

A WORK SESSION OF THE BOARD OF SUPERVISORS REGARDING ON THE 10<sup>TH</sup> DAY OF JULY IN THE YEAR OF OUR LORD TWO THOUSAND IN THE COURTROOM OF THE OLD COURTHOUSE AT 4:00 P.M. ALL BOARD MEMBERS WERE PRESENT.

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IN RE:           PRESENTATION -- WESTERN AREA HIGHWAY OVERLAY DISTRICT

Mr. Emerson began the discussion by introducing Margaret Guy, Director of Planning, and Gary Mitchell, Senior Planner.

The Western Area Highway Overlay project was proposed by the Planning Commission after completion of the western end area plan. At its meeting on October 19, 1998, the Planning Commission voted 9:1, with one abstention, to recommend approval of Ordinance 0-10-98 establishing a Highway Overlay District for the Route 60 and Route 249 corridors. Discussion of this plan has been delayed by the Board for various reasons and it is now time to focus on the plan. Mr. Emerson had met with Ms. Guy and Mr. Mitchell and their feeling was that the setbacks were excessive and that the same goal could be achieved by changing the plan. Mr. Emerson hoped that after this presentation and recommendations from Ms. Guy and Mr. Mitchell, and after receiving input from the Board of Supervisors, the Board of Supervisors would allow the Planning Department 30-60 days to come back with a revised plan.

Mr. Emerson turned the meeting over to Ms. Guy and Mr. Mitchell. The West Area Management Land Use Plan amendment to the New Kent County Comprehensive Land Use Plan (the "Plan") recommended the creation of a Highway Overlay District ("HOD") along the Routes 60 and 249 corridors. According to Ms. Guy, the Plan's intent is to protect the health, safety, and general welfare of the public through, for example, the prevention and reduction of the distractions of visual clutter such as reduction of traffic congestion, incompatible land use and visual distractions. Implementation of such criteria should promote convenient, attractive and harmonious development in the highway corridor overlay district.

The Plan is outlined as follows:

The proposed district would extend 500 feet in either direction perpendicular to the centerline of Routes 60 and 249. With regard to Route 60, the boundary would extend from the Henrico/New Kent line in the west to the intersection of Route 60 and Route 106 in the east to include the parcels in the northeast and southeast quadrants of the intersection. The district would extend along Route 33/249 from its intersection with Route 60 to Route 106 in the east to include the parcels in the northeast and southeast quadrants of the intersection of Routes 249 and 106. If any lot or use is partially located within a HOD, the remainder of the lot or use shall not be subject to the district regulations.

The requirements of the district would be applicable to all development requiring site plan approval or subdivision approval in accordance with the provisions of Division 18 of the Zoning Ordinance and Article IV of the New Kent County Code.

All uses permitted by right or with a Conditional Use Permit in the underlying zoning district are permitted by right or with a Conditional Use Permit in the HOD.

Design standards of the Plan are:

(A) Site Access:

1. To be provided through shared entrances, inter-parcel travelways, on-site service drives, or other approved means of ingress/egress.
2. The minimum separation between vehicle access points shall be 350 feet. Parcels of land existing at the time the HOD is created shall not be denied access to the HOD highway.
3. The primary entrance for each site must be landscaped. Any non-residential development greater than 10 acres in size and any residential development greater than 25 acres in size shall incorporate a divided roadway with a landscaped median divider, not less than 50 feet in length, into the primary entrance design.

(B) Pedestrian Circulation

Pedestrian circulation shall be provided for and coordinated with adjacent properties through either a four-foot (4') paved sidewalk or an eight foot (8') asphalt trail.

(C) Outdoor Storage

All outdoor storage or display of goods and all refuse collection areas shall be properly screened from the roadway through either landscaping, consisting of two staggered rows of evergreen trees having an ultimate height of 12 feet, planted ten (10) feet apart and six feet tall at the time of planting, or a board on board fence six (6) feet in height.

(D) Signage

Shopping centers, office and industrial parks shall be limited to one free-standing project sign not to exceed 20 feet in height and 80 square feet in area for each entrance on a separate public highway. In addition, building mounted signs per each use shall be limited to 40 square feet in area. Individual businesses, which are not part of a shopping center or office/industrial park, shall be limited to one free-standing sign not to exceed 10 feet in height and 64 square feet in area. Building mounted signs for individual enterprises shall be limited to 20 square feet in area.

(E) Building and Parking Setbacks

All buildings shall be setback a minimum of 100 feet from the existing right-of-

way of Route 249 and Route 60. All non-residential off-street parking areas shall be setback a minimum of 35 feet from the existing right-of-way of Route 249 and Route 60. The buffer area between parking areas and the right-of-way shall be landscaped.

(F) Maximum Building Height

The maximum building height within the HOD shall be 40 feet. Non-residential buildings within the HOD will be allowed one foot (1') additional height for every three feet (3') additional setback beyond the required 100 feet, up to a maximum of 75 feet.

(G) Tree Canopy and Landscaping Requirements

- 1. A ten percent (10%) tree canopy coverage is required for non-residential development, and a twenty percent (20%) coverage for residential projects is required to be achieved.
- 2. All non-residential off-street parking areas and common parking areas for multi-family, condominium, apartment, or cluster residential areas, shall be landscaped with one (1) tree with a 2½ " caliper every 100 linear feet around the perimeter of the parking lot. In addition, in parking lots, one (1) tree with a 2½ " caliper shall be planted for every 10 parking spaces. A tree planting isle shall be provided with a minimum width of nine (9) feet.

(H) Landscape Plan

All subdivisions and site plans submitted are required to include a Landscape Plan.

Exemptions to the Plan would include: (1) any structure and associated off-street parking area in existence at the time of adoption of the HOD and which is non-conforming with regard to setbacks and is destroyed by fire or catastrophe is exempt from the setback provisions only and is permitted to be reconstructed within two years; and (2) any vacant parcel in existence at the time of adoption of this division which has fifty percent (50%) or more of its area within the setbacks as specified in the HOD regulations. The setback requirements of the underlying zoning district shall apply.

Under the Plan, buffer requirements would include: (1) a fifty (50) foot natural buffer to be left undisturbed between business and industrial zoning districts and adjacent agricultural and residential zoning districts. Where a side or rear lot line abuts a residential or agricultural zoning district, a continuous natural buffer fifty (50) feet in width shall be left undisturbed between the B-1, B-2, B-3, M-1 or M-2 zoning district and the adjacent agricultural or residential zoning district; and (2) in the event no natural screening exists, then two staggered rows of evergreens having an ultimate height of 12 feet, planted ten (10) feet apart, and six (6) feet tall at the time of planting shall be planted and maintained.

The Board of Supervisors expressed the shared concern that the setback requirements under this plan may be excessive. With this 100 foot setback requirement, some businesses would lose their outparcel development completely. Ms. Guy stated that the Planning Commission had suggested an exemption that stated where more than 50% of a parcel was being taken by the 100 ft. setback requirement, the business would not be held to the 100 ft. corridor ordinance, but only with regard to setback. They would still have to adhere to the other requirements. The other exemption offered by the Planning Commission was that if you had an existing property/building, and if it burned down or was destroyed by some other type of natural disaster, it could be re-built within a two year period in the same location and setback but then should comply with the other design standards. Ms. Guy and Mr. Mitchell showed a graphic of Routes 60 and 249 showing the parcels that would fall into the category of having 50% of their property taken by the 100 ft. setback requirement. Mr. Mitchell said that he and Ms. Guy had discussed the possibility of stopping the 249 corridor around Henpeck Road and start with the overlay. Mr. Lipscomb stated that there was mostly residential building, not commercial building, going on past Brookwood Manor.

Another consideration pointed out by Ms. Guy is that some areas falling under the Plan are designated as Village areas. The Board might want to consider having different setback requirements for these areas as these areas are supposed to be concentrated mixed use development and you want to cluster it to produce the feeling of a “village” or small community atmosphere. You want to be careful if you do change the setback requirement as you do not want to end up with strip malls. Mr. Mitchell stated that his experience had been that you cluster the buildings close to the road, with minimum setbacks, and you make some trade-offs allowing the businesses to move a little closer to the road with proper landscaping. Mr. Mitchell gave the Board members a handout highlighting the initial recommendations in terms of looking at how the ordinance is proposed and reaction to it, to replace the 100 ft. setback with a minimum of 50 ft. outside of VDOT’s ultimate right-of-way.

Mr. Lipscomb posed the question of what happens when you get two pieces of land zoned differently side by side. Mr. Emerson gave the example: should you have a piece of property that was zoned business, commercial or whatever, and it adjoins a piece of currently agricultural property, but we know in our comprehensive plan we have that piece scheduled for industrial uses, you can either change your ordinance to where properties that are designated for commercial re-zoning so you do not have to have that buffer in the front or you can, for properties that are not already re-zoned, split it and say that 50 ft. buffer is required, make them have a 25 ft. buffer and when the other piece is re-zoned make the other property use a 25 ft. buffer. That way the other person’s property is not “eaten up.” If you amend the plan, or the plan changes, you would still have an allowance to create that buffer. If you have the existing zoning like we have, business and residential, then you already know that the business can come no closer than 50 ft. Ms. Guy was talking about adding a bit of flexibility to the plan but still allowing for the safety checks of potential future uses.

There was discussion of where to stop the overlay district – whether at Henpeck or on down. Mr. Emerson suggested that Quinton proper (fire station, restaurant, etc.) be included. He further

stated that it may be a good idea to stop it at the entrance to Brookwood and then at the intersection of Henpeck and Rt. 249.

Mr. Raynes brought up the subject of regional BNPs. He had spoken with John Rutledge regarding this topic. Mr. Raynes said the County needs to be ready to address this issue. Mr. Emerson agreed and stated this would have to go into the storm water management ordinance.

Mr. Burrell thanked Ms. Guy and Mr. Mitchell for their presentation. Mr. Emerson asked that the Board give Ms. Guy and Mr. Mitchell sixty (60) to revise the plan and to bring it back to the Board at the September meeting. Ms. Ringley said she thought the plan was on the "right track" and with more work she would be comfortable with the plan. Mr. Emerson said that after the September presentation he felt he would be reasonably comfortable to take the proposal to public hearing. Mr. Lipscomb asked if it would be necessary to hold local meetings to which Mr. Emerson responded no, it should be sufficient to take it to public hearing. It was noted it would be very important to advertise the public hearing and be sure to disseminate the information to as many people as possible.

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IN RE:           PRESENTATION – Jonathan Stanger, Manager of Information Systems

Jonathan Stanger gave an overall presentation regarding the planned process of developing an Internet site for New Kent County. Mr. Stanger has met with Joan Gray, an e-Government Specialist with The Virginia Information Providers Network (VIPNet). Ms. Gray had intended to attend this work session of the Board but could not due to a family emergency. There were questions that the Board wanted to present to Ms. Gray so no decision was made with regard to the proposal until Ms. Gray could meet with the Board. Mr. Stanger gave the Board an Agreement with VIPNet but it was decided not to execute the Agreement until meeting with Ms. Gray.

There is some negotiating that needs to take place with VIPNet. A fee plan would need to be established. VIPNet receives no state-appropriated dollars and is instead self-funded through revenue-sharing opportunities and by subscriptions to the value-added services VIPNet provides. The website will be developed by VIPNet without any funding from New Kent County with the understanding that in subsequent phases of the website production, there will be revenue sharing opportunities for VIPNet. For example, DMV now has a site where you can get your vehicle license tags renewed. It costs \$1 more than the usual charge and that \$1 goes to VIPNet. Mr. Emerson stated that he hopes in the future we will be able to accept Internet payments for tags, water bills, pay taxes, obtain zoning and building permits, etc., and even, if possible, to pay Court-related items such as speeding tickets. Any maintenance activities VIPNet performs for the website will be performed at \$50 per hour.

The basis of the plan is to have as many of the governmental activities as possible available on the Internet. The goal is to make it possible for citizens who need to interact with the county government to be able to do so over the Internet, sometimes during non-business hours, and avoid having to go to the courthouse. One idea is to have a virtual courthouse wherein almost anything you could do in person, i.e., pay taxes, research, file applications, anything that could be accomplished by coming into the County Offices could be done on-line.

Phase I of the plan was to send basic information to VIPN to establish an initial site. This initial site would allow the County to establish a quick website presence, although this site would only include very basic information, i.e., contact information and very basic departmental information. With this information, VIPNet will develop a timeline of the project and a Memorandum of Understanding (“MOU”) detailing the agreement between New Kent County and VIPNet. Once the MOU has been executed and an agreed upon timeline has been established, VIPNet will begin their initial development of the website.

Phase II of the project will expand the information and services on the Internet on a department by department basis. This will involve VIPNet meeting with individual departments to develop their section(s) of the website while maintaining a basic structure for all departments.

After the website is complete, we will have to maintain the site ourselves. This will be an ongoing process as the information will need to be constantly updated. VIPNet is not responsible for maintaining the site, their goal is to establish sites, not maintain them. Mr. Emerson stated that Mr. Stanger is very busy in his present position and if we are to go on-line, we may need to consider hiring someone part time to work with Mr. Stanger in the maintenance of the website. The plan calls for the individual departments to maintain their own sites, but there will be a strong need for someone to help with repairs, questions, etc.

This is a good opportunity for New Kent as VIPNet has not established a site identical to this one, i.e., a virtual courthouse, so New Kent would be a prototype of sorts.

There are many questions to be worked out. Mr. Stanger said a termination date of August 31, 2000 had been set by VIPNet. Mr. Emerson stated that the question in his mind that he wanted to bring to the Board was do we want to (1) pay someone to do the total development and be done with it? or (2) do we want to have a fee? If fees are assessed, there will have to be a set time or establish that the fee is on there forever. Ms. Ringley emphasized the fact that if the Board chooses to accept this plan, it is making a commitment and will need to be diligent about maintaining the site. The Board agreed that it needed more time to discuss the plan and also to meet with Ms. Gray. The consensus of the group was to ask Ms. Gray if she could appear at a work session of the Board prior to the meeting on August 7, 2000.

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IN RE:           STAFF REPORTS

Mr. Emerson stated that some problems had been encountered in connection with the drop-off site at 618 Waste Convenience Center. Mr. Loving reported that during excavation for the concrete retaining wall footing, remnants of trash were discovered at depths of 4 ft. – 6 ft. This condition essentially means that this condition will not support the proposed foundation bearing pressure of 3,000 psf. Resource International, the County’s consultant, has suggested a couple of alternatives but from a cost perspective, Mr. Loving feels the best alternative would be to reduce the facility from a four-bay to a three-bay facility. If this alternative is approved, a change order will be required and an increase in fund appropriation of \$4,777 will be necessary.

The Board agreed the three-bay facility was the best route to take and instructed Mr. Loving to proceed with the three-bay facility.

As a matter of housekeeping, Mr. Emerson inquired as to which Board members were attending the LGOC meeting in August. Mr. Davis and Ms. Ringley were going, Mr. Burrell and Mr. Lipscomb were possibly going for Monday only and Mr. Raynes cannot attend.

Mr. Emerson reported on progress with the Regional Economic Development Conference. Charles City County and King William had proposed to have a meeting with all three counties on August 31, 2000. Mr. Emerson solicited comments from the Board regarding the time and place for this meeting. It may be more feasible to meet in New Kent since New Kent is a more central location.

The last item was a suggestion by Mr. Emerson that the Board attempt to get back on schedule with the meetings with the constitutional officers. Due to various conflicts, the meetings have not been held as regularly as they should have been. October may be a good month to arrange this meeting. Mr. Emerson also suggested a meeting with the School Board prior to the September meeting.

The Board recessed the meeting at 5:50 p.m.