

THE KING GEORGE COUNTY PLANNING COMMISSION
January 12, 2021

The regular meeting of the King George County Planning Commission (KGPC) 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 22485.¹

Staff Present: Louis Pancotti, Senior Planner
Jaci Fish, Recording Secretary

Members Present: Chairman, Kristofer Parker
Josh Colwell
Joseph DaCorta
Joseph Gaborow
Kevin Myers
Tara Patteson
Donald Watkins Jr.
Jason Williams

Members Absent: Vice Chairman, Ross Devries
Gary Kendrick

Quorum:

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

Chairman Parker invoked the rules and procedures previously adopted by the KGPC and the KGCBOS allowing for electronic participation by some members, with a quorum physical present. This action is taken as a result of the COVID-19 Pandemic and the Governor's orders regarding limiting of gatherings and staying in place during a disaster. Chairman Parker stated electronic participation is encouraged and pursuant to the Governor's emergency orders masks and social distancing will be required, for those physically present. Chairman Parker stated if you choose to be physically present, you will be screened by the authorized staff for signs and symptoms of illness. Based on the Results of that screening and/or the number of members & staff, certain physical attendees may be denied entry. Chairman Parker directed the Recording Secretary to include this statement to be memorialized in the meeting minutes.

Public Comment: Chairman Parker opened the floor for the public forum. Chairman Parker called for the public to comment and stated if anyone in the public wishes to address the Commission please come forward and state your name. Please limit comments to three (3) minutes to afford everyone an opportunity to speak. No public comments noted.

Approval of Minutes:

Approval of King George County Planning Commission meeting minutes included: November 10, 2020.

a. November 10, 2020:

- Mr. Colwell stated on Page 13, he would like *attended an event at* revised to *he visited*. After review, Chairman Parker called for a motion. A motion from Mr. Colwell to approve the November 10, 2020 KGPC meeting minutes with amendments was made, seconded by Mr. Williams, and carried by a vote of 7-0-1. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. DaCorta, Aye; Mr. Gaborow, Aye; Mr. Myers, Aye; Ms. Patteson, Abstain; Mr. Watkins, Aye, and Mr. Williams, Aye.

Report of the Community Planning Liaison Officer (CPLO), Naval Support Activity South Potomac, Dahlgren: Ms. Gail Kenson, Community Planning Liaison for Naval Support Activity

¹ January 12, 2021 KGPC Agenda and Documents can be reviewed via Internet, on the King George County Government Webpage, retrieved at: <https://www.kinggeorgecountyva.gov/AgendaCenter/Planning-Commission-5>
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South Potomac (NSASP), Dahlgren and Naval Support Facility (NSF) Indian Head, Maryland stated she is appreciative of the KGCD CD establishing a development review committee so Ms. Kenson could reach out to potential project representatives prior to making application. Additionally, Ms. Kenson stated the installation is currently in the hiring process for a new CPLO who will be active in the next 60 days.

Public Hearings:

a. Case Number 20-10-Z05 Zoning Ordinance Text Amendment to update Article 7 Site Plan Regulation of the King George County Zoning Ordinance; By Right Development

- Mr. Pancotti reviewed **Summary of Information:** King George County is one of the very few in the Commonwealth that require by right development to receive an approval from the Planning Commission and/or Board of Supervisors. In effort to be more business friendly and consistent with neighboring jurisdictions King George County has considered the following:
 - This requirement is a hindrance upon developers. As this adds 1-2 months to the approval process by waiting for placement on the agenda.
 - Provides false hope to citizens of the county that they can prevent by right development.
 - Developer notification (certified letters/signage) is costly to the project.
 - Staff is required to provide a full staff report and presentation.
- The proposed Amendment does not remove any of the minimum standards from the Site Plan Regulations. Any rezoning, special exception, variance, etc. will be required to go before the Planning Commission and/or Board of Supervisors. The proposed Amendment removes the Planning Commission as the approval authority for the by right development. The proposed approval authority is the Zoning Administrator (Code of Virginia § 15.2-2286. (A)(4)). As stated in Section 5.2 of the King George County Zoning Ordinance it shall be the duty of the Zoning Administrator to 1) Administrator and enforce this (KGZO) ordinance.
- While updating this section of the ordinance, Staff also made updates to the performance bond language in Section 7.6 (Page 100) & 7.7 (Page 103), as seen in Figure 2 & 3, below:

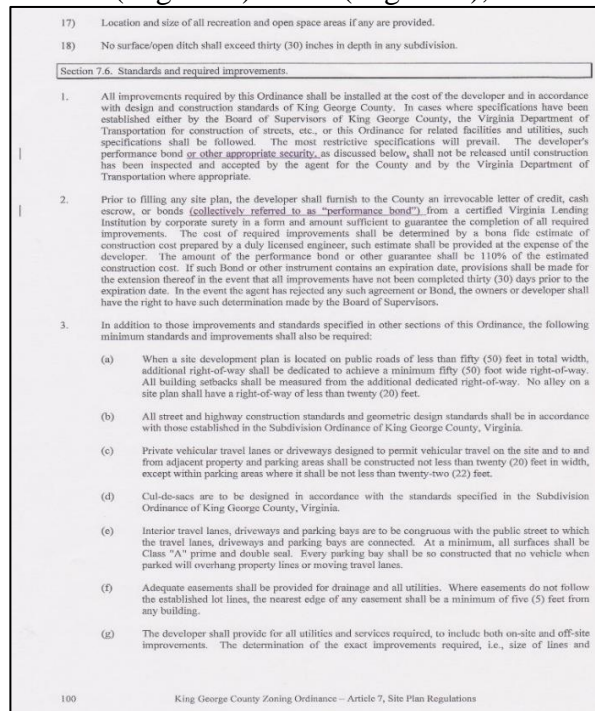


Figure 2 Updates to the performance bond language in Section 7.6

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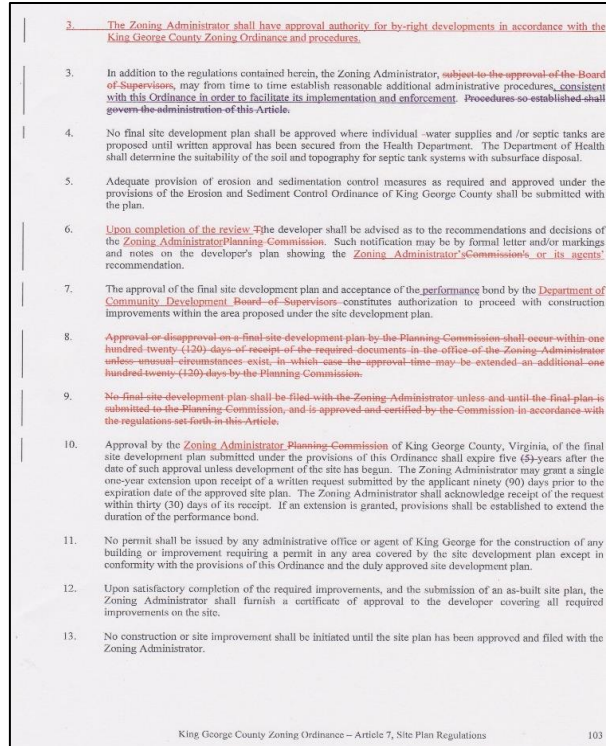


Figure 3 Updates to the performance bond language in Section 7.7

It is the KGCD CD recommendation that the Planning Commission forward Case Number 20-10-Z05 Zoning Ordinance Text Amendment to update Article 7 Site Plan Regulation of the King George County Zoning Ordinance; By Right Development to the Board of Supervisors with a recommendation for approval.

Chairman Parker opened the floor for public comment. No Comments Noted. Chairman Parker closed the floor for public comment.

Chairman Parker opened the floor for KG CPC discussion.

- Chairman Parker inquired if KGC approval process will be in align with surrounding counties.
 - Mr. Pancotti stated, yes, it would.
- Ms. Patteson inquired if the Zoning Administrator, will understand if there are missing line items from a By Right development application and have enough knowledge to recognize such missing items.
 - Mr. Pancotti stated yes, the Zoning Administrator, whom is Mrs. Heather Hall, would have such knowledge.
- Ms. Patteson inquired, why was By Right Development a PC right to vote for approval, prior to Case Number 20-10-Z05 and have other jurisdictions modified their procedures.
 - Mr. Pancotti stated other jurisdictions have the option to change their procedures but it is not necessarily a requirement.
 - Ms. Patteson inquired if Stafford or Spotsylvania modified their procedural process.
 - Mr. Pancotti stated Stafford, Spotsylvania have not.
- Mr. DaCorta inquired if the Zoning Administrator disapproves an application, does the landowner have the right to appeal.
 - Mr. Pancotti stated any appeal (according to the site plan) would be brought to the KGC Board of Zoning Appeals not the KG CPC.

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- Mr. Colwell referenced language in 7.7.10 (Page 103, as seen in Figure 3) and inquired if the (5) alone is being struck out not five years.
 - Mr. Pancotti stated yes, just the (5) is being struck out not five years.
- Mr. Dacorta stated he is in opposition to Case Number 20-10-Z05 as it shows lack of visibility over a development, gives a great deal of authority to a single individual, there would be a lack of the Planning Commission obtaining the overall public's viewpoint, and the Planning Commission Public Hearing/Public Comment is the only chance for the public to comment on a By Right Development.
 - Chairman Parker inquired if having a presentation for the KGPC would be an option for a developer coming forward.
 - Ms. Patteson stated she would like By Right cases/approvals/denials added to the Directors Report for awareness.
 - Mr. DaCorta stated having awareness is an issue.
 - Mr. Pancotti stated in the Directors Report there is a section that details proposed project/Under Construction Projects.
 - Mr. Myers stated to add By Right approval and denials into the Directors Report.
 - Chairman Parker stated pending By Right projects should be added to the Directors Report.
 - Mr. Pancotti stated an Under Review Section can be added to the Directors Report.
- Mr. Williams inquired where would the public find information that pertains to By Right development or information on the Directors Report.
 - Mr. Pancotti stated items on the Directors Report is public information. The public can reach the KGCD by phone, email, or in person.
- It was the general consensus of the Planning Commission for By Right Development information, i.e., pending, site & location, new construction, establishment, etc.... to be added to the Directors Report under By Right Development for the Planning Commission review.

After review of Case Number 20-10-Z05 Zoning Ordinance Text Amendment to update Article 7 Site Plan Regulation of the King George County Zoning Ordinance; By Right Development, Chairman Parker called for a motion. A motion from Ms. Patteson to forward Case Number 20-10-Z05 Zoning Ordinance Text Amendment to update Article 7 Site Plan Regulation of the King George County Zoning Ordinance; By Right Development to the Board of Supervisors with a recommendation for approval was made. Seconded by Mr. Gaborow and carried by a unanimous vote of 8-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. DaCorta, Aye; Mr. Gaborow, Aye; Mr. Myers, Aye; Ms. Patteson, Aye; Mr. Watkins, Aye, and Mr. Williams, Aye.

Plan Review: No new Plan Review.

Old Business: No Old Business.

New Business:

a. Annual Report – 2020

Having reviewed the 2020 KGPC Annual Report, Chairman Parker called for a motion. Mr. Colwell motioned to forward the KGPC 2020 KGPC Annual Report to the KGCBOS with a recommendation of approval, seconded by Mr. DaCorta, and carried by a unanimous vote of 8-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. DaCorta, Aye; Mr. Gaborow, Aye; Mr. Myers, Aye; Ms. Patteson, Aye; Mr. Watkins, Aye, and Mr. Williams, Aye.

b. Election of Officers

• **2021 KGCPD Chairman:**

- Ms. Patteson respectfully nominated Chairman Parker for the 2021 KGCPD Chairman position. Seconded by Mr. Williams, and carried by a unanimous vote of 7-0-1. Each member voting as follows: Chairman Parker, Abstain; Mr. Colwell, Aye; Mr. DaCorta, Aye; Mr. Gaborow, Aye; Mr. Myers, Aye; Ms. Patteson, Aye; Mr. Watkins, Aye, and Mr. Williams, Aye.
 - Mr. Williams stated Chairman Parker has done a stellar job as Chairman during 2020. Mr. Williams stated he appreciates Chairman Parker's professionalism.
 - Ms. Patteson stated she appreciates Chairman Parkers dedication, effort, & time during his 2020 term as Chairman.

• **2021 KGCPD Vice Chairman:**

- Mr. Colwell respectfully nominated Vice Chairman Devries for the 2021 KGCPD Vice Chairman position. Seconded by Ms. Patteson, and carried by a unanimous vote of 8-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. DaCorta, Aye; Mr. Gaborow, Aye; Mr. Myers, Aye; Ms. Patteson, Aye; Mr. Watkins, Aye, and Mr. Williams.

c. Review of By-Laws

- Mr. Pancotti stated the KGC Attorney made revisions to the By-Laws. Such as, Article II, (i) – (p) and Article III. Revisions are due to the KGC Board of Supervisors terminating the Standards of Conduct. Therefore, some of the Standards of Conduct are being added to the By-Laws.
- Mr. Colwell referenced Article VI Conduct of Persons Before the Commission, and stated 2020 was the first time the KGCPD had to eject an individual from a KGCPD meeting. Having reviewed the KGCPD By-Laws (Adopted: January 12, 2021), Chairman Parker called for a motion. Mr. Colwell motioned to approve the amended 2021 By-Laws, seconded by Mr. Williams, and carried by a unanimous vote of 8-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. DaCorta, Aye; Mr. Gaborow, Aye; Mr. Myers, Aye; Ms. Patteson, Aye; Mr. Watkins, Aye, and Mr. Williams, Aye.

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

KGCPD discussed the best time and date to have the KGCPD meeting. Having established the regular KGCPD meeting date as second Tuesday each month at 7:00 p.m., Chairman Parker called for a motion. Mr. Williams motioned to establish the regular KGCPD meeting date as second Tuesday each month at 7:00 p.m., seconded by Ms. Patteson, and carried by a unanimous vote of 8-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. DaCorta, Aye; Mr. Gaborow, Aye; Mr. Myers, Aye; Ms. Patteson, Aye; Mr. Watkins, Aye, and Mr. Williams, Aye.

e. Case Number 21-01-S01 Subdivision Ordinance Text Amendment to update and amend Article 2 (Administration and Enforcement) and Article 3 (Preparation and Approval of Plats); By Right Subdivisions.

- Mr. Pancotti reviewed Summary of Information: King George County is one of the very few in the Commonwealth that require by right subdivisions to receive an approval from the Planning Commission and/or Board of Supervisors. In effort to be more business friendly and consistent with neighboring jurisdictions King George County has considered the following:
 - This requirement is a hindrance upon developers. As this adds 1-2 months to the approval process by waiting for placement on the agenda.

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- Provides false hope to citizens of the county that they can prevent by right development.
- Developer notification (certified letters/signage) is costly to the project.
- Staff is required to provide a full staff report and presentation.
- The proposed Amendment does not remove any of the minimum standards from the Subdivision Regulations. Any rezoning, special exception, variance, etc. will be required to go before the Planning Commission and/or Board of Supervisors. The proposed Amendment removes the Planning Commission as the approval authority for the by right divisions. The proposed approval authority is the Subdivision Agent. As stated in Article 2 of the KGC Subdivision Ordinance it shall be the responsibility of the Subdivision Agent to review and process plats in accordance with the ordinance.
- It is the KGCD CD recommendation that the Planning Commission advertise Case Number 21-01-S01 for Public Hearing at the February 9, 2021 Planning Commission meeting.

After review of Case Number 21-01-S01 Subdivision Ordinance Text Amendment to update and amend Article 2 (Administration and Enforcement) and Article 3 (Preparation and Approval of Plats); By Right Subdivisions. Chairman Parker called for a motion. Mr. Myers motioned for a Public Hearing on February 9, 2021 for Case Number 21-01-S01 Subdivision Ordinance Text Amendment to update and amend Article 2 (Administration and Enforcement) and Article 3 (Preparation and Approval of Plats); By Right Subdivisions, seconded by Mr. DaCorta, and carried by a unanimous vote of 8-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. DaCorta, Aye; Mr. Gaborow, Aye; Mr. Myers, Aye; Ms. Patteson, Aye; Mr. Watkins, Aye, and Mr. Williams, Aye.

Director's Report:

Mr. Pancotti stated there is a new KGCD CD Building Inspector, Mr. Jackson Catlett and a new KGCD CD Environmental Specialist, Mr. Ben Frith. The KGCD PC reviewed the Directors Report.

Other Business:

a. 2021 Disclosure of Real Estate Holdings Filings

- Mr. Pancotti stated for the KGCD PC Board Members to turn in their 2021 Real Estate Holdings to Mr. Pancotti or Mrs. Hall by January 31, 2021.

b. Certified Planning Commissioner Program

- Mr. Pancotti stated the VCU Certified Planning Commissioner Program scheduling dates are unknown for 2021, due to Covid-19 Restrictions.
 - The Certified Planning Commissioner Program is sponsored by KGC for Board Members to attend.

Adjournment:

Having completed their agenda, Chairman Parker called for a motion to adjourn. Ms. Patteson motioned to adjourn, seconded by Mr. Myers, and carried by a unanimous vote of 8-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. DaCorta, Aye; Mr. Gaborow, Aye; Mr. Myers, Aye; Ms. Patteson, Aye; Mr. Watkins, Aye, and Mr. Williams, Aye. The King George County Planning Commission adjourned their meeting at 7:55 PM.

Chairman Parker stated the January 12, 2021 KGCD PC meeting is hereby adjourned to the next regularly scheduled meeting on February 9, 2021 at 7:00 PM. That meeting may be held by electronic means and remote participation only and may be closed to the public being physically present. All Citizens are encouraged to participate in advance or during the meeting by electronic means as provided by the county.