

**King & Queen County  
Planning Commission Minutes  
October 4, 2010**

The King & Queen County Planning Commission met on Monday, October 4, 2010, 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  
William Herrin  
David Campbell

James “Jimmy” Guess  
Milton Watkins  
Wallica Gaines

**Also in Attendance:**

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

**Call to Order**

In the absence of Chairman, Robert Taylor, Vice-Chair, John Roane called the meeting to order.

**Roll Call/Determination of Quorum**

Mr. Campbell took roll call and determined that a quorum was present.

**August 30, 2010 – Regular Meeting**

After brief review of the minutes, a motion was made by Mr. Watkins to approve the minutes with a minor change related to the vote for the approval of the August 30, 2010 meeting minutes, second by Mrs. Gaines.

Voting For: Watkins, Roane, Gaines, Herrin, Guess

Voting Against: None

Abstain: Campbell

**New Business**

**A. Zoning Text Amendment ZA10-03– Review Article 3, Establishment of Zoning Districts & Official Zoning District Map**

Mr. Roane asked Mrs. Sprouse to please review the first item on the agenda. Mrs. Sprouse explained that there had been no further amendments to this Article since the last time the Planning Commission had reviewed the Article. Mrs. Gaines pointed out a few grammatical errors for correction throughout Article 3. It was determined by the Planning Commission at the suggestion of County Attorney, Mr. Thomas Swartzwelder not to set a date for a public hearing until they had the opportunity to review the other sections first. The Planning Commission agreed to review the proposed amendments then decide if a vote for public hearing is necessary.

**B. Zoning Text Amendment ZA10-04– Review Article 4, Permitted Uses**

Mr. Roane asked Mrs. Sprouse to review the second item on the agenda. Mrs. Sprouse informed the Planning Commission that there have been multiple changes to this section at various times and should be looked at closely. She also informed the Planning Commission that she had met with Mr. Taylor during the month of September and reviewed the Articles in advance. Mrs. Sprouse pointed out each concern to make the Commission members aware of other changes or issues for further discussion. There were some concerns among the Commission members pertaining to the definitions and lack of definitions for this Article. Mr. Swartzwelder noted that he would like to work with Mrs. Sprouse and make some changes and recommendations to the Planning Commission in reference to this proposed text amendment. He apologized to the Commission for not reviewing the proposed amendments in advance, but asked that they have him review and present the proposed article back to the Planning Commission at a later date. He added that he could not guarantee that it will be during their November meeting. The Planning Commission decided to move to the next item on the agenda.

**C. Zoning Text Amendment ZA10-05– Review Article 5, Site Development Regulations**

Mr. Roane asked Mrs. Sprouse to review the next item on the agenda. Mrs. Sprouse again informed the Planning Commission that there had been a few changes since the last time they had the opportunity to review Article 5. Mr. Swartzwelder also noted that he would like to work with Mrs. Sprouse on this Article as well before asking the Planning Commission to complete their review of the working draft. Mrs. Sprouse also noted that because the Planning Commission wishes to reduce the number of by-right divisions from 2 and a residual to 1 and a residual, this Article needs more attention and further revisions. Mrs. Gaines added that because she voted to move forward with the creation of a proposed text amendment limiting the number of by right divisions, does not mean she agrees with the proposed ordinance or will vote for it. Mr. Swartzwelder added that he strongly suggests that each Planning Commissioner speak with their respective Board member, to determine if this is something the Board wants the Planning Commission to work on further. The Planning Commission moved on to the next item.

*(\*Note – At this time Mrs. Wallica Gaines left early from the meeting)*

**D. Zoning Text Amendment ZA10-06– Review Article 6, Modifications to Yard and Bulk Regulations**

Mrs. Sprouse noted 2 small minor amendments to Article 6. Hearing no further discussion, Mr. Roane asked Mrs. Sprouse to move on to the next item.

**E. Zoning Text Amendment ZA10-07– Review Article 14, Site Plan Requirements**

Mrs. Sprouse stated that there had been no other proposed changes to Article 14 since the last review completed by the Planning Commission. After reviewing the changes with the Commission and hearing no comments, Mr. Roane asked Mrs. Sprouse to move on to the next Article.

**F. Zoning Text Amendment ZA10-08– Review Article 15, Off Street Parking Requirements**

Mrs. Sprouse stated that there had been no other proposed changes to Article 15 since the last review completed by the Planning Commission. After reviewing the changes with the Commission and hearing no comments, Mr. Roane asked Mrs. Sprouse to move on to the next Article.

**G. Zoning Text Amendment ZA10-09– Review Article 16, Signs**

Mrs. Sprouse noted that though Article 16 was just amended, she noticed that Article 5, Section 3-101G(4) relates to signs for adult establishments and really should be in Article 16, Signs. The Planning Commission agreed and also noted that a definition must also be established for adult establishments.

**H. Zoning Text Amendment ZA10-10– Review Article 20, Appeals**

Mr. Roane asked Mrs. Sprouse to review Article 20. Mrs. Sprouse noted that the only proposed change for Article 20 is to remove the option to allow the BZA to approve reduction in parking spaces. Mrs. Sprouse stated that the number of parking spaces are set out in Article 15, and asked why would we want to limit the number of parking spaces and go against what is outlined in Article 15. After hearing no comments, Mr. Roane asked Mrs. Sprouse to move on to the next item.

**I. Zoning Text Amendment ZA10-11– Review Article 23, Intensive Livestock, Dairy, Poultry Facilities**

Mrs. Sprouse noted that the only change made was to increase the acreage requirements for intensive livestock and decrease the number of animal units. Mr. Swartzwelder noted that he would like to discuss this amendment further with Mrs. Sprouse. Hearing no other comments, Mr. Roane asked Mrs. Sprouse to move on to the next item.

**J. Zoning Text Amendment ZA10-12– Review Subdivision Ordinance, Chapter 4**

Mrs. Sprouse started to review the Subdivision Ordinance and it was again noted that this section too would need more work because of the proposed change to limit the number of by right divisions. She noted that it is just about complete and the Commission may review what has been done thus far. Mr. Swartzwelder informed the Commission that two sections within this 1-2 lot division ordinance will be required because those that currently own property before the adoption date of the proposed text amendment limiting the number of by right divisions will still be permitted to their 2 and residual, however those that are gifted, deeded, willed etc property after the adoption date will be limited to 1 lot and a residual. With that said, the entire zoning and subdivision ordinance really needs to be closely reviewed to be certain that such proposed text amendment is adequately addressed throughout the code.

## **K. Zoning Text Amendment ZA10-13– Review Definitions, Chapter 6**

Mrs. Sprouse noted that Chapter 6 now has more definitions. She added that the added definitions came from revised permitted use table (Article 4). It was noted that Mr. Taylor informed Mrs. Sprouse a few weeks back that it is wise to have one location for such definitions, therefore the definitions that were within the permitted use table has been located in Chapter 6.

### **Unfinished Business**

There was no unfinished business.

### **Commissioner's Comments**

Mr. Watkins stated he had no comments other than Mr. Roane did a fine job running the meeting tonight.

Mr. Campbell noted that he would like for the Planning Commission to revisit the motor home ordinance either during the next meeting or over the next several months. Mrs. Sprouse asked if he was talking about the RV ordinance. Mr. Swartzwelder asked if he was referencing allowing people to live in them. Mr. Campbell replied, he didn't mean living in them; he just wanted to discuss it further. Mrs. Sprouse asked what about the ordinance would he like to address if not living in them. Mrs. Sprouse asked if wanted to propose an amendment. Mr. Swartzwelder noted that Mr. Campbell wants it on the agenda for discussion, which means possible text amendment. Mr. Campbell said maybe a text amendment or just put it to sleep. Mr. Swartzwelder and Mrs. Sprouse added that it has been put to sleep, that action was taken in the past to leave the ordinance as it currently is. Mrs. Sprouse also informed Mr. Campbell that a RV that he had noticed that was being occupied has been visited and a notice has been submitted to the property owner. She added that because staff could not definitely determine if someone was living in the home or not, a polite informative letter was mailed in hopes of receiving a positive response from the property owner. She added that the current ordinance is effective as written.

Mr. Herrin reminded the Planning Commission that Mr. Robert Gibson will be receiving the Dragon Run Steering Committee Stewardship award for his efforts along the Dragon Run at Thousand Trails Campground this Saturday. He also noted that Delegate Harvey Morgan will be present and he invites the Commission and their families to attend. He added that there will be food and exhibits made available.

Mr. Roane stated that he thought that a lot was accomplished tonight however; there is more work to be done. He also added that he understands that the Board would like to receive the text amendments all at one time. Mr. Swartzwelder noted that the Planning Commission has worked on these amendments for 2 years now and the Board will do so probably in 3 or so months. He said that the Board has a great deal of trust in the Planning Commission and will look to him to highlight big changes and issues if any. The Board may take the amendments piece by piece and in sections so they have time to review maybe during their workshops.

Mr. Swartzwelder added that he would like to also bring another task before the Planning Commission. The Board is looking for means for allowing options of relaxing some zoning

requirements, such as setbacks for volunteer fire and rescue in this county. Staff wants to come up with a way to allow for expansions of fire and rescue buildings if needed and a strict interpretation of the ordinance will not permit such expansions or will require BZA approvals. Mrs. Sprouse handed out the code section in the State Code of Virginia (Section 15.2-2286) which states, *“Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of the property.”* Mr. Swartzwelder stated that we don’t as a government body, do enough for our volunteers and the last thing we need to do is put hurdles up in front of them. Mr. Roane stated that people don’t give them enough credit for what they do.

### **Staff’s Comments**

Mrs. Sprouse stated that she had an application come in just after the packets were mailed out for a conditional use permit and level 3 site plan request for William & Vivian Smith. She noted that the Planning and Zoning Department received a complete application with payment on September 28, 2010 from Mrs. Vivian Smith requesting the approval of a Conditional Use Permit and Level 3 Site Plan to allow for the placement of three (3) amateur radio towers (after the fact). The property is located at 13918 Richmond Tappahannock Hwy. in the Newtown Magisterial District, County Tax Map Parcel No. 1632-11R-526A & 1632-11R-534. Mrs. Sprouse handed out a copy of the site plan and photos of the property. A motion was made Mr. Watkins to set a public hearing for their November 1, 2010 meeting, seconded by Mr. Guess.

Voting For: Watkins, Roane, Gaines, Herrin, Guess, Campbell

Voting Against: None

Abstain: None

Mr. Roane stated that the next Planning Commission meeting is scheduled for November 1, 2010 at 6 p.m. in the Court Room.

### **Adjournment**

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

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John Roane, Vice-Chairman