

**King & Queen County
Planning Commission Minutes
August 5, 2019**

The King & Queen County Planning Commission met on Monday, August 5, 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
Hunter Richardson
Robert Coleman, Jr.

David Campbell
William Herrin
Barbara Hudgins
James Burns

Also in Attendance:

Donna E. Sprouse, Director of Community Development
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
July 1, 2019**

After review of the minutes, a motion was made by Mrs. Hudgins to accept the minutes as written, seconded by Mr. Watkins.

Voting For: Watkins, Morton, Guess, Campbell, Herrin, Hudgins, Richardson
Voting Against: None
Abstain: Burns and Coleman

Citizens Comment Period

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

New Business

A. ZA19-01 – Zoning Text Amendment - Article 4, Table 4.1 *(public hearing)*

Mr. Richardson opened the public hearing for ZA19-01, zoning text amendment to Article 4, Table 4.1 to allow for home occupations in the Rural Residential (RR) zoning district. Mr. Richardson opened public comment and asked if there was anyone in the audience that wished to speak. Hearing none, public comment was closed. Mr. Richardson closed the public hearing. Mr. Burns asked Mrs. Sprouse if this was proposed as an oversight from prior ordinances. Mrs. Sprouse noted that it was in prior ordinances but when Article 4 overhauled it was mistakenly removed.

A motion was made by Mr. Burns to recommend approval of text amendment ZA19-01 as submitted, seconded by Mr. Herrin.

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

Voting Against: None

Abstain: None

B. ZA19-02 – Zoning Text Amendment - Article 4, Table 4.1 *(public hearing)*

Mr. Richardson opened the public hearing for ZA19-02, zoning text amendment to Article 4, Table 4.1 to include fuel distribution facilities with no retail from the property and no outdoor storage in the GB1 and GB2 zoning districts as a by right use. Fuel distribution facilities with onsite retail and outside storage of tanks, equipment, vehicles would be considered in the GB1 by approved CUP or as a by right use in the GB2, LI or I zoning districts. Mr. Richardson opened public comment, hearing none, public comment was closed. Mr. Richardson closed the public hearing. Mrs. Sprouse stated that under the current zoning ordinance, there is no category of uses for fuel distribution facilities. Mr. Burns noted that he had concerns when it comes to fuel storage and having proper measures in the place when other uses or hazardous material is stored on the same or adjoining parcels.

After some discussion among the Commission members, a motion was made by Mr. Herrin to table text amendment ZA19-02 until their September meeting, seconded by Mr. Burns.

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

Voting Against: None

Abstain: None

C. ZA19-03 – Zoning Text Amendment – Article 17, Non-Conforming Uses *(public hearing)*

Mr. Richardson opened the public hearing for ZA19-03, zoning text amendment to Article 17, Non-Conforming Uses in its entirety for clarity. He asked Mrs. Sprouse to please review the proposed text amendment. Mrs. Sprouse noted that this proposed text amendment would make things easier for the citizen to understand when looking to replace, alter or construct a new structure as a pre-existing non-conforming structure. The requirements for a non-conforming use of a property or structure is not proposed to be changed as part of this text amendment. The 24-month timeframe will remain in the ordinance when determining if a non-conforming use or non-conforming structure may be altered, replaced or used, rather than assessing a percentage of damage when calculating its non-conforming status. Mr. Richardson opened the floor for public comment, hearing none, public comment was closed. Mr. Richardson closed the public hearing. The Commission questioned how this affects structures in the flood zone and RPA. Mrs. Sprouse noted that the floodplain ordinance would still apply when addressing properties in the flood zone. She noted that not necessarily are all RPA buffers in a flood zone. Therefore each would have to be considered individually. Mrs. Hudgins noted that the wording in article 3-386 and 3-387 differs though means the same thing. After some

discussion among the Commission members, they decided that both sections should read the same and that section 3-386 is the preferred section. A motion was made by Mr. Herrin to table the amendment request. Not having a second, the motion died. A motion was made by Mrs. Hudgins to recommend approval of text amendment ZA19-03, however to have both section 3-386 and section 3-387 to have the language mirrored for consistency, seconded by Mr. Watkins.

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

Voting Against: Herrin

Abstain: None

D. Walnut Solar, I – Request for second deferral for 60 additional days

At this time, Mr. Richardson stated that because he and his family has a direct conflict as they both have land within the Walnut Solar, I project, he would step down as Chairman before any discussion takes place for the Walnut Solar, I item on the agenda. He asked Vice-Chair Mr. Watkins to take over as Chair for the next item on the agenda. Mr. Richardson left the table and sat in the audience during the Walnut Solar, I request for deferral.

Mrs. Sprouse noted that her office has received a written request from Walnut Solar, LLC requesting an additional 60 day deferral for 15.2-2232 - In Accordance Review, ZA18-05 – Zoning Text Amendment, CUP18-02 – Conditional Use Permit, and SP18-04 – Level 3 Site Plan. She noted that the applicant is present and will speak to their request. Mr. Roger Bowers, attorney for Walnut Solar, LLC noted that they are in need of more time to continue to work with staff and the community to make the project a better project for all.

Mr. Burns noted that he was ready to proceed and the public has a right to hear the request. He noted that he would agree to the additional 60 day deferral, however it would be their last. Mr. Burns also noted that if a deferral was granted by the Commission, he would like to set the public hearing at this time as well. Hearing no further comments from the Commission, Mr. Burns made a motion to accept the deferral for 60 additional days and to set the public hearing for their November 4th meeting, seconded by Mr. Herrin.

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

Voting Against: None

Abstain: None

Mr. Burns noted that he would also now like to set additional days in November should the public hearing set for November 4th go over and more time to consider the request is needed. It was then that the Commission realized that the November 4th date will not work as the Board of Supervisors will need use of the General District Courtroom for their meeting.

After some discussion regarding everyone's schedule for November, an amendment motion was made by Mr. Burns to accept the deferral for 60 additional days and to set the public hearing for Wednesday, November 6, 2019 at 6:00 p.m., with additional meeting dates if needed for Thursday, November 14, 2019 at 6:00 p.m. and Tuesday, November 19, 2019 at 6:00 p.m. Mr. Burns motion was second by Mr. Herrin.

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

Voting Against: None

Abstain: None

Mrs. Sprouse noted that the applicant must have all submittals in her office no later than October 1, 2019 for staff consideration/review and to provide public notice.

Mr. Richardson returned to the table with fellow Commission members.

Old Business

None.

Staff's Comments

Mrs. Sprouse noted that there will be 2 applications submitted soon for the proposed construction of two communication towers, one in the Stevensville area and the other at the southern end of Buena Vista Road. She noted that this would be a request submitted on behalf of Verizon Wireless.

Mr. Swartzwelder noted that an employee of almost 20 years with the County has worked their way up the ranks, starting as the front counter receptionist has now been promoted to Director of Community Development effective July 1 of this year, taking on all responsibilities as Zoning Administrator and Planning. You all know her as Donna.

Commissioner's Comments

Mr. Campbell, Mr. Herrin and Mrs. Hudgins all congratulated Mrs. Sprouse.

Mr. Burns congratulated Mrs. Sprouse and said it was well earned. He added that Mr. Swartzwelder really thinks highly of you and your work as he worked hard for the promotion. Mr. Burns noted that he has heard some talk about King & Queen getting a brewery. Mr. Swartzwelder noted that Dragon Run Brewery will be opening up a small scale brewery in the Shacklefords area with hopes of opening a larger restaurant with brewery in the future in the same area of the County.

Adjournment

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

Hunter Richardson, Chairman