

POLICY COMMITTEE MEETING

July 10, 2014

3:00 p.m.

County Government Center, Building D

1.) Roll Call

Present

Mr. Tim O'Connor
Mr. Rich Krapf
Ms. Robin Bledsoe

Staff Present

Mr. Paul Holt
Mr. Scott Whyte
Ms. Savannah Pietrowski

Absent

Mr. John Wright

Mr. Tim O'Connor called the meeting to order at 3:00 p.m.

2.) Minutes

a. May 15, 2014

Mr. Rich Krapf moved to approve the minutes.

In a unanimous voice vote, the minutes were approved as submitted (3-0; Mr. Wright being absent.)

3.) New Business

A. Case No. ZO-0001-2014, Chicken Keeping in R-2, General Residential and R-3, Residential Development

Mr. O'Connor stated that the role of the Policy Committee is to make recommendations in regards to what the ordinance for the R-2 and R-3 Districts will look like when they are presented to the Planning Commission.

Mr. Krapf asked if the Policy Committee could make a recommendation that an ordinance not be drafted for R-2 and/or R-3, or if the expectation is that a draft ordinance must be prepared.

Mr. Paul Holt stated that based on the Board request and the way in which ordinance amendments are advertised, Staff must prepare a draft ordinance.

Ms. Robin Bledsoe inquired if the ordinance could be sent to the Board without a recommendation from the Planning Commission.

Mr. Holt stated that the Commission would have to vote on the ordinances, but a narrative from the Commission could be included when the vote is presented to the Board.

Mr. O'Connor stated that the reasons for the Commission's vote should be communicated to the Board.

Mr. Holt confirmed that it could be included in the Memorandum that is sent to the Board.

Mr. O'Connor asked the citizen in the audience if he has attended any of the previous meetings, and where he lives.

The citizen responded that he has attended two other meetings and lives in James Terrace.

Mr. O'Connor inquired if he had any comments he would like to share.

The citizen responded that he would like to be able to keep chickens.

Mr. Krapf inquired if Mr. Scott Whyte had any comments he would like to share with the Committee.

Mr. Whyte noted that the Board adopted an initiating resolution to examine chicken keeping in the R-2 and R-3 Districts.

Mr. Holt stated that Mr. Whyte has been in contact with adjoining localities to gather information, and staff has provided Zoning maps for the Commissioners to look at.

Ms. Bledsoe noted that she shared a comprehensive discussion on urban chicken keeping with the other Commissioners.

Mr. O'Connor stated that the direction from the most recent Board meeting was to consider the policies of neighboring localities. Mr. O'Connor stated that throughout the process, the Committee has looked at several different localities, and noted that New Kent has not adopted a chicken keeping policy.

Mr. Whyte stated that most of New Kent County is zoned A-1, where chickens are permitted. Mr. Whyte also noted that New Kent County has not had any issues with people keeping chickens in other residential area, although they know they exist.

Ms. Bledsoe inquired if New Kent has gated communities similar to those found in James City County or an area comparable to New Town.

Mr. Whyte noted that there are some similar communities surrounding the golf courses.

Mr. Krapf inquired regarding the City of Williamsburg's policy.

Mr. Whyte stated that they allow chicken keeping and rely on their Animal Control ordinance. Mr. Whyte noted the coop locations are regulating by the setback rules for accessory structures.

Mr. O'Connor inquired if there will be two different ordinances for R-2 and R-3.

Mr. Holt confirmed and stated that staff has replicated the R-1 criteria for those districts, pending guidance from the Policy Committee.

Mr. Whyte noted that there are no subdivisions currently located in the R-3 District.

Mr. O'Connor noted that the R-3 District was created to accommodate infill and redevelopment and includes uses such as group homes and multi-family dwellings.

Ms. Bledsoe inquired if there are any single-family dwellings in R-3.

Mr. Holt replied that there is currently no R-3 on the ground at all.

Ms. Bledsoe inquired regarding the purpose of creating an ordinance for an area in which there are not any homes.

Mr. Holt stated that it would be for future developments, and confirmed that it would not currently affect any existing properties.

Ms. Bledsoe stated that she does not believe it would be beneficial to create an ordinance for R-3 when there is not currently a need.

Mr. Krapf stated that R-3 lends itself to multi-family development, in which chicken keeping would not be recommended. Mr. Krapf stated that he recommends moving forward to the Board of Supervisors and that the Commission not consider allowing chickens R-3 because there are no existing units, and any future development will most likely be multi-family housing, making it incompatible with residential chicken keeping.

Mr. Holt stated that no minimum lot sizes have been established for R-3 because the intention is that any single-family development would have very small lots.

Mr. O'Connor noted that older lots may not meet the Stormwater requirements.

Ms. Bledsoe stated that the Committee members brought forward the same concerns in the past.

Mr. O'Connor stated that although the Committee does feel that way, an ordinance still must be drafted.

Mr. Holt confirmed.

Mr. O'Connor stated that he does not feel that dispatching of chickens is a residential use.

Mrs. Bledsoe inquired if the Committee can recommend that dispatching not be allowed.

Mr. Holt confirmed that they can make a recommendation that dispatching not be included if the ordinances are adopted.

Ms. Bledsoe asked for clarification in regards to what the Policy Committee must accomplish that day.

Mr. O'Connor stated that because an ordinance must be drafted for R-2 and R-3, the Policy Committee must determine what they would like to see in those ordinances.

Mr. Holt stated that it may or may not be different than the R-1 ordinance criteria.

Mr. O'Connor stated that the Committee must determine what changes they would like to make, if any, to the R-1 ordinance.

Mr. Holt noted that it can include the removal of dispatching.

Mr. O'Connor stated that he does not believe chickens should be permitted in multi-family areas.

Mr. Whyte stated that the ordinance is limited to single-family lots with a minimum size of 15,000 square feet.

Mr. O'Connor inquired if staff anticipates lots larger than 15,000 square feet in R-3.

Mr. Holt stated that that is unknown because no proposals have been made for development in R-3.

Mr. Krapf inquired if a motion could be made to have the R-3 ordinance mirror the R-1 ordinance.

Mr. Holt confirmed and stated that the Committee does not have to vote on the ordinance itself, but could make a motion to move the draft ordinance forward to the Planning Commission for consideration.

Mr. O'Connor stated that ordinance for R-3 should include the same criteria as R-1, with the exception of dispatching. Mr. O'Connor noted that it is difficult to draft an ordinance for the district because there is no existing neighborhood to look at as an example.

Mr. Krapf made a motion to move the draft R-3 ordinance forward to the Planning Commission, with the removal of dispatching.

The motion passed with a vote of 2-1; Ms. Bledsoe voting Nay.

Mr. O'Connor stated that discussion will begin for the R-2 District.

Mr. Holt provided the Committee members with Zoning maps showing existing neighborhoods in R-2. Mr. Holt noted that Chickahominy Haven is the only R-2 subdivision located outside of the Primary Service Area (PSA).

Mr. O'Connor noted that a discussion regarding having the PSA as a distinguishing factor was brought forward at a previous Board meeting.

Mr. O'Connor asked the citizen in the audience if James Terrace has restrictive covenants or a Homeowners' Association.

The citizen responded that there is no HOA but he does not know if there are restrictive covenants.

Mr. Whyte stated that James Terrace does have restrictive covenants, but he does not know if they contain anything regarding chicken keeping.

Mr. O'Connor inquired how the Committee can reference which neighborhoods inside the PSA have restrictions.

Mr. Holt stated that there is no way to do so because those restrictions are not County-wide.

Mr. O'Connor stated that he would like to avoid the same conundrum regarding covenants that has been brought forward with recent cases.

Mr. Holt stated that Chickahominy Haven was the only neighborhood examined, and even within that subdivision there is a mix of homes with restrictive covenants and those without.

Mr. Whyte noted that within Chickahominy Haven, some areas have covenants that have expired, where others are still active. Mr. Whyte also noted that there is only a small number of properties within Chickahominy Haven that would be affected by the ordinance.

Mr. Holt stated that only 30 out of 390 lots would be eligible.

Mr. Krapf noted that that number is after Resource Protection Areas and restrictive covenants are considered.

Mr. Holt stated that even if the ordinance is passed, there are many properties that are not eligible because of restrictive covenants.

Mr. Krapf inquired if there is an obligation to sort out covenant issues when dealing with the ordinance changes.

Mr. Holt replied that there is not an obligation when it is County-wide versus parcel specific.

Mr. Krapf inquired if it would be up to the individual developments to determine if they will or will not allow chickens if the ordinance passes.

Mr. Holt confirmed and stated that the cost to enforce those issues would fall on the HOA's. Mr. Holt further stated that if there is no HOA, any neighbor could bring civil action against another for being in violation of the covenants.

Ms. Bledsoe inquired how many applications have been submitted so far.

Mr. Whyte stated that no applications have been turned in yet, but he has received three or four telephone calls.

Mr. Krapf asked if the other Committee members would like to discuss the content of the R-2 ordinance.

Mr. O'Connor stated that staff needs a recommendation on whether the ordinance will only apply to properties outside of the PSA. Mr. O'Connor inquired if the 15,000 square foot lot size requirement would only apply to lots established after 1985.

Mr. Holt stated that as currently written, only lots over 15,000 are eligible.

Mr. Krapf stated that because R-1 applies to areas both inside and outside of the PSA would be difficult to determine that R-2 should be limited to lots outside of the PSA.

Mr. Whyte stated that it would also only apply to 30 lots.

Mr. Krapf stated that this would lead to inconsistencies between the ordinances.

Mr. Holt confirmed that making a distinction between being inside or outside of the PSA, it would be different than the R-1 ordinance.

Mr. Krapf stated that the difference between the statements of intent for the R-1 and R-2 districts is that R-2 notes the promotion of cluster developments in order to preserve open space.

Mr. Whyte confirmed.

Mr. Holt stated that if the R-1 ordinance is mimicked, there would still be a 15,000 square foot minimum lot size.

Ms. Bledsoe noted that the Committee was concerned with the cluster developments when considering chicken keeping in the past.

Mr. Holt noted that many of the lots in Chickahominy Haven are non-conforming in respect to lot size because they are on private water and sewer, which require a lot size of 30,000 square feet.

Mr. O'Connor stated that he believes making a distinction between being inside or outside of the PSA is moot because of the few lots that would be eligible. Mr. O'Connor inquired if the other Committee members have a preference.

Mr. Krapf stated that he believes they should not make a distinction in R-2 because they did not in R-1.

Ms. Bledsoe agreed.

Mr. O'Connor stated that the ordinance for R-2 should include the same criteria as R-1, with the exception of dispatching.

Mr. Krapf inquired if the Planning Commission would address each ordinance separately.

Mr. Holt confirmed.

Mr. O'Connor inquired if separate case numbers should be established for R-2 versus R-3.

Mr. Holt stated that the case can be split if the Policy Committee makes such a recommendation.

Mr. O'Connor stated that he would like for them to be split.

Ms. Bledsoe agreed that it would be easier for the public to understand.

Mr. Krapf made a motion to move the draft R-2 ordinance forward to the Planning Commission, inclusive of the PSA and with the removal of dispatching.

The motion passed with a vote of 2-1; Ms. Bledsoe voting Nay.

Mr. O'Connor stated that the cases will be heard by the Planning Commission in August.

Mr. Krapf informed the citizen present that staff will now prepare draft ordinances, the Planning Commission will make a recommendation, and a final decision will be made by the Board of Supervisors in September.

The citizen inquired how soon chicken keeping will be allowed if it is approved in September.

Mr. Whyte stated that it would be almost immediate.

The citizen inquired how he obtains an application and how long it will take for it to be approved.

Mr. Holt stated that an application could be filled out the day after the Board of Supervisors meeting.

Mr. Whyte stated that applications are available at the Planning office and approval will require a few days in order for a staff member to ensure all requirements are met.

The citizen inquired if staff will visit the site.

Mr. Whyte stated that staff will review the plans that are turned in with the application and only visit the site if complaints are received.

The citizen asked if there will be a fee for the application and if it is a yearly or one-time fee.

Mr. Whyte replied that there is a one-time \$20.00 fee for the permit.

The citizen inquired if there will be regulations on the number of chickens allowed.

Mr. Whyte stated that two chickens are allowed with the first 2,500 square feet, and one more with each additional 2,500 square feet, up to 12 chickens total.

Mr. O'Connor inquired if the August Policy Committee meeting will be cancelled.

Mr. Holt stated that there is nothing on the agenda at the time, but he will confirm that a meeting is not needed.

Mr. Krapf stated that there are Comp Plan work sessions scheduled for Aug. 7 and Aug. 21.

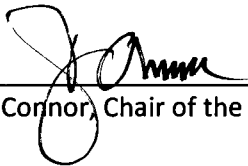
Mr. Holt stated that the intention is to cancel the Policy Committee meeting because of those other commitments.

Mr. O'Connor stated that there is also a work session for Accessory Apartments scheduled for July 22.

5.) Adjournment

Ms. Bledsoe made a motion to adjourn.

The meeting was adjourned at approximately 3:45 p.m.



Tim O'Connor, Chair of the Policy Committee