accessory apartments in conjunction with single-family dwellings.

Mr. Homewood gave the staff report and stated that staff recommended tabling the application in order to add a provision allowing accessory residential units in commercial zones located in designated villages.

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

Richard Mills Was the only person to make a comment, and he asked about dismantling the kitchen.

There being no other comment, Mr. Wallace closed the public portion of the hearing.

After a short discussion, Mr. Frank made a motion to table the application until the November meeting. Motion seconded by Dr. Stroube. Motion passed with a unanimous roll call vote. Mr. Homewood stated that the application would be re-advertised for the November meeting.

IN RE: NEW BUSINESS

None.

IN RE: PRESENTATIONS

THE FARMS OF NEW KENT

Pete Johns gave the presentation about the proposed Farms of New Kent development, along with Mickey Hayes, president of the Kitty Hawk Land Company, and Chuck Rothenberg, an attorney with Hirschler Fleishler. Several handouts were provided to the commission members. Mr. Johns spoke of the qualifications of the other partners in the project, and gave a little background information on each. Mr. Hayes outlined the different areas of development called Land Bays. Each of the ten Land Bays will have specifically designated development categories such as commercial, retail, and several diverse residential categories including age-restricted. Mr. Rothenberg spoke about CDA's, community development authorities. He explained that a CDA is a financing tool, a low cost way of raising funds. A piece of property is placed in a CDA, and the property within that area is solely responsible for paying an incremental real estate tax that pays for infrastructure in that serves that area. According to Mr. Rothenberg, this would open up many commercial and industrial areas for development with no expense to the county.

In response to a question from Mr. Daniel, Mr. Johns stated that they hope to submit their application by November 15.

FISCAL IMPACT ANALYSIS

Lamont Myers gave an overview of the Fiscal Impact Analysis which is an attempt to look at future development in the county, make basic assumptions and ask, as the county develops without any new economic growth, what will the impact be on the budget, and in order to keep tax rates at a current, constant level, how much land should be set aside for non-residential, income-producing uses. As the Planning Commission moves into the land use part of the Comprehensive Plan, the report gives a quantitative basis for how much of different types of land should be set aside for income-producing uses based on future public service demands and projections for population growth in households.

IN RE: CHAIRMAN'S REPORT

Mr. Daniel encouraged the members to participate in the remaining Comprehensive Plan joint work sessions.

IN RE: RRPDC REPORT

Mr. Daniel spoke briefly of Performing Arts-Transforming Virginia, a \$103 million dollar renovation project in Richmond. He asked that anyone interested in hearing more details to contact him.

IN RE: COMMISSIONERS REPORT

None given.

IN RE: STAFF REPORT

Mr. Homewood reminded the members of the upcoming zoning ordinance amendments to modify the requirements for horse keeping in residential districts. Information was provided in the packet; the public hearing was set for the November meeting.

IN RE: MEETING SCHEDULE

The next regular meeting is scheduled at 7:00 p.m. on Monday, November 18, 2002, in the Board Room of the County Administration Building.

ADJOURNMENT