

**King & Queen County  
Planning Commission Minutes  
December 5, 2022**

The King & Queen County Planning Commission met on Monday, December 5, 2022, 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:**

Hunter Richardson	Mark Berry
Milton Watkins	David Campbell
Comer Jackson	Robert Coleman, Jr.
Barry Allen	Michael Fleming

**Also in Attendance:**

Donna E. Sprouse, Director of Community Development  
Vivian Seay, County Attorney/County Administrator

**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.

**Election of Officers for 2023**

Mr. Richardson asked if there were any nominations for Secretary. Mr. Watkins nominated Mr. Campbell as Secretary, seconded by Mr. Richardson.

Voting For: Watkins, Fleming, Coleman, Jackson, Richardson, Allen, Berry, Campbell

Voting Against: None

Abstain: None

Mr. Richardson asked if there were any nominations for Vice Chair. A nomination was made by Mr. Berry to have Mr. Coleman serve as Vice-Chair, seconded by Mr. Watkins.

Voting For: Watkins, Fleming, Coleman, Jackson, Richardson, Allen, Berry, Campbell

Voting Against: None

Abstain: None

Mr. Richardson asked if there were any nominations for Chair. A nomination was made by Mr. Watkins to have Mr. Richardson serve as Chair, seconded by Mr. Fleming.

Voting For: Watkins, Fleming, Coleman, Jackson, Richardson, Allen, Berry, Campbell  
Voting Against: None  
Abstain: None

Mr. Richardson asked if there were any nominations for Clerk.

Mr. Berry asked for clarification in the role and if it was what Mrs. Sprouse currently does for the Commission. Mr. Richardson noted that it was a new addition to the updated by-laws and asked if Mr. Berry had a copy of the bylaws to review. Mr. Berry noted that he did have the bylaws but not in front of him at present. Mr. Fleming asked Mrs. Sprouse if she would be amendable in taking on the role. Mrs. Sprouse noted that she would, as she has been doing it since her tenure as Zoning Administrator. A nomination was made by Mr. Fleming to have Mrs. Sprouse serve as Clerk, seconded by Mr. Watkins.

Voting For: Watkins, Fleming, Coleman, Jackson, Richardson, Allen, Berry, Campbell  
Voting Against: None  
Abstain: None

### **Approval of 2023 Meeting Schedule**

The Commission reviewed the following 2023 Meeting Schedule and determined that the dates all appeared good to them. A motion was made by Mr. Watkins to accept the 2023 meeting dates as presented, seconded by Mr. Jackson. All present members signified their approval by voicing “Aye”.

### **2023 Planning Commission Monthly Meeting Dates**

- January 3, 2023 (This is a Tuesday Meeting due to the New Years Holiday)
- February 6, 2023
- March 6, 2023
- April 3, 2023
- May 1, 2023
- June 5, 2023
- July 3, 2023
- August 7, 2023
- September 5, 2023 (*This is a Tuesday Meeting due to the Labor Day Holiday*)
- October 2, 2023
- November 6, 2023
- December 4, 2023

*\*All meetings will be held at 6:00 p.m. in the General District Court Room unless otherwise noted.*

### **Board of Supervisors Representative Schedule**

January & June & November – James Lawrence Simpkins  
February & July & December – Sherrin Alsop  
March & August – James Burns  
April & September – Russell Bailey  
May & October – Doris Morris

**Approval of Minutes  
November 7, 2022**

After review of the minutes, a motion was made by Mr. Berry to accept the minutes as presented, seconded by Mr. Watkins.

Voting For: Watkins, Fleming, Coleman, Jackson, Richardson, Allen, Berry, Campbell  
Voting Against: None  
Abstain: None

**Citizens Comment Period**

Mr. Richardson opened the floor for citizens' comment period.

Hearing no comments, citizens comment period was closed.

**New Business**

**A. CUP22-01 & SP22-03, Ahmed Sallam / Discount Auto Repair (*public hearing*)**

Mr. Richardson opened the public hearing for CUP22-01 and SP22-03, Ahmend Sallam dba Discount Auto Repair. He noted that the request is for approval of a Conditional Use Permit and Level 3 Site Plan for an auto service repair shop and auto sales and outside storage. The subject property is identified as County Tax Map No. 1623-135X-182L, located at the intersection of Centerville Road and Lewis B Puller Mem. Hwy. Mr. Richardson asked Mrs. Sprouse to please review the request.

Mrs. Sprouse noted that public notice was provided in both the Tidewater Review and Rappahannock Times for 2 consecutive weeks, November 16<sup>th</sup> and November 23<sup>rd</sup>. She noted that adjoining property owners were notified of the public hearing via certified return receipt mail.

Mrs. Sprouse noted that the Planning and Zoning Department received an application on July 21, 2022, from Wilson Engineers, LLC on behalf of Ahmed Sallam, requesting approval of a new Conditional Use and Level 3 Site Plan to construct and operate an auto repair/service/sales shop with office space and outside storage of vehicles/equipment. The subject property is identified as County Tax Map Parcel #1623-135X-182L, located at the intersection of Rt. 678, Centerville Road and Rt. 33, Lewis B. Puller Mem. Hwy., in the Buena Vista Magisterial District.

Mrs. Sprouse noted that the property is currently zoned General Business (GB).

Mrs. Sprouse stated that stormwater and erosion & sediment control elements of the plan were reviewed by Joshua Rellick, Environmental Codes Compliance Officer. Mr. Rellick determined that the plans Stormwater and E&S measures were acceptable and either meets or exceeds minimum standards.

She added that a Forest/Open Space Maintenance Agreement will be executed and recorded among the land records, if/once approved.

King & Queen Environmental Health Specialist, Kate Jones, has reviewed the proposal and determined that the existing septic system was designed for 450 gpd. Based on the information provided in the wastewater characterization report, the facility will use 100 gpd,

which is less than the approved residential strength waste. Per the wastewater characterization and inspection report completed by Churchview Septic Services, the current system appears to be sized appropriately for the new proposed use.

VDOT has issued approval of the site plan only as it relates to the entrance design for the proposed project. Prior to start of operations/construction, a VDOT entrance permit must be obtained, inspected and approved by Virginia Department of Transportation.

Mrs. Sprouse noted that according to Article 4, Permitted Uses, Table 4.1, Permitted Use Table, Auto body, painting and repair within an enclosed building, with outside storage of vehicles, is allowed in the GB2, LI and I zoning districts with the approval of a conditional use permit and level 3 site plan. Special conditions are as follows: Outside storage may be permitted if screened from view of all adjacent properties. Automobile sales is a permitted by right use in the GB1 and GB2 zoning districts, provided that no storage or display of any kind may be within the front 50', measured from the edge of the road, or within 50' to a residential use lot with an approved fence or vegetative buffer and 15' to a commercial use lot.

Pre-existing parcels that are identified as General Business (GB) zoning districts, have the option to utilize all uses as permitted in the GB1 and GB2 zoning district either as a by-right use or approved Conditional Use Permit (CUP).

Mrs. Sprouse noted that the attached conditions within the Commissions packet detail are conditions that there were amended and agreed upon by both staff, the property owner and his agent/engineer. Those conditions are as follows:

*I, Ahmed Sallam, as owner of the property, request approval of a Conditional Use Permit to allow automobile body, automobile painting and automobile repair within an enclosed building, with outside storage of vehicles on Tax Parcel 1623-135X-182L. The Conditional Use Permit will allow for the body repair, painting and mechanical repair of any type of motorized or electric vehicle within the enclosed building including but not limited to passenger vehicles, automobiles, trucks, recreational vehicles, boats, personal watercraft, tractors, lawn and garden equipment, farm equipment, trailers and motorcycles. Outside storage of vehicles of any type shall be contained within an area secured with fencing and screened from public view. Screening of the secured vehicle storage area shall be sufficient to prevent viewing of the contents of the secured vehicle storage area from adjacent properties and the public right-of-ways.*

*Conditions:*

- 1. All operations and activities at the property shall comply with local, state and federal regulations, codes and laws.*
- 2. The secured vehicle storage area shall be screened from view and maintained at all times, as shown on the approved site plan as prepared by Wilson Engineering, dated July 1, 2022, revised September 26, 2022.*
- 3. Any vehicle stored on the property for a period exceeding 24-hours shall be contained within the secured vehicle storage area as shown on the approved site plan for the property. Business customers may temporarily park their vehicles in the parking stalls shown on the site plan outside of the secured vehicle storage area when delivering the vehicle for next day service.*
- 4. The operation of a vehicle salvage, dismantling or vehicle graveyard on the property is prohibited. Storage of wrecked or damaged vehicles intended to be repaired and returned*

*to service shall not be prohibited. Storage of wrecked or damaged vehicles intended to be repaired and returned to service shall be contained within the building or secured vehicle storage area.*

*5. New or used tires shall be stored inside the building as permitted by Section 3409 of the 2018 Virginia Statewide Fire Prevention Code. New or used tires shall not be stored outside of the building.*

*6. The bulk storage of more than 55-gallons of petroleum fuel in any single container on the premises, excluding vehicle fuel tanks and excluding liquid propane tanks which provide fuel storage for the building's heating system, is prohibited. Storage of up to 500 gallons of waste oil for recycling or for reuse as fuel for the building's heating system is permitted. Any waste oil container situated on the property shall either be a double walled containment vessel designed to prohibit leakage and spills or shall be surrounded by an approved containment dike and base support pad constructed of materials that are considered impermeable or otherwise acceptable to prevent leakage and contamination of the ground or groundwater. Any waste oil container will be covered with a permanent roof structure intended to divert rainfall runoff from entering the containment vessel or containment dike and base support pad area; or shall be of a double wall tank design that prohibits the intrusion of rainfall runoff from entering the tank.*

*7. Vehicles may be offered for sale and displayed on the property as permitted by Article 4 Table 4.1 of the County Code. Any vehicle displayed for sale on the property shall be located within one or more of the designated parking stalls identified on the site plan for displaying vehicles for sale. No vehicle displayed for sale shall be located within 50-feet of a paved public road or within 50-feet of an adjacent property being used for residential purposes.*

*8. Permanent outdoor lighting shall be limited to the security and parking area lighting shown on the approved site plan, and as required by code for points of ingress and egress from the building. All outdoor lighting shall comply with the Code of King and Queen County, Article 22-Outdoor Lighting.*

*9. No outdoor speaker or paging systems shall be used on this site.*

*10. The commercial entrance to the property as shown on the approved site plan shall be constructed and maintained according to Virginia Department of Transportation requirements.*

*11. The runoff reduction compliance open space shall be maintained in an open space manner until such time that an amended stormwater plan is approved by the VSMP Authority. The conserved open space shall be protected by an Open Space Maintenance Agreement and recorded among the land records of King & Queen County.*

*12. All federal, state and county approvals shall be obtained prior to any site construction activity or issuance of any required King and Queen County permits.*

Mrs. Sprouse noted that staff recommends approval of the level 3 site plan contingent upon obtaining all federal, state, and local approvals/permits prior to the start of operation/construction. Staff also recommends approval of the proposed conditional use permit, provided that the conditions are approved as presented.

Mrs. Sprouse informed the Commission that both the property owner and his engineer were present in the audience should the Commission have further questions.

Mr. Richardson asked if Mr. Sallam would like to speak to his request. Mr. Sallam noted that he currently operates an auto repair shop as a home business and is looking to move his location from his backyard to the new location on Rt. 33. He noted that he is looking to keep his business in King & Queen County. Mr. Richardson asks Mr. Sallam if his current business was located on New Hope Road. Mr. Sallam replied that it was. That he had been in business at his home for about 18 years or so.

Mr. Richardson asked Mr. Sallam if he was in agreeance with the proposed conditions. Mr. Sallam replied that he was.

Mr. Richardson asked if Mr. Blair Wilson, agent and engineer for the applicant wished to speak. Mr. Wilson noted that he would be glad to answer any technical questions that they may have regarding the plans.

Mr. Coleman stated that he had visited the property and he thinks it's a good location for this business. He noted that he recalls seeing 3 inlets/culverts on the site. Mr. Blair noted that culverts for Rt. 33 is designed for a 25-year storm event and the design for this proposal if that of a 10-year storm event. Mr. Coleman noted that he wanted to ensure that the site adequately addresses his concern of flooding on Rt. 33. Mrs. Wilson noted that this site should not be a problem. Mr. Coleman added that he liked the fact that the proposed entrance is off of Centerville Road rather than off of Rt 33. He added that he doesn't see it being a safety concern as it relates to the traffic on Centerville Road.

Mr. Richardson asked if there was anyone in the audience that would like to speak either for or against the proposal. Hearing no comments, Mr. Richardson closed the public hearing.

Mr. Richardson asked the Commission if they had any additional comments or questions for staff or the applicant. Hearing none, a motion was made by Mr. Fleming to approved CUP22-01 and SP22-03 as presented, seconded by Mr. Jackson.

Mr. Richardson asked Mr. Campbell to please take a roll call vote on the motion.

Voting For: Watkins, Fleming, Coleman, Jackson, Richardson, Allen, Berry, Campbell

Voting Against: None

Abstain: None

Mr. Richardson informed Mr. Sallam that the Commission's recommendation for approval will be provided to the Board and they will then hold a final public hearing for consideration of his proposal. Mr. Richardson informed Mr. Sallam that he may stay for the remainder of the meeting or he may leave if he wishes.

#### **B. RZ22-01, C. Scott Mitchell (*public hearing*)**

Mr. Richardson opened the public hearing for RZ22-01, C. Scott Mitchell. Mr. Richardson asked Mrs. Sprouse to please review the request.

Mrs. Sprouse noted that public notice was provided in both the Tidewater Review and Rappahannock Times for 2 consecutive weeks, November 16th and November 23rd. She noted that adjoining property owners were notified of the public hearing via certified return receipt mail. Mr. Sprouse noted that the Planning and Zoning Department received an application on October 18, 2022 from C. Scott Mitchell, requesting approval of a rezoning

application. The applicant requests to rezone a 2.06-acre parcel, identified as County Tax Map Parcel No. 1632-52X-130 from Limited Business (LB) to General Business 2 (GB2). The owners wish to apply for rezoning to allow for a proposed marine maintenance shop. The owner understands that before a business and/or structure is constructed, a level 3 site plan is required which includes approval from appropriate state/local agencies. This request is only for the rezoning of the 2.06-acre parcel and is not an approval of any use or site plan at this time.

Mrs. Sprouse noted that the subject property is a 2.06-acre parcel and is located at 2940 Walkerton Landing Road, in the Newtown Magisterial District. Addressable structures on the property includes Scott's Store, addressed as 2940 Walkerton Landing Road and Walkerton Post Office, addressed as 2954 Walkerton Landing Road. Other surrounding land uses include residential single-family zoning/homes, General Business and Limited Business zoning.

Mrs. Sprouse stated that the property in question originally consisted of two separate 1-acre parcels. The property owner has recently vacated the property line between the two parcels in order to provide more open land area for his future proposal to have a marine maintenance shop.

Mrs. Sprouse noted that per King & Queen Zoning Ordinance, Article 5, Section 3-101E states, "Limited business (L-B) lots without public water supply and sewage system shall have a minimum lot area of 1.5 acres and a road frontage of not less than 150 feet and water frontage of not less than 150 feet. Lots with public water supply and sewage system shall have a minimum lot area of one acre and a road frontage on not less than one hundred fifty (150) feet and water frontage of not less than one hundred fifty (150) feet."

Further, Article 5, Section 3-101G states, "General business (G-B2) district. (1) For uses permitted in the G-B2 District, the minimum lot area shall be two acres and the road frontage shall be not less than 200 feet and water frontage of not less than 200 feet."

She noted that according to Article 4, Table 4.1, Permitted Uses, it notes the following: Automobile fueling stations are permitted by right in the GB1 and GB2 zoning district. Boat Sales and Service uses are permitted by right in the GB1 and GB2 zoning district. A Mini Supermarket/Convenience Store with gas pumps or hours exceeding 6 a.m. to 10 p.m. is permitted by CUP in GB1 and by right in GB2 zoning districts. Mailing service centers are by right in LB, GB1 and GB2 zoning districts.

Article 5, Table 5.1, Table of Minimum Dimensional Regulations for Primary Zoning Districts, notes the following: The minimum setbacks for a structure in the LB zoning district is 75' from the front property line, 15', provided that side and rear setbacks adjacent to properties in any zoning district which permits residential uses shall not be less than 50 feet. The minimum setbacks for a structure in the GB zoning district is 100' from the front property line, 15', provided that side and rear setbacks adjacent to properties in any zoning district which permits residential uses shall not be less than 50 feet.

Mrs. Sprouse stated that the subject property is currently zoned (LB) and is considered a pre-existing non-conforming parcel. The current business/property use as a mini supermarket/convenience store with gas pumps is not a permitted use in the current

ordinance in the LB zoning district, which therefore creates a pre-existing non-conforming use in its self. She stated that rezoning the subject parcel to GB2 will actually create a less non-conforming parcel regarding the current use of the property. The subject property is still considered a pre-existing non-conforming parcel regardless if the rezoning request is approved or not as it pertains to the existing structures and their setbacks off of the front and side property lines. Setbacks, permitted uses, and other site plan requirements/conditions will be addressed prior to the operation/construction of a new business or change of business.

Mrs. Sprouse closed in saying that it is staff's recommendation that the rezoning request be approved. Mrs. Sprouse also stated that the property owner was present in the audience should they have any questions.

Mr. Richardson asked if Mr. Mitchell would like to speak.

Mr. Jamie Mitchell, son of the property owner, noted that he is looking to open a boat shop behind Scotts Store. He noted that that he went to school in Florida and has been working for a boat repair shop in the County now for 9 years. He noted that his employer is now looking to retire so he feels this would be the time to go out on his own. He noted that there isn't any boat repair shops in the area or within any reasonable area of the northern part of the Mattaponi. Mr. Mitchell added that he would like to stay in the County.

Mrs. Linda Mitchell, wife of C. Scott Mitchell, the property owner, noted that she will be retiring soon from the Health Department and will be her son's office manager at the proposed boat shop. She Thanked Mr. Wilson, Mrs. Sprouse and Mr. Jennings for their help along the way.

Mr. Shawn Smith, from the Stevensville District noted that he was in attendance representing the congregation of Mizpah Church. He noted that he nor the church members have any objections to the request and are in agreement with what they wish to do.

Mr. David Mann, representing the adjoining property owner "Walkerton Corporation" noted that his wife has 2 adjoining properties and does not have an issue with the request. In fact, he noted that he and all know that the property owner will not put a black eye on Walkerton.

Mr. Coleman noted that the property in which Mr. Mann is speaking of are both zoned General Business and he feels that this makes sense for the area and the proposal. Mr. Coleman asked Mrs. Sprouse if the property were not rezoned and remained as LB, could Mr. Mitchell expand his nonconforming use or buildings. Mrs. Sprouse stated that he would not without the rezoning.

Hearing no further comments from the public, Mr. Richardson closed the public hearing.

A motion was made by Mr. Jackson to recommend approval of RZ22-01, seconded by Mr. Coleman.

Voting For: Watkins, Fleming, Coleman, Jackson, Richardson, Allen, Berry, Campbell

Voting Against: None

Abstain: None

## **Old Business**

None

### **Staff's Comments**

Mrs. Sprouse noted that for the benefit of the newly appointed members, she would like to remind the Commission that each year (the first month of each year) they will receive a real estate disclosure form. Even though the newly appointed members just turned their forms in, it was for calendar year 2022. She noted that they all will be receiving one in the mail in January and are due within the first month (before February 1).

Mrs. Sprouse also stated that she had reached out to the director of the Certified Planning Commission Certification Training through VCU to acquire their 2023 training schedule, however she had not received a response. She noted that as soon as she receives their 2023 schedule, she will see that they are provided with those dates.

### **Commissioner's Comments**

Mr. Fleming – no comments.

Mr. Berry – no comments.

Mr. Jackson – wished everyone Happy Holidays.

Mr. Allen – no comments.

Mr. Watkins – thanked Mrs. Sprouse for her hard work as always.

Mr. Campbell – thanked the Commission for their confidence in him by appointing him to Secretary once again this coming year. He noted that both applications tonight were for small businesses and they are both a good source of tax income that we can keep in the County. He wished everyone a Happy Holiday and New Year.

Mr. Coleman – thanked the Commission for their vote of confidence in him as vice-chair. He noted that Mr. Watkins had served as such years prior and he hoped to do as well as he did.

Mr. Richardson – thanked the Commission for their vote of confidence as Chair again this year. He noted that he will do his best at being fair and allow everyone the time needed when making decisions.

### **Adjournment**

Mr. Richardson noted that the next meeting is set for Tuesday, January 3, 2023 at 6 p.m. He also noted that he will not be in town during this time and that Mr. Coleman will be leading the meeting should there be one the month of January.

There being no further business, a motion was made by Mr. Watkins to adjourn the meeting. The meeting was adjourned by all present members stating “Aye”.

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Hunter Richardson, Chairman