

**New Kent County  
Planning Commission  
Minutes**

Tuesday, January 21, 2003

---

Chairman Mark Daniel called the meeting to order.

Members Present:

Marty Sparks	Present
David Frank	Present
Julian Lipscomb	Present
Edward Pollard	Present
Howard Gammon	Present
Reverend Hathaway	Present
Jack Chalmers	Present
Robert Stroube	Present
Jay Hubbard	Present
Mark Daniel	Present

Louis Abrams	Absent
--------------	--------

Also Present:

George Homewood, Planning Director  
Phyllis Katz, County Attorney  
Theresa Carter, Planning Technician  
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 December 16, 2002 meeting as submitted. Dr. Stroube seconded the motion. Motion adopted unanimously by roll call vote.

---

IN RE: CITIZEN COMMENT PERIOD

None.

---

IN RE: UNFINISHED BUSINESS

**ZO-4-02: ACCESSORY RESIDENTIAL UNITS**

*Consideration of a series of amendments to Sections 98-9 and 98-10 of Chapter 98, Zoning, New Kent County Code the purpose of which is to permit accessory apartments in conjunction with single-family dwellings upon the issuance of a use permit and in conjunction with commercial uses located in designated villages.*

The application had been tabled at the September and November meetings. Mr. Homewood gave the staff report indicating that two options were provided that required a use permit (PC-01-03) in residential districts and one that would permit accessory apartments as a matter of right (PC-02-02) subject to performance standards in residential districts. He stated that staff recommended approval of resolution PC-01-03, which would require obtaining a use permit for an accessory apartment in residential districts rather than by right subject to performance standards. The provisions in PC-01-03 and PC-02-03 that apply to non-residential districts are identical.

In response to a question from Mr. Daniel about enforcement Mr. Homewood replied that under the by right scenario staff would have to rely on reports of violations from citizens or blatant violations as there is not sufficient staff to go out and discover violations. Mr. Homewood clarified for Mr. Hubbard that it would take approximately fifteen days to obtain the building permit necessary to construct an accessory apartment and the same fifteen days plus a minimum of three months to obtain the building permit and conditional use permit. Ms. Katz added that in units where there were two existing single family dwellings (illegally) the problem would be grandfathering them in and suggested that there be some review process including compliance with building codes, all of which would be a policy decision by the County.

Mr. Frank made a motion to forward application ZO-04-02 to the Board of Supervisors with a favorable recommendation and to adopt Resolution PC-02-03. Mr. Sparks seconded the motion. The roll call vote was 10:0

**CUP-5-02, New Kent Village, LLC**

*Request for a use permit to authorize construction of a sewer force main and pumping stations between New Kent Court House and the Parham Landing*

*Waste Water Treatment Plant. As proposed, the force main will be placed entirely within existing rights-of-way.*

Mr. Homewood recounted that the public hearing for this use permit had been held at the November meeting and the Commission had tabled the application at both the November and December meetings to allow the developer to respond to agency reviews and to afford staff to subject the proposal to review by an independent engineering firm. He gave the staff report and stated that staff recommended approval subject to conditions. Staff suggested the force main pipe be increased in size to 10" along Eltham Road to accommodate industrial development.

During discussion, the following points were made:

- Connection fees would be based on water meter size, not use (current connection fees are \$5,000 for residential and \$7,000 and up for commercial)
- The applicant will construct and pay for the force main and pumps
- Once completed the applicant will dedicate the well system and sewer system to the County
- The Virginia Department of Transportation has given permission to construct the force main in the VDOT right-of-way
- The proposed New Kent Village is, with one or two minor deviations, permitted as designed under the current zoning for that property which is residential and commercial - homes and businesses could be built there now

Mr. Frank stated his concerns about having the courthouse area grow at this time, and noted that the Village project would add more children to the schools and increase traffic on Highway 249. Mr. Pollard was apprehensive that once this application was approved the Commission might feel compelled to rubberstamp the Village plans. Reverend Hathaway stated his belief that the Commission should not dictate when growth should occur as long as it occurs where the Comprehensive Plan stipulates.

Dr. Stroube made a motion to adopt PC-4-03 which transmits Application CUP-5-02 to the Board of Supervisors with a favorable recommendation subject to the twelve conditions listed. Mr. Chalmers seconded the motion. The roll call vote was 8:1:1. Mr. Frank was the lone dissenting vote and Mr. Gammon abstained, citing his recent appointment to the Commission and lack of time to familiarize himself on the issue.

---

IN RE: PUBLIC HEARING

None.

---

---

IN RE: NEW BUSINESS

**S-79-02: BRICKSHIRE SECTION R**

*A proposal for 145 lots on 146.38 gross acres*

Kenneth Vaughan gave the staff report indicating that the preliminary plan was entirely consistent with the approved master plan and stated that staff recommended approval subject to the four conditions listed in PC-3-03.

After a brief discussion, Mr. Frank made a motion to adopt PC-3-03 and grant preliminary subdivision approval. Mr. Sparks seconded the motion. The roll call vote was 10:0.

---

IN RE: COMPREHENSIVE PLAN UPDATE

Lamont Myers listed the upcoming joint public hearings and work session between the Board of Supervisors, Planning Commission, and Comprehensive Plan Citizens Advisory Review Board, which will be held as follows:

Joint BOS/PC Public Hearing	Thursday, 6 February 2003 6:00 PM
Joint BOS/PC/CPRB Work Session	Thursday, 20 February 2003 6:00 PM
Joint BOS/PC Public Hearing	Thursday, 6 March 2003 6:00 PM

All meetings will be held in the Boardroom of the Administration Building. The purpose of the public hearings is to receive citizen input on the draft plan. Those comments, as well as comments from the Planning Commission, Board of Supervisors, and Comprehensive Plan Review Board, and staff revisions will be considered at the February 20 work session. Any revisions will be made available for viewing at the Planning Department, Administration, Heritage Public Library, Richmond Regional Planning District Commission, and the County's website. He added that target dates for adoption by the Planning Commission would be March 17, 2003 followed by the Board of Supervisors April 14, 2003. There may be one more work session scheduled after the March 6 public hearing.

Mr. Sparks requested that future meetings be scheduled at 7:00 PM if possible, in lieu of 6:00 PM, to allow citizens extra time to be able to attend.

---

IN RE: CHAIRMAN'S REPORT

There was a consensus to honor Ms. White and Mr. Wallace with resolutions of appreciation. Ms. White and Mr. Wallace recently stepped down from the Planning Commission.

Mr. Daniel encouraged the members to attend the Second Annual RRPDC Area Planning Commissioner's Forum that will be held on March 14, 2003.

---

IN RE: RRPDC REPORT

Mr. Daniel stated that during the last quarter of 2002 there had been some discussion about a change in the RRPDC by-laws. The change involves the general membership meeting quarterly while the executive committee would meet monthly. These changes were not well received and have been withdrawn.

---

IN RE: COMMISSIONERS REPORT

Mr. Frank stated that the By-law Review Committee met on January 12, at which time the committee thoroughly reviewed the current by-laws. The committee provided a list of possible changes as well as a list of special rules of order that would apply to all meetings of the Commission. In discussion, several additional changes were proposed. All changes will be reviewed by the County Attorney and brought back in February for adoption in March.

Mr. Lipscomb suggested videotaping the Commission meetings. Staff recommended that the videotapes be rebroadcast so that citizens could see what the Commission does.

---

IN RE: STAFF REPORT

Mr. Homewood encouraged the members to read the Roanoke Times article on cash proffers, especially the last line that advises when you have a cash proffer system it often creates problems for affordable housing.

Mr. Homewood noted that 432 new lots were created in 2002. Also noted were the 12,500 telephone calls and 5,000 plus walk-ins handled by staff as well as over 1,100 zoning inspections and 2,100 erosion and sediment inspections. Additionally, 255 land disturbance permits were issued, 82 subdivision applications and 18 site plans were handled as well as numerous other applications and plans.

At the request of the Board of Supervisors, the Planning Department has reviewed its fee structure. The Department has found that for almost every fee charged the direct costs associated with processing those items of business are

not being covered. Not included are indirect costs such as utilities, office supplies, and copies. The findings have been sent to the County Administrator for review.

Staff also strongly recommends that the Commission incorporate in its by-laws the same schedule (January to December) for reorganization as used by the Board of Supervisors. This would eliminate the problem of elected officers whose terms have expired rotating off the Commission, leaving that position unfilled until reorganization.

---

IN RE:                    MEETING SCHEDULE

The joint public hearing to consider CUP-01-03: Colonial Downs motorcycle race and receive comment on the draft Comprehensive Plan is scheduled at 6:00 p. m. on Thursday, February 6, 2003 in the Boardroom of the County Administration Building.

The next regular meeting is scheduled at 7:00 p.m. on Tuesday, February 18, 2003, in the Boardroom of the County Administration Building.

---

Mr. Daniel stated the Planning Commission meeting will continue until the February 6, 2003 joint public hearing.