

**King & Queen County  
Planning Commission Minutes  
April 6, 2015**

The King & Queen County Planning Commission met on Monday, April 6, 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  
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.

**Approval of Minutes  
March 2, 2015**

After brief review of the minutes, Mr. Dabney stated that his name is not correct on page one of the minutes. A motion was made by Mr. Watkins to accept the minutes with the correction made that was pointed out by Mr. Dabney, seconded by Mr. Guess.

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

None.

## **Unfinished Business**

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

Mr. Richardson opened the public hearing for CBPA15-01, Baker Heating & Air Conditioning, Inc. 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 the Commission may have regarding the request.

Mr. Baker, property owner, stated that he is building the home for someone who was originally from King & Queen County. He stated that they wish to retire to King & Queen. He noted that he too has family ties to King & Queen, as he married into the Stone family and as a contractor, built homes in King & Queen County. Mr. Baker further stated that many homes on Courthouse Landing Terrace are larger than the home he is proposing to build. He handed out photos of the lot, as well as the house next door to his lot that built a home double the size of his request. He stated that he too was originally approved to construct a home in the RPA that was of a larger size in 2007, however his permit lapsed prior to construction.

Mr. James Mitchell, agent and land surveyor who prepared the plan and WQIA stated that he would like to provide the Planning Commission with more details regarding the stormwater BMP. Mr. Mitchell explained how the proposed BMP's on the site will work and the reason why it is needed is to be in compliance with the new state guidelines regarding the Chesapeake Bay Act and Stormwater Act.

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

Mr. Burns stated that he had the chance to speak with County staff regarding the BMP maintenance and design and felt that his questions were answered.

Mr. Coleman stated that as he sees the site plan, the parcel in question does not have any buildable area outside of the RPA while staying within the required building setbacks.

Hearing no further comments, Mr. Richardson stated that he would entertain a motion to approve the request as submitted, approve with modification or deny the request.

A motion was made by Mr. Burns to approve CBPA15-01, Baker Heating & Air Conditioning, Inc. as shown on the plan, seconded by Mr. Dabney.

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

Voting Against: None

Abstain: None

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

Mr. Richardson opened the public hearing for Zoning Text Amendment ZA15-03, Table 4.1, Permitted Uses Table, regarding Mineral Resource Processing. Mrs. Sprouse explained that during the re-write of the permitted use table more than several years ago, the Mineral Resource Processing 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. She asked that the Commission consider tabling the request for text amendment at the moment. Mrs. Sprouse stated that there is a current mining business in the county that wishes to expand their operation to other lands zoned Agricultural. She stated that before we decide on the zoning districts in which we will allow Mineral Resource Processing, we should consider listening and learning from the attorney representing the current business owner and his clients' ideas for the property.

Mr. Swartzwelder introduced Mr. Andrew McRoberts with Sands Anderson PC.

Mr. McRoberts explained that he represents a current business owner in King & Queen that wishes to expand his mining operation to an adjoining agricultural zoned parcel. He noted that his client's business is strictly sand mining. He stated that they use a portable piece of machinery to sort the various grade/size of the sand particles. This also includes rinsing the dirt and removing by product such as roots, rocks, trash, etc. The machinery used is moved to various locations on the site depending on the location where they are mining at the time. Mr. McRoberts stated that surely the county does not wish to rezone various areas of a 300+ acre parcel industrial, then when the operation is complete and the property is reclaimed, you have this parcel that has these industrial zoned parts throughout the large farm field. Mr. McRoberts asked that the Commission consider allowing such processing in the Agricultural district by approved CUP. He also invited staff and the Planning Commission to come see the current operation before deciding on the proposed text amendment.

Mr. Dabney asked where the current site was located. Mr. McRoberts stated that it is located in the northern part of the county. Mrs. Morton stated it was in Newtown at the Trice property.

Hearing no other comments, it was agreed that this needed to be further reviewed before making a decision.

Mr. Richardson asked if there was anyone else that would like to speak regarding the proposed text amendment. Hearing none, Mr. Richardson closed the public hearing.

A motion was made by Mrs. Morton to table the request for ZA15-03 until their next meeting, seconded by Mr. Dabney.

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

Voting Against: None

Abstain: None

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

Mr. Richardson opened the public hearing for Zoning Text Amendment ZA15-01, Table 4.1, Permitted Uses Table, regarding permitting chickens. 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. She added that it would exclude roosters, guinea, and peafowl. It will also limit the number of birds to ten if under the required acreage permitted to have livestock. Mrs. Sprouse also stated that the new ordinance will require birds to be in a coop in the Residential Single-Family zoning district.

Mr. Richardson asked if there was anyone that would like to speak regarding the proposed text amendment. Hearing none, Mr. Richardson closed the public hearing.

A motion was made by Mrs. Hudgins to approve ZA15-01, Table 4.1, Permitted Uses Table, permitting chickens and laying hens, seconded by Mr. Watkins.

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

Voting Against: None

Abstain: None

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

Mr. Richardson opened the public hearing for zoning text amendment ZA15-02, Table 4.1, Permitted Uses Table, Aquaculture. 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. She also added that if no processing is permitted, it should be permitted in the General Business 2 district as well.

Mr. Richardson asked if there was anyone that would like to speak regarding the proposed text amendment. Hearing none, Mr. Richardson closed the public hearing.

A motion was made by Mr. Burns to approve ZA15-02, Table 4.1, Permitted Uses Table, Aquaculture as submitted, seconded by Mr. Dabney.

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

Voting Against: None

Abstain: None

#### **Staff's Comments**

Mrs. Sprouse stated that the building and zoning office has been really busy this past month. She stated that just in the past two weeks, there have been 4 applications for new home construction. She stated that construction is picking up now that the weather has warmed up.

Mr. Swartzwelder stated that he hoped that the Commission would visit the mining site and really think about this text amendment, not just for this site, but all current and proposed mining sites in the County.

**Commissioner's Comments**

Mr. Byrd stated that the roads in the lower part of the County, specifically Route 14 is terrible. He stated that he has needed 3 alignments because of the condition of the road.

**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