

A JOINT PUBLIC HEARING OF THE BOARD OF SUPERVISORS AND THE PLANNING COMMISSION HELD ON THE TWENTY-FIRST DAY OF JUNE IN THE YEAR OF OUR LORD, NINETEEN HUNDRED EIGHTY-NINE, IN THE BOARD ROOM OF THE NEW KENT COUNTY ADMINISTRATION BUILDING, NEW KENT, VIRGINIA.

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Chairman Richard Ellyson called the Board of Supervisors to order at 8:00 p.m. The roll was called.

E. David Ringley	Present
Robert A. Boroughs	Present
Paul C. Robinson	Present
Richard S. Ellyson	Present

Also present were the seven members of the Planning Commission already in session and H. Garrett Hart, III, County Administrator.

C-1-89, rezoning application of Brookwood Enterprises, Inc. to rezone a portion of parcel 19B1-1 consisting of 100,953 square feet from A-1, Agricultural, to R-OA, Single Family Residential. The property is a portion of the 180 acres known as Brookwood Golf Course and is located on the east side of Pinehurst Drive adjacent to North Pointe Subdivision.

Mr. Hart presented a video-tape and explanation of the application, with proffers, of Brookwood Enterprises, Inc. for the rezoning of three lots from A-1, Agricultural, to R-OA, Single Family Residential. The staff recommended conditional rezoning of C-1-89 because no significant negative impact could be discerned, other than the loss of frontage on the golf course of three homes in the area.

Mr. Richard Hylton, owner of the Brookwood Enterprises, made the following points:

He and his wife are the exclusive owners of Brookwood  
There are no deed restrictions on their property  
The three lots to be rezoned are not used as part of the golf course  
The homes to be built would conform to the restrictive covenants of North Pointe Subdivision  
Only 2 1/2 acres of the 180 acres is intended for rezoning

John F. Rick, attorney for Brookwood Enterprises, Inc. presented these legal binding proffers:

1. The restrictive covenants effective in the North Pointe Subdivision will be made part of the deed to all three lots. The covenants will require, among other things, homes no smaller than 2200 square feet and homes compatible with the appearance of homes in North Pointe Subdivision.
2. After construction of the three lots in this rezoning, no live trees will be removed from the existing tree line along the left side of fairway #5, except as required for routine course maintenance. The tree line along the right side of fairway #5 will be trimmed back to allow drives farther away from North Pointe homes to the left of the fairway.

Signed by Richard E. Hylton, owner and applicant, June 13, 1989.

Mr. Rick countered possible objections by assuring the residents of North Pointe and Five Lakes that all setbacks, houses, accessory buildings, etc. will be subject to the restrictive covenants already in effect in the subdivisions; Bradley Allen, living adjacent to the proposed lots, has not objected; all other lots in North Pointe have been sold; only three lots on the golf course will be used for homes as long as owned by Brookwood Enterprises; an evidence of Mr. Hylton's good will toward the County is that the New Kent High School tennis and golf teams are allowed to use Brookwood's facilities without charge.

Joseph Bacall, 214 Hairpin Drive, suggested that only two lots be made available to allow the unobstructed view of the golf course for residents and passers-by.

Richard Holland, adjoining landowner, chose his lot because of the spacious view; a change in the golf course now could open the door to further changes when Brookwood Enterprises is no longer owner.

Dennis Chartier, Hairpin Drive, spoke against changing the golf course by rezoning three lots.

John Tucker, North Pointe, felt the rezoning would not affect him.

John Knight, living on Hairpin Drive at the 13th and 14th hole, didn't expect the proposed homes would make much difference.

William D. Watson, 103 Hairpin Drive, feared that removal of the right hand tree line might cause problems; objected to the loss of the intrinsic value of the view of the golf course.

Ronnie Mulvin, Custom Builder Inc. had constructed many homes in North Pointe and was in favor of the rezoning.

Allen Morgan, whose Lot 23 would lose half its boundary on the golf course, objected strongly to the rezoning. He had paid additional money for a lot on the golf course without any indication from the realtor that the area would be rezoned. He wondered by it was not rezoned prior to his purchase and the building of his \$200,000 home.

Joseph Yates, 200 Pinehurst, opposed by saying that the rezoning would set a precedent; other tees could be moved; has trouble at present with golf balls landing in his yard and golfers disregarding his privacy.

Joe Mikelaites, former part owner of Brookwood Golf Course, spoke against doing away with any part of the golf course.

Mr. Rick said Brookwood Enterprises had considered, as alternatives, selling two lots instead of three, but preferred the additional money to put back into the golf course. The second option the Hylton's have, as owners of the land, is to put houses anywhere they want.

Larry Powell, living near the second fairway, spoke in favor of the rezoning, as Mr. Hylton has invested money in the golf course and will continue to do so.

There being no further comments, Mr. Bradby closed the public hearing.

While the Board of Supervisors was still in session, Paul Robinson declared his conflict of interest and intention not to participate in the discussion or voting on the Brookwood Enterprises, Inc. rezoning case, C-1-89.

Chairman Richard Ellyson announced that the Board of Supervisors would take action on rezoning case C-1-89 at their regular meeting, July 10, 1989 at 7:30 p.m.

Paul Robinson moved to adjourn. Motion carried unanimously.

E. David Ringley	Aye
Robert A. Boroughs	Aye
Paul C. Robinson	Aye
Richard S. Ellyson	Aye

The Board of Supervisors adjourned.

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H. Garrett Hart, III  
County Administrator

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Richard S. Ellyson  
Chairman