

**King & Queen County
Planning Commission Minutes
August 30, 2010**

The King & Queen County Planning Commission met on Monday, August 30, 2010, at 6:00 p.m. in the King & Queen County Courts and Administrations Building in the Court Room for their regular monthly meeting. (**Note – Due to the 1st Monday in September being a legal holiday, the Planning Commission set their meeting date for August 30, 2010 during the first of the year when their meeting dates were publicly advertised in the paper.*) ****No recorded digital minutes due to recorder malfunction.**

Planning Commission Members Present:

Donna Thompson	James “Jimmy” Guess
William Herrin	Milton Watkins
Hunter Richardson	Wallica Gaines
Robert “Bob” Taylor	

Also in Attendance:

Thomas J. Swartzwelder, County Attorney

Call to Order

Chairman, Robert Taylor called the meeting to order.

Roll Call/Determination of Quorum

In Mr. Campbell’s absence Mr. Swartzwelder, took the roll call and determined that a quorum was present.

August 2, 2010 – Regular Meeting

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

Voting For: Watkins, Taylor, Richardson, Gaines, Thompson, Herrin, Guess

Voting Against: None

Abstain: None

New Business

A. RZ10-02 & SP10-03, Gordon L. Williams & William J. Jowers, Jr. (Public Hearing)

Mr. Swartzwelder 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. Mr. Williams has also

submitted on the face of his plan, setback requirements for his merchandise on display from the front property line and a limited number of items to be on the parcel at any given time. They are as follows...

1. There will be no more than 3 sheds on display for sale at any given time in the front display area.
2. There will be no more than 10 utility trailers on display for sale at any given time in the front display area.
3. There will be no more than 3 used vehicles (muscle cars mostly) for sale at any given time.
4. All items on display will be at least 50' from the front property line at all times.
5. All items will be displayed in accordance with the location as shown on the site plan.
6. Hours of operation will be Monday-Friday 9 a.m. to 5 p.m. and Sunday 1p.m. to 5 p.m.
7. Property maintenance equipment (such as mower and lawn tractor) will be stored behind the fence/building.
8. At this time, the existing retail building will be used for trailer part sales (for example: tires, wires, hitched, etc.)
9. An 8' wide vegetated buffer or 6' privacy fence will be maintained on all sides of the property except its frontage.

Note: The applicant is aware that any changes to the site plan required county approval.

According to Section 3-68(F) of the Zoning Ordinance, the purpose of the "GB" District is to encourage a wide variety of retail, service, and general business uses within concentrated areas at or near intersections along major thoroughfares in order to facilitate direct and convenient access to shopping and services by county residents and the motoring public. The "GB" District is intended to accommodate the primary business areas of the County, to promote orderly growth of commercial activities, and to minimize scattered and strip commercial development. The regulations of the district are intended to enable maximum flexibility of uses and development of business sites, while affording reasonable protection for adjacent residential and agricultural areas from potential adverse effects of the more intensive business uses.

Article 18, Section 3-400, Purpose of the District states... "The purpose of this Article is to create a special overlay-zoning district to be known as the Economic Development and Transportation Corridor Overlay District (herein referred to as the "District") as part of the zoning regulations of King and Queen County. It is the intent of this district to provide for concentrated commercial development in economic Development Hubs at St. Stephens Church, Shacklefords, Shacklefords Fork, Mattaponi/Airport Road and York River Road within the Economic Development and Transportation Corridor Overlay District as outlined in the Comprehensive Plan. It is also the intent of the District to discourage commercial development and preserve the rural residential and agricultural character of the county outside the District except in conformity with the Comprehensive Plan." "District Boundaries are as follows...Route 33: Along Virginia Route 33 for its entire distance through the County and running back on both sides a depth of one thousand (1,000) feet from the center right-of-way of Route 33.

It was also noted that the existing non-conforming retail building was built in the early 1980's & residential home was built in 1984 (according to the Commissioner of Revenue's land records), thus before the adoption date of the King & Queen County Zoning Ordinance.

The King & Queen County Planning & Zoning Department has received approval from the Virginia Department of Health and Virginia Department of Transportation of the existing septic system and commercial entrance with a few modifications as shown on the site plan.

Mr. Swartzwelder stated that it is recommended that the rezoning request is approved along with the acceptance of the voluntarily proffered statement that no items for sale/merchandise will be located within the first 50' of the road at any time and will only display/sell late model retail cars and high end muscle cars.

Mr. Taylor opened the public hearing and asked if there was anyone in the audience that would like to speak for or against the rezoning and site plan request that is before them tonight. Hearing none, Mr. Taylor closed the public comment period. Mr. Taylor asked if the Planning Commission had any questions or anything they would like to discuss. Mr. Richardson asked what a muscle car was. Mr. Williams & Mr. Jowers both explained that it is an American car that is usually a 60's or 70's model, such as a Barracuda and Chevelle. Mr. Taylor noted that he thinks the county needs good businesses as this and this business fits what we should want.

After no further discussion, Mr. Taylor stated that he would entertain a motion to approve or deny the request. He reminded the Planning Commission members that should they wish to deny the request, they must state their reasons why. A motion was made by Mr. Herrin to approve the rezoning and level 2 site plan as submitted with the attached voluntary proffers, seconded by Mr. Richardson.

Voting For: Watkins, Taylor, Richardson, Gaines, Thompson, Herrin, Guess

Voting Against: None

Abstain: None

B. Zoning Text Amendment – Subdivision Ordinance, Article 4, Article 5, and Article 7

Mr. Swartzwelder noted that this text amendment follows what was discussed during the last meeting about shared entrances and allowing them in 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 a brief review of the proposed amendments with a few minor corrections, it was decided to move forward with another review of the text amendment during their next meeting so they may move forward with a public hearing. The Planning Commission agreed that if an easement is established which allows two lots to have a shared entrance, the entrance must be located on the side property lines between the two parcels and have a required

width and length. Any more than two lots would require it to be paved and accepted into the VDOT system as any other road would be in a subdivision.

Unfinished Business

A. Mixed Uses (Business & Residential, not in a PUD) – Discussion Item

Mr. Swartzwelder asked the Planning Commission if they would like for staff to move forward with including mixed uses in the proposed permitted use table. After little discussion among the Planning Commission, it was decided to have staff draft up an ordinance permitting mixed businesses/uses.

B. 1-2 Lot Divisions – Limiting the number of by-right divisions - Discussion Item

The Planning Commission asked that a working draft be submitted for their next meeting scheduled for October with the amendment limiting the number of by right divisions from 2 and a residual lot to 1 and a residual lot. All other divisions (other than family divisions) would be a minor or major subdivision. There was no further discussion on this topic.

C. Article 16, Sign Ordinance (Portable signs displayed on a stationary vehicle) – Discussion Item

Mr. Swartzwelder stated that staff needed clarification of an ordinance and wanted their opinion of the enforcement of a section within the sign ordinance. It was discussed that the intent of the ordinance shall not prohibit someone from having a vehicle or portable utility trailer parked at their residence, if they reside there. What the ordinance is to prohibit is someone allowing another individual to park a vehicle or piece of equipment out in someone else's yard or residence and use it solely for the purposes of advertisement. This is a policy that staff will draft and present to the Planning Commission as a courtesy.

Commissioner's Comments

Mr. Taylor noted that he would like for the Planning Commission to take a look at the RV ordinance once more. He also noted that the Planning Commission is doing a great job and that it is time to move text amendments on to the Board of Supervisors.

Staff's Comments

Mr. Swartzwelder noted that the October 4th Planning Commission meeting will be a review of multiple zoning text amendment for multiple articles within the Zoning & Subdivision Ordinance for possible public hearing date.

Mr. Taylor stated that the next Planning Commission meeting is scheduled for October 4, 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