

**King & Queen County  
Planning Commission Minutes  
December 1, 2014**

The King & Queen County Planning Commission met on Monday, December 1, 2014, 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  
Hunter Richardson

James Guess  
Shelia Morton  
Robert Coleman, Jr.

**Also in Attendance:**

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

**Approve 2015 Planning Commission Meeting Schedule**

The following dates were presented to the Commission for consideration...

- January 5, 2015
- February 2, 2015
- March 2, 2015
- April 6, 2015
- May 4, 2015
- June 1, 2015
- July 6, 2015
- August 3, 2015
- September 8, 2015 (*This is a Tuesday Meeting due to the Labor Day Holiday*)
- October 5, 2015
- November 2, 2015
- December 7, 2015

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

Hearing no comments from the Commission, the 2015 schedule was approved by all those present stating “Aye”.

### **Approval of Minutes**

#### **October 6, 2014 & November 3, 2014**

After brief review of the minutes a motion was made by Mrs. Morton to accept the minutes as written for October 6<sup>th</sup> and November 3<sup>rd</sup>, seconded by Mr. Watkins.

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

Voting Against: None

Abstain: None

### **Citizens Comment Period**

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

### **New Business**

#### **RZ14-01, Michael & Mary Daus (Public Hearing)**

Mr. Richardson opened the public hearing for application RZ14-01, for Michael & Mary Daus to rezone a 20.58 acre parcel from Agricultural to Light Industrial. Mr. Richardson asked Mrs. Sprouse to review the request.

Mrs. Sprouse noted that the Planning and Zoning Department received an application on September 29, 2014 from Michael & Mary Daus, requesting approval of a rezoning application. The applicant requests to rezone a 20.58 acre parcel, identified as County Tax Map Parcel No. 1623-135R-1063 from Agricultural (A) to Light Industrial (LI). She stated that the owners wish to apply for a rezone prior to paying for an engineered site plan for his proposed use. The owners understand that before a business and/or structure is occupied, a level 3 site plan is required which includes approval from appropriate state agencies. This request is only for the rezoning of the 20.58 acre parcel and is not an approval of any use or site plan at this time. Mrs. Sprouse stated that other surrounding land include agricultural land, residential single-family homes and General Business zoning/use. She added that the owners are requesting to rezone the parcel to Light Industrial with future plans of having mini storage units with office and an outdoor flea market.

Mrs. Sprouse read from sections of the Comprehensive Plan.

Components of the Summary of Policies (Chapter 2, Subsection 2.2, Tax Base Balance)

*“It is the policy of the County to work toward a balance between residential development and commercial/industrial development. Historically, most residential development does not produce tax revenue commensurate with the cost of required services and must be balanced by commercial/industrial development, which is usually revenue positive. This will require a special effort to provide a business friendly environment and to actively seek and encourage commercial and industrial investment and development in order to help balance the County tax base and provide employment opportunities and services for County residents. Significant effort by current or additional County staff will be required to plan for and focus on this economic development task.”*

### Components of the Land Use Plan Identified (Chapter 3, Subsection 3.3b)

*“Although some commercial development may be dispersed throughout the County to meet local needs for services, and it may be appropriate to locate some industrial activities near the source of raw materials, it is the policy of the County that most commercial and industrial development be concentrated in two Economic Development Corridors, one along Rt. 360 and one along Rt. 33, as shown on Map 2 and further described below. Concentration of commercial development in these corridors can be a major factor in maintaining the rural nature of the remaining areas of the county. These corridors are also the most suitable areas for commercial development since they lie along the major traffic arteries into and through the county and also offer the best potential for regional interconnection with current or future sewer and water utilities in adjoining jurisdictions. Appropriate zoning is needed to steer corridor development toward the desired uses....”*

*“Commercial and industrial development must be compatible with surrounding areas, must not endanger environmentally sensitive areas or surrounding waters, and must be adequately supported by existing or planned infrastructure. It is important that commercial and industrial sites, especially those which are in public view, are designed and built with attractive landscaping and vegetative buffering and attractively designed and grouped buildings. Service roads and shared parking areas and entrances are encouraged to limit traffic problems in commercial areas.”*

Mrs. Sprouse stated that with the property being acquired in good faith and is currently a pre-existing non-conforming parcel (the minimum road frontage is less than the required 300' along Route 33), the rezoning to Light Industrial will not make the parcel more non-conforming regarding the road frontage (the minimum road frontage required for Light Industrial is 200'). She stressed that setbacks, permitted uses, and other site plan requirements/conditions will be addressed prior to the operation of any business or industrial use and prior to any structure being constructed and/or occupied. She stated that it is staff's recommendation that the rezoning request be approved. The owners must submit a level 3 site plan before the use of the property may take place.

The floor was open for public comment regarding the rezoning request.

Barbara Hudgins, an adjoining property owner spoke against the rezoning request. She passed out questions and aerial images from Google Maps to the Commission members. She asked about hours of operation, traffic impacts and lighting. She stated that traffic would have to do a U-turn at the Route 14 Buena Vista intersection, which is very dangerous to begin with. She asked if permits were obtained for the modular units, as well as the land disturbance that has taken place on the property. She pointed out that there are several 18 wheeler tractor trailers on the parcel in the woods. Mrs. Hudgins stated that there is a creek in the rear of the property and didn't want an industrial use to contaminate the water. She asked that the Commission deny the request or at least table their decision until they are able to research the questions she posed tonight.

Michael Daus, the applicant, stated that he has obtained proper permits and inspections for the modular units, as well as the land disturbance permits. He stated that the biggest issue with his project is VDOT regarding the entrance. He stated that he has hired an engineer out of Saluda for this site. HE noted that the wet area in the rear of the property that Mrs. Hudgins speaks of is drainage from Route 33 through a VDOT drainage ditch. He stated that he will have a right turn into his property and a right turn out, making it safer with a dual lane highway.

Mary Charnock, who lives across the street, stated that there are trailers on the property and doesn't want to see anything that will lower her property values. She noted that she does not agree with putting something that is devalue her property and wants to know exactly what the owners are going to do with their property.

Barbara Hudgins stated that Mr. Daug's is correct that there is a VDOT ditch, however it is feed to a stream also. She does not agree with a Light Industrial zoning in the area and that such zoning should be placed in an industrial park. She noted that the farmers market that the county constructed should be used for a flea market. She also noted that they do not need another storage unit facility. There are two just up the street from her. She agrees that commercial development is needed to help the tax base, but not piece meal.

Mr. Richardson asked Mrs. Hudgins if she was against development on Route 33. Mrs. Hudgins stated that she was not. Ideally she would prefer it not be next door to her but realizes that she lives on Route 33 in the Economic Development Corridor. She simply doesn't think Light Industrial should be placed next to her in this location. Mr. Richardson stated that the Commission is not considering site plan components tonight and are only to consider the rezoning request from Agricultural to Light Industrial. He noted that the owners would have to come back to the commission to address the items she mentioned at a later time. During that time, state agencies, such as VDOT, Health Department and DEQ/DCR will also have to review and approved the proposed site plan.

Michael Daug's stated that he may rent space in his modular units for businesses to start and will have a flea market where people can sell their goods for an annual fee. He also noted that the storage building could be used to store RV's, boats, etc.

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

Mrs. Morton asked if what Mr. Daug's wanted to do on this property could be done in a commercial zone. Mrs. Sprouse stated that the mini storage units could, however the outdoor flea market could not. Mr. Roane asked Mrs. Sprouse to inform them what can be done in the Light Industrial zoning district. Mrs. Sprouse read aloud all the permitted uses, either that are by-right or by approved conditional use permit, that are permitted in the Light Industrial zoning district.

Hearing no further comments, Mr. Richardson stated that he would entertain a motion to either approve, deny or table the request. A motion was made by Morton to approve rezoning application RZ14-01, tax map 1623-135R-1063 from Agricultural to Light Industrial, seconded by Mr. Watkins.

Mr. Coleman stated that within the comp plan it states that it is the policy of the County that most commercial and industrial development be concentrated in two Economic Development Corridors, one along Rt. 360 and one along Rt. 33.

Having no further comments, Mr. Campbell took the vote by roll call.

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

Voting Against: None

Abstain: None

### **CUP14-01 & SP14-03, David & Renee' Green (Set Public Hearing)**

Mrs. Sprouse asked the Commission to set a public hearing to hear application CUP14-01 and SP14-03, David & Renee' Green, requesting approval of a new conditional use permit (6.05 acres) and Level 3 Site Plan (6.05 acres) in order to have horses (livestock) in the Rural Residential zoning district, located on County Tax Map Parcel No. 1632-78R-159R-11. The site is located at 297 Rivers Edge Road, in the Newtown Magisterial District.

Mr. Green, the property owner, stated that he and his wife were told by their realtor and the selling realtor that the property allowed for horses. He stated that the covenants and restrictions for Rivers Edge Subdivision provides guidance as to what horse barns must look like and where horse trailers shall be placed or parked on the property and free of tall grass. He stated that he and his wife had no idea that horses were not permitted as a by right use.

Hearing no comments from the Commission, a motion was made by Mr. Coleman to set the public hearing for CUP14-01 & SP14-03 for their January 2015 meeting, seconded by Mr. Roane.

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

Voting Against: None

Abstain: None

### **RZ14-02, SP14-04 & CUP14-02, Joseph & Judith Old (Set Public Hearing)**

Mrs. Sprouse asked the Commission to set a public hearing to hear application RZ14-02, SP14-04 & CUP14-02, Joseph & Judith Old, requesting to rezone a 15.63 acre parcel from Agricultural to Residential Single-Family. They also request approval of a new conditional use permit (11.65 acres) to allow for horses in the Residential Single-Family zoning district and Level 3 Site Plan (11.65 & 3.98 acre parcels). The property is further identified as County Tax Map Parcel No. 1623-136L-1192E, located at 1304 Elsom Mascot Road, in the Buena Vista Magisterial District.

Mrs. Sprouse stated that in order for Mr. Old to divide his property, a lot located within an existing agricultural zoned major subdivision, he would need to rezone the parcel Residential Single-Family. If the rezoning is approved, he wishes to have his site plan approved for the division of the 15.63 acre parcel as an 11.65 acre parcel and 3.98 acre parcel. Mr. Old also requests approval of a new conditional use permit to allow for him to have horses on the 11.65 acre parcel, should the rezoning be approved.

Hearing no further comments, a motion was made by Mr. Watkins to set the public hearing for RZ14-02, SP14-04 & CUP14-02 for their January 2015 meeting, seconded by Mr. Guess.

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

Voting Against: None

Abstain: None

### **Unfinished Business**

Mrs. Sprouse reminded the Commission about their discussion from their last meeting regarding the renting of a home or room to transient families. She noted that this type use may or may not be classified as a bed and breakfast, however under our current definition of bed and breakfast, such use serves food and must obtain a state license/approval. In the cases previously discussed during a prior meeting, none of which serve food and therefore do not and cannot obtain such a license or approval from the state. Mrs. Sprouse stated that as the Commission had asked, she invited several citizens who currently conduct such a business use and another that wishes to do the same in the future.

Ms. Agnes Stillfried informed the Commission that she has rented her second home on her property on a nightly, weekend, weekly basis to transients over the past 2 years. She noted that she advertises on various websites, including AirBnB.com. She stated that she does not serve food to her guests. Ms. Stillfried said that the home her guest reside in has a small kitchen for them to fix their own breakfast. She said it is a nice way to meet to people from all over the country. She stated that what is best about this business use is that she lives on the same property in the main residence and can have anyone she chooses to stay. If a guest is unruly, she can simply ask them to leave. She added that there is nowhere around for people to stay, that they have to stay in Tappahannock or Richmond. She stated that King & Queen needs this type of use to keep people here and spend money in our county.

Mr. Steve Jadatz stated that he and his wife operate the same business as Ms. Stillfried from property owned by his mother-in-law, Mrs. Richardson. He stated that their situation is a little different in that their rental home is on a separate parcel from their residence, which happens to be next door. He also stated that under the county definition of bed and breakfast, his use does not meet the definition because they do not serve breakfast and do not meet the requirements (number of bedrooms for rent & do not serve breakfast) to qualify to obtain a state license to operate a bed and breakfast.

Mrs. Cecky Ropelewski informed the Commission that she and her husband Jerry Walker have talked about doing something similar to what Mr. Jadatz and Ms. Stillfried do regarding renting out their home to travelers. She stated that when they hold their annual wine and art festival, her guests have nowhere to stay locally. She would like to entertain the option of renovating an old slave home and kitchen building into rental homes for her guests and other travelers in the area.

After some discussion, it was determined that this type of use is a business use and the Commission will defer this topic for their February meeting for further discussion. They would like to further discuss if there should be a zoning classification created or if it should be something that isn't or shouldn't be county regulated.

The next item on the agenda was to discuss food trailers at the King & Queen Farmers Market at the EDA's request. No additional information has been submitted to the Planning Commission for review from the EDA at this time and the item was tabled.

### **Staff's Comments**

Mr. Swartzwelder stated that staff continues to have calls regarding the acreage requirements to have chickens. Citizens are complaining about the 5 acre lot size requirement to have a chicken. Citizens are also reaching out to board members. Mr. Swartzwelder stated that he will have staff to present two options for the ordinance to have the Commission to consider for text amendment at a later meeting.

Mrs. Sprouse stated that there was a great turn out at the FEMA Flood Map Update Open House, held November 20, 2014.

### **Commissioner's Comments**

Mr. Richardson read aloud a letter discussing the first planning commission meeting in King & Queen County.

*(Letter Attachment Following the Minutes)*

### **Adjournment**

There being no further business, a motion was made by Mr. Watkins to adjourn the meeting. All those present ratified the motion by saying "Aye". The meeting was adjourned.

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Hunter Richardson, Chairman

Walkerton, Virginia,  
December 6, 1944.

Mr. John O. Turpin, Newtown, Va.  
Mr. C. H. Oliver, King & Queen, Va.,  
Mr. Hanley Walden, Dragonsville, Va.  
✓ Mr. Vernon Trevillian, Plainview, Va.

Gentlemen:

The Board of Supervisors has sent notice to you and to me that we have been appointed members of a Local Planning Commission for the County of King & Queen.

I am taking the liberty of suggesting to you that we hold a short meeting to organize - fifteen or twenty minutes should be ample - just after the Kuritan meeting which will be held in the Woman's Club Building at the Court House on Wednesday, December 13th., at 7:00 p.m.

Mr. Oliver, Mr. Trevillian and myself are members of the club and we cordially invite Mr. Turpin and Mr. Walden to attend this meeting with us. Supper is served at 7:00 p.m. King & Queen Kuritan is very much interested in this planning and will be honored to have the first meeting of the new County Planning Commission take place under these circumstances.

I have been looking into the duties of these local County Planning Commissions, and I do not think that the members of such a Commission will be burdened with their duties. They do have a real opportunity to help their County and their Community - and they cannot do this without helping themselves as well - by coordinating and unifying the efforts of the citizens of the County to make this a better place to live.

During the next ten years there will be immense changes in the way of better roads, better school facilities, telephones, power lines and other things which will make life in the country more liveable. The counties around us are appointing Planning Commissions just as we are doing. To the extent that these Commissions can bring harmonious effort both within their respective counties and between their counties, to that extent we should all be better off.

The short meeting I suggest would be concerned only with electing a chairman and a secretary and a brief consideration of where we could start. Since the State Highway Department is planning to spend a good deal of money on roads as soon as the War is over, it might be well to consider on what basis we might plan with them to fit the needs of King & Queen County into what they propose to do in this area.

Hoping to see you next Wednesday, I am,

Sincerely yours,

  
Henry P. Taylor.