

**King & Queen County
Planning Commission Minutes
January 5, 2015**

The King & Queen County Planning Commission met on Monday, January 5, 2015, at 6:00 p.m. in the King & Queen County Courts and Administrations Building in the Court Room for their regular monthly meeting.

Planning Commission Members Present:

John Roane
Milton Watkins
David Campbell
Hunter Richardson
James Dabney

James Guess
Shelia Morton
Robert Coleman, Jr.
James Burns
Freddie Byrd

Also in Attendance:

Donna E. Sprouse, Assistant Zoning Administrator
Thomas J. Swartzwelder, Zoning Administrator

Call to Order

Chairman, Mr. Richardson called the meeting to order.

Roll Call/Determination of Quorum

Mr. Campbell took roll call and determined that a quorum was present.

Election of Officers for 2015

Mr. Richardson stated that he would now accept nominations for Secretary Vice-Chairman and Chairman. A nomination was made by Mr. Watkins to have Mr. Richardson serve as Chairman, seconded by Mr. Coleman. A nomination was made by Mr. Coleman to have Mr. Watkins serve as Vice-Chair, seconded by Mr. Roane. A nomination was made by Mr. Burns to have Mr. Campbell serve as Secretary, seconded by Mr. Watkins. Hearing no further nominations or comments and having all nominating members agree, Mr. Richardson asked for a roll call vote.

Voting For: Watkins, Roane, Richardson, Guess, Coleman, Campbell, Dabney, Morton, Byrd, Burns
Voting Against: None
Abstain: None

**Approval of Minutes
December 1, 2014**

After brief review of the minutes a motion was made by Mr. Watkins to accept the minutes as written with the inclusion of the letter read by Mr. Richardson during the December 1, 2014 meeting during Commissioners comments, seconded by Mr. Guess.

Voting For: Watkins, Richardson, Campbell, Morton, Roane, Guess, Coleman
Voting Against: None
Abstain: Burns, Dabney, Byrd

Citizens Comment Period

Mr. Richardson opened the floor for public comment period, hearing no comments from the public, citizens comment period was closed.

New Business

CUP14-01 & SP14-03, David & Renee' Green (Public Hearing)

Mrs. Sprouse reviewed application CUP14-01 and SP14-03, in the name of David & Renee' Green, requesting approval of a new conditional use permit (6.05 acres) and Level 3 Site Plan (6.05 acres) in order to have horses and chickens (livestock) in the Rural Residential zoning district, located on County Tax Map Parcel No. 1632-78R-159R-11. The site is located at 297 Rivers Edge Road, in the Newtown Magisterial District.

Mrs. Sprouse reminded the Commission that they recommended approval (with a 6-2 vote) and the Board of Supervisors approved (with a 4-1 vote) a text amendment to allow for livestock in the Residential Single-Family zoning district by approved CUP on June 9, 2014. She added that residential single-family properties are typically located within major subdivisions and/or water front properties, consisting of smaller sized residential lots in a more dense area than you will find in the agricultural or rural residential areas (requires a minimum of 2 to 3 acres). Rivers Edge Subdivision is the only subdivision in the entire county that is zoned rural residential. Mrs. Sprouse said that the lots within the subdivision range from approximately 5 acres to 12.5 acres in size. Most of the lots within the subdivision have direct access off of Spring Cottage Road. She stated that the recorded restrictions and covenants for the subdivision mentions requirements for the storage of horse trailers and barn aesthetics.

Mrs. Sprouse stated that staff recommends approval with the following conditions attached to the approval.

- There shall be no more than 3 horses on the parcel.
- 10 chickens may be permitted, as the applicant has requested, however they must be kept in an enclosed chicken coop and there shall be no roosters, geese, guinea fowls, turkeys and peafowl on said 6 acre parcel.

Mr. Richardson opened the floor for public comment.

Mr. Robert Rodriguez of Rivers Edge Subdivision stated that he was opposed to the project because of the simple fact that the Green's had the horses on the property before they were granted permission. He also stated that there are multiple streams and wetlands that run into the Mattaponi and watershed. He said that the horses will cause flies and an odor, especially in the summer time during hot weather. Mr. Rodriguez stated that he was the Vice President of the HOA for Rivers Edge Subdivision and the restrictions do not say that they may have horses. He also noted that the Greens have started the construction of a pole barn without permits.

Mr. David Green & Mrs. Renee Green, property owners and applicant, stated that they have not built or started to build anything on their property since receiving the notice of violation. Mrs. Green stated that the horses are under blanket and are not sheltered by any building or construction as Mr.

Rodriguez states. She added that before purchasing the property, she and her husband spoke with Mr. Rodriguez and other neighbors informing them of their intentions to have horses. Mrs. Green stated that at no time did Mr. Rodriguez have any issues with them having horses before purchasing the property. Mr. Green stated that he and his wife were told by their realtor and the selling realtor that the property allowed for horses. He stated that the covenants and restrictions for Rivers Edge Subdivision provides guidance as to what horse barns must look like and where horse trailers shall be placed or parked on the property and free of tall grass. He stated that he and his wife had no idea that horses were not permitted as a by right use. Mrs. Green stated that Mr. Rodriguez didn't mention that a CUP was required.

Mr. Byrd stated that he had issues with the realtor not informing them correctly before purchasing the property that they could possibly not have horses.

Mrs. Green stated that had she known, they may not have purchased the property.

Ms. Donna Jennings, the purchasing realtor stated that the selling realtor, Debbie Hinkle, informed her that horses are permitted on the property. With the language as noted in the covenants and restrictions for the subdivision, it sounded as though horses were okay. She added that Mr. Rodriguez has his home currently on the market. She added that there is no active HOA for Rivers Edge Subdivision.

Mr. Rodriguez approached the Commission and stated that he does not have a problem with the Green's having horses and he did not say that the pole barn that is under construction is on the Green's property. He simply has a problem of what could be if all the lots in Rivers Edge Subdivision were to be permitted to have horses.

Mr. Coleman asked Mr. Rodriguez where in the restrictions it states that horses are not permitted. Mr. Rodriguez read aloud sections of the covenants and restrictions about swine not being permitted, but did not say where it did not permit horses. Mr. Coleman stated that with the mention of barn ascetics and horse trailer storage stipulations, it leads him to believe that it was the intent of the HOA to permit horses.

Mr. Rodriguez then asks the chairman if he may leave. Mr. Richardson stated that he may leave or stay for the meeting, whichever he wished to do. Mr. Rodriguez left the meeting.

Hearing no further comments, public comment period was closed.

Mr. Richardson asked if any of the Commission members had any additional comments or questions.

After some discussion among the Commission, a motion was made by Mr. Dabney to recommend approval of CUP14-01 & SP14-03 with the inclusion of staffs recommended conditions, which are as follows...

- There shall be no more than 3 horses on the parcel.
- 10 chickens may be permitted, as the applicant has requested, however they must be kept in an enclosed chicken coop and there shall be no roosters, geese, guinea fowls, turkeys and peafowl on said 6 acre parcel.

The motion was seconded by Mr. Guess.

Voting For: Burns, Coleman, Dabney, Campbell, Roane, Morton, Watkins, Richardson, Guess

Voting Against: None

Abstain: Byrd

RZ14-02, SP14-04 & CUP14-02, Joseph & Judith Old (Public Hearing)

Mrs. Sprouse reviewed application RZ14-02, SP14-04 & CUP14-02, in the name of Joseph & Judith Old, requesting to rezone a 15.63 acre parcel from Agricultural to Residential Single-Family. They also request approval of a new conditional use permit (11.65 acres) to allow for horses in the Residential Single-Family zoning district and Level 3 Site Plan (11.65 & 3.98 acre parcels). The property is further identified as County Tax Map Parcel No. 1623-136L-1192E, located at 1304 Elsom Mascot Road, in the Buena Vista Magisterial District.

Mrs. Sprouse stated that in order for Mr. Old to divide his property, which happens to be a parcel located within an existing agricultural zoned major subdivision, he would need to rezone the parcel Residential Single-Family (RS). If the rezoning is approved, he wishes to have his site plan approved for the division of the 15.63 acre parcel as an 11.65 acre parcel and 3.98 acre parcel. Mr. Old also requests approval of a new conditional use permit to allow for him to have horses on the 11.65 acre parcel, should the rezoning be approved.

Mr. Richardson opened the floor for public comment.

Property owner Mr. Joseph Old stated that what Mrs. Sprouse stated is accurate and that he wishes to divide his property so that his daughter and family could build their home next to them.

Hearing no further comments from the public, Mr. Richardson closed the public hearing.

Mr. Richardson asked if any of the Commission members had any comments or questions for staff or the property owner. Hearing no further comments, a motion was made by Mr. Burns to recommend approval of RZ14-02, SP14-04 & CUP14-02 as submitted, seconded by Mr. Dabney.

Voting For: Watkins, Roane, Richardson, Guess, Coleman, Campbell, Dabney, Morton, Byrd, Burns

Voting Against: None

Abstain: None

Unfinished Business

Transient Tenant Business Uses will be discussed during the February meeting at the request of the Commission.

The next item on the agenda was to discuss food trailers at the King & Queen Farmers Market at the EDA's request. No additional information has been submitted to the Planning Commission for review from the EDA at this time and the item was tabled once again.

Staff's Comments

Mrs. Sprouse reminded the Commission that at their last meeting during staff comments, Mr. Swartzwelder stated that staff continued to have calls regarding the acreage requirements to have chickens. Citizens are complaining about the 5 acre lot size requirement to have a chicken. Citizens are also reaching out to board members. She stated that as mentioned at the last meeting, she had prepared a possible text amendment to allow for a limited number of chickens on parcels less than 5 acres in Agricultural and 10 acres in Residential Single-Family. After little discuss, the Planning Commission agreed to have this text amendment prepared for public hearing during the next upcoming application.

Mrs. Sprouse stated that there will be a Chesapeake Bay Exception request presented during their February meeting to set a public hearing for March. She also noted that the Board of Supervisors will hold a public hearing next Monday on the Dausg rezoning application request.

Commissioner's Comments

Mr. Coleman welcomed Mr. Byrd to the Commission.

Mr. Roane welcomed Mr. Byrd.

Mr. Byrd thanked everyone for welcoming him and he looks forward to serving.

Mr. Campbell welcomed Mr. Byrd.

Mr. Watkins welcomed Mr. Byrd and thanked Mr. Roane for his service on the Commission.

Mr. Guess said he feels the same way as Mr. Watkins

Mr. Richardson thanked Mr. Roane for his service on the Commission and welcomed Mr. Byrd. He informed Mr. Byrd that the Planning Commission training offered by Mike Chandler will be most helpful to him, just as it was to his fellow Commissioners.

Adjournment

There being no further business, a motion was made by Mr. Dabney to adjourn the meeting. All those present ratified the motion by saying "Aye". The meeting was adjourned.

Hunter Richardson, Chairman