

**King & Queen County
Planning Commission Minutes
April 7, 2014**

The King & Queen County Planning Commission met on Monday, April 7, 2014, 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:

John Roane
Milton Watkins
David Campbell
James Dabney

James "Jimmy" Guess
Shelia Morton
James Burns
Hunter Richardson

Also in Attendance:

Donna E. Sprouse, Assistant 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.

February 3, 2014 – Regular Meeting

After brief review of the minutes, a motion was made by Mr. Burns to approve the minutes as presented, second by Mr. Watkins.

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

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. Zoning Text Amendment – ZA14-01 – Article 4, Table 4.1, Allow for livestock in the RS zoning district by approved CUP (*Set Public Hearing*)

Mr. Richardson noted that the Commission received a zoning text amendment application proposing to allow livestock in the residential single-family (RS) zoning district by approved CUP.

Mr. Richardson asked Mrs. Sprouse to provide some background information for the text amendment request.

Mrs. Sprouse stated that the Planning & Zoning Department received an application from a citizen wishing to allow for livestock in the residential single-family (RS) zoning district by approved conditional use permit (CUP). She noted that the request would require the same minimum acreage requirement (5 acres) and limit the number of livestock as is presently required in the agricultural zoning district. She noted that the difference here is that the Commission would hear such a request because instead of allowing livestock as a by-right use in the RS zoning district, it is only permitted by approved conditional use permit (CUP).

Mr. Richardson asked Mrs. Sprouse to go over the parcels and subdivisions within King & Queen County by voting district to gather a better idea of those areas that may be impacted by this proposed text amendment. Mrs. Sprouse explained and called out the subdivision name or parcel location within each voting district that was presently zoned RS and was at least 5 acres in size. Some of those properties were identified as lots within the Pebble Beach, Rivers Reach, Mantapike, Dudley's Ferry/Brookshire, Fleets Mill, Benvenue Farms and Rivers Edge subdivisions. She also noted that there are some subdivisions that have adopted HOA or restrictions that do not allow livestock, regardless of what the county may or may not allow. She also noted that some may not have an established HOA or restrictions, especially some of the RS zoned parcels outside of a subdivision.

After some discussion, Mr. Richardson asked why the applicant is requesting such a text amendment. Mrs. Sprouse explained that currently the applicant (Joseph Old) has a 15.68 acre parcel located in an existing major subdivision that is zoned agricultural. The applicant wishes to divide his parcel so that he may gift a lot to his daughter and son-in-law, however a family division is not permitted in an existing minor or major subdivision. It is the applicants' objective to request a rezoning of his parcel to residential single-family (RS) in order to subdivide for his daughter. He also wishes to have livestock at some point on the residual parcel if approved for the rezoning and division, should this proposed text amendment be approved. Mrs. Sprouse reminded the Commission that this text amendment request is not site specific or specific to the applicants' future division request but applies to the County as a whole.

Mr. Burns asked if he owned two parcels zoned RS that were 7 acres each, could he be permitted to have horses under the current ordinance. Mrs. Sprouse replied that under the current zoning ordinance, no livestock is permitted in the RS zoning district. She noted that if the two parcels he mentioned were zoned agricultural, he would be permitted to have livestock as a by-right use. Mr. Watkins stated that he was comfortable with how the ordinance is written presently. Mr. Burns stated that some citizens move here in a subdivision relying on the fact that they will not have to worry about their neighbor one day having livestock. He added, if someone wanted to have a farm or have livestock, they need to buy a farm or agricultural zoned property. Mr. Richardson and Mrs. Morton agreed with Mr. Burns's statement.

Mrs. Sprouse reminded the Commission that all they are tasked to determine tonight is the date for the public hearing to hear the zoning text amendment request. A motion was made by Mr. Burns, seconded by Mr. Roane to set the public hearing for proposed zoning text amendment ZA14-01 for May 5, 2014 at 6:00 p.m.

Voting For: Watkins, Dabney, Guess, Campbell, Morton, Burns, Roane, Richardson

Voting Against: None

Abstain: None

B. FEMA Flood Risk Map Update *(Discussion and Review Draft Ordinance)*

Mrs. Sprouse stated that she will continue to update the Commission on the proposed new flood maps and ordinance adoption. Mrs. Sprouse provided information regarding the upcoming process leading up to the adoption of the new maps and ordinance. She also explained how some citizens will be affected and explained how the new maps have taken some folks out of the flood zone in some cases. She also noted that some citizens flood elevation has increased which means that at the time that they built their home, they built at the then required elevation according to their flood elevation certificate. Now their compliant homes could potentially become noncompliant once the new maps are adopted and if the elevation has increased. Mrs. Sprouse explained that in situations such as this, free board could be a benefit in the future. She noted that free board would require a builder to build the first floor at a higher level than what is needed according to the flood elevation certificate when building in a flood zone. If a new map amendment was adopted in the future raising the flood elevation, the homeowner that built the home including free board would not run the risk of being non-compliant and paying higher insurance premiums. Mrs. Sprouse explained that there will be an open house scheduled this fall so citizens can view the existing and new map, ask FEMA questions, and talk with insurance representatives about their flood insurance policy and rates. She noted that adoption of the new ordinance and maps must be approved by April of 2015.

Unfinished Business

Mrs. Sprouse noted that there are some items up for discussion that are still “hanging” from past Commission meetings. She noted that the Commission had talked previously about possibly amending the zoning ordinance, specifically the permitted use table and possibly the definitions section as it relates to livestock. She noted that the Commission spoke about chickens, as well as miniature horses, miniature goats, etc. and discussed if they should be required to meet the same acreage and number requirement per parcel. Mr. Richardson stated that he would like for the Commission to make an informed decision rather than a quick decision, and asked the Commission members to do some research online to see how other localities are dealing with such items. Mrs. Sprouse explained that backyard chickens are a big new thing in more urbanized areas and that most rural localities do not deal with setting an acreage or number limit for chickens for agricultural zoned property. She noted that most rural locality ordinances do not address chickens specifically and their required lot size and limit.

Staff's Comments

Mrs. Sprouse informed the Planning Commission of the status of the Stormwater regulations. She noted that the Governor has signed the bill into law and this will now allow for King & Queen and other non MS4 localities to have DEQ to administer the stormwater permits and act as the authority. She noted that this law will not only save local government money but also help the citizens with the in lieu of stormwater agreement. Mrs. Sprouse added that if any of the Commissioners happen to speak with Delegate Keith Hodges, to thank him because he has worked hard on getting this legislation drafted and approved.

Commissioner's Comments

Mr. Richardson stated that Mr. Herrin submitted his letter of resignation in February and commended Mr. Herrin's service to the Commission and the County. He added that he was knowledgeable and will be greatly missed.

Mr. Dabney stated that he has attend the Planning Commission training opening session and said it was a good training. He will be returning in June for the closing session.

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