

**King & Queen County
Planning Commission Minutes
January 2, 2024**

The King & Queen County Planning Commission met on Tuesday, January 2, 2024, 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:

Michael Flemming	Comer Jackson
Milton Watkins	David Campbell
Robert Coleman, Jr.	
Jonathan Massey	

Also in Attendance:

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

Call to Order

Vice-Chairman, Mr. Coleman called the meeting to order.

Roll Call/Determination of Quorum

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

**Approval of Minutes
December 4, 2023**

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

Voting For: Watkins, Fleming, Jackson, Campbell, Massey
Voting Against: None
Abstain: Coleman

Citizens Comment Period

Mr. Coleman opened the floor for citizens comment period.

Hearing none, citizens comment period was closed.

New Business

A. CUP23-01 & SP23-01, Nutrien Ag Solutions *(public hearing)*

Mr. Coleman opened the public hearing for CUP23-01 and SP23-01, in the name of Nutrien Ag Solutions. Mr. Coleman asked Mrs. Sprouse to please provide her report.

Mrs. Sprouse noted for the record that public notice was published in both the Rappahannock Times, as well as the Tidewater Review for two consecutive weeks. She also noted that adjoining property owners were notified of the hearing via certified return receipt mail, per state statute requirements.

Mrs. Sprouse stated that Planning and Zoning Department received the application on February 14, 2023 from Jonathan Blair Wilson with Wilson Engineers, LLC on behalf of Nutrien Ag Solutions, requesting approval of a Conditional Use Permit and Level 3 Site Plan to permit the construction of a new 12,544 sq. ft. fertilizer compounding, blending and loading building. The request also includes a Conditional Use Permit for its wholesale distribution business. She also noted that the subject property is located at 15277 Richmond Tappahannock Highway, in the Newtown Magisterial District, further identified as County Tax Map Parcel No. 1632-12L-245. The property owner is Nutrien Ag Solutions and the parcel size is 18.46 acres. She added that the property is currently zoned Industrial.

Mrs. Sprouse confirmed that Codes Compliance Officer, Joshua Rellick, had received the application, narrative and site plan for review. That comments were received from Mr. Rellick via email, dated September 27, 2023, and he noted that all of his previous comments had been satisfied and that he had no further comments and approved of the plan.

She added that DEQ Stormwater Division granted approval of the Stormwater Management Plan (SWM) for this project on December 13, 2023.

Mrs. Sprouse noted that Virginia Department of Health, Patricia Duttry noted that her comments were addressed and in fact issued a septic construction permit for the project.

She stated that Greg Hunter, King & Queen County Emergency Services Coordinator and Fire Marshal noted in an email to her, dated October 6, 2023, that he *“has no comments to add or concern on the resubmitted plan.”*

Finally, Mrs. Sprouse confirmed that comments were received via email from Ronald Chad Brooks on behalf of Robert Butler, P.E. on September 27, 2023. In those comments, VDOT had stated that the plans were in accordance with the minimum standards and they had no further comments, however, the department asked for a copy of DEQ’s approval of the plan.

Mrs. Sprouse further explained that according to Article 4, Permitted Uses, Table 4.1, Permitted Use Table, Warehouse/ Wholesale Businesses and distribution centers (low hazard), is allowed in the Industrial Zoning District with the approval of a conditional use permit. Such use shall not include any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or

substance. (unless defined otherwise as low hazardous by the appropriate state or federal agency)

Mrs. Sprouse also explained that Alliance Fertilizer Corp. purchased the property that was rezoned to Industrial in 1993 for the purpose of constructing a fertilizer plant. Its first building was constructed on the property in 1995. Over the years, there has been additional revised site plans approved for additional storage buildings and/or additions for the purpose of storing bulk fertilizers.

She noted that the current King & Queen County Zoning Ordinance, Article 4, Table 4.1, Permitted Uses Table, permits wholesale distribution and low hazard warehousing in the Industrial zoning district by approved Conditional Use Permit. What was once permitted by right, now requires a Conditional Use Permit. As a pre-existing non-conforming use, such current use and associated buildings may continue to operate in the same fashion, however any expansion of such use or building requires the owner to meet current ordinance requirements and regulations. So that Nutrien Ag Solutions may construct this new building and expand upon its warehouse/distribution facilities, Conditional Use Permit (CUP) approval is required as part of their amended site plan.

Mr. Fleming asked staff when did the zoning code change, which now requires such a use by approved CUP. Mrs. Sprouse stated that if her memory serves her correctly, it was in the 2008-2010 time frame that the Commission had completed a complete re-write of our ordinances, which followed by a re-write of the Comprehensive Plan.

Staff recommends approval of CUP23-01 and SP23-01 as submitted and with the applicant's submitted conditions, which includes:

1. All operations and activities at the property shall comply with local, state and federal regulations, codes and laws.
2. Blending, compounding and storage will not include any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance, unless defined otherwise as being a low hazardous substance or material by the appropriate state or federal agency.
3. 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.
4. No outdoor speaker or paging systems shall be used on this site.
5. 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.
6. 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 Nutrien's engineer, Blair Wilson is available to speak to the request, should they have any questions. She also stated that there were folks present from Nutrien in the audience as well. Mrs. Sprouse introduced, Monty Willaford with the King & Queen County EMS Office. She stated that should the Commission have questions for the EMS/Fire Marshal office, that he was present if needed.

Mr. Coleman thanked Mrs. Sprouse for the information.

Mr. Coleman asked if the applicant wished to speak to the request. Mr. Blair Wilson with Wilson Engineers approached the podium and stated that Mrs. Sprouse pretty much summed everything up, however he would be more than happy to answer any questions that they may have.

Mr. Coleman asked if there was anyone in the audience that wished to speak to the request. Hearing none, Mr. Coleman asked if the Commission had any questions for staff or the applicant. Hearing none, the public hearing was closed.

Mr. Coleman asked if there was a motion for the proposal. A motion was made by Mr. Jackson to recommend approval of CUP23-01 and SP23-01, with the recommended conditions as presented. The motion was seconded by Mr. Fleming. Hearing no further comments or motions, Mr. Coleman asked Mr. Campbell to please take a roll call vote.

Voting For: Watkins, Fleming, Jackson, Campbell, Massey, Coleman

Voting Against: None

Abstain: None

Old Business

None

Staff's Comments

Mrs. Sprouse reminded the Commission that they will soon be receiving their real estate disclosure forms for 2024 and informed them that they are due by February 1st. She asked that they please be sure to turn those in prior to the deadline.

Mrs. Sprouse noted that she had provided a presentation during last month's Board of Supervisor's meeting regarding the upcoming VDOT Smart Scale Scoping Application deadline. She noted that they each locality may submit up to ten projects, only 3 of those projects may be selected for further VDOT help with the application submissions. Further she added that of those nine projects that King & Queen had identified, only one met a VTRANS need. Therefore, only one project would potentially qualify for Smart Scale funding, should it be selected through the application process.

Mrs. Sprouse also noted that Walnut Solar's final site plans are nearing completion and she anticipates approval sometime this year and possibly construction starting the first half of the year. She reminded the Commission that when Open Road originally applied for the

CUP and site plan for Walnut Solar, they had requested a waiver of the environmental site plan components for their final site plan submission. She noted that is what the current developers have been working on and finalizing over the past 2+ years.

Ms. Seay provided the Commission with an update regarding the following:

- KQ Telework Center contract has been awarded and construction has begun.
- King & Queen County's new website is now live and she is very proud of the meeting agenda, packets, and minutes page. She noted that staff has been working really hard and trying to tweak the details of their perspective pages. Ms. Seay noted that if they should find any needed changes or have suggestions, to please share them with her.

Commissioner's Comments

Mr. Coleman asked if any of the Commission members had any comments that they wish to share.

Mr. Watkins thanked Mr. Coleman for taking over and chairing the meeting tonight. He noted that he had done a fine job.

Mr. Campbell wished everyone a happy new year.

Adjournment

Mr. Coleman noted that the next meeting is set for Monday, February 5, 2024, at 6 p.m., unless otherwise cancelled.

There being no further business, the meeting was adjourned by all present members stating "Aye".

Robert Coleman, Jr., Vice-Chairman