



NEW KENT COUNTY BOARD OF SUPERVISORS

September 20, 2021, 6:30 PM

Boardroom, County Administration Building, 12007 Courthouse Circle, New Kent, VA
23124 - JOINT SESSION

New Kent Board of Supervisors and Planning Commission

CALL TO ORDER AND ROLL CALL

Times are approximate

This meeting will start and end with the Planning Commission's published agenda which is available at <http://www.co.new-kent.va.us/DocumentCenter/View/6179/092021-Joint-Agenda-PDF>. The Board of Supervisors will be present for a public hearing and discussion on the Comprehensive Plan.

- ITEM 1 **PUBLIC HEARING - John Kinney Rezoning - Application ZM-03-21 - Ordinance O-32-21**
Planning Director Kelli Le Duc and Applicant
- ITEM 2 **Discussion Regarding the Strategic Plan, Comprehensive Plan Update and Next Steps**
- ITEM 3 **Adjournment**

MEETING SCHEDULE: The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Tuesday, October 12, 2021 and the next work session at 9:00 a.m. on Wednesday, September 29, 2021, both in the Boardroom of the County Administration Building.

ADJOURNMENT

If a meeting cannot be held because of the closing of State and/or County offices, the meeting will be held on the next business day that the County offices are open.

New Kent County Board of Supervisors
P O Box 150, 12007 Courthouse Circle
New Kent, VA 23124

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

Meeting Date: 9/20/2021

This meeting will start and end with the Planning Commission's published agenda which is available at <http://www.co.new-kent.va.us/DocumentCenter/View/6179/092021-Joint-Agenda-PDF>. The Board of Supervisors will be present for a public hearing and discussion on the Comprehensive Plan.

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)

adopt Ordinance O-32-21 as presented.

Subject

PUBLIC HEARING - John Kinney Rezoning - Application ZM-03-21 - Ordinance O-32-21

Issue

Mr. Jonathan C. Kinney has requested the rezoning of approximately 1.42 acres of land from R-2 to CHDD, Courthouse Development District. The subject property is located just west of The Ordinary at 11930 New Kent Highway, and is identified as Tax Parcel 24-15A (GPIN K20-1961-2026).

Recommendation

Fiscal Implications

Policy Implications

Legislative History

Discussion

Time Needed:

Person Appearing:

Planning Director
Kelli Le Duc and
Applicant

Request
prepared by:

W. Watkins, Deputy
Clerk of the Board

Telephone:

804-966-9687

Copy provided
to:

ATTACHMENTS:

Description
Staff Memo (PDF)

Type
Cover Memo

PC Resolution PC-22-21 (PDF)
BOS Ordinance O-32-21 (PDF)
Map & Other Supporting Information (PDF)
Notice of Mailing (PDF)
Mailing List (PDF)
Public Hearing Notice (PDF)

Resolution Letter
Ordinance
Backup Material
Backup Material
Backup Material
Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	9/10/2021 - 11:29 AM
Administration	Hathaway, Rodney	Approved	9/10/2021 - 3:46 PM
Attorney	Hefty, Brendan	Approved	9/13/2021 - 8:13 AM



MEMORANDUM

DATE: September 20, 2021

TO: New Kent County Planning Commission
New Kent County Board of Supervisors

SUBJECT: Application Number ZM-03-21, Jonathan Kinney Rezoning

REQUEST

Mr. Jonathan Kinney has requested the rezoning from R-2 to Courthouse Development District of approximately 1.42 acres of land. The subject property is located just west of the Ordinary at 11930 New Kent Highway. The proposed use for the building involves converting it to administrative offices for the Ordinary.

PUBLIC HEARINGS

Planning Commission and Board of Supervisors to hold a joint public hearing on September 20, 2021 at 6:30 p.m., New Kent Administration Building Boardroom

GENERAL INFORMATION

Location: The subject property is located at 11930 New Kent Highway

Tax Parcel: 24-15A

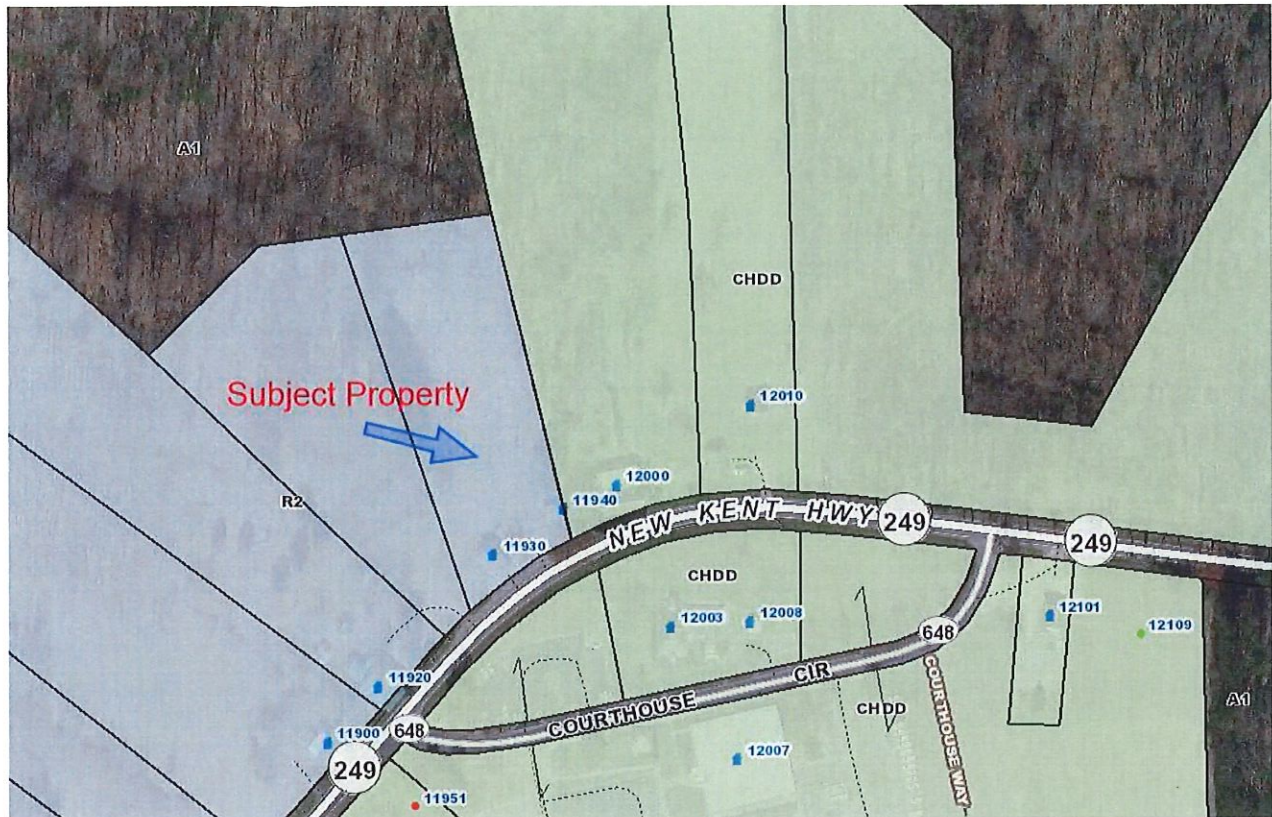
Size: Approximately 1.42 acres

Owner: Jonathan Kinney

Current Zoning: R-2

Current Use: Vacant office

Adjacent Zoning: North - A-1
East - Courthouse Development District
West - R-2
South - Courthouse Development District



New Kent County Comprehensive Plan Future Land Use Designation: Village

RELATIONSHIP TO COMPREHENSIVE PLAN

The application states the following: *"The Applicant is in the process of renovating the existing buildings on the adjoining property; The Ordinary, three outbuildings and a barn. The applicant purchased this property known as the Hoover property to expand the grounds of The Ordinary. The structure identified as the Hoover house has been demolished; the small office building on the site is being renovated to serve as the administrative offices for The Ordinary. The applicant intends to renovate this modest building and update it to current standards. Future development of the property includes a limited number of vendor and office parking spaces (to be built behind the office building). The applicant intends to landscape this property to incorporate it into The Ordinary grounds creating space for casual games such as croquet and badminton. At some point in the future the applicant intends to add a pavilion and/or event center to The Ordinary but its location has not been determined."*

The Comprehensive Plan's Future Land Use Map designates the subject property as "Village."

Village - Villages are intended to involve a mixture of land uses on a smaller, pedestrian scale. The creation of viable villages requires the availability of public water and sewer to allow for the compact nature of development necessary to ensure that the entire village can easily be traversed by foot. The scale, design, and attention to detail of structures within village areas are critical to carrying out the vision of the Plan. The speed of automobile traffic within villages will be controlled with the use of such tools as roundabouts, raised medians, and the recapture of travel lanes into parking aisles.

Allowable land uses would include the following:

- Single-family detached and attached dwellings on smaller lots to provide opportunities for a more affordable housing option

- Apartments and condominiums, both free-standing and in upper floor space above street level commercial uses
- Retail stores of a modest scale (i.e., big box retailers are not considered an appropriate use in villages)
- Services
- Professional and general offices, both free standing and in multi-tenant structures
- Institutional uses such as churches, schools, and libraries

Villages are intended to be subject to fairly stringent design standards including the following types of requirements:

- Structures to be located close to the street with all parking located either on-street or behind structures in shared parking lots
- Sidewalks and sitting areas to be located between streets and buildings
- Controlled access to public streets
- Architectural, building material, and landscaping controls
- Provision of public plazas, parks, and other gathering places

This area of New Kent Courthouse is currently home to the County Administrative Complex, the New Kent Post Office, School Board Office, New Kent School Complex, several County businesses, as well as residences. The area is currently served by public utilities.

TRANSPORTATION

This application was reviewed by VDOT and they had no comment. The applicant proposes to use the existing entrance on New Kent Highway.

PUBLIC UTILITIES

This area of the County is served by public utilities. The applicant will be required to connect to the public utilities if any future buildings are constructed.

ENVIRONMENTAL IMPACTS

Any future impacts due to development of the property will be addressed during the plan of development process.

IMPACT ON NEW KENT COUNTY SCHOOLS

No impact to the schools.

IMPACT ON NEW KENT COUNTY PUBLIC SERVICES

There will be minimal impact to County services. The Sheriff had no concerns. The Fire Marshall also had no concerns.

All new or remodeling of structures will be permitted through the Building Development Department and meet fire codes.

ECONOMIC DEVELOPMENT

This application was reviewed by the Economic Development Director and his comments were as follows: *"I am in support of this application and look forward to the opening of The Ordinary and associated venues/events."*

OVERALL ANALYSIS/ RECOMMENDATION

The proposed rezoning is in compliance with the Village designation in the Comprehensive Plan. New Kent Courthouse currently has several businesses and residences. Approving this rezoning will not contribute negatively to County Services and the business will create additional tax revenue for the County. Staff recommends approval of Application ZM-03-21. This can be done with the adoption of Resolution PC-22-21 and Board of Supervisors Ordinance O-32-21.

SUGGESTED MOTIONS FOR PLANNING COMMISSION

1. In order to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County, I move to adopt Resolution No. PC-22-21, to forward Application ZM-03-21 to the New Kent County Board of Supervisors with a favorable recommendation.

or

2. I move to forward Application ZM-03-21 to the New Kent County Board of Supervisors with an unfavorable recommendation for the following reasons:
 - a. _____
 - b. _____

BOARD OF SUPERVISORS TO TAKE ACTION ON REZONING APPLICATION ZM-03-21/ORDINANCE O-32-21 AFTER RECEIVING RECOMMENDATION FROM THE PLANNING COMMISSION

Attachments:

- Application & Information
- Advertisement & Adjacent Property Owners List
- Resolution PC-22-21
- BOS Ordinance O-32-21

Copies to:

- Applicant
- File

PLANNING COMMISSION
COUNTY OF NEW KENT
VIRGINIA

PC-22-21

At the regular meeting of the Planning Commission of the County of New Kent, in the Boardroom of the New Kent County Administration Building in New Kent, Virginia, on the 20th day of September, 2021:

Present:

Katherine Butler
Marc Bennett
Joanne Schmit
Laura Rose
Amy Pearson
Gary Larochelle
John Moyer
Joseph Davis
Tommy Tiller
Patricia Townsend
Curtisa Thomas

Vote:

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

**A RESOLUTION TO RECOMMEND APPROVAL OF
REZONING APPLICATION ZM-03-21
(JONATHAN KINNEY),
TO REZONE APPROXIMATELY 1.42 ACRES OF LAND
FROM R-2 TO COURTHOUSE DEVELOPMENT DISTRICT**

WHEREAS, Mr. Jonathan Kinney has submitted a "Rezoning/Ordinance Change Application" dated August 9, 2021; and

WHEREAS, said application requests the rezoning of approximately 1.42 acres identified on the New Kent County digital map as Tax Parcel 24-15A (GPIN K20-1961-2026); and

WHEREAS, subsequent to receiving a complete application and within the timeframes established by Code, the Planning Commission scheduled and conducted a

formal and duly advertised public hearing, carefully considering the public comment received; and

WHEREAS, the New Kent County Planning Commission has made the following findings with regard to this application:

- The proposed rezoning and use are not prejudicial to the character of the neighborhood.
- The proposed rezoning and use will not adversely affect the general plans for the physical development of the County as embodied in the Comprehensive Plan.
- The proposed rezoning and use will not be detrimental to the use or development of adjacent properties or the general neighborhood, nor will it impair the value of buildings or property in surrounding areas

WHEREAS, the New Kent County Planning Commission finds that approval of this application would address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County;

THEREFORE, BE IT RESOLVED that on this, the 20th day of September, 2021, by the New Kent County Planning Commission, that Rezoning Application ZM-03-21 be, and hereby is, transmitted to the New Kent County Board of Supervisors with a recommendation to amend the New Kent County Zoning Map to reclassify GPIN K20-1961-2026 as Courthouse Development District.

Attested:

Laura Rose
Chairwoman, New Kent County Planning Commission

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

O-32-21

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the New Kent Administration Building in New Kent, Virginia, on the 20th day of September, 2021:

Present:

Vote:

Thomas W. Evelyn
C. Thomas Tiller, Jr.
Patricia Paige
Ron Stiers
John N. Lockwood

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

**AN ORDINANCE TO REZONE
APPROXIMATELY 1.42 ACRES OF LAND
FROM R-2 TO COURTHOUSE DEVELOPMENT DISTRICT**

WHEREAS, Mr. Jonathan Kinney has submitted a "Rezoning/Ordinance Change Application" dated August 9, 2021; and

WHEREAS, said application requests the rezoning of approximately 1.42 acres identified on the New Kent County digital map as GPIN #K20-1961-2026 (Tax Parcel 24-15A); and

WHEREAS, subsequent to receiving a complete application and within the timeframes established by Code, the Planning Commission scheduled and conducted a formal and duly advertised public hearing, carefully considering the public comment received; and

WHEREAS, the New Kent County Planning Commission has made the following findings with regard to this application:

- The proposed rezoning and use are not prejudicial to the character of the neighborhood.

- The proposed rezoning and use will not adversely affect the general plans for the physical development of the County as embodied in the Comprehensive Plan.
- The proposed rezoning and use will not be detrimental to the use or development of adjacent properties or the general neighborhood, nor will it impair the value of buildings or property in surrounding areas

WHEREAS, the New Kent County Planning Commission voted _____ to forward the application to the New Kent County Board of Supervisors with a favorable recommendation; and

WHEREAS, the rezoning application has been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, approval of the rezoning request through the adoption of this Ordinance will further the public necessity, convenience, general welfare and good zoning practices in the County of New Kent;

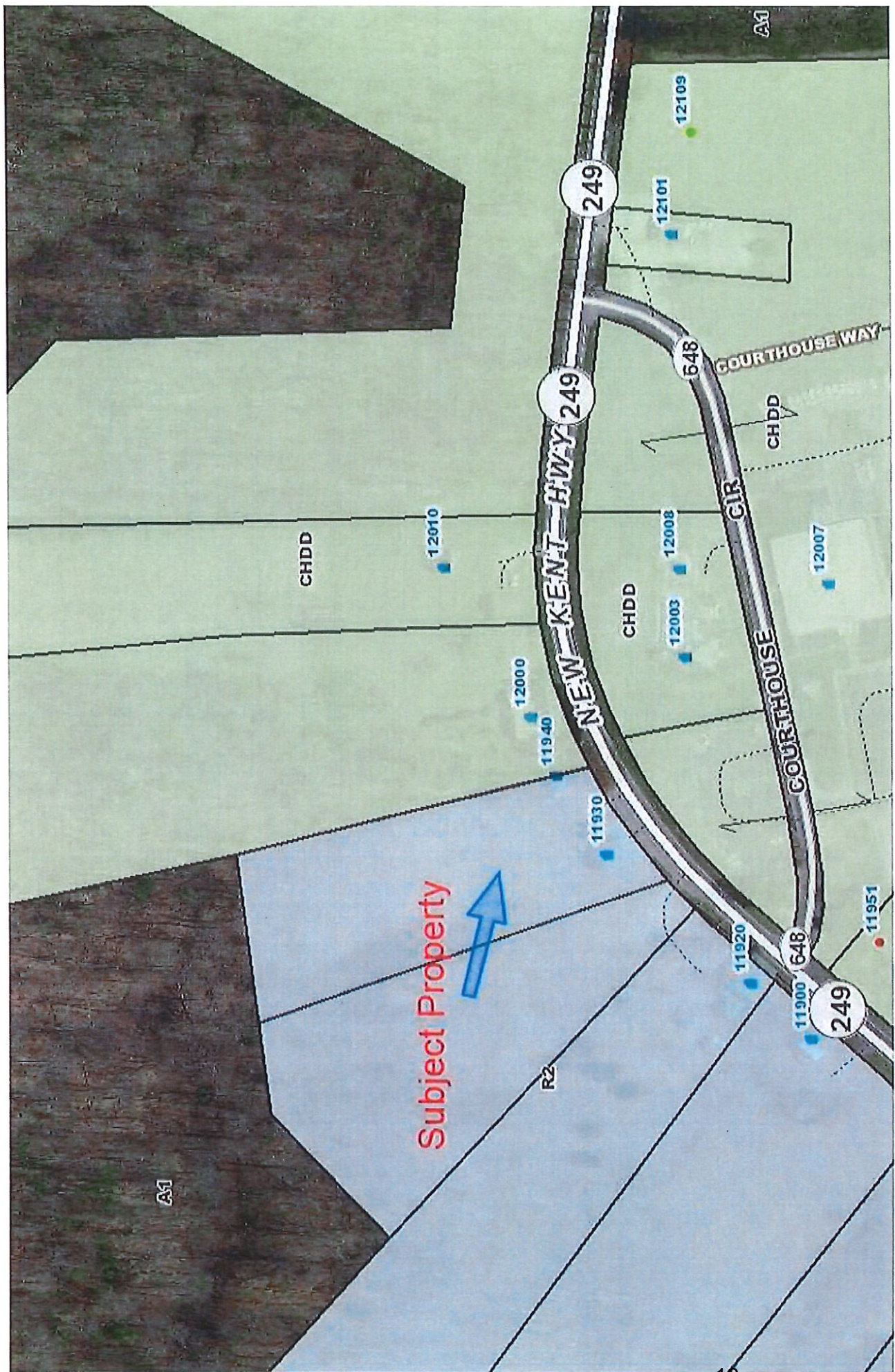
NOW THEREFORE BE IT ORDAINED this, the 20th day of September, 2021, by the New Kent County Board of Supervisors, that application ZM-03-21 be, and it hereby is, approved by amending the New Kent County Zoning Map to reclassify GPIN K20-1961-2026 as Courthouse Development District.

BE IT FURTHER ORDAINED, that the County Administrator be, and he is hereby, directed to have a fully executed copy of this Ordinance recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.

Attest:

Rodney A. Hathaway
County Administrator

Thomas W. Evelyn
Chairman



11970 New Kent Highway, New Kent, Virginia

Requested Rezoning

The property proposed for rezoning is comprised of a single tax parcel that contains 1.42± acres. The property is currently zoned R-2 (Residential) and is designated in the current Land Use Plan as Village, which is consistent with the proposed rezoning of the property (i.e., Courthouse Development District).

Surrounding Properties

The property immediately to the west is zoned Residential, the property immediately to the north is zoned A-1, the property to the east is zoned Courthouse Development District and across New Kent Highway the zoning is primarily Courthouse Development District.

Proposed Use

The Applicant is in the process of renovating the existing buildings on the adjoining property; The Ordinary, three outbuildings and a barn.

The Applicant purchased this property known as the Hoover property to expand the grounds of The Ordinary. The structure identified as the Hoover house has been demolished; the small office building on the site is being renovated to serve as the administrative offices for The Ordinary. The Applicant intends to renovate this modest building and update it to current standards. Future development of the property includes a limited number of vendor and office parking spaces (to be built behind the office building). The Applicant intends to landscape this property to incorporate it into The Ordinary grounds creating space for casual games such as croquet and badminton. At some point in the future the Applicant intends to add a pavilion and/or event center to The Ordinary but its location has not been determined.

Site development will be designed to address all state and County requirements during construction and post development.

Parking

Parking will be expanded to meet County requirements for vendors servicing The Ordinary and the small office building.

Traffic

The Applicant proposes to use the existing road entrance on New Kent Highway.

Any additional traffic will be minimal and will not require a right turn lane according to Virginia Department of Transportation (VDOT) turn lane requirements. The site does not meet the requirements of Chapter 527 of VDOT regulations. Any additional traffic will be minimal as it will simply be ancillary parking for The Ordinary and the office and does not require a right turn lane. The impact to public schools will be minimal or nonexistent.

Conclusion

The incorporation of this property into The Ordinary grounds coupled with the restoration of The Ordinary will expand the vista that helps enhance the view of The Ordinary along New Kent Highway and the old courthouse as you approach both from the east and west of The Ordinary. The development of this property, coupled with the restoration of The Ordinary as a wedding venue/event space is designed to be a beneficial component of the redevelopment of the New Kent Courthouse area and environs.

**NEW KENT COUNTY
Notice of Mailing**

Applicant Name: Jonathan C. Kinney
Application Number: ZM-03-21
Public Hearing Date: Monday, September 20, 2021

**STATE OF VIRGINIA
COUNTY OF NEW KENT, to wit**

I, Kelli L. Z. Le Duc, of the New Kent County Planning Department, do make oath that notices as required by Section 15.1-431 of the Code of Virginia, 1950, as amended, were mailed on the 7th day of September, 2021, by first class mail, postage prepaid, to the persons whose names and addresses are attached.

Kelli L. Z. Le Duc
Signed

Subscribed and sworn to before me this 7th day of September, 2021.

I was originally commissioned as
Sheri Lynn Wood, Notary Public

Sheri Lynn Wood
Notary Public



My commission expires: December 31, 2023.

§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. The local planning commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the governing body. The term "two successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000

feet of the affected property as may be required by the commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ [15.2-2240](#) et seq.) where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local commission to give written notice to the owner, owners or their agent of any parcel involved.

The governing body may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 30 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § [15.2-2311](#) or [15.2-2314](#), is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

(Code 1950, § 15-961.4; 1962, c. 407, § 15.1-431; 1964, c. 632; 1968, cc. 354, 714; 1973, cc. 117, 334; 1974, cc. 100, 570; 1975, c. 641; 1976, c. 642; 1977, c. 65; 1982, c. 291; 1990, c. 61; 1992, cc. 353, 757; 1993, cc. 128, 734; 1994, c. [774](#); 1995, c. [178](#); 1996, cc. [613](#), [667](#); 1997, c. [587](#); 2001, c. [406](#); 2002, c. [634](#); 2004, cc. [539](#), [799](#); 2005, c. [514](#); 2007, cc. [761](#), [813](#); 2011, c. [457](#); 2012, c. [548](#); 2013, cc. [149](#), [213](#).)

Kinney Jonathan C
2311 Wilson Blvd, Suite 500
Arlington, VA 22201

ZM-03-21

Charles City Forest Products
PO Box 398
Providence Forge, VA 23140

ZM-03-21

Jessica Angel
11920 New Kent HWY
New Kent, VA 23124

New Kent County
PO Box 150
New Kent, VA 23124

ZM-03-21

**NOTICE OF JOINT PUBLIC HEARING
NEW KENT COUNTY BOARD OF SUPERVISORS
AND NEW KENT COUNTY PLANNING COMMISSION**

Notice is hereby given that the New Kent County Board of Supervisors and the New Kent County Planning Commission will hold a joint public hearing, during which they may or may not take action, on Monday, September 20, 2021 at 6:30 PM or as soon thereafter as possible in the Boardroom of the County Administration Building located at 12007 Courthouse Circle in New Kent, Virginia, 23124, to consider the following:

1. **Application ZM-03-21, John Kinney Rezoning:** Mr. Jonathan C. Kinney has requested the rezoning from R-2 to CHDD, Courthouse Development District, of approximately 1.42 acres of land. The subject property is located just west of the Ordinary, at 11930 New Kent Highway, and is identified as Tax Parcel 24-15A (GPIN K20-1961-2026).

Questions concerning this public hearing may be directed to the Department of Planning at 804-966-9690. All interested persons may appear and present their views at the above time and place. If a member of the public cannot attend the hearing, comments may be submitted by mail to P.O. Box 150, New Kent, VA 23124; by fax to 804-966-9730, or by email to bos@newkent-va.us or planning@newkent-va.us. Comments received by 12:00 P.M. on the day of the hearing will be distributed to the Board and Planning Commission members and made a part of the public record. Copies of any proposed ordinances, resolutions, applications, and staff reports may be viewed approximately one week prior to the hearings in the Office of the County Administrator or the Department of Planning, both located at 12007 Courthouse Circle, New Kent, VA 23124 during regular business hours or at <http://www.co.newkent.va.us/143/Planning-Commission>. Anyone needing assistance or accommodation under the provisions of the Americans with Disabilities Act should call the County Administrator's Office at (804)966-9683 at least 24 hours in advance of the hearing.

If the meeting cannot be held because of the closing of State and/or County offices, it will be held on the next business day that the New Kent County offices are open.

**By authority of
Rodney A. Hathaway
Clerk of the Board**

And

PLANNING COMMISSION

New Kent County Board of Supervisors
P O Box 150, 12007 Courthouse Circle
New Kent, VA 23124

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

Meeting Date: 9/20/2021

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Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)

N/A

Subject

Discussion Regarding the Strategic Plan, Comprehensive Plan Update and Next Steps

Issue

Recommendation

Fiscal Implications

Policy Implications

Legislative History

Discussion

Time Needed:

Person Appearing:

Request prepared by:

W. Watkins, Deputy Clerk of the Board

Telephone:

804-966-9687

Copy provided to:

REVIEWERS:

Department

Reviewer

Action

Date

Clerk

Watkins, Wanda

Approved

9/9/2021 - 6:46 PM

Administration

Hathaway, Rodney

Approved

9/10/2021 - 3:46 PM

Attorney

Hefty, Brendan

Approved

9/13/2021 - 8:13 AM

New Kent County Board of Supervisors
P O Box 150, 12007 Courthouse Circle
New Kent, VA 23124

AGENDA ITEM REQUEST
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Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	adjourn
Subject	Adjournment
Issue	
Recommendation	
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Tuesday, October 12, 2021 and the next work session at 9:00 a.m. on Wednesday, September 29, 2021, both in the Boardroom of the County Administration Building.

Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

ATTACHMENTS:

Description	Type
Closed Session Motions (PDF)	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
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Clerk

Watkins, Wanda

Approved

9/9/2021 - 6:49 PM

MOTIONS FOR CONVENING A CLOSED SESSION

- 1 I move to go into closed session pursuant to §2.2-3711A.1 of the Code of Virginia for *(discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or County employees)* involving _____.
- 3 I move to go into closed session pursuant to §2.2-3711A.3 of the Code of Virginia for *discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County)* involving _____.
- 4 I move to go into closed session pursuant to §2.2-3711A.4 of the Code of Virginia for *(the protection of the privacy of individuals in personal matters not related to public business)* involving _____.
- 5 I move to go into closed session pursuant to §2.2-3711A.5 of the Code of Virginia for *(discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community)* involving _____.
- 6 I move to go into closed session pursuant to §2.2-3711A.6 of the Code of Virginia for *(discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the County would be adversely affected)* involving _____.
- 7 I move to go into closed session pursuant to §2.2-3711A.7 of the Code of Virginia for *(consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel)* involving _____.
- 19 I move to go into closed session pursuant to §2.2-3711A.19 of the Code of Virginia for *(discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure)* involving _____.
- 28 I move to go into closed session pursuant to §2.2-3711A.28 of the Code of Virginia for *(discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected local jurisdiction, as those terms are defined in § 56-557, or any independent review panel appointed to review information and advise the responsible public entity concerning such records)* involving _____.

- 29 I move to go into closed session pursuant to §2.2-3711A.29 of the Code of Virginia for *(discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board)* involving _____.
- 33 I move to go into closed session pursuant to §2.2-3711A.3 of the Code of Virginia for *(discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.)* involving _____.

CERTIFICATION OF CLOSED SESSION

A. Motion

I move that the Board certify by roll call vote that to the best of each member's knowledge only public business matters lawfully exempted from open session requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session.

B. Vote taken on certification.

Present:

Vote:

Thomas W. Evelyn
C. Thomas Tiller, Jr.
Patricia A. Paige
Ron Stiers
John N. Lockwood