

**King & Queen County
Planning Commission Minutes
March 4, 2019**

The King & Queen County Planning Commission met on Monday, March 4, 2019, 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
James Burns
Robert Harvey

David Campbell
Hunter Richardson
Robert Coleman
William Herrin

Also in Attendance:

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

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 4, 2019**

After review of the minutes, a motion was made by Mr. Watkins to accept the minutes with one name correction, seconded by Mr. Herrin.

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

Citizens Comment Period

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

New Business

A. ZA17-01 - Tuckers Recreation Park, LLC, – (Public Hearing)

Mr. Richardson noted that the Commission is here tonight for a public hearing for ZA17-01, Tuckers Recreational Park, LLC. Mr. Richardson opened the public hearing and asked Mrs. Sprouse to please

review the request. Mrs. Sprouse noted that Tuckers Recreation Park, LLC was requesting approval of a zoning text amendment (ZA17-01) to allow for a camp store and other campground accessory uses by approved CUP in the agricultural zoning district. She noted that while staff was reviewing the application text amendment request, staff decided to include more uses that would be fitting as an accessory use to a campground for current campgrounds in the county and for future proposals. Mrs. Sprouse noted that staff recommends the following zoning text amendment:

Chapter 3, Zoning, Article 4, Table 4.1 Permitted Use Table, Campground

“Campground accessory uses, as defined in Chapter 6, may be permitted with the campground conditional use permit [in the Agricultural zoning district].”

Chapter 6, Definitions, Section 6.3

“Camp Laundromat: A self-service laundry facility for the washing and drying of clothes and household cloth items of occupants of the campground on which the laundromat is located.”

“Campground accessory uses: a category of uses designed to support and augment the campground and its tenants and not as general attractions for the public at large. Campground accessory uses may include offices, camp store, grill/diner, arcade, RV and golf cart service buildings, restrooms, dumping stations, showers, laundry facilities, pavilion, miniature golf, seasonal produce stand, swimming pools, boat storage units and other similar uses for the use of occupants of the campground.”

Mrs. Sprouse noted that she had provided staff’s recommendation to the applicant’s engineer for review/comment.

Mr. Richardson opened the floor for public comment. Mr. Blair Wilson, Engineer for Mr. James Kelly Tucker stated that he and his client have no objections to staff’s recommendation for the proposed text amendment. Hearing no further comments, the public hearing was closed.

Mr. Richardson asked Mrs. Sprouse to read the definition of a campground for the record. Mrs. Sprouse read the existing definition of a campground. Mr. Richardson asked if a day camp would be the same as a campground. Mr. Richardson had questions regarding when someone spends the night on someone’s property, is that a day camp /campground use. Mr. Swartzwelder stated that if camping, regardless if in an RV or primitive camping on someone else property who puts it out there as such a use may be a campground and if regulated or not by the county zoning ordinance, other state agencies may have other specific requirements and definitions in which the use would fall under, such as the Department of Health. Mr. Richardson asked the Commission if any others had the same thoughts that he has regarding this topic. There being no further comments from the Commission, Mr. Richardson noted that he felt that if he wants to allow someone to camp on his property, say even family, the county should not regulate such a use. Mr. Swartzwelder asked if Mr. Richardson if he is stating for the record that he may have a conflict with this text amendment request. Mr. Richardson responded, no. Mr. Harvey noted that he felt that staff’s recommendation is detailed and is written well. Hearing no further comments, a motion was made by Mr. Herrin recommending approval of ZA17-01, accepting staff’s recommendation as presented, seconded by Mrs. Morton.

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

Voting Against: None

Abstain: None

B. CUP17-01, and SP17-01 - Tuckers Recreation Park, LLC, – (Public Hearing)

Mr. Richardson opened the public hearing for CUP17-01 and SP170-01, Tuckers Recreation Park, LLC. Mr. Richardson noted that he would review the narrative as provided by Mrs. Sprouse. Mr.

Richardson noted that the Planning and Zoning Department received an application on April 24, 2017 from Blair Wilson on behalf of Tucker Recreation Park, LLC - C/o James Kelly Tucker, requesting approval of a Zoning Text Amendment, Conditional Use, and Level 3 Site Plan to operate a campground with associated campground accessory uses.

The subject property is located at the end of State Route 666, Tuckers Road, more specific, at the intersection of Shore Drive and Tuckers Road, in the Buena Vista Magisterial District, County Tax Map Parcel No. 1623-131L-383-2. The property owner is Tuckers Recreation Park, LLC. The parcel size, according to a boundary line adjustment plat prepared by Kevin C. Jennings & Associates, recorded among the land records is 15.10 acres.

Per the submitted proposal, the new campground will contain 53 new RV campsites, a new camp store/office building, a picnic pavilion, and service buildings to support the new campground sites. Each new campsite will have utility connection to provide water, sewer and electric services. The project will be developed in two phases. Phase 1 will include campsites 1-28, the new camp store/office, pavilion, waterworks improvements, stormwater facilities, and septic drainfields to service the phase 1 campsites and buildings. Phase 2 is considered to be a future phase subject to obtaining approvals from the Virginia Department of Health for the expansion of septic drainfields to service additional phase 2 campsites 29-53, or approval for the use of available phase 1 wastewater disposal system excess capacity based on metered and recorded daily demand sewage flows from the phase 1 campsites and buildings.

The proposed camp store will stock and sell merchandise for the convenience of the RV campers frequenting the campground. Merchandise will include RV supplies, toiletries, groceries, marine and fishing supplies, and similar items. The camp store building will serve as the campground office for camper check-in and check-out, and will contain service building No. 1 (which includes men's and women's restrooms and showers). The camp store facilities may also include laundry facilities consisting of two commercial washing machines and two dryers, and a takeout food service grill.

The parcel is zoned Agricultural (A).

Mrs. Sprouse reviewed the public agency comments, regarding the site plan review. She noted that Codes Compliance Officer, David McIntire, has received the application, narrative and site plan for review. Proposed BMP's for the project includes grass swales, storm inlets and storm piping with pretreatment forebay (wetland basin) and engineered level spreaders.

Prior silvicultural harvesting of timber on site which was removed from the RPA buffer shall be replaced with canopy trees, understory trees and shrubs. Buffer restoration plantings has been provided in the plan, and are consistent with the Chesapeake Bay Local Assistance Department Riparian Buffers Modification and Mitigation Guidance Manual. A WQIA and surety will be required for such plantings to ensure buffer growth.

A WQIA will also be required for the stormwater outfalls placed in the RPA buffer. The Responsible Land Disturber must be certified by DEQ as such, BMPs and RPA identification/flagging shall be done prior to any land clearing.

Mrs. Sprouse noted that OSE Construction Permits have been issued by the Virginia Department of Health on September 18, 2018.

Environmental Health Supervisor, Michael McMahan, noted that before any septic inspections and final approvals are granted for use by his office, the waterworks system must be installed according to plan and must be signed off by the Office of Drinking Water. The camp store and associated uses, including a single camp site, shall not be approved for use until signed off by the Department of Health.

A request for waiver by the Virginia Department of Health was approved September 14, 2018 by State Health Commissioner, M. Norman Oliver regarding 12VAC5-450-90, Sewage Disposal, dump station requirements. The request for waiver to the dump station requirement is due to the applicant wishing to provide a direct sewer connection to an approved sewage disposal system at each campsite at the campground. Such approval is subject to the condition that tent or primitive camping will not be allowed at this campground, and all RV's will be required to connect to the sewage disposal system.

The Virginia Department of Health, Office of Drinking Water Division, issued approval of the waterworks construction permit on November 15, 2018. Such approval is for the installation of a 12,000 gallon atmospheric storage tank, two 5-HP booster pumps, and approximately 1,890 linear feet of 4 inch diameter waterline, with associated valves and piping. Upon completion of construction, the owner shall submit a statement signed by a professional engineer licensed in Virginia certifying that the work was completed in accordance with the approved documents. Such approval shall be required before the camp store and a single new campsite may be utilized.

Virginia Department of Transportation, Area Land Use Engineer, Michael E. Doczi noted the following in a review letter to the County, dated February 15, 2018:

"This office has reviewed the referenced plan as received on January 18, 2018, and we have noted that all items appear to be satisfactory. Therefore, the plans are hereby found acceptable on this date of February 15, 2018. Please provide signature plan sets to this office once they are received. Also, the owner must obtain a VDOT Land Use Permit prior to work within the right of way."

Mr. Richardson opened public comment period.

Mr. Blair Wilson, Engineer for Tuckers Recreation Park, LLC reviewed the portion of the site plan as it relates to the waste water disposal with the Commission. He explained that if Mr. Tucker is able to provide real numbers regarding water usage, it would be possible that if the data proves that the current systems are not at capacity, he may not need to add all or some of the other systems as shown for phase 2.

Mr. James K. Tucker, owner of Tuckers Recreation Park, LLC stated that he has worked on this project for 2 years and 7 months. He believes it would be good for the county and for his customer and appreciates the Commission reviewing his application.

Mr. Paul Hanks of Shacklefords noted that he has a property that adjoins this parcel and feels that the road would not support such a use. After some discussion with Mr. Hanks, it was determined that Mr. Hanks does not have property that adjoins the land of Tuckers Recreation Park, LLC and in fact it was land in which Mr. Hanks owned off of Rt. 666 in Gloucester County.

Hearing no further comments, public comment period was closed.

Mrs. Sprouse noted that staff has determined that the level 3 site plan does meet the requirements of the King & Queen County Zoning Ordinance. The property owner must obtain all federal, state, and local approvals/permits prior to start of operation/construction.

Mrs. Sprouse noted that should the Conditional Use Permit be approved, she asked that the Commission consider accepting staff's recommended conditions, rather than those provided by the applicant. She noted that her recommended conditions mirror's the applicants for the most part, except staff added a few more to the list.

Mr. Burns asked if the applicant has seen and is comfortable with staff's recommended conditions. Mrs. Sprouse noted that she had submitted her recommendations to the engineer in advance of the hearing. Mr. Tucker noted that he and Mrs. Sprouse had talked about the conditions and he was fine with her recommended conditions.

There being no further comments or discussion from the Commission, a motion was made by Mr. Herrin recommending approval of CUP17-01 & SP17-01, accepting staff's recommendation as presented, seconded by Mr. Coleman. Mr. Herrin's motion included the following...

Staff's Recommended Conditions:

1. Campsites shall be for the occupancy of camping units as defined by the Code of King and Queen County.
2. No campsite shall be used as a permanent place of residence.
3. No mobile homes shall be permitted on campsites.
4. Any permanent outdoor lighting will be limited to security lighting and parking area illumination. All outdoor lighting shall comply with the Code of King and Queen County, Article 22-Outdoor Lighting.
5. The entrance onto State Route 666 shall be maintained according to Virginia Department of Transportation requirements.
6. There shall be no encroachment into any Chesapeake Bay Preservation Area Resource Protection Areas or buffers except as permitted by the Code of King and Queen County.
7. All federal, state and county approvals shall be obtained prior to any site construction activity or issuance of any required King and Queen County permits.
8. RV's placed on the site in a designated flood zone must be on site for fewer than 180 consecutive days, be fully licensed and ready for highway use (wheels jacking system in place for quick disconnect), with no attached additions.
9. Additions such as decks, steps, porches, sheds, carports will not be permitted on any campsite as adequate parking space needs to be maintained at all times.
10. No parking permitted in the roadway or drive aisles at any time. Roadways and drive aisles shall remain unobstructed at all times to allow for safe ingress and egress of EMS and fire department vehicles. The roadways and drive isles shall be 24-feet in width. Trees and shrubs adjacent to the roadways and drive aisles shall be pruned and maintained to keep the 24-foot wide vehicular travel way clear of vegetation. Any vegetation overhanging above the travel way shall be pruned to a clear height of 14-feet above the travel way surface.
11. Stormwater basin spillway outlets, piping, rip-rap and other drainage features located within the RPA shall require mitigation plantings and a Water Quality Impact Assessment.
12. Campsites will be maintained with lawn grass or similar vegetation as the surface cover. Campsites shall not be paved with asphalt, concrete, aggregate or other impermeable surfacing materials.
13. A hydrant or fire department connection will be provided at the existing hydropneumatic water tank on the well lot for EMS and fire department use for servicing the campground and surrounding areas. Waterworks improvements shall be completed in accordance with the Virginia Department of Health Office of Drinking Water Waterworks Construction Permit No. 401918.
14. 911 Markers for EMS and fire department use will be required for the identification of each campsite. Such markers shall be similar to those used for 911 addressing throughout the county and shall conform to County code requirements.

15. The 100-foot Resource Protection Area buffer shall be delineated and marked with permanent signage at intervals not to exceed 100-feet between signs along the limits of RPA for the entire site to avoid damage to the buffer and prohibited activities within the buffer.
16. No campsite shall be made available for rental, occupancy or use until improvements required to support the campsite, as shown on the approved Level 3 site plan, are installed, completed and issued certificates of operation by applicable regulatory agencies. Improvements shall include, but shall not be limited to driveway access, permanent stabilization of disturbed land areas, Chesapeake Bay Preservation Area Resource Protection Area buffer restoration plantings, storm drainage and stormwater management facilities, the service building designated to accommodate the campsite, waterworks effective storage and water distribution system facilities, and wastewater collection, treatment and disposal septic drainfield facilities.
17. All DEQ inspection results/reports must be provided to the locality as they are completed during and after construction of the site.

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

Voting Against: None

Abstain: None

Old Business

None.

Staff's Comments

No Comments.

Commissioner's Comments

Mrs. Morton thanked Mr. Swartzwelder for clarifying the day camp and campground issue.

Mr. Burns thanked staff for doing their homework on the Tuckers Recreation Park project.

Mr. Herrin agreed with Mr. Burns.

Mr. Harvey stated "Hallelujah"

Adjournment

Mr. Richardson noted that the Commission will meet April 1, 2019 at 6 p.m. unless told otherwise by staff.

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".

Hunter Richardson, Chairman