

**King & Queen County
Planning Commission Minutes
June 6, 2011**

The King & Queen County Planning Commission met on Monday, June 6, 2011, 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
Milton Watkins
David Campbell
William Herrin
Donna Thompson

James "Jimmy" Guess
Hunter Richardson
Wallica Gaines
Robert "Bob" Taylor

Also in Attendance:

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

Call to Order

Chairman, Robert Taylor, called the meeting to order.

Roll Call/Determination of Quorum

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

April 4, 2011 – Regular Meeting Minutes

After brief review of the minutes, a motion was made by Mr. Herrin to approve the minutes as written, second by Mr. Richardson. The minutes were approved by all members present stating "Aye".

Citizens Comment Period

Mr. Taylor opened the floor for public comment period, hearing no comments from the public, citizens comment period was closed.

Unfinished Business

Mr. Taylor asked Mrs. Sprouse to briefly review the first article.

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

Mrs. Sprouse briefly pointed out the proposed amendments to Article 3. Mr. Taylor opened the floor for public comment period, hearing no comments, Mr. Taylor closed public comment period. Mr. Taylor asked if anyone from the Commission had any questions or would like to discuss anything from Article 3. Hearing no comments, Mr. Taylor stated that he would entertain a motion

to approve, deny or table the request. A motion was made by Mr. Herrin to approve the proposed text amendment as written and to forward to the Board of Supervisors, seconded by Mr. Watkins.

Voting For: Richardson, Gaines, Herrin, Campbell, Thompson, Watkins, Guess, Roane, Taylor
Voting Against: None
Abstain: None

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

Mrs. Sprouse explained that Article 4 was completely changed from the current ordinance. She noted that there are additional zoning classifications and permitted uses within the permitted use table. She also noted that it has come to her attention that for rental centers and establishments there are comments pertaining to the location of items for display. She noted that the Commission may want to consider adding such comments to all commercial uses and not just rental centers. Mr. Taylor opened the floor for public comment period.

Mr. Harold Diggs of James City County asked the Board to please consider creating a category within the proposed permitted use table that would accommodate a youth ranch. Such youth ranch would be a place for children aged 10 to 17, who have been abused, neglected or have simply fallen through the cracks. They would live on the farm with a family who are trained therapist and these children would be responsible for working on the ranch. They would be responsible for doing chores on the farm, tending to the crop, raising and taking care of the animals, and their school work. He stated that none of the categories seem to fit such a use completely and wanted to know if a new category should be created or if there is something in the ordinance that would permit such a use.

After some discussion among Mr. Diggs and the Commission, Mr. Swartzwelder stated that it is possible that such a use may be permitted within the ordinance as it is presently and he would ask Mr. Diggs to meet with and work with staff to gather more information so we may see if we can further assist him in his request.

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

Mr. Taylor stated that he would entertain a motion to approve, deny or table the request. A motion was made by Mr. Herrin to approve the proposed text amendment with the addition of adding the following comment to all commercial uses *“No storage or display of any kind may be within the front 75’, 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.”* and to forward to the Board of Supervisors, seconded by Mr. Watkins.

Voting For: Richardson, Herrin, Campbell, Thompson, Watkins, Guess, Roane, Taylor
Voting Against: Gaines
Abstain: None

A motion was made by Mr. Richardson to take out the word “footnote” from table 4.1 and leave “comments”, seconded by Mr. Herrin.

Voting For: Richardson, Herrin, Campbell, Thompson, Watkins, Guess, Roane, Taylor, Gaines
Voting Against: None
Abstain: None

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

Mr. Taylor asked Mrs. Sprouse to review the next item on the agenda. Mrs. Sprouse went over the proposed changes/amendments. Mrs. Sprouse noted that some of the proposed changes included increasing the minimum acreage requirements for commercial and industrial properties, as well as residential single family zoning classifications. She added that this proposed acreage increase does not include the Agricultural zoning district.

Mr. Taylor opened the floor for public comment period, hearing no comments, Mr. Taylor closed public comment period. Mr. Taylor asked if anyone from the Commission had any questions or would like to discuss anything from Article 5. Hearing no comments, Mr. Taylor stated that he would entertain a motion to approve, deny or table the request. A motion was made by Mr. Guess to approve the proposed text amendment as written and to forward to the Board of Supervisors, seconded by Mr. Richardson.

Voting For: Richardson, Gaines, Herrin, Campbell, Thompson, Watkins, Guess, Roane, Taylor
Voting Against: None
Abstain: None

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

Mrs. Sprouse explained that most of the minor amendments within Article 6 were for clarification purposes. Mr. Taylor opened the floor for public comment period, hearing no comments, Mr. Taylor closed public comment period. Mr. Taylor asked if anyone from the Commission had any questions or would like to discuss anything from Article 6. Hearing no comments, Mr. Taylor stated that he would entertain a motion to approve, deny or table the request. A motion was made by Mr. Watkins to approve the proposed text amendment as written and to forward to the Board of Supervisors, seconded by Mr. Roane.

Voting For: Richardson, Gaines, Herrin, Campbell, Thompson, Watkins, Guess, Roane, Taylor
Voting Against: None
Abstain: None

*(*The Commission took a 5 minute break)*

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

Mrs. Sprouse reviewed the proposed amendments within Article 14. Mr. Taylor opened the floor for public comment period, hearing no comments, Mr. Taylor closed public comment period. Mr. Taylor asked if anyone from the Commission had any questions or would like to discuss anything from Article 14. Hearing no comments, Mr. Taylor stated that he would entertain a motion to approve, deny or table the request. A motion was made by Mr. Herrin to approve the proposed text amendment as written and to forward to the Board of Supervisors, seconded by Mr. Watkins.

Voting For: Richardson, Gaines, Herrin, Campbell, Thompson, Watkins, Guess, Roane, Taylor
Voting Against: None
Abstain: None

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

Mrs. Sprouse briefly reviewed the proposed changes within Article 15. Mr. Taylor opened the floor for public comment period, hearing no comments, Mr. Taylor closed public comment period. Mr.

Taylor asked if anyone from the Commission had any questions or would like to discuss anything from Article 15. Hearing no comments, Mr. Taylor stated that he would entertain a motion to approve, deny or table the request. A motion was made by Mr. Guess to approve the proposed text amendment as written and to forward to the Board of Supervisors, seconded by Mr. Watkins.

Voting For: Richardson, Gaines, Herrin, Campbell, Thompson, Watkins, Guess, Roane, Taylor
Voting Against: None
Abstain: None

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

Mrs. Sprouse explained that the sign requirements for adult establishments that were located within Article 3, has been moved to Article 16. Mr. Taylor opened the floor for public comment period, hearing no comments, Mr. Taylor closed public comment period. Mr. Taylor asked if anyone from the Commission had any questions or would like to discuss anything from Article 16. Hearing no comments, Mr. Taylor stated that he would entertain a motion to approve, deny or table the request. A motion was made by Mr. Roane to approve the proposed text amendment as written and to forward to the Board of Supervisors, seconded by Mr. Herrin.

Voting For: Richardson, Gaines, Herrin, Campbell, Thompson, Watkins, Guess, Roane, Taylor
Voting Against: None
Abstain: None

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

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. Mr. Taylor opened the floor for public comment period, hearing no comments, Mr. Taylor closed public comment period. Mr. Taylor asked if anyone from the Commission had any questions or would like to discuss anything from Article 20. Hearing no comments, Mr. Taylor stated that he would entertain a motion to approve, deny or table the request. A motion was made by Mr. Watkins to approve the proposed text amendment as written and to forward to the Board of Supervisors, seconded by Mrs. Thompson.

Voting For: Richardson, Gaines, Herrin, Campbell, Thompson, Watkins, Guess, Roane, Taylor
Voting Against: None
Abstain: None

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

Mrs. Sprouse stated that the proposed ordinance (Article 23) had been reverted back to its original state in regard to animal unit measurement. All other minor amendments to the ordinance were to remain. Mr. Taylor opened the floor for public comment period, hearing no comments, Mr. Taylor closed public comment period. Mr. Taylor asked if anyone from the Commission had any questions or would like to discuss anything from Article 23. Mr. Richardson stated that he had the opportunity to speak to a few farmers in the community and they wondered if two neighboring farmers who were interested in such a use (Intensive Livestock) could file some sort of waiver or exception to the setback requirements in Article 23. Mr. Richardson made a motion to approve Article 23 with a reduction of setbacks to sections 3-513 & 5-514 by 50% should neighboring farmers agree to do so in a joint venture. Having no second, the motion died.

Mrs. Gaines stated that it really makes her angry to see that there is an attempt to reduce the setback requirements for farmers who may have the means such as money and land, however for any other citizen to have a horse, they must have at least 5 acres and the structure must be at least 100' from all property lines. She stated that this did not seem fair to her.

Mr. Swartzwelder stated that he wasn't sure that this wouldn't cause some trouble later when other uses or cases come up and simply because they have signed statements from neighbors, they too would feel that they could have a reduction in setbacks or some other requirement within the ordinance.

Mr. Richardson asked what would happen when the state requirement for animal unit's changes in the future, should it occur. Mrs. Sprouse explained that another amendment could take place at that time, as it has with the Erosion and Sediment Control Ordinance, Chesapeake Bay Overlay District Ordinance and Flood Plain Ordinance has in the past. Mr. Swartzwelder stated that another option would be to site the specific state document reference within our ordinance.

After further discussion, Mr. Taylor stated that he would entertain a motion to approve, deny or table the request. A motion was made by Mr. Richardson to approve the proposed text amendment as written and to forward to the Board of Supervisors, seconded by Mr. Herrin.

Voting For: Richardson, Gaines, Herrin, Campbell, Thompson, Watkins, Guess, Roane, Taylor
Voting Against: None
Abstain: None

Hearing no further discussion, Mr. Taylor asked Mrs. Sprouse to continue to the next item.

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

Mrs. Sprouse briefly reviewed the proposed changes within Chapter 4. Mr. Swartzwelder stated that he would like for the Commission to consider adding the word "*devised*" to section 4-3A(4a and 4b) after "*purchased/sold/gifted...*". He explained that including this term will include divisions expressed in a will.

Mr. Taylor opened the floor for public comment period, hearing no comments, Mr. Taylor closed public comment period. Mr. Taylor asked if anyone from the Commission had any questions or would like to discuss anything from Chapter 4. Hearing no comments, Mr. Taylor stated that he would entertain a motion to approve, deny or table the request. A motion was made by Mr. Richardson to approve the proposed text amendment with the inclusion of the word "*devised*" to section 4-3A(4a and 4b) after "*purchased/sold/gifted...*" and to forward to the Board of Supervisors, seconded by Mr. Herrin.

Voting For: Richardson, Herrin, Campbell, Watkins, Guess, Roane, Taylor
Voting Against: Gaines and Thompson
Abstain: None

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

Mrs. Sprouse explained that most of the definitions that were located in the working draft of Article 4 have been relocated to the Definitions section of the ordinance. Mr. Taylor stated that this allows for one location for definitions so they are not placed throughout the ordinance. Mr. Taylor opened the floor for public comment period, hearing no comments, Mr. Taylor closed public comment period. Mr. Taylor asked if anyone from the Commission had any questions or would like to discuss anything from Chapter 6. Hearing no comments, Mr. Taylor stated that he would

entertain a motion to approve, deny or table the request. A motion was made by Mr. Watkins to approve the proposed text amendment as written and to forward to the Board of Supervisors, seconded by Mr. Guess.

Voting For: Richardson, Gaines, Herrin, Campbell, Thompson, Watkins, Guess, Roane, Taylor
Voting Against: None
Abstain: None

L. Zoning Text Amendment ZA10-14 – Article 1, General Framework of the Zoning Ordinance

Mrs. Sprouse noted that this amendment was to correct a state code reference that had changed within section 3-6B. Mr. Taylor opened the floor for public comment period, hearing no comments, Mr. Taylor closed public comment period. Mr. Taylor asked if anyone from the Commission had any questions or would like to discuss anything from Article 1. Hearing no comments, Mr. Taylor stated that he would entertain a motion to approve, deny or table the request. A motion was made by Mr. Roane to approve the proposed text amendment as written and to forward to the Board of Supervisors, seconded by Mr. Watkins.

Voting For: Richardson, Gaines, Herrin, Campbell, Thompson, Watkins, Guess, Roane, Taylor
Voting Against: None
Abstain: None

Mrs. Gaines asked why Article 1 was not formatted as the rest of the articles. Mrs. Sprouse explained that the bullets within Article 1 were from the original ordinance, however if the Commission so chooses, we can make this change now. Mrs. Gaines made a motion to format Article 1 to match the other articles within the ordinance, seconded by Mr. Richardson.

Voting For: Richardson, Gaines, Herrin, Campbell, Thompson, Watkins, Guess, Roane, Taylor
Voting Against: None
Abstain: None

There was no other discussion, Mrs. Sprouse moved on to Article 8.1.

M. Zoning Text Amendment ZA10-15 – Article 8.1 – Amateur Radio Antennas

Mrs. Sprouse briefly noted that one item was changed in Article 8.1. She noted that approvals are by approved conditional use permits and not by approved special exceptions. Mr. Taylor opened the floor for public comment period, hearing no comments, Mr. Taylor closed public comment period. Mr. Taylor asked if anyone from the Commission had any questions or would like to discuss anything from Article 8.1. Hearing no comments, Mr. Taylor stated that he would entertain a motion to approve, deny or table the request. A motion was made by Mr. Herrin to approve the proposed text amendment as written and to forward to the Board of Supervisors, seconded by Mr. Watkins.

Voting For: Richardson, Gaines, Herrin, Campbell, Thompson, Watkins, Guess, Roane, Taylor
Voting Against: None
Abstain: None

Commissioner's Comments

Mrs. Gaines stated that the few people that she had talked to about the process feel it's a bit complicated and desire to have a summary of information or highlights to help folks to know what is going on and what is proposed. She stated that folks that don't have dealing with the ordinance on a daily basis find it to be very difficult to understand. Mrs. Gaines stated that a cover page on

the posted articles summarizing the changes and pointing out the major changes would be helpful to the citizens.

Mr. Roane stated that his comment is a rebuttal of what Mrs. Gaines stated but it sounds like there were a number of folks who had comments about the articles and proposed changes but there is no one here to speak about them. He added that this creates a problem that no one came out to speak about these changes. He stated that he does understand what Mrs. Gaines is saying but wishes that the court room was full tonight.

Mr. Richardson stated that he too had spoken to a few folks about a number of items in the ordinance and some of those folks asked him to consider a few changes. He stated that he will not fight but so much for what they want in an empty room and without their support. Mr. Richardson stated that he made their comments known before this Commission but again will not fight for it alone. He stated that he would like to thank all of the Planning Commission members for their hard work even those that are presently not a part of this body that helped kick this review off. He also thanked the staff and stated that staff did an excellent job with keeping track of the changes, providing documents as needed and posting the proposed changes on the website. Mr. Richardson thanked Donna for her work and help in keeping track of the ordinances and changes both written and oral changes.

Mr. Taylor stated he agreed with Mr. Richardson and added that he would have thought that there would be more people to attend the meeting especially pertaining to the changes in the subdivision ordinance. Mr. Taylor thanked David Litchfield, John Roane and Donna Sprouse for their work on the ordinance from the beginning.

Mr. Campbell stated "ditto".

Mr. Watkins stated "same thing".

Mr. Guess stated "same thing".

Mrs. Thompson stated that Mrs. Sprouse has been very knowledgeable and very helpful and appreciates what she does, as well as Mr. Swartzwelder.

Staff's Comments

Mrs. Sprouse told the Commission that once again she was happy to see that this has finally moved forward to the Board of Supervisors. She added that the Commission has more work ahead of them including but not limited to the Comprehensive Plan and other upcoming projects. Mrs. Sprouse stated that she appreciates the comments and dialog and is really glad that the Commission is a diverse group which helps with great insight. She thanked the Planning Commission for their hard work and efforts.

Mr. Swartzwelder stated that he would reiterate what Mrs. Sprouse stated and that the Comprehensive Plan is going to be twice as much work as the amendments they just completed. He said that the county hasn't really done a 20th century Comp Plan if you will. The Comp Plan is about 5 pages of usable material and 60 pages of information pertaining to the Dragon Run. It needs to address more about the development of the county and not so much the Dragon Run. He asked the Commission to start thinking about the format they want the Comp Plan in and the way they want to do it and be prepared to discuss at a later meeting. He also asked them to consider if they want to do comprehensive rezoning with the Comp Plan.

Mrs. Gaines stated that the feeling that she received from folks is why should they take apart of the Planning Commission when the Board is the one to make the decisions. She stated that she wanted to know what the level of support is from the Board of Supervisors. She doesn't want to be in a situation where the Commission works on something for 2 years and no one shows up. She added that people have comments but don't show up at the Planning Commission level. Mrs. Gaines asked if maybe the Board needs to set the tone that the public needs to participate with the Commission.

Mr. Herrin stated that people need to understand that they need to participate at the earliest time, which is at the Planning Commission level.

Mrs. Gaines stated that she agrees however, if you have board members telling the public not to worry about it and that nothing changes until it reaches the Board's level.

Mr. Richardson added that maybe Mrs. Gaines should speak to her Board member.

Mrs. Gaines stated that it's not just one member. She stated that the Board as a whole should inform the public that this process is a legitimate process and the public should come out and express their opinion at this level. Mrs. Gaines stated that people will show up at the Board level and will have comments.

Mr. Taylor added that is because that is where the buck stops.

Mrs. Gaines agreed.

Mr. Swartzwelder stated that he does not believe that the Board as a whole discounts the Commission process as a whole. Just look at the how many things have gone through and not have been returned for further review. Mrs. Gaines is correct in that the Comp Plan requires a lot of advertising and public input.

Mr. Simpkins stated he feels that the Commission and the Board should have a joint meeting to discuss if comprehensive rezoning is an option as part of the Comp Plan. He added that the Board appreciates the Commissions work and to be honest he would be very hesitant to change the work they had done with the text amendments. He stated that he doubts that the Board will make changes if changes are proposed to the text amendments, rather they would more and likely just send it back to the Planning Commission for review and comment.

Mrs. Gaines stated that the public needs to be aware and informed of how to be a part of this body.

Mr. Swartzwelder stated that the first step is to decide how to start this work and how are we going to get the public involvement and participation.

Mr. Taylor stated that the next meeting will be July 5, 2011 at 6:00 p.m. He added that this a Tuesday meeting.

Adjournment

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

Mr. Robert Taylor, Chairman