

**King & Queen County  
Planning Commission Minutes  
December 7, 2020**

The King & Queen County Planning Commission met on Monday, December 7, 2020, 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  
Milton Watkins  
James Guess  
Barbara Hudgins

Ryan Burroughs  
David Campbell  
Robert Coleman, Jr.

**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.

**Election of Officers for 2021**

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

Voting For: Watkins, Hudgins, Coleman, Guess, Richardson, Burroughs, Campbell  
Voting Against: None  
Abstain: None

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

Voting For: Watkins, Hudgins, Coleman, Guess, Richardson, Burroughs, 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. Guess.

Voting For: Watkins, Hudgins, Coleman, Guess, Richardson, Burroughs, Campbell  
Voting Against: None  
Abstain: None

## **Approval of 2021 Meeting Schedule**

The Commission reviewed the following 2021 Meeting Schedule and determined that the dates all appeared good to them. They all signified their approval by voicing “Aye”.

### **Monthly Meeting Dates**

- January 4, 2021
- February 1, 2021
- March 1, 2021
- April 5, 2021
- May 3, 2021
- June 7, 2021
- July 6, 2021 (*This is a Tuesday Meeting due to the Independence Day Holiday*)
- August 2, 2021
- September 7, 2021 (*This is a Tuesday Meeting due to the Labor Day Holiday*)
- October 4, 2021
- November 1, 2021
- December 6, 2021

*\*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 – Sherrin Alsop

February & July & December – James Burns

March & August – Russell Bailey

April & September – Doris Morris

May & October – Lawrence Simpkins

## **Approval of Minutes**

### **July 6, 2020**

After review of the minutes, a motion was made by Mrs. Hudgins to accept the minutes with the correction of her name (prefix) on page 5, seconded by Mr. Watkins.

Voting For: Watkins, Guess, Coleman, Hudgins, Burroughs

Voting Against: None

Abstain: Richardson & Campbell

## **Citizens Comment Period**

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

Hearing no comments, citizens comment period was closed.

## **New Business**

### **A. CBPA20-02 Chesapeake Bay Preservation Area Exception – Justin Morrissette (*public hearing*)**

Mr. Richardson opened the public hearing for CBPA20-02, a request for approval of a Chesapeake Bay Preservation Area Exception for a proposed 911 sq. ft. single family dwelling, located within the landward Resource Protection Area. According to the submitted site plan, the proposed single-family dwelling encroachment will extend in the landward 100' RPA buffer a distance of 33.6 feet. The subject property is County Tax Map Parcel #1624-54R-32I, .50 acre parcel, located on Courthouse Landing Terrace, in the Stevensville Magisterial District.

Mr. Richardson asked Mrs. Sprouse to review the request.

Mrs. Sprouse stated that public notice ran in the Tidewater Review and Rappahannock Times for 2 consecutive weeks (November 18, 2020 & November 25, 2020). She also noted that all adjoining property owners received notification via US mail, sent certified return receipt.

Mrs. Sprouse noted that Planning and Zoning Department received an application for the Planning Commission on October 6, 2020 (with payment) from Justin Morrissette, requesting a Chesapeake Bay Exception from Zoning Ordinance, Article 12, Section 3-277, Exceptions for a proposed 911 sq. ft. single-family dwelling, located within the landward Resource Protection Area. The property is a pre-Chesapeake Bay Act parcel (1965). The subject property is identified as County Tax Map Parcel #1624-54R-32I, a .50 acre parcel, located on Courthouse Landing Terrace, in the Stevensville Magisterial District.

She added that the applicant requests a Chesapeake Bay Exception from Zoning Ordinance, Article 12, Section 3-277, Exceptions. Mr. Morrissette has also submitted a Minor Water Quality Impact Assessment that has been reviewed and deemed acceptable by the Zoning & Planning Department. According to the submitted site plan, the proposed single-family dwelling encroachment will extend in the landward 100' RPA buffer a distance of 33.6 feet. The applicant wishes to construct a 2 story dwelling, with a footprint of 911 sq. ft. within the landward Resource Protection Area (RPA) buffer. The owners have removed an existing 14' x 20' (280 sq. ft.) wooden roofed structure from the property, located within the Resource Protection Area. The additional amount of impervious area requested is 631 sq. ft., the difference of the 911 sq. ft. proposed area and the 280 sq. ft. structure removed. The home location as shown on the site plan, will be placed further from the river than the wooden roofed structure that has now been removed.

Mrs. Sprouse noted that Zoning Ordinance Article 12, Section 3-272B was noted in their report for reference, as well as 3-277, Exceptions with the findings listed. She added that the subject property is zoned Residential Single Family (RS).

She noted that staff believes that all required findings as noted in Section 3-277C 1 through 5 can easily be made and would support approval of the request as submitted, including the submitted WQIA request. Mrs. Sprouse informed the Commission members that the property owner is available tonight to speak to the request or to answer any questions that they may have tonight.

Mr. Richardson asked if there was anyone from the public that would like to speak or comment regarding the request. Hearing no comments, Mr. Richardson asked if the owner wished to speak.

Mr. Justin Morrissette approached the Commission and noted that Mrs. Sprouse had pretty much summed it up and that the request is needed to build a residence. At the time that they purchased the property, he was not aware of the process in order to build a home on the property.

Mr. Richardson asked if anyone else would like to speak. Hearing no further comments, the public hearing was closed.

Mr. Richardson asked if any of the Commission members had comments or questions.

Mr. Coleman noted that he felt that the home size is appropriate for that size lot and that staff had indicated that the parcel was created before zoning and the Chesapeake Bay Act was adopted. He noted that he felt the request was reasonable. Mr. Coleman also noted that the parcel next door not too long ago went through the same process and to his knowledge was approved.

Mrs. Sprouse confirmed Mr. Coleman's statement regarding the neighboring parcel.

Mrs. Hudgins noted that if you look at the survey as presented the house next door is even closer to the river than what the applicant is proposing tonight.

Mr. Watkins noted that he had visited the site and said it's a really nice lot and had no problem with it.

Hearing no further comments, Mr. Richardson asked if there was a motion.

A motion was made by Mrs. Hudgins to approve CBPA20-02 as presented, seconded by Mr. Coleman.

Voting For: Watkins, Guess, Coleman, Hudgins, Burroughs, Richardson, Campbell

Voting Against: None

Abstain: None

## **Old Business**

None.

## **Staff's Comments**

Mrs. Sprouse noted that she has multiple projects in the pipeline that will be coming to the Commission soon. She noted one of those projects was a level 2 site plan for property already zoned commercial for a contractor shop for maintenance. She also noted that there may be some mining requests forthcoming from Aylett Sand & Stone and Virginia Sand and Stone.

Mr. Swartzwelder noted that he thought he would take the time tonight since it was a light agenda to review some legal things with the Commission as it relates to Chesapeake Bay Exceptions and things to keep in mind when making the findings. He noted that the Commission must do more than just read the findings statement from the code. Mr. Swartzwelder said what the Commission did tonight was spot on. He added there was discussion among the Commission and the Commission determined that the findings were met, just as both Mr. Coleman and Mrs. Hudgins had noted. Mr. Swartzwelder provided some guidance and asked the Commission to reach out to staff and ask staff questions should they have any. He asked the Commission if it would be helpful to have staff's recommendation for Chesapeake Bay Exceptions as they get for all other requests. He noted that it doesn't mean that they have to accept staff's recommendation, but at least you would get staff's perspective in advance of the meeting to consider or ask questions. Mr. Swartzwelder explained that this is one decision that Commission makes that is not a recommendation. It is the final say, unless appealed. He said that the only other application they review where they are the final say is for level 2 site plan reviews.

There was some discussion between the Commission members and Mr. Swartzwelder regarding the findings, review of the Chesapeake Bay Program and what would be helpful to them in the future. Mr. Richardson noted that it would be helpful to him if staff could provide what the Commission had decided on similar or prior requests to remain consistent. He also added that it's very important that the County Attorney attend all public hearings and to help the Commission should they need it or go off course.

Mr. Swartzwelder also updated the Commission on several projects in progress within the County. He noted that the fiber to the home project has started and by September of next year, all of the southern part of the County from Devil's Three Jump down should be completed. This project is a 3-year project he added.

Mr. Swartzwelder also noted that the Farmer's Market site is moving forward with the Tele-Work Center. That the Middle Peninsula Planning District Commission will move in and possibly the Workforce Center as well. There will be space available utilized as a business incubator for inexpensive rent to help businesses to get started and hopefully expand their business elsewhere in the County once established.

He also informed the Commission that the County has recently purchased the Lower Vol Emergency Services Building from Lower King & Queen Vol. Fire and EMS because they no longer run EMS calls. Mr. Swartzwelder noted that the County now has 15 paid full time EMT's and there is paid staff at the Lower EMS building, the King & Queen Courthouse, and King & Queen Library now full time.

Mr. Richardson asked if Mr. Simpkins has any comments to share.

Mr. Simpkins noted that he was sure that they were aware that the Board approved the solar farm project and wanted the Commission to know that the Board appreciates their hard work on the project. He added that the Board did make some changes as part of the siting agreement but not many changes were really made. Mr. Simpkins said that he did not want them to think that the Board went against them, but they also had a financial component to consider that the Planning Commission could not.

### **Commissioner's Comments**

Mrs. Hudgins wished everyone a safe Merry Christmas and Happy New Year.

Mr. Coleman said that he would like to recognize that today was Pearl Harbor Day and the sacrifices made by so many. He added that he had spoken with Mrs. Morris and has agreed to serve another term on the Commission, as his term is set to expire this month.

Mr. Campbell said that he hoped that 2021 would be better than 2020. He sure hoped that things would turn around and the virus will soon be under control. He wished everyone a Merry Christmas and Happy New Year. Mr. Campbell also welcomed Mr. Burroughs to the Commission.

Mr. Richardson welcomed Mr. Burroughs to the Commission. He noted that this year has been challenging and he realized that the Commission has not met much this year. Mr. Richardson thanked staff and the County Attorney for their remarks, and thanked Mr. Simpkins for attending. He wished everyone a safe holiday season and echoes what Mr. Coleman said about Pearl Harbor and thanks those that served.

## **Adjournment**

Mr. Richardson noted that the next meeting is set for January 4, 2021 at 6 p.m. He noted that if that changes, Mrs. Sprouse will notify them of such.

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