

**King & Queen County
Planning Commission Minutes
March 2, 2015**

The King & Queen County Planning Commission met on Monday, March 2, 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:

Barbara Hudgins
Milton Watkins
David Campbell
Hunter Richardson
James Dabney

James Guess
Shelia Morton
Robert Coleman, Jr.
James Burns

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.

Welcome Newly Appointed Shanghai PC Member – Barbara Hudgins

Mr. Richardson welcomed newly appointed Planning Commission member, Barbara Hudgins to the Commission. He noted that she represents the Shanghai District and understands that she has already taken the first half of the Planning Commission training.

**Approval of Minutes
January 5, 2015**

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

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

Voting Against: None

Abstain: Hudgins

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

A. CBPA15-01 – Baker Heating & Air Conditioning, Inc., C/o Miles Baker (Set Public Hearing)

Mrs. Sprouse reviewed application CBPA15-01, Baker Heating & Air Conditioning, Inc. requesting a Chesapeake Bay Exception from Zoning Ordinance, Article 12, Section 3-277, Exceptions for a proposed 1196 sq. ft. single family residence with a 196 sq. ft. deck, and a 142 sq. ft. front porch, located within the landward Resource Protection Area. The owner also request 455 sq. ft. gravel driveway within the Resource Protection Area. A Chesapeake Bay Exception is required in order for Mr. Baker to construct a residence on this parcel in the RPA. Mrs. Sprouse stated that both the property owner and the agent were present to answer any questions they may have regarding the request.

Mr. James Mitchell, agent and land surveyor who prepared the plan and WQIA stated that this parcel has no buildable area and with the required 75' front setback and the 100'RPA, there was a need for the encroachment. He further stated that it is a small single family residence proposed with a rear deck and front porch. He noted that there was a shed there in the RPA and the slab and foundation remains, however it will be removed out of the RPA for the construction of the home.

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

Mr. Burns expressed concern regarding the BMP and the maintenance of such BMP. He pointed out that the maintenance is important to the BMP's functionality. He wanted to know who was responsible and if it was appropriate.

Mrs. Sprouse stated that she would speak with the Environmental Codes Compliance Officer and will be glad to have him speak with Mr. Burns regarding the BMP and required maintenance. She added that a BMP maintenance agreement will be required prior to obtaining permits for construction.

A motion was made by Mr. Burns to set a public hearing for CBPA15-01, Baker Heating & Air Conditioning, Inc. for April 6, 2015, seconded by Mr. Coleman.

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

B. Zoning Text Amendment ZA15-03, Table 4.1, Permitted Uses Table (Set Public Hearing)

Mrs. Sprouse explained that during the re-write of the permitted use table more than several years ago, she thought that a use was left off and/or missed in error. She noted that prior to re-write of the ordinance, Mineral Resource Processing was permitted in the Industrial zoning district by approved CUP. The way the ordinance is at present, it would not allow for processing of minerals. This also means we have created non-conformities for other mining operations in the county that currently process the material on site.

Hearing no other comments, it was agreed that this needed to be fixed and re-inserted back into the ordinance.

A motion was made by Mr. Watkins to set a public hearing for ZA15-03, Table 4.1, Permitted Uses Table, for April 6, 2015, seconded by Mr. Guess.

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

Unfinished Business

A. Transient Tenant Business Uses

Mrs. Sprouse asked the Commission that now that they have had the opportunity to speak with the a few citizens in the County that have a transient tenant business use, and are more informed of the use that is taking place, how they wanted staff to proceed. She noted that as they recall some members of the Commission felt it was no different than any other rental of property and it's a property owners right to rent their property regardless if it is a day, week, month or year at a time. She noted that others understood the possible concerns when you have a rowdy or large group of people causing disruption in the neighborhood.

Mr. Dabney stated that regardless of who is renting a property or for how long, you could have rowdy people anywhere.

Mr. Burns stated that he feels that it is no different from anyone else in the county that rents property to another family, just in this case it is for a shorter period of time. He added that he feels it is simply a property owners right.

Mr. Guess stated that maybe it can be addressed if there is an issue later.

Mrs. Morton said that the purpose of this discussion is to prevent possible issues later.

Mr. Burns noted that he didn't feel that two was an issue as of now.

Hearing no further comments, the commission agreed that staff is not to take action and it is a property owners right.

B. Food Trailers at the County Farmers Market

Mr. Swartzwelder stated that Pam Ashley with the King & Queen EDA was present and available to speak to the Commission regarding the ordinance not allowing for food trailer business to set up in the county. Mrs. Ashley explained that the EDA is proposing to have this year's farmer's market hold events two weekends a month instead of every month as they have years past. She noted that it's hard to have people to commit every single weekend. This way, they can have a larger group of vendors and are also interested in allowing crafters and other types of vendors. She added that having someone there to sell food like stew, BBQ and homemade food items would be a draw to the market. Mrs. Ashley stated that they however work from a food truck and wanted to know if the Commission would consider allowing the EDA to have food trucks. It was decided by the group that they wanted to help the EDA, however they did not want to allow food truck business in the county unless it was during an event. It was determined that with the frequency suggested (2 weekends a month and seasonal) it would be okay to have food trucks at the farmers market event, just as they permit them at other events such as Locust Grove Wine Festival, Community Pride Day, Walkerton Day, etc. No action was taken to suggest a zoning text amendment.

C. Zoning Text Amendment ZA15-01, Table 4.1, Permitted Uses Table (Set Public Hearing)

Mrs. Sprouse stated that the Commission had previously discussed allowing chickens as a by right use regardless of acreage in the Agricultural district and Residential Single-Family districts. She noted that this text amendment would allow folks to have chickens and laying hens without having to meet the acreage requirements.

A motion was made by Mr. Burns to set a public hearing for ZA15-01, Table 4.1, Permitted Uses Table for April 6, 2015, seconded by Mr. Watkins.

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

Voting Against: None

Abstain: None

D. Zoning Text Amendment ZA15-02, Table 4.1, Permitted Uses Table (Set Public Hearing)

Mrs. Sprouse noted that there was a use in the permitted use table that allows for Aquaculture with processing and then a use for Aquaculture without processing. She noted that however, the current ordinance allows processing in General Business 1 but no processing in Light Industrial and Industrial zoning districts. She noted that this is reversed and should be corrected.

A motion was made by Mr. Watkins to set a public hearing for ZA15-02, Table 4.1, Permitted uses Table for April 6, 2015, seconded by Mr. Guess.

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

Voting Against: None

Abstain: None

Staff's Comments

Mr. Swartzwelder informed the Commission that they will now be paid quarterly for their meetings, however will be taking taxes out. He stated that they will continue to receive their mileage check monthly.

Commissioner's Comments

Mrs. Morton welcomed Mrs. Hudgins to the Commission.

Mr. Coleman welcomed Mrs. Hudgins to the Commission.

Mr. Burns welcomed Mrs. Hudgins and stated that he was fairly new also but will be willing to help as needed.

Mr. Dabney welcomed Mrs. Hudgins.

Mr. Watkins welcomed Mrs. Hudgins and said he was glad to see someone here from the EDA.

Mr. Guess welcomed Mrs. Hudgins.

Mr. Richardson welcomed Mrs. Hudgins. He stated that he hoped to work closely in the future with the EDA to better grow the county regarding businesses.

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.

Hunter Richardson, Chairman