

A JOINT PUBLIC HEARING OF THE BOARD OF SUPERVISORS AND THE PLANNING COMMISSION HELD ON THE SIXTEENTH DAY OF NOVEMBER IN THE YEAR OF OUR LORD, NINETEEN HUNDRED EIGHTY-EIGHT IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING, NEW KENT, VIRGINIA. THE CHAIRMAN CALLED THE MEETING TO ORDER WITH ALL MEMBERS PRESENT.

IN RE: PUBLIC HEARING REZONING CASE CC-2-88 - LIPSCOMB

Mr. Bradby, Chairman of Joint Public Hearings, opened the hearing on CC-2-88, W. Kendall Lipscomb's request to rezone 11 acres from A-1, agriculture, to B-2, business, limited, and 97 acres from A-1, agriculture, to R-1, Single Family Residential with certain conditions.

Mr. Julian Lipscomb, Planning Commission Member, announced that he had filed disclosure papers and would not be participating in rezoning case CC-2-88.

Mr. Bates, Director of Planning, showed slides of the 11 acres on Route 60 which Mr. Lipscomb wanted rezoned for retail and service related businesses and the adjoining 97 acres for 109 lots for single family dwellings with a minimum floor space proffer of 1500 square feet for a one story dwelling and 1600 for a two story. The staff recommended approval with these conditions.

Mr. Ellyson called the wording of the proffer ambiguous as written and therefore misleading to the potential buyers of the property.

Mr. Clement Tingley of Atlantic Homes Corporation, developer of the property, said he had followed the wording contained in the zoning ordinance.

Mr. Hart suggested that should the Planning Commission make a recommendation for approval of the rezoning, an amendment be added to clarify the dimensions required of a one or two story house.

Mr. Robinson ascertained that the residential rezoning was in conformance with the Comprehensive Plan but the B-2, business, limited, was not. Would a B-2 zoning be compatible with that area in regard to traffic, environmental concerns, etc., he asked.

Mr. Morgan replied that those suitability factors would have to be determined after the rezoning and before the approval of a site plan.

Mr. Lipscomb, applicant for the rezoning, said the residential part of his plan would be a continuation of the Five Lakes Subdivision with houses of comparable size. He expected all the homes built there to exceed the minimum requirements. The B-2 area is adjacent to the Nellie Custis Motel, convenient to Interstate 64. Although he had no business prospects at the present, the B-2 zoning would be in preparation for future development.

Nancy Hayes asked if the environmental impact had been considered, as the property was partly forested and a seasonally saturated wetland.

Mr. Bates answered that environmental and water supply studies were demanded by the Planning Commission before a site plan could be carried out.

Dana Bradshaw, a biologist, judged that the nontidal wetlands should be left in the agricultural zoning.

Willie Daniel said even the U.S. Corps of Engineers was uncertain about the status of the land. Engineers could control whatever runoff by means of a dam or other structural changes. The B-2 zoning is a logical one for the Bottoms Bridge area of Route 60.

Mr. Tingley replied to those concerned about the capacity of the Five Lakes Subdivision water system, that 195 of the 310 hook-ups were in use, with 115 in reserve and that a good aquifer is available should it become necessary to drill through to a deeper level.

Ima Sowers preferred to hear the opinion of Mr. Gallaher, Director of Public Safety, on the Five Lakes water system but Mr. Morgan said that question was not appropriate and should be considered by the Planning Commission during subdivision approval.

Mrs. Sowers read a letter from the U.S. Department of Interior asking New Kent County and developers to do all in their power to protect the Chesapeake Bay by not disturbing the nontidal wetlands. She asked that the request be honored before irrevokable damage is done.

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

IN RE: PUBLIC HEARING; REZONING CASE C-6-88 - E. R. PLASTER

Mr. Bradby opened a public hearing on rezoning case C-6-88 in which E. R. Plaster requests the rezoning of 133 acres on Route 249 from A-1, agriculture, to R-1, single family residential.

Mr. Bates showed slides on the location on Route 249 where Mr. Plaster proposes 73 residential lots between Routes 249 and 604.

Mr. Gammon declared his intention not to participate in the discussion or voting and filed a disclosure statement.

Mr. Ringley verified that homes in the proposed development would meet the 1400 square foot minimum.

Mr. Robinson asked about the effect on traffic on Route 249, if the demands of 73 homes would lower the aquifer significantly, if the soil would provide proper drainage for septic systems, and if a buffer had been proffered for Route 604.

Mrs. Edwards' questioned the school enrollment and was told that the School Board gets a report on potential lot developments.

Mr. Plaster said the land was only profitable as home sites as it would take forty years to harvest a stand of pine and the soil was not suitable for agriculture.

Ms. Nancy Hayes asked that the rezoning be deferred until the Land Use Plan is revised.

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

IN RE: PUBLIC HEARING; REZONING CASE C-8-88 - GLENN CAGWIN

Mr. Bradby opened a public hearing on rezoning case C-8-88 in which Glenn Cagwin requested to rezone two acres of a 34 acre parcel from A-1, agriculture, to B-1, business, general.

Mr. Bates reported that Mr. Cagwin proposes to construct three buildings. Two of the buildings would be two stories (4000 square feet) for business offices. The third building would be a one story (2500 square feet) for use as a preschool. Considering that a day care center would meet a local need and the community facilities will not be burdened by the proposed development, the staff recommended approval.

Mr. Cagwin said the State Highway Department required a 400 foot egress for both directions on Route 60 and this would not interfere with the traffic from the Five Lakes area.

Dana Bradshaw, a biologist with the Virginia Department of Game and Inland Fisheries, said there is one of the largest great blue heron rookeries in the state on the Chickahominy River near this property. Any activity within a quarter of a mile could disturb the birds and cause them to seek another nesting place. Preservation of the great blue heron is second only to the bald eagle.

Rick Carnahan, an adjacent landowner, spoke of a feeder creek flowing from the Five Lakes Subdivision into a pond on Mr. Cagwin's land that would be adversely affected by any construction.

Mr. Cagwin pointed out that the feeder stream did not flow into the pond closest to the proposed construction.

Ms. Nancy Hayes noted that the zoning would not be in conformance with the present Land Use Plan and therefore should be deferred.

Ima Sowers suggested that the offer of counsel from the department of the Interior about the environmental results should be accepted.

Willie Daniel felt that the construction approximately 1300 feet from the Chickahominy River would have no effect on the heron rookery or any other adverse result.

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

There being no further business, motion was made by Mr. Ellyson to adjourn the meeting and carried as follows:

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

H. Garrett Hart, III
County Administrator

Paul C. Robinson
Chairman