

AGENDA ITEM REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date Regular Agenda Consent Agenda

MOTION: "Mr. Chairman, I
move to *(not required for Consent Agenda Items)*

SUBJECT

ISSUE

RECOMMENDATION

FISCAL IMPLICATIONS

POLICY IMPLICATIONS

LEGISLATIVE HISTORY

DISCUSSION

Attachments

Time Needed Person Appearing

Request prepared by: Telephone:

Copy provided to:

For Clerk's Use:
Proper notice? _____
Disposition: _____

REVIEWS/APPROVALS
Admin Attorney
[Handwritten signatures]



MEMORANDUM

DATE: January 9, 2017

TO: New Kent County Board of Supervisors

FROM: Matthew J. Smolnik, Director of Community Development

SUBJECT: Exception request by Ken Pair of Windmill Realtors to Section 91-128(1) of the New Kent County Subdivision Ordinance

REQUEST:

Review the proposed request by Ken Pair for an exception to the requirement that all commercial subdivisions shall front on a public street or roadway as outlined in Section 91-128(1) of the New Kent County Subdivision Ordinance.

PUBLIC MEETINGS:

Planning Commission: December 19, 2016 meeting
Board of Supervisors: January 9, 2017 meeting

BACKGROUND:

On September 7, 2016, tax map parcel 21-9-3 containing approximately 2.0 acres of land was re-zoned by the New Kent County Board of Supervisors from A-1, Agricultural to BUS, Business. The property is intended to be used for a contractor/real estate office, with the possibility of another future office/retail space. The subject property is located on New Kent Highway in Quinton, directly west of 5230 New Kent Highway. At the time of the re-zoning request, the applicant offered the following proffers, which were accepted by the Board of Supervisors at the September 7th public hearing:

1. No auto fueling
2. No auto sales
3. No auto service
4. No hotel/motel
5. No mini storage
6. No truck fueling
7. No amusement facility
8. No indoor archery or firearms

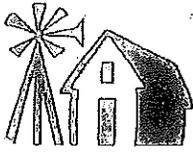
Following the re-zoning approval of the property, the owner has requested an exception to Section 91-128(1) of the New Kent County Subdivision Ordinance, which would allow for a commercial parcel to front on a private right-of-way instead of a public right-of-way. The property owner intends to construct his real estate/contractor office on the rear parcel citing that his business model does not require public road frontage.

SUGGESTED MOTIONS

The Planning Commission held a public meeting for this request on December 19, 2016 and voted 8:0:1 to forward a favorable recommendation of approval of the exception by Ken Pair to the Board of Supervisors.

Attachments:

1. Exception Request date stamped November 16, 2016
2. Physical survey of lot 3 by Frederick A. Gibson & Associates, P. C., date stamped November 16, 2016
3. PC-32-16
4. R-02-17



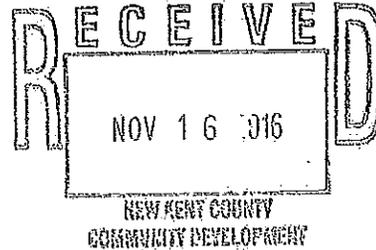
Windmill
REALTORS, LLC
 Discount Brokerage



P.O. Box 654 • Quinton, VA 23141 • Phone: 932-3000 • Fax: 932-8900

November 15, 2016

New Kent County Planning Dept
 Matthew J. Smolnik
 12007 Courthouse Circle
 New Kent, VA 23124



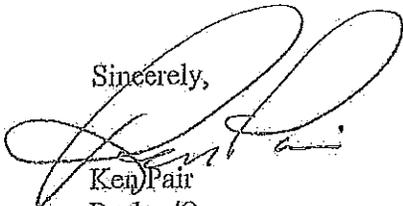
RE: Request for subdivision of Property – 2.031 acres
 GPIN# L09-4016-2627
 Tax Map# 21-9-3

Dear Mr. Smolnik;

I am asking the County to allow me to subdivide the recently rezoned property tax Map # 21-9-3. The required one acre minimum for a business zoned parcel is not a problem for subdividing. I am requesting a waiver of the required state road frontage in accordance with Section 91-128 of the Subdivision Ordinance. I plan to build my Real Estate Contractor office on the rear parcel. Our business model does not require road frontage or the visibility it provides. Windmill REALTORS and the County would benefit from the subdivision into two parcels instead of the current one. The County's benefit would come in the form of taxes on the improvements and the business. There should be minimal, if any, additional services required of the county for the additional business.

Please consider our request at your earliest convenience. Thank you with your help to this matter. Attached is a copy of the plat for the required subdivision.

Sincerely,



Ken Pair
 Broker/Owner

NOTES: THIS PROPERTY IS LOCATED IN F.E.H.A. FLOOD ZONE "X" MAP # 51127C0090B DATED 9-25-2009
 FREDERICK A. GIBSON & ASSOCIATES, P.C. ASSURES NO LIABILITY REGARDING SUB-SURFACE FEATURES
 SUCH AS TOXIC WASTE, GARBAGE OR WASTE DISPOSAL AREAS, LANDFILLS, UNDERGROUND STORAGE
 TANKS, CEMETERIES OR BURIAL SITES, SHRINK/SWELL SOILS, UNDERGROUND DRAINAGE OR UTILITIES.
 CURRENT OWNER(S): N/F KENNETH R. PAIR D.B.567 PG. 366 T.M. 21-9-3 GPIN L09-4016-2627 ZONED A1

CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD	TANGENT
C1	84°00'39"	25.00'	57.85'	S47°14'49"W	61.20'	57.84'

PLAT BK. 15
 PAGE 108

RECEIVED
 NOV 16 2014
 NEW KENT COUNTY
 COMUNITY DEVELOPMENT

N/F SHIFFLETT
 D.B. 155 PG. 499
 T.M. 21-9A

N/F DUSTIN NOORE
 D.B. 572 PG. 993
 T.M. 21-9-4 GPIN L09-4016-2627
 ZONED A1

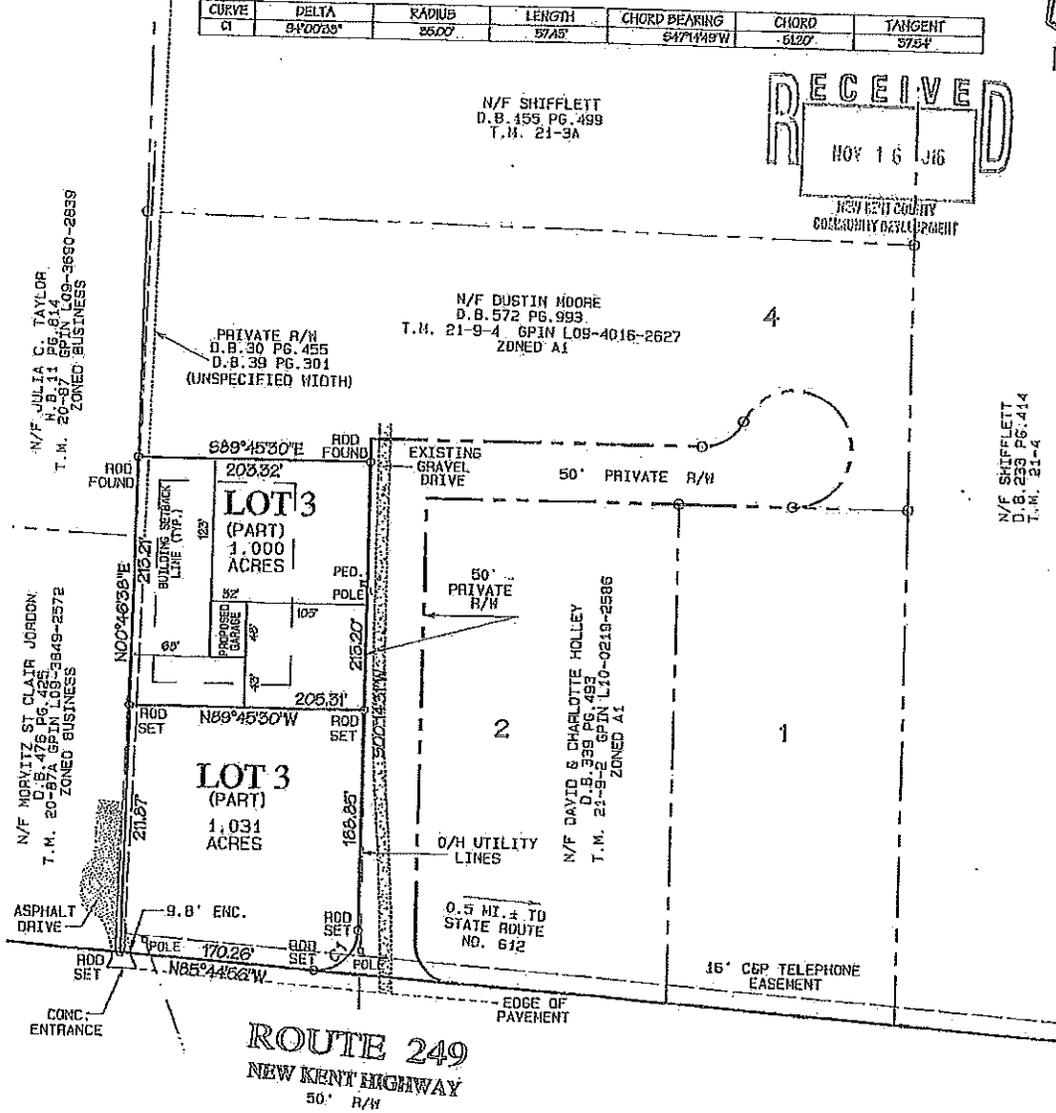
PRIVATE R/W
 D.B. 30 PG. 455
 D.B. 39 PG. 301
 (UNSPECIFIED WIDTH)

N/F JULIA C. TAYLOR
 D.B. 156 PG. 814
 T.M. 21-9-3 GPIN L09-3650-2833
 ZONED BUSINESS

N/F MORVITZ ST CLAIR JORDON
 D.B. 476 PG. 426
 T.M. 20-87A GPIN L08-3849-2572
 ZONED BUSINESS

N/F SHIFFLETT
 D.B. 239 PG. 414
 T.M. 21-4

N/F DAVID S CHARLOTTE HOLLEY
 D.B. 307 PG. 493
 T.M. 21-9-3 GPIN L10-0219-2586
 ZONED A1



ROUTE 249
 NEW KENT HIGHWAY
 50' R/W

(PHYSICAL SURVEY)

PLAT SHOWING PROPOSED DIVISION AND IMPROVEMENTS ON LOT 3
 PLAN OF "PARENT TRACT MINOR SUBDIVISION" RECORDED IN
 PLAT BOOK 15, PAGE 108, SITUATED ON THE NORTHERN LINE OF
 STATE ROUTE 249, IN THE BLACK CREEK DISTRICT OF
 NEW KENT COUNTY, VIRGINIA

SCALE: 1" = 100' NOV. 25, 2014



FREDERICK A. GIBSON
 & ASSOCIATES, P.C.

PROFESSIONAL LAND SURVEYORS
 11521-G MIDLOTHIAN TURNPIKE

N. CHESTERFIELD, VA. 23235 PHONE 804 378-4485

THIS IS TO CERTIFY THAT ON NOVEMBER 25, 2014 I MADE A
 FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT THERE ARE NO VISIBLE
 ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM
 SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON.
 THIS PLAT IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT.
 PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE.
 TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH THE
 HIGHEST PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE
 BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS,
 AND CERTIFIED LANDSCAPE ARCHITECTS.

PLANNING COMMISSION
COUNTY OF NEW KENT
VIRGINIA

PC-32-16

At the regular meeting of the Planning Commission of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 19th day of December, 2016:

<u>Present:</u>	<u>Vote:</u>
Katherine Butler	Aye
Jack Chalmers	Absent
Joanne Schmit	Aye
Laura Rose	Aye
Charna Moss - Gregory	Aye
Joyce Williams	Aye
John Moyer	Aye
Edward Pollard	Aye
Tommy Tiller	Abstained
Richard Kontny, Jr.	Aye
Patricia Townsend	Absent

Motion was made by Katherine Butler, which carried 8:0:1, to adopt the following resolution:

**A RESOLUTION TO RECOMMEND APPROVAL OF
AN EXCEPTION TO SECTION 91-128(1) OF THE NEW KENT COUNTY CODE TO ALLOW
COMMERCIAL LOTS TO FRONT ON A PRIVATE RIGHT OF WAY**

WHEREAS, Ken Pair has submitted a request for exception to Section 91-128(1) of the New Kent County Code" date stamped November 16, 2016; and

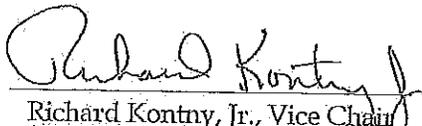
WHEREAS, said request is to request relief from the County Code and to allow for a 1.000 acre portion of Lot 3 to not front on a public road as shown on the exhibit titled, "Plat showing proposed division and improvements on lot 3 plan of "Parent Tract Minor Subdivision" recorded in plat book 15, Page 108"; and

WHEREAS, the Planning Commission has evaluated the request based on the standards established in Section 91-128 of the New Kent County Code; and

WHEREAS, the Commission finds that approval of the exception request by Ken Pair is justified due to the reasons presented to the Commission.

NOW THEREFORE, BE IT RESOLVED that on this, the 19th day of December, 2016, by the New Kent County Planning Commission, that the exception request submitted by Ken Pair be forwarded to the New Kent County Board of Supervisors with a recommendation of approval.

Attested:


Richard Kontny, Jr., Vice Chair
New Kent County Planning Commission

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

R-02-17

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 9th day of January, 2017:

Present:

Vote:

Ron Stiers
W.R. Davis, Jr.
Thomas W. Evelyn
C. Thomas Tiller, Jr.
Patricia A. Paige

Motion was made by _____, which carried _____, to adopt the following resolution:

**A RESOLUTION TO APPROVE AN EXCEPTION TO SECTION 91-128(1)
OF THE NEW KENT COUNTY CODE TO ALLOW
COMMERCIAL LOTS TO FRONT ON A PRIVATE ROAD**

WHEREAS, Ken Pair of Windmill Realtors has submitted a request for exception to Section 91-128(1) of the New Kent County Code; and

WHEREAS, said request is to request relief from the County Code to allow for tax map parcel number 21-9-3 to front on a private right-of-way instead of a public right-of-way; and

WHEREAS, the Planning Commission evaluated the application at their December 19, 2016 meeting and voted 8:0:1 to forward a favorable recommendation of approval to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has evaluated the application based on the standards established in Section 91-128 of the New Kent County Code; and

WHEREAS, the Board of Supervisors finds that approval of the exception request by Ken Pair of Windmill Realtors is acceptable and is in the best interest of New Kent County.

NOW THEREFORE, BE IT RESOLVED that on this, the 9th day of January, 2017, by the New Kent County Board of Supervisors, that the exception request submitted by Ken Pair of Windmill Realtors be approved.

Attest:

Rodney A. Hathaway
County Administrator

Chairman