

**King & Queen County  
Planning Commission Minutes  
March 2, 2020**

The King & Queen County Planning Commission met on Monday, March 2, 2020, at 6:00 p.m. in the King & Queen County Courts and Administrations Building in the General District Courtroom for their regular monthly meeting.

**Planning Commission Members Present:**

Sheila Morton  
Milton Watkins  
James Guess  
Hunter Richardson  
Robert Harvey

David Campbell  
William Herrin  
Robert Coleman, Jr.

**Also in Attendance:**

Donna E. Sprouse, Director of Community Development

**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.

**Approval of Minutes  
February 3, 2020**

After review of the minutes, a motion was made by Mr. Herrin to accept the minutes with the correction of a name in the Citizens Comment section from Watkins to Richardson, seconded by Mrs. Morton.

Voting For: Watkins, Morton, Guess, Campbell, Herrin, Harvey, Richardson  
Voting Against: None  
Abstain: Coleman

**Citizens Comment Period**

Mr. Richardson opened the floor for citizens' comment period. Hearing no comments, citizens comment period was closed.

**New Business**

**A. ZA20-01 – Zoning Text Amendment – Mobile Food Vending Vehicles (*public hearing*)**

Mr. Richardson opened the public hearing for ZA20-01, a zoning text amendment requested by the Board of Supervisors asking the Planning Commission to draft a Mobile Food Vending Vehicle ordinance in light of the new trend and request from citizens. Mr. Richardson asked Mrs. Sprouse to please review ZA20-01, Zoning Text Amendment for Mobile Food Vending.

Mrs. Sprouse explained that this is a text amendment that would permit the use of food trucks in existing occupied and open commercial and industrial zoning districts with specific requirements. She noted that during last month's meeting, there was a question regarding business uses such as storage units and car washes that are available 24 hours, 7 days a week. She noted that the ordinance notes that the business has to be occupied and open so if there is no one there on the premise in operation of the business, such a use would not permit food trucks. Mrs. Sprouse also noted that when site sketches are submitted for consideration for food truck approval, they may submit several areas or designate an area that they may be located on the property. The applicant or owner would be permitted to identify any and all areas for location on the parcel so they would not need to amend it throughout the year, unless the area is not shown on the original application. She hoped this would address some questions that fellow Commissioner's had last month. Mrs. Sprouse also noted that she had the opportunity to speak with Virginia Department of Health staff about the new ordinance and that they have found this ordinance to not contradict any state health requirement for permitting by their office. They also confirmed that once a food truck is permitted, the approval is good anywhere in Virginia. Therefore, if a truck obtained approval in one health district in Virginia, it is permitted to operate in other health district areas in Virginia.

Mr. Richardson opened the floor for public comment.

Mr. Tommy Adkins of Dragon Run Brewery, Shanghai District, informed the commission that he has had food trucks at his brewery for special events and noted that his ticket sales are higher during those events. He stated that he has seen the ordinance and doesn't have an issue with the ordinance if adopted as presented. He thanked the Commission for considering the new ordinance.

Ms. Arlene Taliaferro, Buena Vista District, stated that she supports the ordinance and if this allows citizens to come together for the common good, she supports it.

Hearing no further comments, public comment period was closed.

Mrs. Sprouse noted that she would like to enter into the record that public notice ran in the Tidewater Review and Rappahannock Times for 2 consecutive weeks beginning February 12, 2020.

Mr. Richardson closed the public hearing.

Hearing no further comments, a motion was made by Mr. Herrin to approve text amendment ZA20-01 as submitted because this ordinance would provide better services to the County. The motion was seconded by Mrs. Morton, noting that this ordinance would be a good resource for the locality.

Voting For: Watkins, Morton, Guess, Campbell, Herrin, Richardson, Harvey, Coleman

Voting Against: None

Abstain: None

## **B. ZA20-02 – Zoning Text Amendment – Tiered Water Quantity Control (*public hearing*)**

Mr. Richardson opened the public hearing for ZA20-02, a new Article establishing the Tiered Water Quantity Control Ordinance for King & Queen County, pursuant to Code of Virginia 62.1-44.15:27.2. Mr. Richardson asked Mrs. Sprouse to please review ZA20-02.

Mrs. Sprouse noted that she would like to enter into the record that public notice ran in the Tidewater Review and Rappahannock Times for 2 consecutive weeks beginning February 12, 2020.

Mrs. Sprouse provided a brief overview of the reason for the text amendment and how the text amendment would help smaller development projects with stormwater. She noted that if the Commission recalls from last month's meeting Mr. Swartzwelder used the Shacklefords Dollar General as an example. The BMP that they had to put in would have been cheaper for them had they been provided the relief of this ordinance using the tiered approach if under 1 acre of disturbance. Mrs. Sprouse explained that her office will keep up with the map that was created by VIMS and

approved by DEQ as a starting point, reporting impervious cover in order to maintain the percentages. She noted that the map will be provided online for developers and engineers to use.

Mr. Richardson opened the floor for public comment.

Ms. Arlene Taliaferro, of the Buena Vista District, noted that she supports the ordinance as she feels this could really help small mom and pop businesses.

Hearing no further comments, public comment period was closed.

Mr. Richardson closed the public hearing.

Mr. Richardson also added that this was legislation that Mr. Swartzwelder and Delegate Keith Hodges drafted and had passed into law.

Hearing no additional comments from the Commission, a motion was made by Mr. Herrin to recommend approval of zoning text amendment ZA20-02, as it will offer an opportunity for small businesses without having erroneous expenses. The motion was seconded by Mr. Coleman as he felt that it would help contribute to economic development

Voting For: Watkins, Morton, Guess, Campbell, Herrin, Richardson, Harvey, Coleman

Voting Against: None

Abstain: None

### **Staff's Comments**

Mrs. Sprouse noted that it is her understanding that Virginia Sand and Stone may be coming back before the Commission for an amendment to their Conditional Use Permit to include additional area in their approval for mining. She noted that she has not yet received an application, however has heard from their engineer.

Mr. Coleman asked about the status of Walnut Solar. Mrs. Sprouse noted that though she did not attend the Board meeting last month, it was her understanding that Mr. Chip Dicks provided a presentation during last month's Board meeting and had noted that the project, if approved, would provide 6 million dollars in tax revenue over 40 years and they would offer a 4-million-dollar financial package to offset the tax breaks. She noted that there is legislation proposed that will allow localities with federally recognized economically depressed areas to negotiate additional revenue options with solar developers. If this passes, she noted that it would be tool for the Board to use, should they wish to. She also noted that it was her understanding that they have set May 11<sup>th</sup> for a public hearing on Walnut Solar, provided that the Board doesn't find that they need additional time to consider the request.

Mr. Coleman also asked Mrs. Sprouse about the status of the cell tower construction in Stevensville. Mrs. Sprouse noted that she had heard from the engineer last week regarding permitting processes and E&S surety. She noted that they anticipate pulling permits in the spring and hope to be up and running by October of 2020. She added that was for both the Stevensville and Buena Vista towers.

Mr. Harvey asked Mrs. Sprouse if she was aware of the status of the Atlantic Broadband project where lines have already been run in the Newtown area. Mrs. Sprouse noted that she was not aware of details regarding that project, however understood that they just went live in a test area of King William County a month or so ago and would imagine if all goes well, could provide service to additional folks. Mrs. Morton noted that was her understanding as well after speaking with her Board member.

### **Commissioner's Comments**

Mr. Watkins thanked Mrs. Sprouse for her work on the ordinances presented tonight, as she has saved the Commission so much time and work. He also thanked the citizens for coming out and speaking during the public hearing. It is always good to see citizens participate.

Mrs. Morton thanked Mrs. Taliaferro for coming to speak at this and other meetings. She noted regardless if it is for or against a project, it is great that she attends and represents her district well.

Mr. Coleman said he appreciated the work that Mrs. Sprouse has done because he believes that the food vending document was quite comprehensive. He noted that he welcomes the Board of Supervisors to come to their monthly meetings because some of them have indicated to him that they would come but sometimes the Commission has meetings and sometimes they don't. He added that it would be good to have that participation.

Mr. Herrin noted that he agrees with everything that everyone else has said tonight and is ready to go home.

### **Adjournment**

Mr. Richardson noted that the Commission's next meeting will be April 6, 2020 at 6 p.m.

There being no further business, a motion was made by Mr. Watkins to adjourn the meeting. The meeting was adjourned by all present members stating "Aye".

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Hunter Richardson, Chairman