

**King & Queen County  
Planning Commission Minutes  
May 5, 2025**

The King & Queen County Planning Commission met on Monday, May 5, 2025, 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:**

Mac Bradley	Edmond Wilson, Jr.
Robert Coleman, Jr.	Michael Fleming
Hunter Richardson	Jonathan Massey
Stephen Hendrickson	Comer Jackson

**Also in Attendance:**

Vivan Seay, County Administrator/County Attorney  
Donna Elliott Sprouse, Director of Community Development  
Kelly Evko, Economic Development Director

**Call to Order**

Chairman, Mr. Richardson, called the meeting to order.

**Roll Call/Determination of Quorum**

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

At this time, Mr. Richardson introduced newly appointed member, Stephen Hendrickson of the Newtown district. Mr. Richardson asked Mr. Hendrickson to introduce himself.

Mr. Hendrikson stated that he has lived in King & Queen just a little over a year now and is the neighbor of Ms. Alsop. He stated that he works at the King & Queen library and is also scanning tax map files in the Zoning Department part-time.

**Approval of Minutes  
April 7, 2025**

After review of the April 7, 2025 minutes, a motion was made by Mr. Wilson to accept the minutes as presented, seconded by Mr. Massey.

Voting For: Wilson, Coleman, Richardson, Fleming, Bradley, Massey, Jackson  
Voting Against: None  
Abstain: Hendrickson

## **Citizens Comment Period**

Mr. Richardson opened the floor for citizens comment period.

Mr. Peter Cinq Mars of the Shacklefords area [Buena Vista district], approached the Commission and asked for a copy of the April 7, 2025 Planning Commission meeting recording and transcript. He also asked if the Commission was given county email addresses, like the Board of Supervisors. It appears to him that surrounding localities either provide their personal email addresses or are provided with a county email address, which is posted on the county website. That way, all citizens of the county may communicate with the entire board. Further it should not only be made available but also made to be up to date. The citizens should be able to reach them via electronic communication, such as email. Mr. Robert Shackelford of the Newtown district noted that he seconds what Mr. Cinq Mars stated about the Commission emails.

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

## **New Business**

### **A. SP24-04 – Mattaponi Sand & Gravel LLC – Level 3 Site Plan** *(public hearing)*

Mr. Richardson stated that he will open the public hearing for SP24-04 in the name of Mattaponi Sand & Gravel LLC for approval of a level 3 site plan. Mr. Richardson asked Mrs. Sprouse to please review the request and provide background information.

Mrs. Sprouse noted for the record that public notice was posted in both the Tidewater Review and Rappahannock Times for two consecutive meetings (April 16<sup>th</sup> and April 23<sup>rd</sup>). She also noted that adjacent land owners were notified of the hearing via certified return receipt mail.

Mrs. Sprouse noted that this particular request is a little different from previous mining applications because this particular property already has an approved conditional use permit (CUP), which was previously approved in 2002 by the Board of Supervisors. The CUP runs with the property and now that the new owners wish to mine the site, they are submitting the site plan for the previously approved CUP.

Mrs. Sprouse noted that the Planning and Zoning Department received a land development application on November 25, 2024 from Jonathan Blair Wilson, P.E., on behalf of Mattaponi Sand & Gravel, LLC, requesting the approval of a Level 3 Site Plan to allow for a surface mine. The mining operation will extract sand with no processing, other than that required to facilitate the hauling of material.

She noted that the acreage of the subject parcel is 186.27 acres. The property is zoned Agricultural (181.27 acres) and Industrial (5 acres). A portion of the property is located

within the floodplain (Zone A) with the majority of the parcel located outside of the floodplain (Zone X).

Mrs. Sprouse stated that stormwater and erosion & sediment control is regulated by Department of Energy (DOE) formally Department Mines Mineral and Energy (DMME). Environmental Codes Compliance Officer, Joshua Rellick reviewed the site plan and determined that it satisfies the regulations under the purview of his office (CBPA Requirements). Environmental Health Specialist, Brandy Colgin, has issued a permit for a new septic system and well for the scale house/office trailer. VDOT has issued approval of the site plan as it relates to the entrance design for the proposed project. She stated that 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 the King & Queen County Board of Supervisors, during their December 9, 2002 meeting, held a public hearing to consider Conditional Use Permit CU02-08 for a surface mining use. A motion was made and a vote taken by the Board of Supervisors to approved Conditional Use Permit CU02-08 with conditions. *(Mrs. Sprouse did not read the conditions however are provided below)*

1. *25% or more of the site will be undisturbed and left for buffering including the following:*
  - A. *300' setback from Rt. 628*
  - B. *50' setback from all property lines*
  - C. *300' setback/buffer from the Garnett property line continuing the full length of that property line (650 feet approximately)*
  - D. *No impacts to wetlands or RPA*
2. *Hours of Operation:*

*7 a.m.- 6 p.m. Monday thru Friday – with no loaded trucks leaving the site until after morning school bus routing.*

*7 a.m. – 12 p.m. Saturday*
3. *Maximum of 50 loads of material per day during peak demand periods usually June – September. Normal operations would be [a] maximum [of] 30 loads per day.*
4. *Paved construction/commercial entrance to VDOT standards and stoned back 300' from Route 628 to control dust and debris at highway.*
5. *Any fuel tanks on site will have self-containment systems with roofs.*
6. *Sewage disposal facilities will consist of portable toilets unless or until a scale house is constructed.*
7. *The phasing and buffering of this operation are represented on the attached site plans and will be honored.*

8. *Drainage issues, Erosion and Sedimentation, and site reclamation will be bonded and overseen as part of the Department of Mines, Minerals and Energy '[s]' own permitting process.*
9. *Fill material can be sold to independent contractors subject to hours of operation and availability of material.*

During the same meeting, a public hearing was held by the Board of Supervisors to rezone a portion of tax map 1623-78R-680, 5 acres from Agricultural to Industrial. A motion was made and a vote taken to approve RZ02-02 with the following proffered conditions:

1. *The 5 acres to be rezoned is for sand and gravel processing only and the owner will within 12 months of project completion make application to rezone this area back to whatever the adjoining zoning district is at the time. The screening plant will be completely disassembled and removed from the site upon completion.*
2. *Sprinkler systems will be used to minimize dust.*

Mrs. Sprouse stated that Mattaponi Sand and Gravel, LLC wishes to utilize the existing approved conditional use permit, as approved during the December 9, 2002 public hearing. This application is a request for final site plan approval based on those previous approved conditions.

She stated that after conducting the site plan review and receiving approvals from all reviewing agencies and departments, staff recommends approval of the level 3 site plan contingent upon obtaining all federal, state, and local approvals/permits prior to start of operation/construction.

Mrs. Sprouse noted that the applicant and property owner is present tonight to speak to the request, if needed.

Mr. Richardson thanked Mrs. Sprouse.

Mr. Richardson stated that he would now open the floor for public comment.

Mr. Rodney North of Spring Cottage Road, in the Newtown district, noted that he was aware of the area that is already being mined on Spring Cottage Road and wondered if the mine across the street, known as the Kay site, would be mined at the same time as this new site. He expressed concerns regarding the potential of having double the number of trucks on the road. It was his understanding that perhaps Virginia Sand and Stone, Mattaponi Sand & Gravel, and Cheaney Enterprise is the same.

Mr. Richardson noted that the applicant is here tonight and that once all public comments have been made, he will allow an opportunity for the applicant to address questions that the public may have.

Mr. Trevor Hatfield of Eastern View Road, in the Newtown district, stated that he had similar questions as Mr. North. He too had great concerns with the truck traffic. That he has witnessed them passing buses, running vehicles off of the roadway. He further noted

that the roads are unsafe for truck traffic. He stated that they are narrow and are in poor condition, with pot holes and crumbling shoulders where pipes had been replaced. He did note that traffic has decreased some now that the bridge is open between King & Queen and King William County.

Mr. Rodney North approached once again and stated that he would like to vouch for the condition of the road, that he in fact had gotten a flat tire trying to avoid a truck and had hit a pot hole. He stated that the road condition is a real thing.

Mr. Richardson asked if there were other comments from the public. Hearing none, Mr. Richardson asked the applicant to please speak to the questions and comments raised tonight.

Mr. Kyle Murray with Mattaponi Sand and Gravel approached the Commission. He informed the Commission that the companies Virginia Sand and Stone, Mattaponi Sand and Gravel and Cheaney is all in the same. Mr. Murray stated that his company does not have any intentions of mining the Kay property. He further stated that the material is not what they had expected. He assumes that the property will continue to be farmed, but they will not be mining that site. As far as timing goes, he hopes to make it as seamless as possible. It is his plan to shut down the current site and move the equipment to the Mattaponi Sand and Gravel site. Assuming that he obtains approvals, he hopes to obtain permits, build the entrance per VDOT requirements, construct the internal haul road and move the plant and scale house in on the site. He hopes to do so by the month of July. Mr. Murray also noted that the neighbors will see some activity on the Fisher site as they move towards reclamation. As far as material sales, it will not take place on both sites. Trucks will not be coming out of the old site once they have moved to the new site. Mr. Murray stated as far as the trucks are concerned, his internal trucks have GPS and cameras and he does not believe that the issues that the neighbors raised are from his trucks. He said he feels that they are probably overly transparent with their haulers. If there is somebody that is not doing as they should, if you could get a name or number off the truck, he will give the citizens his cell phone number and he has no problem telling those trucks to not come back to his mine site. He stated that he does not want to be associated with trucks running people off of the road and was shocked to hear that it is the case.

Mr. Robert Shackelford asked Mr. Murray if he would be doing his site work in house or will he sub it out. Mr. Murray noted that the entrance will be done by a sub-contractor. His company will do the internal site work.

Mr. Richardson closed the public hearing. He noted that the majority of what he has heard tonight is safety. Mr. Richardson asked where in the packet was VDOT's report. Mrs. Sprouse reminded the Commission that the VDOT response is regarding the proposed entrance into the site off of the public roadway. VDOT has historically stated that they are not able to require off-site improvements. She further noted that the conditional use permit has already been issued by the Board of Supervisors in 2002. Usually, the Commission would have a chance to suggest conditions, however that has already taken place, as the conditions run with property.

Mr. Murray noted that the current site allows for 80 trips per day. He noted that the new site limits haul trips to no more than 50. Mr. Murray noted that in other areas where they have mine sites, they have up to 200 trips a day. However, in those areas, the road infrastructure can support the higher number of trips.

Mr. Richardson asked if the entrance will be constructed as the current entrance on the Fisher site. Mrs. Sprouse noted that the entrance will be constructed of asphalt and the 300' of gravel is as you come off of the asphalt entrance into the mine site.

Mr. Hendrickson asked what way does the trucks go when they come into or out of the site. Mr. Murray noted that the majority of his clients move the material up north or towards the northern Richmond area. He noted that now that the bridge is open, most trucks may take Spring Cottage into King William and up Rt. 30 towards Kings Dominion. However, most trucks will take the shortest route to their destination, wherever that may be.

Mr. Richardson asked the Commission if anyone would like to make a motion regarding the level 3 site plan approval request. Mr. Hendrickson stated that he makes a motion for a vote. Mr. Richardson stated that he could make the motion if he would like. He asked that he state what his motion is for and to state for the record his reasons for the motion if it is not to approve the request. Mr. Wilson made a motion to recommend approval of SP24-04, Mattaponi Sand and Gravel as presented. Mr. Wilson's motion seconded by Mr. Fleming.

Voting For: Wilson, Coleman, Richardson, Jackson, Bradley, Massey, Fleming

Voting Against: None

Abstain: Hendrickson

### **Old Business**

None.

### **Staff's Comments**

Mrs. Evko invited the Commission to attend the June 23<sup>rd</sup> Board of Supervisors meeting to hear Mr. Chris Lloyd speak to the Board. She noted that Mr. Lloyd works with McGuireWoods Consulting, no he is not an attorney, but he specializes in site selection and economic development incentives. That Mr. Lloyd has worked on many high-profile projects across the country.

Mrs. Seay provided updates on the school master plan and the upcoming renovations within the General District Courtroom. She noted that the next time that the Commission meets, the courtroom will look a little different. She also noted that the Fire and EMS building across the way is back on track and that a meeting is due very soon regarding its construction.

### **Commissioner's Comments**

Mr. Coleman welcomed Mr. Hendrickson to the Commission and stated that he looks forward to working with him.

Mr. Massey welcomed Mr. Hendrickson to the Commission. He stated that during last months meeting, a citizen approached the Commission and he has since thought about his comments and wonders if there is a way to help educate the citizens of the process to do something.

### **Adjournment**

Mr. Richardson noted that the next meeting is set for Monday, June 2, 2025, at 6 p.m. unless there are no pending applications for consideration.

There being no further business, motion was made by Mr. Coleman to adjourn. The motion was ratified by all present members stating "Aye".

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Hunter Richardson, Chairman