

THE KING GEORGE COUNTY PLANNING COMMISSION

January 14, 2020

The regular meeting of the King George County Planning Commission (KGCPC) was called to order at 7:00 PM by Chairman Kristofer Parker in the Board Room of the Revercomb Building, located at 10459 Courthouse Drive King George, VA 22485.

Staff Present: Heather Hall, Zoning Administrator
Louis Pancotti, Planner
Jaci Fish, Recording Secretary

Members Present: Chairman, Kristofer Parker
Josh Colwell
Ross Devries
Joseph Gaborow
Gary Kendrick
Kevin Myers
Donald Watkins Jr.

Members Absent: Tara Patteson
Jason Williams

Quorum:

Chairman Parker called the meeting to order at 7:00 PM and noted there was a quorum. Following the pledge of allegiance, Chairman Parker led a silent invocation.

Approval of Minutes:

Approval of King George County Planning Commission meeting minutes included: November 21, 2019 and December 10, 2019.

a. November 21, 2019: After review and there being no revisions, Chairman Parker called for a motion. A motion from Mr. Kendrick to approve the November 21, 2019 meeting minutes was made, seconded by Mr. Watkins, and carried by a unanimous vote of 7-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Myers, Aye, and Mr. Watkins, Aye.

b. December 10, 2019:

- Mr. Devries stated, on Page 15, he would like the statement of: the right of way was dedicated to the Commonwealth of Virginia and the right of way cannot be transferred to another party, to be included on Page 15 of the December 10, 2019 KGCPC meeting minutes for future reference.
 - Mr. Devries stated any agreement Mr. Gollahon has with the builder does not override any agreement that is with King George County.
- Mrs. Hall, Zoning Administrator with KGCD, stated on Page 1, under Approval of Minutes, November 21, 2019 should state November 12, 2019.
- Mr. Colwell inquired, on Page 10, in reference to sludge language needing to be changed to biosolids. Was the language in the permit updated?
 - Mrs. Hall stated language was not updated within the permit because it was acknowledged sludge is no longer permitted. The only amendment within the permit was Condition 5.

After review and there being no further revisions, Chairman Parker called for a motion. A motion from Mr. Colwell to approve the December 10, 2019 meeting minutes with amendments was made, seconded by Mr. Devries, and carried by a unanimous vote of 7-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Myers, Aye, and Mr. Watkins, Aye.

Public Comment: Chairman Parker opened the floor for public comment. Chairman Parker called for the public to comment. No public comments noted.

Report of the Community Planning Liaison Officer, Naval Support Activity South

Potomac, Dahlgren: Ms. Andrea Hornung, Community Planning Liaison for Naval Support Activity South Potomac (NSASP), Dahlgren and Naval Support Facility (NSF) Indian Head, Maryland stated there are no NSASP updates. Ms. Hornung stated there are birthday activities planned for April 22, 2020; however, this is an on base activity.

Ms. Hornung stated she is looking forward to working with KGCD and KGCP. Especially on the Joint Land Use Study (JLUS) and developing a Military Overlay District.

- Chairman Parker thanked Ms. Hornung.

Public Hearings:

a. **Case Number 19-11-Z04: Amendment to the King George County Zoning Ordinance to replace “courthouse primary settlement area” with “Courthouse West” and “Route 3/301” primary settlement areas to the applicability of the Mixed Use Development District. Amendment to Section 14.2.**

- Mr. Pancotti, Planner with KGCD presented. Mr. Pancotti stated the Comprehensive Plan Update was adopted on October 01, 2019: The Courthouse West primary settlement area and the Route 3/301 primary settlement area. A text amendment is needed to replace the old settlement area with the new settlement areas so that section 14.2 will be in conformance with the Comprehensive Plan.
- Article 14, Mixed Use Development District, establishes the regulations that are intended to promote economical and efficient land use through unified development, a mix of uses within individual structures, improved levels of amenities, appropriate and harmonious physical development, creative design, and a better environment than generally achieved through conventional district regulations. Section 4.2, Applicability, applies these regulations to the “courthouse primary settlement area as set forth in the county’s comprehensive plan.”
- Zoning Text Amendment: Amendment to Section 14.2-Applicability. The following provisions shall apply generally to the establishment and regulation of all mixed use development districts. The regulations of this article are intended to permit mixed use development districts in the Courthouse West primary settlement area and the Route 3/301 primary settlement area, as set forth in the county’s comprehensive plan.
- Finally, the KGCD recommends the KGCP forward Case Number 19-11-Z04: Amendment to the King George County Zoning Ordinance to replace “courthouse primary settlement area” with “Courthouse West” and “Route 3/301” primary settlement areas to the applicability of the Mixed Use Development District. Amendment to Section 14.2 to the King George County Board of Supervisors (KGCBS) with a recommendation of approval.

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- Mr. Myers inquired if it was a straight forward text amendment to match what is listed in the Comprehensive Plan.
 - Mr. Pancotti stated yes.

Chairman Parker opened the floor for public comment.

1. Mr. Bret Maffett, KGC Resident, inquired if Mixed Use Zoning and the 2019 KGC Comprehensive Plan was passed last year.
 - Chairman Parker stated yes, Mixed Use Zoning and the 2019 KGC Comprehensive Plan was passed last year.
 - Mrs. Hall stated no one has applied for a Mixed Use Development/Zoning. Mrs. Hall stated if Mr. Maffett is inquiring about the current rezoning application for the proposed development in the Route 3/301 area. If so, that is not a mixed use development.
 - Mrs. Hall stated what has been proposed on Route 3/301 area is 450 residential units and 20 acres of commercial property.
 - Mrs. Hall stated if Mr. Maffett has any questions about upcoming public hearings, to call the KGCD CD office.

Chairman Parker closed the floor for public comment.

After review, Chairman Parker called for a motion. Mr. Myers motioned to forward Case Number 19-11-Z04: Amendment to the King George County Zoning Ordinance to replace “courthouse primary settlement area” with “Courthouse West” and “Route 3/301” primary settlement areas to the applicability of the Mixed Use Development District. Amendment to Section 14.2 to the KGCBOS with a recommendation of approval, seconded by Mr. Kendrick, and carried by a unanimous vote of 7-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Myers, Aye, and Mr. Watkins, Aye.

Plan Review: No new plan review.

Old Business:

a. Case Number 20-01-Z01: Amendments to the King George County Zoning Ordinance to revise the Sign Regulations. Amendment to Section 3.11.

Mr. Louis Pancotti, Planner with KGCD CD, presented on Case Number 20-01-Z01.

- Mr. Pancotti stated at the September 03, 2019 KGCBOS Meeting the KGCBOS requested that the KGCD CD review Section 3.11, Sign Regulations, of the Zoning Ordinance.
- Mr. Pancotti stated in 2015, The United States Supreme Court decided in the *Reed v. Town of Gilbert* that localities cannot regulate the content of signs. Any content-based regulations were deemed unconstitutional. Other characteristics of a sign, such as size, placement, type, etc., can be regulated.
- The current zoning ordinance does not allow signage on properties where the commercial activity is not taking place even if the property is owned by the business operator. There is also interest in making the sign ordinance more comprehensive.
- Mr. Pancotti stated most base regulations regarding signs have not changed.
- Mr. Pancotti stated content regulations has been reworded.

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- Mr. Pancotti stated electronic visual display are permitted.
- Mr. Pancotti stated under 3.11.2-*Illuminated signs shall be dark sky compliant* was added.
 - Mr. Pancotti stated he reorganized the permitted sign ordinance subsection; the prohibited sign subsection has been relocated; some provisions removed were outdated regulations, i.e. advertising signs for produce, electronic display signage, etc...; A new definition of sign was added.
- Chairman Parker inquired if any signs are grandfathered, i.e. church markings.
 - Mr. Pancotti stated signs that were in existence before sign ordinance revisions are.
 - Mr. Pancotti stated when it comes to digital displays that have flashing lights, they have to be Virginia Department of Transportation (VDOT) compliant.
 - Mrs. Hall stated digital signs have had to comply with KGC sign ordinance regulations.
 - KGC sign ordinance that prohibits flashing lights has been in the KGC sign ordinance regulations for many years.
- Mr. Pancotti stated KGCD CD recommends KG CPC schedule a public hearing for Case Number 20-01-Z01: Amendments to the King George County Zoning Ordinance to revise the Sign Regulations. Amendment to Section 3.11.
- KGCD CD and KG CPC discussed the best date to schedule Case Number 20-01-Z01 public hearing.

Having reviewed Case Number 20-01-Z01: Amendments to the King George County Zoning Ordinance to revise the Sign Regulations. Amendment to Section 3.11, Chairman Parker called for a motion. Mr. Colwell motioned to hold a public hearing for Case Number 20-01-Z01 on February 11, 2020, seconded by Mr. Gaborow, and carried by a unanimous vote of 7-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Myers, Aye, and Mr. Watkins, Aye.

New Business:

a. Annual Report – 2019

- Mrs. Hall stated there are KG CPC Board Members terms of office that are expiring in 2020.
 - Mrs. Hall recommended, if Board members would like to hold their position, to speak with their representatives.

Having reviewed the 2019 Annual Report, Chairman Parker called for a motion. Mr. Colwell motioned to forward the KG CPC 2019 Annual Report to the KG CBOS with a recommendation of approval, seconded by Mr. Watkins, and carried by a unanimous vote of 7-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Myers, Aye, and Mr. Watkins, Aye.

b. Election of Officers

- 2020 KG CPC Chairman:
 - Mr. Devries respectfully nominated Mr. Myers for the 2020 KG CPC Chairman position.
 - Mr. Myers respectfully declined.
 - Mr. Colwell respectfully nominated Chairman Parker for the 2020 KG CPC Chairman position. Seconded by Mr. Devries, and carried by a unanimous vote of 6-0-1. Each member voting as follows: Chairman Parker, Abstain; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Myers, Aye, and Mr. Watkins, Aye.
- 2020 KG CPC Vice Chairman:

- Chairman Parker respectfully nominated Mr. Devries for the 2020 KGPC Vice Chairman position. Seconded by Mr. Myers, and carried by a unanimous vote of 7-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Myers, Aye, and Mr. Watkins, Aye.

c. Review of By-Laws

- Mrs. Hall stated there were amendments to the 2020 By-Laws.
 - Amendments included:
 - KGPC meeting to conclude by midnight (approved November 2019);
 - “The agenda and full commissioner’s packet shall be provided a minimum of 7 days prior to the meeting date. Any information not provided to staff 11 days prior to the meeting date shall not be considered; notwithstanding deadlines provided by Community Development staff for a complete application.”
 - Traditionally, KGPC packets have gone out 7 days prior to the meeting date with all additional set of plans (12 copies for the KGPC meetings) being received no later than the Friday before the packets are sent out to the Commission. In addition to prior deadlines during the review process provided by the KGCD for a complete application. These deadlines provide staff the time necessary to complete staff reports, provide supporting information and complete the agenda packet for the Planning Commission to review prior to the meeting.
 - Chairman Parker inquired if KGCD & KGPC were challenged on this.
 - Mrs. Hall stated yes.

Having reviewed the By-Laws, Chairman Parker called for a motion. Mr. Devries motioned to approve the amended 2020 By-Laws, seconded by Mr. Gaborow, and carried by a unanimous vote of 7-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Myers, Aye, and Mr. Watkins, Aye.

b. Establish regular meeting date as second Tuesday each month at 7:00 p.m.

- KGPC discussed the best time and date to have the KGPC meeting.

Having established the regular KGPC meeting date as second Tuesday each month at 7:00 p.m., Chairman Parker called for a motion. Mr. Colwell motioned to establish the regular KGPC meeting date as second Tuesday each month at 7:00 p.m., seconded by Mr. Gaborow, and carried by a unanimous vote of 7-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Myers, Aye, and Mr. Watkins, Aye.

c. Standards of Conduct

Having reviewed and approved the KGPC Standards of Conduct, Chairman Parker called for a motion. Mr. Devries motioned to approve the 2020 KGPC Standards of Conduct, seconded by Mr. Gaborow, and carried by a unanimous vote of 7-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Myers, Aye, and Mr. Watkins, Aye.

d. Case Number 19-12-S01: Amendment to the KGC Subdivision Ordinance to comply with the Chesapeake Bay Preservation Act as recommended by the Department of Environmental Quality. Amendment to Sections 1.4., 3.9, 6.2 and 7.1.

- On November 06, 2019 the Department of Environmental Quality issued a Compliance Review of King George County’s Chesapeake Bay Preservation Act program with recommended conditions. Recommendation Condition number 3 of the Draft Corrective Action Plan states the “DEQ staff recommends that the County ensure compliance with the

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requirement to include, prior to approval, notations on plats indicating that: 1) undisturbed and vegetated 100-foot wide RPA buffer areas are to be retained; 2) on-site septic systems are pumped out every five years; 100% reserve drain fields are required for on-site septic systems, and; 3) permitted development in RPAs is limited to water dependent facilities or redevelopment.” It was recommended that this exact language be required on plats prior to approval. Text Amendments to the subdivision Ordinance are needed to require the change in language.

- **Zoning Text Amendment:**
 - Amendment to Section 1.4.2 Compliance with Zoning Ordinance (b)
 - 6. Chesapeake Bay Preservation Area designated Resource Protection Areas (RPA) may not be disturbed without review and approval per Chesapeake Bay Preservation Area Overlay District, King George County Zoning Ordinance.
 - A. Undisturbed and vegetated 100-foot wide RPA buffer areas are to retained.
 - B. Permitted development in RPAs is limited to water dependent facilities.
 - Amendment to Section 3.9 Final Record Plat (n)
 - 1. Chesapeake Bay Preservation Area designated Resource Protection Areas (RPA) may not be disturbed without review and approval per Chesapeake Bay Preservation Area Overlay District, KGC Zoning Ordinance.
 - A. Undisturbed and vegetated 100-foot wide RPA buffer areas are to retained.
 - B. Permitted development in RPAs is limited to water dependent facilities.
 - Amendment to Section 6.2.1 Requirements for Three Lots
 - 7. Chesapeake Bay Preservation Area designated Resource Protection Areas (RPA) may not be disturbed without review and approval per Chesapeake Bay Preservation Area Overlay District, KGC Zoning Ordinance.
 - A. Undisturbed and vegetated 100-foot wide RPA buffer areas are to retained.
 - B. Permitted development in RPAs is limited to water dependent facilities.
 - Amendment to Section 7.1 Subdivision of Land for Family Members (k)
 - 1. Chesapeake Bay Preservation Area designated Resource Protection Areas (RPA) may not be disturbed without review and approval per Chesapeake Bay Preservation Area Overlay District, KGC Zoning Ordinance.
 - A. Undisturbed and vegetated 100-foot wide RPA buffer areas are to retained.
 - B. Permitted development in RPAs is limited to water dependent facilities.

KGCD CD recommends that the KGCP C schedule a public hearing for Case Number 19-12-S01: Amendment to the KGC Subdivision Ordinance to comply with the Chesapeake Bay Preservation Act as recommended by the Department of Environmental Quality. Amendment to Sections 1.4, 3.9, 6.2 and 7.1.

- Mr. Colwell inquired if the amendments will place any additional burden on KGCD CD staff.
 - Mrs. Hall stated current KGC ordinances are similar to what is stated, the language just needs to be amended. There will be no additional burden to staff.
 - Mrs. Hall stated for the DEQ to review the Chesapeake Bay (CB) grant, there were three items that needed to be improved upon.
- Mr. Pancotti stated there were minor revisions such as capitalization that were changed in the document.
- Mr. Myers inquired if pump stations still can be placed in RPAs.

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- Mrs. Hall stated, yes, it is part of the Chesapeake Bay exemptions.
 - Mrs. Hall stated KGCDCCD cannot change CB exemptions.
 - Water structures, such as: rip raps, boat docks, piers, etc....
- Chairman Parker inquired who designates the RPA.
 - Mrs. Hall stated wetlands are delineated by a professional wetland delineator. KGCDCCD staff and an U.S. Army Corps-Engineer walk the site with the professional wetland delineator.
- Mr. Devries inquired what is the RPA-GIS source determination.
 - Mrs. Hall stated once KGCDCCD receives determinations, they are sent over to the KGCDCCD GIS department; once approved by the U.S. Army Corps of Engineers. This establishes a good baseline.
 - Mr. Devries inquired what is the baseline determined by.
 - Mrs. Hall stated United States Geological Survey (USGS) maps are used to determine a baseline.

Having reviewed Case Number 19-12-S01, Chairman Parker called for a motion. Mr. Colwell motioned to schedule a public hearing, at the discretion of KGCDCCD staff, for Case Number 19-12-S01: Amendment to the KGC Subdivision Ordinance to comply with the Chesapeake Bay Preservation Act as recommended by the Department of Environmental Quality. Amendment to Sections 1.4, 3.9, 6.2 and 7.1, seconded by Mr. Devries, and carried by a unanimous vote of 7-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Myers, Aye, and Mr. Watkins, Aye.

Director's Report: Mrs. Hall, Zoning Administrator with KGCDCCD reported.

- Mrs. Hall stated the KGCBOS held a public hearing on Case Number 18-12-E03 Special Exception Permit request for a Campground with ancillary uses. Freedom Hunt Outdoor Club owned by 17 O, LLC (Attn: Michael Ognik), Tax Map 40 Parcel 33, 236.2667 acres zoned A-1 (Limited Agricultural District) on December 17, 2019; after discussion, the Board of Supervisors voted to deny Case Number 18-12-E03 with a unanimous vote.

Other Business:

a. 2020 Disclosure of Real Estate Holdings Filings

- Mrs. Hall stated for the KGCP Board Members to turn in their 2020 Real Estate Holdings to Mrs. Hall.

b. Certified Planning Commissioner Program

- Mrs. Hall stated for those KGCP Board Members that would like to attend the VCU Certified Planning Commissioner Program the scheduling dates are included in the KGCP packet. The Certified Planning Commissioner Program is sponsored by KGC for Board Members to attend.

c. Mrs. Hall stated KGCDCCD was notified that the KGCBOS July 2020 meeting will be held on the second Tuesday at 7:00 PM, thus making the KGCP reschedule or move their meeting to another location.

- Mr. Devries inquired if KGC Fire Station 1 or L.E. Smoot Library is available.
 - Mrs. Hall will look into availability.
- Chairman Parker stated a decision can be determined at a closer time.

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- d. Mrs. Hall stated in reference to the February 11, 2020 KGPC meeting – Plan Review, Mrs. Hall would like to move the Plan Review higher on the agenda before the Public Comment section due to having a full agenda.
- It was the consensus of the KGPC to move the Plan Review before the Public Comment portion on the February 11, 2020 KGPC Meeting Agenda.
- e. Mrs. Hall stated the KGDCD met with VDOT on January 06, 2020 in reference to Villages at King George Crossroads. The impact analysis is currently being updated. The applicant is close to finishing their Service Authority Agreement.
- Chairman Parker inquired when the fiscal impact report will be completed and ready for KGPC review.
 - Mrs. Hall stated the fiscal impact report should be ready and in the February 11, 2020 KGPC packet for their review.
- f. Mr. Colwell inquired about the KGC Department Development Guide (DDG) and if the DDG is still being used.
- Mrs. Hall stated the KGC Economic Development put the DDG together.
 - Mrs. Hall stated it is unknown if the DDG is being used; however, enforcement is executed by KGC ordinances & procedures.
 - Mrs. Hall stated not every application and process is the same, i.e. developers vs. homeowners, zoning, special exceptions, by-right, etc....
 - Chairman Parker stated the application process should be followed through by the applicant with KGDCD.
 - Chairman Parker stated as KGC develops, allocated time with developers and follow through, by the applicant, with the application is a concern.
 - Mrs. Hall stated KGDCD has added to staff and is requesting more staff with the upcoming budget cycle.
 - There is also KGDCD Contract Plan Reviewer.
 - Mrs. Hall stated the KGDCD work load & application type is ever changing.
- g. Mr. Myers inquired about a Sedgewick Crossing update.
- Mrs. Hall stated KGDCD has been working with the applicant at Sedgewick Crossing.
 - VDOT has proposed a meeting time for the 20 – 24 January 2020 week.
 - Mr. Myers inquired about the easement issue.
 - Mrs. Hall stated there are no updates about the easement than what was given at the last KGPC meeting.
- h. Mr. Colwell stated in reference to Case Number 18-12-E03 Special Exception Permit request for a Campground with ancillary uses. Freedom Hunt Outdoor Club owned by 17 O, LLC (Attn: Michael Ognek), Tax Map 40 Parcel 33, 236.2667 acres zoned A-1 (Limited Agricultural District), he read about the KGPC treating the applicant poorly on an online source.
- Chairman Parker stated there was no negative reflection on behalf of the KGPC. The applicants may have taken a negative perception to KGPC questions.
 - Chairman Parker stated there was a KGPC request to remove a certain item from the application, for the application process to be determined.
 - The applicants did not want to remove the item. Therefore, Chairman Parker stated moving forward with a KGPC vote was the best path forward for the application.
 - Mr. Devries inquired was there a complaint from the applicants.

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- Mrs. Hall stated there were no complaints from the applicants. Mrs. Hall stated during the applicants presentation at the KGCBOS meeting, the applicants stated the KGPC did not read the application package that the applicants worked on for the past year. Mrs. Hall stated at the KGCBOS meeting, the KGCBOS did support the KGPC and stated KGPC read the applicants package.
- Chairman Parker stated the KGPC did thoroughly read the applicants package.
- Mr. Kendrick inquired if there has been any feedback from the applicant.
 - Mrs. Hall stated the applicant has not provided any feedback to KGCD.
- Mr. Colwell inquired if the property sold.
 - Mrs. Hall stated she has not seen any deed records or is there any official documentation at this time stating so.

Adjournment:

Having completed their agenda, Chairman Parker called for a motion to adjourn. Mr. Colwell motioned to adjourn, seconded by Mr. Myers, and carried by a unanimous vote of 7-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Myers, Aye, and Mr. Watkins, Aye. The King George Planning Commission adjourned their meeting at 8:00 PM.