

**King & Queen County
Planning Commission Minutes
November 5, 2012**

The King & Queen County Planning Commission met on Monday, November 5, 2012, 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
Milton Watkins	Hunter Richardson
James Guess	David Campbell
Shelia Morton	Joy Harvey
Robert Coleman, Jr.	

Also in Attendance:

Donna E. Sprouse, Assistant Zoning Administrator
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.

October 1, 2012 – Regular Meeting

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

Voting For: Watkins, Roane, Herrin, Guess, Campbell, Morton, Richardson
Voting Against: None
Abstain: Coleman, Harvey

Citizens Comment Period

During this time, Chairman, Mr. Richardson stated that the advertised public hearing scheduled for tonight has been postponed and will be rescheduled. However, citizens present may use this time to speak on the ITI matter. Chairman, Mr. Richardson opened the floor for public comment.

Mike Daus & Mary Daus, who own property at Shacklefords in the Buena Vista District, asked the Commission to consider amending the zoning ordinance to allow for them to have a food concession trailer on their property which is zoned General Business on Route 33. They noted that they are

permitted to have such a use in other localities; however it is not permitted within King & Queen County. Mr. Dausg stated that the trailer would be parked on his own property that is zoned for business where he has water and a septic system. He further noted that according to the County ordinance, Chapter 3, Article 4, Table 4.1, "Restaurants and similar food service establishments" is permitted by right in the General Business district. He further noted that according to Wikipedia, "Restaurants and similar food service establishments" include concession trailers.

Mr. Richardson stated that he would like to further discuss this towards the end of the agenda/meeting.

Hearing no further comments, Mr. Richardson closed the public comment period.

New Business

A. RZ12-01 & SP12-02 Ron Varboncoeur & Tammy Poston – requests to set public hearing for December 3, 2012

Mrs. Sprouse stated that Ron Varboncoeur & Tammy Poston requests that the Planning Commission set a public hearing for their next meeting to review their request to rezone their property, consisting of 2.87 acres, further identified as Tax Map Parcel No. 1623-165X-794 from Agricultural/Residential Single-Family (A/RS) to General Business (GB) and approve their Level 2 Site Plan. Mrs. Sprouse stated that the property is currently operating a retail business (Remember When Antiques) as a pre-existing non-conforming use. She noted that the owners wish to incorporate the use of other buildings on the property for retail, as well as bring the existing use of the property into compliance with the King & Queen County Zoning Ordinance as a legal conforming use.

Mr. Richardson stated that he would entertain a motion to set RZ12-01 & SP12-02 for public hearing during their December meeting. A motion was made by Mr. Watkins to set RZ12-01 & SP1202 for public hearing during their December 3, 2012 meeting, seconded by Mr. Roane.

Voting For: Watkins, Roane, Herrin, Guess, Campbell, Morton, Richardson, Coleman, Harvey

Voting Against: None

Abstain: None

Old Business

A. International Training Inc. (Public Hearing) – Postponed

Mrs. Sprouse stated that Thursday of last week (Thursday, November 1, 2012) ITI's counsel, Mr. Trant requested that the public hearing be postponed until the Commission meeting in December. Mrs. Sprouse noted that ITI wanted to work on their conditions and proffers in hopes of achieving a staff recommendation. Mrs. Sprouse stated that ITI will be responsible for all associated re-advertising costs and adjoining property owner letters mailed certified returned receipt.

Mr. Timothy Trant, apologized to the Commission and stated that Mrs. Sprouse is correct in that they would like to ask the Commission to postpone the public hearing until their December meeting to allow for them to continue to work with staff on their conditions and proffers. Mr. Richardson asked Mr. Trant if he is sure that ITI will be ready to move forward with the public hearing in December because there is

not much time between now and then. Mr. Trant stated they would be ready. Mr. Watkins noted that he has read the letters in opposition to the request and wants to know how the activity would be policed. Mr. Trant noted that for that very reason, they are working on revising their conditions in hopes of achieving something that can be enforceable that staff would be comfortable with.

A motion was made by Mr. Herrin to move forward with advertising and setting a public hearing for December 3, 2012 to hear CU12-02, SP12-03, RZ12-02 & RZ12-03, second by Mr. Watkins.

Voting For: Watkins, Roane, Herrin, Guess, Campbell, Morton, Richardson, Coleman, Harvey

Voting Against: None

Abstain: None

Mr. Richardson then reminded the Commission that Mr. & Mrs. Daus spoke earlier during public comment period requesting the Commission to consider amending the ordinance to allow for the use of concession food trailers in the General Business zoning district. Mrs. Sprouse stated that she and Mr. Swartzwelder met with the Daus and had told them that they could ask the Commission to consider amending the zoning text to allow for such use, otherwise, it is not listed as a use that is permitted within the permitted use table. Mrs. Sprouse further noted that the Daus also agreed that some restrictions shall apply should the text be amended to allow such a use. She noted that they agree that it must be on property that is zoned general business and must be owned by the individual; approved water and septic, parking spaces, and entrance shall be approved and shown on a site plan. Mr. Richardson stated that the Commission had two choices; they could decide to review and revise the permitted use table and its text to allow for such a use or can do nothing and leave the text as presented to the Board. Mr. Watkins stated that he feels that the Commission has spent many months reviewing the text and feels confident in what they have already done. Without further comment nor a motion to reconsider the current recommendations to the Board, Mr. Richardson stated that the Commission will not seek to change the ordinance at this time.

Staff's Comments

Mrs. Sprouse stated that the material that was provided during their October meeting by Mr. Trant on behalf of ITI will be the main part of their now December packet. She asked that they please bring the material with them to their December meeting. She further noted that she will include in their December packet, any amendments and additions to the packet for public hearing, including staff's recommendation.

Commissioner's Comments

Mr. Watkins stated that he had found the packet that staff had put together was very helpful and thanked Mrs. Sprouse.

Mr. Richardson encouraged everyone to take time tomorrow to vote and remember that many people in our country have died to give use that right.

The next regular scheduled meeting will be held December 3, 2012 at 6:00 p.m.

Adjournment

There being no further business, a motion was made by Mr. Watkins to adjourn, second by Mr. Guess. Adjournment was ratified by all present members saying "Aye".

Hunter Richardson, Chairman