

**MINUTES  
KING WILLIAM COUNTY  
PLANNING COMMISSION  
REGULAR MEETING OF APRIL 6, 2021**

A regular meeting of the Planning Commission of King William County, Virginia, was held on the 6<sup>th</sup> day of April 2021, beginning at 7:00 p.m. via Zoom.

**Agenda Item 1. CALL TO ORDER**

Chairman Rhoads called the meeting to order.

**Agenda Item 2. ROLL CALL**

**The members were polled:**

John Breeden	Aye
Bonnie Hite	Aye
Don Wagner	Aye
Stephen Greenwood – Vice Chairman	Aye
Janie Rhoads - Chairman	Aye

Also in Attendance:

Sherry Graham, Acting Director of Community Development  
Krista Cole, Planning Secretary

**Agenda Item 3. REVIEW AND ADOPTION OF MEETING AGENDA**

Chairman Rhoads requested a motion to adopt the amended meeting agenda as presented. Mr. Greenwood moved for the adoption of the April 6, 2021 meeting agenda; motion was seconded by Ms. Hite.

**The vote was unanimous on this motion.**

**Agenda Item 4. REVIEW AND APPROVAL OF MINUTES**

Chairman Rhoads requested a motion to approve the March 3, 2021 minutes as presented. Ms. Hite stated that Agenda Item 10 did not indicate that the vote was unanimous. Mr. Breeden made a motion to approve the minutes as amended and Mr. Wagner seconded the motion.

**The vote was unanimous on this motion.**

## **Agenda Item 5. PUBLIC COMMENT PERIOD**

Chairman Rhoads opened the public comment period.

Steven Tupponce, Council Member of the Upper Mattaponi Indian Tribe requested to speak.

Chairman Rhoads asked how the commissioners felt about letting him speak during the Tower discussion.

Mr. Tupponce stated that he had Chief Frank Adams join as well and he would like to speak.

Chief Frank Adams, of Upper Mattaponi Indian Tribe, was curious as to what the proper protocol was to speak.

Mr. Wagner stated that he proposes to let them the Chief hear Steve Hudgins speak first.

Mr. Breeden agreed but also felt that they would not want the tribe to have to stick around through four public hearings.

Chairman Rhoads stated that Chief Adams could have five minutes to speak for the meantime.

Frank Adams, Chief of Upper Mattaponi Tribe and past Board of Supervisors member, spoke on behalf of the Tribe. He stated that the Tribe has a responsibility to bring value to King William and they are concerned about the proposed area, known to be as "Adamstown", being ancestral grounds. Chief also stated that they are in support of another location and for the Board to please consider the tribal rights.

Chairman Rhoads closed the Public Comment Period.

## **Agenda Item 6. PUBLIC HEARING**

### **a. CUP-04-21 King William Sand & Gravel**

Ms. Graham explained that King William Sand and Gravel would like to modify their CUP from 2007 and add an additional 3.5 acres. The operation is looking at 25 years now, this addition will add another 5 years of life expectancy. Staff does recommend approval with **FOURTEEN** conditions.

Mr. Mark Kronenthal with Roth Jackson, King William Sand & Gravel Attorney, Thanked staff for the recommendation. He did have a couple of maps to share with the Commissioners and stated that there had been no notice of opposition. Mr. Kronenthal also stated that there were some other representatives for the project present as well.

Chairman Rhoads thanked Mr. Kronenthal and asked Commissioners if they had questions.

Mr. Breeden stated that he had questions, but all were answered by the tour and the lawyer.

Mr. Wagner stated that he had toured the project as well and he had no questions and thought they did a great job of having all of the traffic questions answered.

Ms. Marion Werkheiser, lawyer for Upper Mattaponi Tribe, was curious if King William Sand and Gravel had checked with the tribe for those grounds.

Mr. Matthew Laird, of James River Institute for Archeology, stated that there is a problematic agreement that states to pause if they were to come across something.

Mr. Werkheiser was curious that there was no legal requirement.

Mr. Kronenthal stated that the site had been investigated and there is a law to stop operation in the event, human remains are found.

Mr. Werkheiser stated that the tribe would welcome that discussion.

Chairman Rhoads was curious as to where the exhibit was.

Mr. Wagner asked for them to go back to traffic report and complete a review of accidents that have occurred.

Ms. Hite stated that she did not take the tour but appreciated the information.

Mr. John Breeden made a motion to approve CUP-04-21 King William Sand & Gravel and the motion was seconded by Mr. Greenwood.

**The members were polled:**

<b>Hite</b>	<b>Aye</b>
<b>Wagner</b>	<b>Aye</b>
<b>Greenwood</b>	<b>Aye</b>
<b>Breeden</b>	<b>Aye</b>
<b>Rhoads</b>	<b>Aye</b>

**The vote was unanimous on this motion.**

**b. CUP-05-21 James Chester**

Ms. Graham explained that Mr. Chester would like to put in an accessory dwelling to take care of and provide for a family member. She also stated that all Virginia Department of Health paperwork had been done.

Mr. James Chester informed members that he would like to do a single dwelling for his mother-in-law who has medical needs.

Mr. Greenwood noted to Chairman Rhoads to clarify when we are opening and closing Public Hearings.

Mr. Wagner stated that there is no site plan for this project, and he applauds Mr. Chester for submitting but the County would like to be in compliance. Can he move the location so that the front end of trailer is behind the primary dwelling.

Mr. Chester stated that the dwelling will be behind the front of primary dwelling.

Ms. Hite was curious if this would be permanent or movable.

Mr. Chester stated that it can be moved.

Ms. Hite wanted to know if there were questions or concerns on that.

Chairman Rhoads stated that there seemed to be uncertainty on location.

Mr. Breeden told members that they can make recommendations.

Mr. Wagner suggested a condition for the accessory dwelling to sit further back from front and side setbacks and be removed by 60 days from date of last family occupancy.

Mr. Breeden did not feel that 60 days would be sufficient time.

Chairman Rhoads stated that she would like to a buffer due to the 5-acre lot size concern.

Mr. Chester stated that he has a neighbor who has a detached garage with a dwelling on top. He tried to add an addition, but it was going to be too expensive. He also told members that he had no problem doing an extra buffer, but that he had already planted sixteen Leyland cypresses.

Mr. Wagner recommended tabling this to get conditions added.

Chairman Rhoads requested a motion to approve CUP-05-21 James Chester. Mr. Greenwood made a motion to recommend approval with two conditions:

- 1. Dwelling to be located behind front of primary dwelling.**
- 2. Accessory only occupied by immediate member (staff recommended)**

The motion was seconded by Mr. Breeden.

**The members were polled:**

<b>Breeden</b>	<b>Aye</b>
<b>Hite</b>	<b>Aye</b>
<b>Wagner</b>	<b>Aye</b>
<b>Greenwood</b>	<b>Aye</b>
<b>Rhoads</b>	<b>Aye</b>

**The vote was unanimous on this motion.**

**c. CUP-06-21 Chris Quann**

Ms. Graham stated that staff recommends approval for accessory dwelling of CUP-06-21 with the following conditions:

- 1. Only two dwellings on property.**
- 2. Accessory only occupied by immediate family members only.**

Mr. Quann stated that they are currently renovating existing house and using the garage as a “man cave” so to speak, when working on the existing house. No plumbing or anything in the garage, all still located in primary dwelling. Would like to build accessory dwelling for in-laws to live in, as father-in-law is 70 years old with Stage 4 kidney disease. He has had numerous heart attacks, and a quadruple bypass and also has a pacemaker. They would like to have him in a close proximity to them so that they will be able to take care of him.

Mr. Wagner was curious about a site plan in regard to, provisions to consider dividing.

Chairman, Rhoads was curious if this lot was subject to covenants and conditions and wanted to let Mr. Quann know if he is approved and there is an HOA, this approval is not above an HOA.

Mr. Breeden expressed concerns on a proposed 3-bedroom house just for in-laws as well as setbacks.

Mr. Quann assured that they are only doing a 2-bedroom home.

Mr. Greenwood was curious if we have a floor plan and also recommended not adding a closet to spare spaces as that would refrain from making it a bedroom.

Mr. Wagner was curious what they planned to do with the structure in the long run and whether he would be looking to divide 5 acres off later.

Chairman Rhoads expressed concern on 3-bedrooms and felt it would be considerable to add a condition to the size of the dwelling.

Mr. Breeden expressed concerns on 1,200 square foot and would like to see something going forward in the ordinance of an accessory not reaching more than half of a primary dwelling.

Commissioners agreed on a 2-bedroom 1,200 square foot house maximum.

Mr. Wagner proposed having a condition that the accessory dwelling be split off when no longer needed.

Mr. Greenwood expressed concern on adding that as a condition.

Chairman Rhoads agreed the fourth condition would be unnecessary and requested a motion to approve CUP-06-21 Chris Quann with the following conditions:

- 1. Only immediate family members occupy the dwelling.**
- 2. Only two dwellings on the property.**
- 3. Dwelling be no more than 2 bedrooms and a maximum of 1,200 square feet.**

Mr. Wagner was curious about putting a condition to revisit within 5 years.

Chairman Rhoads stated that she felt it be better to look at the ordinance but not necessarily fair to do for this CUP when we have not previously done for others.

Chairman Rhoads requested a motion to approve CUP-06-21 Chris Quann with the three above referenced conditions. Mr. Greenwood made a motion, and the motion was seconded by Mr. Breeden.

**The members were polled:**

<b>Breeden</b>	<b>Aye</b>
<b>Hite</b>	<b>Aye</b>
<b>Wagner</b>	<b>Aye</b>
<b>Greenwood</b>	<b>Aye</b>
<b>Rhoads</b>	<b>Aye</b>

**The vote was unanimous on this motion.**

**d. CUP-07-21 Coastal Farm Service**

Ms. Graham presented a 3,500 ft. air strip, similar to the previous one that was approved. If approved by the Planning Commission, staff recommends with the following conditions:

- 1. Limited to five spray planes, one helicopter and one private plane.**
- 2. Site plan before development.**
- 3. Obtain all required approvals & permits.**
- 4. Vegetated buffer between all adjacent property owners.**
- 5. Operate from dawn to dusk, with exception of emergency.**
- 6. Follow standard aviation patterns from the North.**
- 7. This CUP will become null, and void should the business ceases for more than two years.**

Mr. Matt Crabbe told members he would like to use this as a personal air strip.

Chairman Rhoads was curious on the size of the property.

Mr. Eugene Campbell was concerned about buffer, but he spoke with Mr. Crabbe and they came to an agreement and he has no opposition.

Mr. Raymond Carter stated that it was very disheartening to listen to the commissioners give citizens a hard time after these people have come up with a plan of action to take care of their ill family members. He clearly stated that he did not understand what commission members thought process were.

Chairman Rhoads reiterated that accessory dwellings are not permitted in the ordinance.

Mr. Wagner was curious if the previous strip was purchased and if it was still in use.

Mr. Breeden wanted to know how high Mr. Crabbe would be coming out of the air.

Mr. Crabbe stated he would also be looking to build a house on that land.

Mr. Greenwood stated that it looked like it was close to the gravel site and was curious if this would be an either way flight.

Ms. Hite was curious if there was a requirement that limits proximity of the last one that was approved.

Mr. Wagner wanted to know what the distance from river was.

Chairman Rhoads was curious if fixed wings and spray planes were the same and what the noise concern would be.

Ms. Hite was curious as to whether chemicals would be stored on site.

Mr. Breeden was curious if anyone on Mt. Columbia Road was notified. He also was concerned if there was a need for 2 runways in this area.

Mr. Crabbe stated that there are actually 3 runway strips within close proximity, and they all work fairly well together.

Chairman Rhoads requested a motion to approve CUP-07-21 Coastal Farm Service. Mr. Breeden made a motion, and the motion was seconded by Mr. Greenwood.

**The members were polled:**

<b>Greenwood</b>	<b>Aye</b>
<b>Breeden</b>	<b>Aye</b>
<b>Hite</b>	<b>Aye</b>
<b>Wagner</b>	<b>Aye</b>
<b>Rhoads</b>	<b>Aye</b>

**The vote was unanimous on this motion.**

**Agenda Item 7. UNFINISHED BUSINESS**

**a. Water Tower Location**

Mr. Steve Hudgins gave information to the commissioners in regard to an alternate location for the new water tower. Mr. Hudgins stated that there is not another location that staff recommends at this time.

Mr. Wagner was curious about raising the height of the tower. He also expressed concerns about the anticipated Future Land Use for the 30 and 360 corridors.

Chairman Rhoads thanked Mr. Hudgins for his information.

Chief Adams, Upper Mattaponi Indian Tribe was curious why they put the current tower where it is located now, if it is not a sufficient spot to sustain the continued growth. Also, stated that they will continue to object to the Kelley Lane site and wished good luck on the search for another site.

**b. Ordinance Survey Discussion**



**Agenda Item 8. NEW BUSINESS - NONE**

**Agenda Item 9. UPDATES FROM STAFF**

Ms. Graham told commissioners that she received a Comprehensive Plan Draft Survey and some draft logos are coming as well. She also stated that Hill wanted a meeting with Economic Development Authority and Park & Recreation.

**d.Commissioner Comments**

Mr. Breeden thanked Sherry for the Comprehensive Plan update and thank Sherry and Steve for their information.

Mr. Wagner thanked Mr. Tupponce and Chief Adams.

Mr. Greenwood thanked everyone and wanted to reiterate that we are specifically water towers, NO tanks.

Ms. Hite thanked everyone, applicants, Chief Adams and Mr. Tupponce.

Chairman Rhoads concurred and thanked public for their attendance.

**Agenda Item 10. Adjournment or Recess**

Chairman Rhoads requested a motion to adjourn. Mr. Greenwood made a motion and the motion was seconded by Mr. Breeden.

**The vote was unanimous on this motion.**

**The meeting was adjourned.**

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**Janie Rhoads, Chairman**

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**Sherry Graham, Commission Secretary**