

**King & Queen County  
Planning Commission Minutes  
February 1, 2016**

The King & Queen County Planning Commission met on Monday, February 1, 2016, 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:**

Franklin Massey  
Milton Watkins  
David Campbell  
Hunter Richardson

James Guess  
Barbara Hudgins  
Robert Coleman, Jr.

**Also in Attendance:**

Donna E. Sprouse, Assistant Zoning Administrator  
Thomas J. Swartzwelder, Zoning Administrator (*arrived at 6:53 p.m.*)

**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 2016**

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. Campbell serve as Secretary, seconded by Mr. Guess. A nomination was made by Mr. Coleman to have Mr. Watkins serve as Vice-Chair, seconded by Mrs. Hudgins. A nomination was made by Mr. Watkins to have Mr. Richardson serve as Chairman, seconded by Mrs. Hudgins. Hearing no further nominations or comments and having all nominating members agree, Mr. Richardson asked those in favor state "Aye".

Voting For: Watkins, Richardson, Campbell, Hudgins, Guess, Coleman, Massey

Voting Against: None

Abstain: None

**Approval of Minutes  
December 7, 2015**

After brief review of the minutes a motion was made by Mr. Watkins to accept the minutes as written, seconded by Mr. Guess.

Voting For: Watkins, Richardson, Campbell, Hudgins, Guess, Coleman

Voting Against: None

Abstain: Massey

## **Citizens Comment Period**

Mr. Richardson opened the floor for public comment period. Pete Glubiak of Walkerton stated that he had not attended a Planning Commission meeting in a long time and wanted to attend to see the faces of the Planning Commission. He also noted that he is representing a client that will more than likely have an application on their agenda for their upcoming meeting.

## **New Business**

### **Zoning Text Amendment ZA16-01–Article 10, Flood Plain Overlay District (public hearing)**

Mrs. Sprouse stated that though normally the Planning Commission sets their public hearings a month prior to holding a public hearing, this one was done differently. Mrs. Sprouse expressed that because of the time sensitivity regarding the proposed text amendment, the County set the public hearing on the Commission's behalf. The public notice was printed in the Tidewater Review and Rappahannock Times for 2 consecutive weeks. She stated that this text amendment is to amend the current existing ordinance in its entirety to conform with Federal Regulations. The ordinance update includes 24" freeboard requirement and the inclusion of areas identified as Limits of Moderate Wave Action (LiMWA). She stated that the Flood Insurance Rate Map (FIRM) is to be effective May 16, 2016.

Mr. Richardson opened the public hearing.

Mr. Richardson stated concern regarding the public hearing being set without the knowledge of the Planning Commission. He stated that he felt that this is something that is shoved down their throats for them to make a decision tonight without given the opportunity to review it, discuss it with his constituents of his district and board member. Mr. Richardson stated that this would affect his district more so then any of the other districts. Mrs. Sprouse stated that the ordinance is a model ordinance provided by DCR and FEMA. She noted that it is a federal mandate in order for folks to keep their flood insurance policies. She added that about a year ago, the county held an open house for the public. She also noted that a presentation with video was presented to the Commission, as well as the Board of Supervisors during their workshop. Mrs. Sprouse stated that the only flexibility they really have is the decision to include a freeboard requirement or not. Mr. Richardson asked when the presentation was provided to the Commission. Mrs. Sprouse stated that she didn't have the exact meeting date, however knew it was a while back. She informed the Commission that FEMA determined that there was an error in the maps and they had to go back and redo the maps for King & Queen County. She stated that FEMA had posted the notice in the papers allowing citizens the option to submit an appeal, after receiving none, a letter of determination was received in November of 2015. She stated once the letter of determination was received, she drafted the ordinance for DCR to review for compliance. DCR determined that the draft ordinance was ready for public hearing via email confirmation dated December 16, 2015. Mrs. Sprouse stated that the Planning Commission did not hold a meeting in January, therefore the hearing was set for their February meeting so that the Board of Supervisors would have time to receive their recommendation, set their public hearing and adopt the ordinance prior to the May 16, 2016 effective date of the flood maps. Mr. Sprouse asked Mr. Richardson, was his concerns related to the text or the fact that the Commission didn't set the public hearing. Mr. Richardson stated both and felt that maybe a joint public hearing should be held with the Planning Commission and the Board of Supervisors. Mr. Guess asked Mr. Richardson what would more time provide him that he doesn't already know now. Mr. Guess stated that it sounded as though the only thing to consider is the freeboard. If having freeboard was a concern, that Mr. Richardson should vote to remove freeboard and send it to the Board. Mr. Massey asked if free board is adopted or not included in the ordinance at all, how the citizens will be effected. Mrs. Sprouse

explained that regardless if freeboard is adopted or not, their elevations and flood zones are already established within the new maps. Adopting freeboard will simply require a couple more courses of cinder block when the foundation is constructed. Mrs. Sprouse pointed out that they were working from maps in 1989 (correction – 1990) and a map update wasn't conducted and effective until 2009. She stated that here in 2016 we have another map amendment. She stated that because of the map amendment some folks have been removed from the flood zone, while many others remain in the flood zone, however have higher elevations. So in other words, in 2011 a citizen builds a home in accordance with the 2009 flood map, let's say at elevation 8'. Then with the new maps, the new elevation is 9'. She stated that if the owner built at 8', his or her insurance premiums will increase because their home is now below the elevation. She stated, had there been freeboard, he or she may still be within the elevation of the maps.

Mr. Richardson opened the floor for public comment, hearing none he closed public comment period.

Mrs. Hudgins asked what the percentage of citizens effected was. Mrs. Sprouse stated that such percentage would be dependent upon future development trends. If someone builds a home or remodels their home at 50% or greater, they may be effected. Otherwise, existing structures in their current state are not affected by the freeboard adoption. The purpose of the freeboard is an attempt to protect future development within the flood zone. Mr. Coleman asked how the reconstruction or remodel 50% is determined. Mrs. Sprouse stated it was based on a number of things, the biggest being 50% of the valuation in a 5 year rolling period. A motion was made by Mr. Watkins to approved zoning text amendment ZA16-01, Article 10, Flood Plain Overlay District as written with 24" of freeboard, seconded by Mr. Guess

Voting For: Watkins, Campbell, Hudgins, Guess, Coleman

Voting Against: Richardson

Abstain: Massey

### **RZ16-01, Evelyn R. Walker (Set Public Hearing)**

Mrs. Sprouse reviewed application RZ16-01, in the name of Evelyn R. Walker, requesting to rezone a 3.14 acre parcel from Agricultural to General Residential (RG) to allow for multi-family housing on a parcel. The property is further identified as County Tax Map No. 1632-52R-2, located at 2474 Walkerton Landing Road, in the Newtown Magisterial District. Mrs. Sprouse noted that the application/agent Eric Norman was present to answer any questions the Commission may have. Hearing no comments from the Commission, a motion was made by Mr. Watkins to set the public hearing for RZ16-01 for their March 7, 2016 meeting, seconded by Mr. Coleman.

Voting For: Watkins, Campbell, Hudgins, Guess, Coleman, Richardson, Massey

Voting Against: None

Abstain: None

### **Unfinished Business**

None.

## **Staff's Comments**

Mr. Swartzwelder stated that a citizen was in attendance at the last Board of Supervisor's meeting expressing his interest in having a rooster on an agricultural parcel less than 5 acres in size. The Board has asked the Commission if it is something they would like to revisit. Mr. Coleman stated that this topic has been discussed in length during the text amendment and he feels it is fine the way it is written for this very reason. He stated that he spoke with the gentleman and said his neighbor has complained about his rooster and wants to be able to keep his rooster. Mr. Coleman stated this was the very reason the decision was made to require 5 acres, because of the noise they make and disturbance for neighbors. The Commission agreed to take no action and to leave the ordinance as written.

Mrs. Sprouse informed the Commission that construction, especially new home construction has picked up in the last two months. Hopefully it's a good sign of what's to come regarding development and the economy. Mrs. Sprouse also noted that next month, depending on her current review of an application, the Commission may have another project placed on their agenda for consideration for public hearing. She noted that it is a mining operation proposed in which they will see in the next two months.

Mrs. Sprouse handed out a draft zoning text amendment for Article 15, Off Street Parking Requirements. Mrs. Sprouse stated that in order to be more business friendly and more competitive and in line with other jurisdictions, some of the parking requirements needed to be relaxed/reduced. Mrs. Sprouse also mentioned that the same will occur at a later date regarding our signage ordinance. Mr. Swartzwelder stated that he had asked Mrs. Sprouse to draft the ordinance and get it in front of the Commission to set a public hearing during their March meeting. He stated that Mrs. Sprouse did a fantastic job with the revisions and this will help with economic development. Mr. Swartzwelder noted that we do not want to lose a potential business over excessive parking requirements, which triggers possible obstacles with stormwater requirements. A motion was made by Mrs. Hudgins to set the public hearing for Article 15, Off Street Parking Requirements for their March 6, 2016 meeting, seconded by Mr. Watkins.

Voting For: Watkins, Campbell, Hudgins, Guess, Coleman, Richardson, Massey

Voting Against: None

Abstain: None

## **Commissioner's Comments**

Mr. Massey thanked everyone for welcoming him and he is looking forward to serving on the Commission. He thanked the citizens for attending the meeting.

Mrs. Hudgins welcomed Mr. Massey to the Commission

Mr. Guess welcomed Mr. Massey to the Commission and asked if he would be attending the training. Mrs. Sprouse stated that he will.

Mr. Watkins welcomed Mr. Massey to the Commission.

Mr. Campbell welcomed Mr. Massey to the Commission and stated that maybe they could review the sign ordinance during their next meeting. Mrs. Sprouse stated that she doubts that she would have it completed for review for their next meeting.

Mr. Richardson welcomed Mr. Massey to the Commission.

## **Adjournment**

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

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Hunter Richardson, Chairman