



**MINUTES
KING WILLIAM COUNTY
PLANNING COMMISSION
REGULAR MEETING OF APRIL 4, 2023**

A regular meeting of the Planning Commission of King William County, Virginia, was held on the 4th day of April 2023, beginning at 7:00 p.m. in the King William County Board Room of the Administration Building and via Zoom.

Agenda Item 1. Call to Order

The meeting was called to order by Chairman Greenwood at 7:00 p.m.

Agenda Item 2. Roll Call

The members were polled:

Darrell Kellum	Aye
Bonnie Hite	Aye
Don Wagner	Aye
Matthew Sluder	Aye
Chairman Stephen Greenwood	Aye

Also in Attendance:

Sherry Graham, Director of Planning
Christina Grover, Zoning Administrator
Barbara Trimmer, Planning Secretary

Agenda Item 3. Review And Adoption Of Meeting Agenda

Commissioner Hite moved for the adoption of the amended meeting agenda with the addition of moving Item 6a. CUP-4-2022 Applicant Mark Baker to Item 7a. Unfinished Business; motion was seconded by Commissioner Kellum. Chairman Greenwood called for any discussion. The members were polled:

Bonnie Hite	Aye
Don Wagner	Aye
Matthew Sluder	Aye
Darrell Kellum	Aye
Chairman Stephen Greenwood	Aye

Agenda Item 4a. Approval of Minutes

Commissioner Hite moved for the approval of the March 14th regular meeting minutes as presented; motion was seconded by Commissioner Sluder. Chairman Greenwood called for any discussion. The members were polled:

Don Wagner	Aye
Matthew Sluder	Aye
Darrell Kellum	Aye
Bonnie Hite	Aye
Chairman Stephen Greenwood	Aye

Agenda Item 4b. Approval of Minutes

Commissioner Hite moved for the approval of the March 14th Work Session minutes as presented; motion was seconded by Commissioner Sluder. Chairman Greenwood called for any discussion. The members were polled:

Matthew Sluder	Aye
Darrell Kellum	Aye
Bonnie Hite	Aye
Don Wagner	Aye
Chairman Stephen Greenwood	Aye

Agenda Item 5. Citizen Comment Period

The following individuals spoke about CUP-04-2022 – Applicant- Mark Baker.

Jessica Bunn of 124 Central Crossing Terrace wanted to have the opportunity to be able respond to the changes to the project to accommodate the concerns of the fire department and residents and asked the Commissioners to oppose the Conditional Use Permit. Concerns are the Commission has approved several new developments centered around Route 30 and 360 that will bring hundreds and hundreds of housing opportunities to the area, none of these developments are next to existing residential housing. An unfinished apartment project directly across the street from the Central Crossing neighborhood and why the apparent housing need has not been met there. That project does not impact on any homes. Asked for the Commissioners to consider the existing residents when making the decision. This will severely impact the quality and enjoyment of the homes they have invested in.

Amy Creech of 118 Central Crossing Terrace spoke of having the same concerns as Jessica. The biggest concern is that most residents have small children and the three-story apartment buildings with balconies will be looking down at the children playing. They will see every move, everything they do. It was supposed to be a private neighborhood, and this will take so much of that from them and has concerns with the safety of children.

Kristen Griffin of 120 Central Crossing Terrace spoke in agreement with Amy and Jessica. All the concerns are valid and support her concerns. The residents of the three-story apartments will see every move they make, could raise a high crime rate in the area, which is very low. The area already has other properties that could be built on instead of right behind the residents who spend a lot of time at their homes.

Mr. and Mrs. Finney of 127 Central Crossing Terrace spoke of sharing some of the same concerns, one of them being with the children and the traffic by bringing in more residents. Speeding, not responding to the speed limit with children playing or someone walking or jogging. Concerned with the population plan, why it isn't being addressed, unfinished apartments are across the street and more developments is coming up. This development is right at their property. Asking for some consideration regarding the young children, invested time and money they have in the property.

Chairman Greenwood closed the public comment period.

Agenda Item 6. Public Hearing

b. CUP-01-2023: Applicant: Cohoke Club – Owner / Bill Allen – Applicant

Sherry Graham, Director of Planning presented CUP-01-2023 a request for a Conditional Use Permit to construct a 23'x24' covered boathouse to be located at 10548 Mt. Olive Cohoke Road. The boathouse will be located on tax map parcel 60-2 and located on Cohoke Mill Road which is a private non-tidal pond. The property is zoned A-C (Agricultural-Conservation). This will be an open-pile private structure and will not create any impacts to the public or increase any impacts to the Chesapeake Bay. The proposed boathouse will not block any of the navigable waters. Article II also requires that boathouses to be fitted with reflectors and lighting to make them visible at night to water traffic.

Staff recommends approval with the following conditions:

1. The proposed work must meet all the requirements of the State and Local agencies.
2. All work must be completed within two (2) years of the approval date, or the permit becomes invalid, and the applicants will need to re-apply.

Bill Allen, applicant for the conditional use permit told the Commission the Cohoke Club is a fishing club that has been a landowner in and a member of the King William County community for 123 years. The club is requesting a conditional use permit to allow two specific improvements to a boathouse addition that has already been permitted by the County and is currently under construction. The new addition is being constructed adjacent to an existing boathouse that has been in place for a very long time. The primary purpose for the boathouse expansion is to enhance safety for some of the elderly members. Currently the Club uses narrow, aluminum jon boats which can be somewhat unstable. The boathouse expansion will have wider walkways and larger slips to fit wider, more stable boats.

1. Requesting the allowance to add hard sides on 2 sides of the new structure. Adding sides to the boathouse expansion is necessary to provide security for expensive batteries and other

equipment. Hard sides will decrease the likelihood of the boats being an "attractive nuisance" and it will be consistent with the construction of the existing boathouse.

2. Requesting the allowance to physically tie the new addition into the existing boathouse and thus exceed the 700-sf size limitation imposed by the County. This will be achieved by installing small strips of roof paneling and wall paneling. This will be virtually indistinguishable from the current plan of adjacent but separate structures.

The Cohoke Mill Pond is a man made, fresh water, non-tidal water body, entirely owned by the Cohoke Club. It is not accessible by the public or anyone who is not a member or accompanied by a member. The boathouse does not pose any risk to boating navigation. The boats are powered by electric motors which are incapable of propelling the boats at speeds that would cause serious injury resulting from a potential collision with the boathouse. The current boathouse and the addition cannot be seen from any surrounding residence other than the Club caretaker's house. The new addition can only be seen by the public for a very short distance along Rt 632.

For these reasons, the issuance of the Conditional Use Permit by the County will not have any negative impact to the community or surrounding neighbors, and it will enhance the safety for our members and the community. Respectfully request that the County approve this permit.

Chairman Greenwood asked if any Commission members had questions for the applicant.

Commission Kellum asked about the boundaries of the main body of water and if properties owners who border the lake have rights to use the lake.

Mr. Allen said the property owners that border the lake do not have rights to use the lake. The club did not own the land around the lake, but they own the land under the lake. The club has exclusive rights to the lake.

Commission Kellum asked what type of siding is on the boathouse.

Mr. Allen said the existing boathouse has a combination of several things, some planks of cedar, some corrugated metal and some T111 siding.

Commission Kellum asked what the water depth is.

Mr. Allen said it is about four feet.

Commissioner Sluder asked how many boats are typically out at one time.

Mr. Allen said it varies quite a bit depending on the day of the week and time of year. On average it is typically one boat per day in use and on weekends it could be five or six boats in use on the water.

Chairman Greenwood opened the Public Comment period. There being no one in person or via Zoom to speak, the Public Comment Period was closed.

Commissioner Hite asked if staff received inquiries on this.

Ms. Graham said she received a couple of phone call inquiring on information about the public hearing, but no one spoke in favor or opposition.

Commission Wagner asked if the Building Department had approved the plans. He said he had concerns initially about parking. After visiting the property, he saw parking across the street, since the club does not have a boat ramp, there is no need for parking. He commented that this is a good use for the property.

Ms. Graham said the building plans have been approved by the Building Department.

Chairman Greenwood asked Ms. Graham if she would recommend any conditions for the CUP.

Ms. Graham recommended the proposed work must meet all the requirements of the State and Local agencies and all work must be completed within two (2) years of the approval date, or the permit becomes invalid, and the applicants will need to re-apply.

Commissioner Wagner made a motion, seconded by Commissioner Kellum to recommend approval to the Board of Supervisors with the following conditions.

1. The proposed work must meet all the requirements of the State and Local agencies.
2. All work must be completed within two (2) years of the approval date, or the permit becomes invalid, and the applicants will need to re-apply.

The members were polled:

Darrell Kellum	Aye
Bonnie Hite	Aye
Don Wagner	Aye
Matthew Sluder	Aye
Chairman Stephen Greenwood	Aye

Agenda Item 7. Unfinished Business

a. CUP-04-22: Applicant – Mark Baker (Tabled from the March 14, 2023 Meeting)

CUP-04-22 Applicant – Mark Baker was tabled to allow the applicant time to meet with the fire department to get their recommendations. Mr. Baker met with Chief Reaves and Matt Melton, Building Official, to come up with a revised plan. The Commissioners were shown a revised plan that included a 20-foot fire lane behind the buildings that would be adequate for the fire trucks to get back there, the buildings were moved a little bit as well, a fence was added, and landscaping in areas that needed it.

Chairman Greenwood asked for discussion from the Commissioners. Commissioner Kellum recusal himself from the discussion.

Commissioner Wagner said it is denser than what we should be looking at. Issues are the height of the buildings, stairs going up to the third floor, and not having elevators. Wondered if they would consider reducing it to two floors rather than three. It would resolve a lot of issues and traffic.

Ms. Graham said the Planning Commission can recommend modifications to the request.

Commissioner Hite did some research in Henrico County and showed pictures to the Commissioners of a three-story apartment building being built to existing residences that are both one story and two-story houses. Commissioner Hite said as Commissioners we have a responsibility to our existing neighboring residents as well to the plans that have already been approved and accepted.

Commissioner Hite asked if the property had been officially sold, closed, and recorded. The package that was distributed to the Planning Commission as well as the notifications that went out to adjacent property owners listing Darrell Kellum Inc as owner of the property. When the Public Hearing was held, Planning Commission members were told the property had been sold.

Ms. Graham responded it has officially sold. When the application was made, Mr. Kellum was the owner and Mr. Baker was the applicant. In February, Mr. Kellum informed us that he no longer owned the property. This was verified by the Clerk of the Courts office. The County Attorney confirmed there were no issues with us proceeding with the public hearing and because the applicant is the same and the applicant had approval from the new owner, Irondale, Virginia to act on their behalf.

Commissioner Hite said she still has concerns related to this. We don't normally allow applications to come in and be allowed to proceed forward once the ownership is changed. We had several adjacent property owners speak tonight with concerns and their objections and she has similar concerns about rights to the application, the height of the complex and the density. The applicant has made some modifications to the buffering and added fencing but if you are on the third floor of an apartment complex looking down onto you adjoining the neighbors, the fence is not tall enough to prevent being able to see through the backyard. The age restricted neighborhood has been reviewed and accepted plans for approval. A question for the Commissioners is would you or your family want to purchase property in an age restricted development knowing that there was going to be a high-density apartment complex directly next door.

Commission Sluder asked how unique or not unique this would be.

Ms. Graham said in the PUD there is an area proposed for apartments, but they have the option of building townhouses instead of apartments. At this time, we don't know what they will build, across the street we have one that is age restricted and one that is not age restricted. The owner has expressed his plans to build more apartments.

Commissioner Sluder asked for the capacity.

Ms. Graham said one is 63 and does not know the other but will provide him with the number.

Commissioner Sluder asked if they will be predominantly single bedroom.

Ms. Graham said single bedroom studio.

Chairman Greenwood asked how this fits with our Comp Plan and if it is too dense.

Ms. Graham said he has used every area he can use on the property, so it is probably at the maximum.

Chairman Greenwood asked for more information on the buffering.

Ms. Graham said she would let Mr. Baker speak about how much he plans to plant in front and behind the fencing.

Mr. Baker said an update was given on the emergency services concern, fire lanes which could carry the load of truck, it would not be paved, and they tweaked some islands within the parking area to accommodate the Counties larger ladder truck. With regards to the buffering, the standards within the County code would be applicable. At site plan review, all the details in terms of the ultimate grading and quality of the vegetation be retained. They could potentially be given in addition to existing trees and would like to meet with neighbors to talk about how to strategically place those in and the options they would prefer as well. A six-foot minimum fence will be added. The development is not going to have the infrastructure in place to support the utilities on this project for a couple of years. The balconies are an issue they could address, they can analyze the density a bit further, in terms of traffic, they will accommodate the improvements VDOT asked for. Regarding children in the street, there will not be driving through or have an opportunity to drive through adjacent neighborhoods.

Commissioner Wagner asked if they considered townhomes.

Mr. Baker said his client did not consider townhomes. They were talking about apartments from the beginning.

Chairman Greenwood asked if they would want to shrink it down to two stories, then might be a little less dense, you would not need as much parking and maybe some of the buildings wider so you would have as many of two floors.

Chairman Greenwood asked for what the majority of Commissioner wanted to do.

Commissioner Hite asked Ms. Graham to recap the conditions for approval.

Ms. Graham said the conditions are buffering, fencing on both sides, no shining lights on adjacent properties, and the need for fire protection has been addressed.

Commissioner Hite asked if any other conditions should be considered.

Ms. Graham said height restrictions on two stories.

Commissioner Sluder recommended to table.

Ms. Graham said they could table and ask the applicant for a more detailed landscape buffer and any modifications they would like to see for the apartment buildings.

Chairman Greenwood asked if the applicant would like to table this for six months to allow him time to work on this.

Mr. Baker said he would like 90 days and would have the information for the July meeting.

Commissioner Wagner asked Ms. Graham if she knew the density requirement.

Ms. Graham said the density requirement is in the PUD but not in other parts of the ordinance.

Commissioner Wagner would like to see if the density could be reduced, and Commissioner Sluder would like to see what could be done for grading purposes.

Commissioner Sluder made a motion to table to the July meeting, seconded by Commissioner Wagner.

Agenda Item 8. New Business

None

Agenda Item 9. Staff and/or Special Committee Report

Edmonds and Violation reports were presented to the Commission by Christina Grover.

Agenda Item 10. Work Session Matters

a. Discussion of Entrances and Driveways

Commissioners asked Staff to provide language their review to add a 50-foot easement and written agreement for road maintenance.

b. Discussion of Short-Term Rental Ordinance

Commissioners asked if a recommendation should be made to the Board of Supervisors for a transient tax. Staff was asked to provide language to define a valid complaint.

c. Discussion of PUD Ordinance

Commissioners asked Staff to research information on a Master Plan and minimum lot size for a PUD. Commissioners would like an update on HRSD service for new developments.

d. Discussion of Accessory Structures

Commissioners asked Staff for recommendations for setbacks for accessory structures built in front of house on private and public roads and information on density requirements outside of a PUD.

Agenda Item 11. Adjournment or Recess

Commission Sluder made a motion to adjourn the meeting, seconded by Commission Kellum. Chairman Greenwood called for any discussion. The members were polled:

Darrell Kellum	Aye
Bonnie Hite	Aye
Don Wagner	Aye
Matthew Sluder	Aye
Chairman Stephen Greenwood	Aye

There being no further business, the meeting adjourned at 9:41 p.m.

Stephen Greenwood, Chairman

Barbara Trimmer, Commission Secretary