



**MINUTES
KING WILLIAM COUNTY
PLANNING COMMISSION
REGULAR MEETING OF JUNE 6, 2023**

A regular meeting of the Planning Commission of King William County, Virginia, was held on the 6th day of June 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 Vice Chair Matthew Sluder at 7:00 p.m. (Chairman Greenwood was five minutes late and not present for Roll Call, Review and Adoption of Meeting Agenda, and Approval of Minutes).

Agenda Item 2. Roll Call

The members were polled:

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

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 meeting agenda as presented; motion was seconded by Commissioner Kellum. Vice Chair Sluder called for any discussion. The members were polled:

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

Agenda Item 4a. Approval of Minutes

Commissioner Wagner moved for the approval of the May 2, 2023 regular meeting minutes as presented; motion was seconded by Commissioner Kellum. Vice Chair Sluder called for any discussion. The members were polled:

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

Agenda Item 5. Citizen Comment Period

Chairman Greenwood opened the citizen comment period. There being no one in person or via zoom to speak, Chairman Greenwood closed the citizen comment period.

Agenda Item 6. Public Hearing - Z-01-2023 and CUP-02-2023 Kennington Place LLC

Ms. Graham presented Z-01-2023- Kennington Place LLC which is a request to rezone a portion of the property locate on the left corner of Route 360, Richmond-Tappahannock Highway and Kennington Parkway South from B-2 to R-1. The property is located on tax map parcels 22-20G (part), 22-11-3A (part), 22-20OG (part), and 22-20OS3 (part). The property was previously approved for Business and the applicants are requesting that 9.99 acres be re-zoned to R-1 so that they can move forward with a request for a CUP to allow for the construction of 31 age-restricted attached townhouses. The additional 10.9 acres which fronts Richmond-Tappahannock Highway would remain B-2.

The applicant has submitted proffers which include the following:

1. Conceptual Plan, The Property shall be developed in substantial conformity with the conceptual plan attached, titled “Kennington Townhomes,” dated April 26, 2023, prepared by The Bay Companies, Inc. (the “Concept Plan”).
2. Age Restriction, Dwellings as shown on the Concept Plan, are intended to be occupied only by persons age 55 years and older and the occupancy of these dwellings shall comply with provisions of the Virginia Fair Housing Law (found at Section 36-96.1 es seq. of the Code of Virginia (1950) as amended) and the Federal Fair Housing Act (found at Title VIII) of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601-3619) related to “housing for older persons” as defined in the Virginia Fair Housing Law. A covenant shall be recorded, and a

homeowner's association for the enforcement, to limit the use and occupancy of the dwellings as specified herein.

3. Recreational Amenities. The recreational facilities, as shown on the Conceptual Plan, or as otherwise approved at the time of subdivision, shall be constructed at the expense of the Property Owner.
4. Architectural Treatment. Carriage Home sites shall be development consistent with and at a scale as reflected on the elevations submitted with this application and as shown on the Concept Plan.

Ms. Graham presented CUP 02-2023- Kennington Place LLC which is a request for approval of Conditional Use Permit to construct 31 age-restricted attached townhouses in an area of Kennington Place that was previously approved for Business. The property is located on tax map parcel 21-50 (part) which is located on the left corner of Rt. 360, Richmond-Tappahannock Highway, and Kennington Parkway South be rezoned from B-2 to R-1. The property is located on tax map parcels 22-20G (part), 22-11-3A (part), 22-20OG (part), and 22-20OS3 (part). The property is currently available to public water and sewer. The property consists of approximately 20.89 acres with 9.99 acres to be incorporated in lots, and the remaining 10.9 acres to remain B-2.

The background of the property is in 2003 to 2004 Kennington Place, LLC applied to rezone 319.8 acres zoned A-C to R-1 with proffers to allow for the development of a 229-lot single-family subdivision and a 172-unit multi-family development consisting of townhouses and carriage style homes in 2003. The request also included rezoning an area to B-2 with proffers to allow future marketing and development of commercial uses along US Highway 360. The applicants also applied for a CUP to permit 39 acres to be developed for multi-family units. The Board of Supervisors approved this request on March 29, 2004.

In 2008, Kennington Place LLC submitted an application to amend the proffers approved with the original zoning case Z-03-03, in which they requested to increase the number of allowed building lots by 43. On November 24, 2008, the Board of Supervisors approved the amendment to the proffers which allowed the number of building lots within the existing development to increase from 229 single family dwellings to a maximum of 272 single family dwellings. There were no changes in the 172 multi-family units. The applicant also submitted cash and non-cash proffered conditions.

In 2017, the applicant, Kennington Place, LLC, requested approval of a proffer amendment to expand the area for single-family attached dwellings, totaling 78. This was a loss of 38 single-family dwelling homes bringing the total of single-family dwelling units back to 234. The proffers approved in 2008 were not proposed for amendment and therefore, remained in full force and effect. Below are added amendments:

1. Amendment to proffer B.1. changes the number of single-family dwelling lots from 229 to 234.
2. Amendment to proffer E.1. notes on proffers to include elevations and landscaping buffers for the New Kennington Carriage Homes.
3. The proffer E.4. was added to include age restrictions.

The properties located behind and to the right are currently zoned R-1 (Suburban-Residential), the property to the left is currently zoned A-C (Agricultural-Conservation) and the four parcels on the property towards 360 are zoned B-2 (General-Business).

There are townhouses located behind the proposed parcel, and a clubhouse, pool, and recreational area to the right. There is an office located at the right front corner of Kennington Parkway, South and US Highway 360 and a house with acreage located to the left. The property is accessible to public water and public sewer.

The entrance would be from Richmond-Tappahannock Highway and then Kennington Parkway South. Any entrances or changes relative to the use of the site would require review and approval by the Virginia Department of Transportation. VDOT was given a copy of this application. Since this is a low volume generator on a local subdivision street, they would not request either a study or turn lane warrant analysis. They will be looking for a standard designed commercial entrance with adequate sight distance.

Todd Rogers representing Kennington Place LLC was present at the meeting to answer questions.

Staff recommends approval of the Re-Zoning and Conditional Use Permit with the following conditions:

1. All road improvements shall be in accordance with the Virginia Department of Transportation design and safety standards.
2. Approved buffers be provided between the B-2 and R-1 zoning districts.
3. Require a minimum 6-foot approved fence around the well lot.

Chairman Greenwood asked for Commissioner questions.

Commissioner Kellum asked in the B-2 zoning how much of the commercial will be buffered. It appears to be well buffered between the commercial and the patio homes.

Ms. Graham said they will submit a landscape plan and it will be reviewed. In the past they have done a combination of fencing and vegetation and they will have a buffer in the front as well.

Commissioner Wagner presented a handout and recommended to table or reject the application. The applicant submitted the application for a Conditional Use Permit on a form dated effective 12-2019 which predated the current ordinance and had references to the pre 2021 approved zoning ordinance. The submission should have been based on the adopted September 27, 2021 Ordinance, Sec. 86-44, conditional uses, which requires, a preliminary site plan in accordance with Article XVII. The property appeared to have a stormwater management basin, which appears to be in poor condition as of now and a lot of wetlands areas. The information provided does not have the details on storm water.

Mr. Rogers spoke on behalf of the applicant, Kennington Place LLC. The information was pulled off the County website and the site plan submitted meets the general site plan requirements.

Chairman Greenwood asked if Ms. Graham was satisfied with the information provided.

Ms. Graham said this had been approved in 2008 for a commercial site. They are only taking 10 acres to rezone. Conditions could be added to the request by the Commissioners.

Chairman Greenwood opened the public comment period. There being no one in person or via zoom to speak, Chairman Greenwood closed the public comment period. The applicant held two community meetings to inform residents of the project.

Commissioner Sluder asked for the timeline of the build out of the commercial parcels.

Mr. Rogers said more rooftops will bring in more commercial development. The target market they were looking at is more medical type uses. The need is more prevalent as they continue to build out and it is best for the site now. If market conditions change, the King William ordinance allows for a lot of different uses.

Commissioner Hite asked about the wetland crossing and how it will impact the plan.

Mr. Rogers said they will need to go through all the process, and they could do wetland credits, but they do need to go through the process and have it approved. It will be a crossing that is about 60 feet wide, and it is a total wetland and narrow. They will put a road in to interconnect into the rest of the community. It is good for traffic flow and pedestrians.

Z-01-2023: Kennington Place LLC

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

CUP 02-2023: Kennington Place LLC

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

1. A site plan must be submitted in accordance with Article XVII Section 86-44 of the Zoning Ordinance.
2. A Public Hearing must be held for the approval of the site plan.

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

Agenda Item 7. Unfinished Business

Ms. Graham informed the Commissioners Central Apartments may be requesting an extension to bring the case before the Commission at the September meeting instead of the July meeting.

The Planning Commission and the Board of Supervisors will hold a joint work session on August 21st.

Agenda Item 8. New Business

Ms. Graham told the Commissioners that a Public Hearing will be held at the July meeting for Old New Castle Properties. The Conditional Use Permit request is to operate Kisner Sand and Gravel which is proposed on approximately 149 acres of a 442-acre parcel.

The BZA Board will hear a variance request on 531 Brandywine Road for a pole barn built in the front yard.

Agenda Item 9. Staff and/or Special Committee Report

Planning and New Zoning Edmonds reports, Property Maintenance, and Violation reports were presented to the Commissioners by Christina Grover, Zoning Administrator.

Agenda Item 10. Work Session Matters

Ms. Graham presented the proposed Subdivision and Zoning Ordinance changes that were included in the meeting packet. Commissions will review the information and have comments at the meeting. Staff will need any changes or corrections before the joint work session with the Board of Supervisors.

Agenda Item 11. Commissioner Comments

Agenda Item 11. Adjournment or Recess

Commission Wagner made a motion to adjourn the meeting, seconded by Commission Sluder. 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 8:15 p.m.

Stephen Greenwood, Chairman

Barbara Trimmer, Commission Secretary