

**King & Queen County
Planning Commission Minutes
August 2, 2010**

The King & Queen County Planning Commission met on Monday, August 2, 2010, at 6:00 p.m. in the King & Queen County Courts and Administrations Building in the Court Room for their regular meeting.

Planning Commission Members Present:

Donna Thompson	John Roane
William Herrin	Milton Watkins
Hunter Richardson	David Campbell
Robert "Bob" Taylor	

Also in Attendance:

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

Call to Order

Chairman, Robert Taylor called the meeting to order.

Roll Call/Determination of Quorum

David Campbell, took the roll call and determined that a quorum was present.

July 7, 2010 – Regular Meeting

After brief review of the minutes, a motion was made by Mr. Roane to approve the minutes as written. The vote was ratified by all members present saying "Aye".

Voting For: Watkins, Taylor, Richardson, Roane, Thompson, Herrin, Campbell

Voting Against: None

Abstain: None

New Business

A. RZ10-02 & SP10-03, Gordon L. Williams & William J. Jowers, Jr. (Set Public Hearing Date for August 30, 2010)

Mrs. Sprouse explained that Mr. Gordon L. Williams & William J. Jowers, Jr. are requesting the approval of a rezoning of a 2 acre parcel from Agricultural (A) to General Business (GB) and Level 2-Site Plan to allow for a trailer/shed retail establishment, at 315 Lewis B. Puller Memorial Highway, on County Tax Map Parcel No. 1623-64L-216C. She explained that state agency

approvals have been granted from Virginia Department of Transportation and Virginia Department of Health. Mrs. Sprouse explained that DCR approval was not required for the structures are existing and no new buildings and/or additions were proposed. Mrs. Sprouse also noted that the errors pointed out by Mr. Watkins have been addressed by the Engineer and Mr. Campbell also noted that on the title page, the tax map number was incorrect. Mrs. Sprouse noted that she will have the engineer address the error. There was some discussion among the Planning Commission pertaining to the condition of the proposed vehicles for sale. Mrs. Sprouse stated that she would contact the property owners and have them address their concerns before the public hearing. A motion was made by Mr. Watkins to set the public hearing for the rezoning & site plan request for August 30, 2010, seconded by Mr. Richardson.

Voting For: Watkins, Taylor, Richardson, Roane, Thompson, Herrin, Campbell

Voting Against: None

Abstain: None

B. Proposed Permitted Use Table 4.1 – Items to consider/review (Continued from meeting held in June)

- Family cemetery vs. any other cemetery (handout provided)

Mrs. Sprouse explained that during their June meeting, the Planning Commission asked staff to look into other localities ordinances pertaining to family cemeteries and any other cemetery. Mrs. Sprouse provided a hand out of other surrounding localities ordinances pertaining to cemeteries and noted that all but one allow all cemeteries by Conditional Use Permit or Special Exception. King William allows all cemeteries by right as long as setbacks for that particular district are met. After little discussion among the Planning Commission members, Mr. Taylor stated that he believes the ordinance should be left alone and all treated the same and only by conditional use permit. Mr. Richardson noted that he thought they should also include pet cemeteries as well by conditional use permit. The Planning Commission agreed unanimously to have all cemeteries by conditional use permit, as it is presently.

- Day camp (boy scouts, girl scouts, 4-H camps, vocational, non-profit, etc.)
(discussion)

Mrs. Sprouse explained that presently the permitted use table and the proposed revised permitted use table completed by the sub-committee does not include day camps such as boy scouts, girl scouts, 4-H camps, vocational, and non-profit camps. She suggested that such camps be treated the same as campgrounds and should be included with campgrounds which are by conditional use permit in the agricultural zoning district. After little discussion about the day camp, Mr. Taylor noted that he agrees that such use should be treated no differently than campgrounds and should be approved only by approved conditional use permit. Mr. Herrin stated that he thinks the public should have the opportunity to speak in reference to such a request during a public hearing. After a unanimous vote, the Planning Commission asked staff to include day camps under the category campgrounds in the revised proposed permitted use table.

- Mixed uses (business & residential (not in a Planned Unit Development) (discussion))

Mrs. Sprouse explained that there have been inquiries about possibly opening a business in a residential dwelling along the economic development corridors. She explained that there is nothing within the existing zoning ordinance to allow such a use, other than in Planned Unit Developments (PUD). She asked what did the Planning Commission think about possibly allowing such a use and what requirements should there be. Mr. Richardson noted that he felt it was a good idea and that this type of use was something that was done many years ago. He stated that you would have a store front and folks lived in the back or above the store. Mr. Campbell stated that such a use exists at Nicks; there is a restaurant on the first floor and apartment on the second floor. After some discussion it was agreed that such a use should be permitted by conditional use permit and shall only allow one single structure per parcel and must be in the business zoning district. The conditional use permit should be supplemental to the residential use. The Planning Commission agreed unanimously to ask staff to include such a use in the proposed permitted use table.

C. Proposed Text Amendment – Easements/driveway for 1-2 lots and minor & major subdivisions

Mrs. Sprouse explained that there is no language in the current subdivision ordinance that states that shared entrances may be permitted in minor or major subdivisions. Mr. Swartzwelder noted that in most cases Virginia Department of Transportation usually prefer shared entrances to help eliminate so many access points on to a public street. However, he noted that it shall only be for the benefit of two lots and shall never include 3 lots using one access in a minor or major subdivision for then it is a road by definition and shall be built to VDOT standards and accepted into their road system. After little discussion, it was agreed that staff may draft a text amendment to allow for shared entrances/driveways in minor and major subdivisions, but limited to 2 lots per entrance.

**The Planning Commission took a 5 minute break to change the tape.*

Mr. Taylor called the Planning Commission meeting back to order.

Mr. Richardson stated that he would also like to discuss the 1-2 lot divisions as they had during their last meeting. He noted that he felt that there should be a reduction in the number of divisions permitted by right. He made a motion to have staff look into drafting an ordinance limiting the number of by right divisions in a 1-2 lot division from 2 and a residual to 1 and a residual, seconded by Mr. Herrin. The Planning Commission agreed unanimously to ask staff to draft a possible text amendment of the subdivision ordinance for further discussion, limiting the number of divisions in a 1-2 lot division reducing the by right 3 lots to 2 lots.

Unfinished Business

A. Coastal Primary Sand Dunes Ordinance (Planning Commission's Recommendation for moving forward with the adoption request)

Mrs. Sprouse explained that at the request of the Planning Commission, she has emailed Randy Owens questions as it relates to the possible costs and fees associated with the adoption of such an ordinance. Mr. Taylor noted that he has also been involved in the email chain among Randy Owens and Mrs. Sprouse. He stated that it appears to be more involved than first thought. Mrs. Sprouse handed out the email chain between her and Randy Owens with VMRC. After more discussion, Mrs. Sprouse noted that in an email from Randy he stated that there probably are no dunes in King & Queen County and that there has not been a single case in King & Queen County where the property owner had to go before their board in Newport News. A motion was made by Mr. Richardson to not move forward with the public hearing and not to adopt the proposed ordinance, seconded by Mr. Taylor. The Planning Commission agreed unanimously to not move forward with the proposed ordinance.

Voting For: Watkins, Taylor, Richardson, Roane, Thompson, Herrin, Campbell

Voting Against: None

Abstain: None

Commissioner's Comments

Mr. Richardson stated that Virginia Cooperative Extension is developing a plan for restructuring that includes a new strategic programming vision. In order to develop this plan, a restructuring task force has been assembled at Virginia Tech. "Maintaining a local presence" is one of six overarching issues that the task-force identified as an issue to guide their work. He noted that very soon, this task-force will contact the County and request feed-back on Extension programs and its delivery. Mr. Richardson explained that this survey will be a good opportunity for King & Queen County to specify specific needs or goals unfulfilled in the County's Comprehensive Plan. He added that he encourages all county officials to offer input into this Extension survey.

Mr. Taylor noted that there are a lot of people violating the RV ordinance and wished the Planning Commission could look at it once more and not permit them all together and it be enforced on a complaint driven system. He noted that was all he was going to say about it anymore.

Staff's Comments

Mr. Swartzwelder handed out two sections of the state code of Virginia pertaining to civil penalties for violations of the zoning ordinance (15.2-2208 & 15.2-2209). He noted that the Board of Supervisors agreed during their last meeting that they would like the Planning Commission to look into amending the ordinance to allow for injunctions when there is a repeated offender of the ordinances of King & Queen County. He explained currently that if someone violates the zoning ordinance for example, they are sent two notices of violations via certified return receipt asking them to come into compliance. After no action is taken or response to notice is given, a summons is taken out and the property owner is subpoenaed to court and is charged with a crime/misdemeanor. He explained this way would allow for it to be handled civilly and the judge will require the violator to adhere to the ordinance and should they violate a court order, they could be jailed or fined. The Planning Commission agreed and asked staff to draft such an ordinance for further review at a later meeting.

Mrs. Sprouse noted that she will not be present during the August 30th meeting and that Mr. Swartzwelder will be the point of contact and will be assisting with the meeting/public hearing.

Mr. Taylor stated that the next Planning Commission meeting is scheduled for August 30, 2010 at 6 p.m. in the Court Room.

Adjournment

There being no further business, adjournment was ratified by all saying "Aye".

Robert Taylor, Chairman