

**New Kent County  
Planning Commission  
Minutes**

**Monday, July 21, 2003**

Chairman Hathaway called the meeting to order.

Members Present:

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

Also Present:

George Homewood, Planning Director  
Theresa Carter, Planning Technician  
Kenneth Vaughan, Zoning Administrator  
Phyllis Katz, County Attorney

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IN RE:                   ROLL CALL AND ESTABLISHMENT OF A QUORUM

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

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IN RE:                   MINUTES

Mr. Frank moved that the minutes of the June 16, 2003 meeting be approved, seconded by Mr. Abrams. Motion adopted unanimously by roll call vote.

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IN RE: PUBLIC COMMENT

None.

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IN RE: UNFINISHED BUSINESS

None.

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IN RE: PUBLIC HEARINGS

**PUD-1-03: FARMS OF NEW KENT**

*New Kent Farms, LLC is requesting to rezone approximately 2,800 acres from A-1 (2,200± acres), R-1 (135± acres) and M-2 (445± acres) to Planned Unit Development authorizing a mixed use development. Application PUD-1-03 also includes certain voluntary proffers that will become part of the overall project in the event this project is approved*

Mr. Daniels declared he was abstaining from any vote called on the application because of a perceived conflict of interest but retained his seat.

This was the third informational public hearing held on the application. Pete Johns gave a presentation designed to answer questions that have been brought up by staff, members of the Commission, and New Kent citizens.

Mr. Sparks opened the public portion of the hearing.

Alan Bernstein Director, Heritage Public Library, New Kent resident, stated that the proffer for a new library was generous and public spirited and should serve new Kent residents for years to come.

Steve Peterson Emmaus Church Road resident, spoke about the differences in the fiscal impact statements. He stated that in addition to lost cost housing, low-income families need job opportunities. Jobs will not be provided by this development. Affordable housing comes with economic opportunity that provides jobs.

Joyce Peterson Emmaus Church Road resident, spoke on behalf of approximately 250 county residents who signed a petition in opposition to the development that will spoil the historic, rural character of Talleyville and New Kent County, conflict

with the Comprehensive Land Use Plan, increase costs of services that will not be offset by the tax revenues the development will provide.

Fred Bahr Doctors Creek Road resident, read a letter addressed to the Commission from Sam Snyder. Ms. Snyder wrote that instead of the County developing slowly this single development would cause the county to double in size and that the proffers do not begin to pay for the impacts on schools and roads. She asked that the Commission and Board of Supervisors turn down the development.

Fred Bahr Doctors Creek Road resident, concerned about this development totally changing the nature of the County, traffic, and water impacts as well as unsold building sites. He asked the members to give extra consideration to this project.

James Watts St. Peters Lane resident, believes the figure of \$1.4 million for a fire station is too low that it may be triple that when built, staffed and equipped. He is also concerned about the traffic on Highway 249 and Route 106 and doesn't think the roundabouts will be able to handle the vehicles on Route 106. He finds it coincidental that the developer did not address the affordable housing issue earlier, wondered about the design and impacts of the wastewater treatment plant and would other wells be affected by the deep wells planned. He stated that this project would be a burden on the taxpayers.

Shelia Morris New Kent resident, gave her support to the Farms of New Kent but stated she was concerned about the applicant's lack of consideration for the County's education system. She asked where would the additional 700 children go as the schools are already at capacity. In addition the developments 2,400 senior citizens would have no reason to support the schools. She does not believe they would vote to improve the education system.

Dick Ellyson Quaker Road resident, remarked that there were small groups that were for and against the development and asked the Commission to look at what would be in the best interest for county residents. He stated that he has seen the project from the beginning - he liked it then and likes it now. He added that there were acres of property on Route 106 zoned M-1 that would allow manufacturing plants across from

homes today and that the planned unit development was a higher and better use for the land.

Chap Harrison Old Church Road resident, his home of 53 years is across the road from the vineyard. He supports the Farms of New Kent citing the reputation of the developers and his trust in Pete Johns. He stated that the positives of the development far exceed the negatives.

Jane Thomas Old Church Road resident, lives across from the vineyards, New Kent resident since 1957. She has seen the county go through many changes and improvements and knows growth is inevitable. She supports the development, calling the plan thoroughly studied, carefully designed, and a good and positive step to enhance the county and the quality of living for area residents.

Jennifer Caldwell Old Nottingham Road resident, spoke on behalf of Lisa Guthrie as well as herself. They were members of the Citizens Advisory Review Board to develop the new Comprehensive Plan that promotes maintaining the rural character. It was not the Boards intention to have roads become four lanes or to have thousands of houses in the heart of the county to be considered economic opportunity. Talleyville was to be a hamlet, not a village. They asked the Commission to vote no on the project.

Taylor Moore Old River Road resident, stated that while no plan is perfect, the benefits of this development outweigh the negatives. He added that the development is in keeping with the Comprehensive Plan and that the development group represented many years of experience. He stated that property owners should be allowed to develop their property within the framework of the law.

Doug Houston Historical Path Road resident, stated that the applicant has done an excellent job answering issues raised at previous meetings. He has one question – with the existing lots in the county along with the current Comprehensive Plan do we need these additional residential lots? He would like to know the growth projections for the county over the next 20 years. He likes the application but questioned if the project would build out as planned and if we need this development at this time.

- Larry Priest Crumps Mill Road resident, his property borders the creek adjacent to the planned golf course, is concerned about any impact to his 342 foot well and increased traffic in his neighborhood. He realizes the county needs growth but does not want to see 5000 homes in a single neighborhood. He does not support the development.
- Charles Moss Stage Road resident, lifelong county resident who has seen many changes over the years. He thinks the county could do more to encourage business and prosperity and that over the years more has been lost than gained with the closing of business such as Southern States and ITT.
- Barbara Moss Stage Road resident, concerned that without job opportunities for students upon completion of high school they will leave the community. She is also concerned about the lack of affordable land and houses.
- Lawrence Strand Quinton resident, wants the developer to commit to use local contractors for at least 10% of the development. He also stated that there was a need for recreational facilities
- Lloyd Young, Jr. Old Church Road resident, stated that this project would be an opportunity to manage long term growth in a comprehensive fashion rather than dealing with multiple developers haphazardly. He suggested that the age-restricted portion be implemented first to delay the impact on the school system. He added that the economic and growth merits as well as compliance with the Comprehensive Plan should be the guiding principle for a yes or no vote.
- Dr. Wendell Merritt Pamunkey Drive resident, noted that while most of the speakers agree that growth is inevitable, they have a problem with the Farms of New Kent because the scope of the project is intimidating. He added that the proposal had many positive features.
- Diana Parker Member of Falls of the James Sierra Club, stated that this was an example of an overwhelming development, that the project is too large for this area. Residents should be concerned because existing roads were not set up to handle traffic that will be generated by the development, there will be drastic impacts on schools, there will be an impact on taxes, and the development does not comply with the Comprehensive Plan.

- Scott Wagar North Courthouse Road resident, stated that the County needed infrastructure and that he supports the project.
- Rebecca Wagar North Courthouse Road resident, was impressed with the amount of effort and work produced by the development group in addressing the historic resources located in the area of the proposed development.
- Steve Miles Stage Road resident, likes this methodical 20 year plan. He has received misinformation over the last year from different individuals on issues such as the meals tax and school bond referendum. He has heard that if the project is approved it will give the developers license to do what ever they want. He believes that the developers are a reputable and high quality group. He supports the project.
- Rusty Foley Henrico County resident, real estate agent who is the listing broker of approximately 450 acres on the Southside of Route 106, Skimino Tract. He stated that the infrastructure planned for that area would open up 2,000 acres for economic opportunity that will provide many jobs.
- David Horsley Pocahontas Trail resident, is in favor of the project and agreed with the comments made tonight by Taylor Moore and Rusty Foley. He stated that rooftops were needed to bring in businesses that will help support families in the county. He stated that a new school was needed now, whether Farms of New Kent was approved or not.
- Gary Green Dispatch Road resident, has known Pete Johns since he came to the county, also knows Pace Fonville. He credits them with bringing quality to the project. He stated that the proffers offered were mind-boggling. The Economic Development Authority has not been able to do anything with the Quinton/Bottoms Bridge/Providence Forge areas due to a lack of infrastructure that is needed to open businesses. The developers will build the WWTP that will serve these areas. He supports the project 100%.
- Frank Carley Rockahock Road resident, commented on remarks made earlier, saying that the bond referendum was not against schools but against wasteful spending. He believes that the school impact issues have not been fully addressed by the developers and that more than the 200 affordable housing units offered should be required from the developer. He

stated that the Planning Commission's job was to work for the citizens of the county and the Board of Supervisors members were elected to represent county residents. It is his understanding that an overwhelming majority of county residents do not want this project.

Bob Broughman Pocahontas Trail resident, owner-operator of Broughmans grocery, believes that the general public does not want this development. His main interest is water and wants to keep from providing free water to other counties, calling it big money vs. county residents. He suggested that this issue be settled through a referendum.

Mr. Sparks closed the public portion of the meeting.

Mr. Homewood requested the members to submit any questions about the application to staff this week. Reverend Hathaway asked staff to look over the proffers carefully and give special consideration to any strings attached.

No action was taken on the application.

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**S-21-03: BARHAM WOODS SUBDIVISION**

*A proposal for 6 lots on 4.931 acres. The property is zoned R-1 and is identified as Tax Map parcels 46-36A and 46-36B*

Kenneth Vaughan gave the staff report and recommended approval.

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

Dr. Stroube made a motion to adopt Resolution R-14-03 and grant preliminary subdivision approval. Mr. Gammon seconded the motion. The motion passed with a roll call vote of 11:0.

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RE: NEW BUSINESS

None.

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RE: CHAIRMAN'S REPORT

Reverend Hathaway suggested that the Commission start to look at the Capital Improvements Plan. Mr. Homewood explained that the offices of County Administration and Budget and Finance were working on a process that would

ultimately provide for the Planning Commission an opportunity to review and determine that the CIP is in conformance with the Comprehensive Plan. Gary Christie, County Administrator, explained that the Davenport and Associates would be helping to structure a six year capital improvement plan along with the different agencies and constitutional officers submitting long term capital projects over \$50,000. The plan will undergo a reviewing process with the Commission, at a minimum, looking at the plan in relation to the Comprehensive Plan. He stated that if the Commission wanted a larger role in the process he would be open for discussion and encouraged the Commission to confer with Mr. Homewood as to how much involvement they wanted to have with the process. He added that the process has begun and a format for the plan should be ready by the end of the fall.

Another area of concern is the section of the Comprehensive Plan that deals with affordable housing. He would like to look at adopting an affordable housing policy. He cautioned that by affordable housing he was not referring to subsidized or low-income housing. Mr. Daniel remarked that the current approach to zoning and cost of land development drives the cost of housing. He stated that the average market cost of a lot is \$30,000. In order to build an affordable home in the \$90,000 range you would have a house probably less than 1,000 square feet, which requires a residential zoning, when you take the cost of the lot into consideration. Reverend Hathaway suggested creating a subcommittee that would include developers and contractors to discuss what is needed to develop affordable housing using a basic standard. He will prepare a list of possible subcommittee members that he will present at the next meeting.

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RE: RRPDC REPORT

None given.

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RE: COMMISSIONER'S REPORT

Mr. Daniel requested that each member take some time and find out what a Community Development Authority (CDA) entails for all involved. He wanted everyone to be cognizant of the fact that a CDA provides a vehicle to tax future generations for services provided, that the services are not free and the infrastructure is not being paid for by the developer but by the property owners within the CDA area. Mr. Sparks stated that if you use the services provided you should pay for them but pointed out that the members should be clear about what is being promised through the CDA. Mr. Hubbard asked for and Ms. Katz offered to provide additional information on CDAs as well as made herself available to discuss the subject.

Mr. Daniel requested that the Commission consider letting other members help out with the invocation at the beginning at each meeting.

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RE: STAFF REPORT

Mr. Homewood offered to provide a second presentation and an opportunity to discuss CDAs with the entire Commission.

He stated that when staff reviewed the draft proffers for the Farms of New Kent, they reacted unfavorably to seeing proffers tied to a particular method of financing. The developer has options when selecting financing methods and it is not the Commission's or the County's responsibility to get involved with financing and there certainly should not be proffers that specify that certain things will happen only if a certain method of financing is used.

Board of Supervisor James Burrell had requested several months ago that staff work on an affordable housing policy. A draft should be available for distribution soon. He added that staff was also working on a subdivision ordinance. The ordinance should have been nearing completion but the influx of new projects has interfered with completion.

Mr. Homewood presented the application for the Dragonsridge Sports Motorpark, PUD-3-03.

Mr. Homewood spoke briefly about his recent trip to Kent, England. He stated that Kent had been directed by the national government of the United Kingdom to accept and provide housing for 120,000 new citizens over the next 15 years, which will necessitate the development of plans on how to accommodate these residents while maintaining open space and green areas. Mr. Homewood's group was able to provide a few ideas while collecting information that may be of use to our county.

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A work session was scheduled for August 26, 2003 at 7:00 pm in the Old Courthouse. The next regular meeting is scheduled at 7:00 p.m. on Monday, September 15, 2003 in the Boardroom of the County Administration Building.

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ADJOURNMENT