

**MINUTES**  
Planning Commission  
County of Prince George, Virginia

February 27, 2020

County Administration Bldg. Board Room, Third Floor  
6602 Courts Drive, Prince George, Virginia

**MEETING CONVENED.** The Regular Meeting of the Prince George County Planning Commission was called to order at 6:30 p.m. on Thursday, February 27, 2020 in the Boardroom, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Chairman Bresko.

**ATTENDANCE.** The following members responded to Roll Call:

Mr. Simmons	Present
Mrs. Elder	Present
Mr. Bresko	Present
Mr. Joyner	Present
Mr. Easter	Present
Mr. Brown	Present
Mr. Brockwell	Present

Also present were: Horace Wade, Planner, Tim Graves, Planner, Julie C. Walton, Director, Andrea Erard, Assistant County Attorney and Missy Greaves-Smith, Administration Support Specialist II

**INVOCATION.** Mrs. Elder provided the Invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG.** Mr. Easter led in the Pledge of Allegiance to the United States flag.

**APPROVAL OF MEETING AGENDA.** Chairman Bresko asked the Commissioners for a motion to approve the Meeting Agenda for the February 27, 2020 Planning Commission. Vice-Chairman Brown made a motion to approve the Meeting Agenda and it was seconded by Mrs. Elder.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell  
Abstain: (0)

**APPROVAL OF THE MEETING MINUTES.** Chairman Bresko asked the Commissioners to review the January 23, 2020 Minutes of the Planning Commission for approval. Mr. Simmons made a motion to approve the Minutes as presented. This motion was seconded by Mr. Brockwell. Roll was called on the motion.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell

Abstain: (0)

**CITIZEN COMMENT PERIOD.** At 6:34 p.m., Chairman Bresko opened the Citizen Comment Period to anyone who wished to come forward to speak to the Commissioners on only topics that were not on the agenda. Citizens were asked to limit their comments to three (3) minutes.

Andrea Erard, Assistant County Attorney, explained the Public Hearings for the solar facilities are closed. Therefore, if any one wished to speak in reference to one of the cases, this would be the time for them to come forward.

Larry Mitchell, 16200 Arwood Road, spoke in reference to the solar project on Arwood Road. He had brought a letter to read to the Commissioners but Chairman Bresko stated that the Commissioners had all received the letter earlier in the week. He expressed his objection to the proposed project.

Lee Hixon, 6851 Lake Road, spoke in reference to the solar project on Arwood Road. Mr. Hixon felt the project was not consistent with the Comprehensive Plan, disagreed that it qualified to be a special exception, and was opposed to the project. Property value and buffers were also concerns he expressed.

Tony Rednour, 14111 Arwood Road, spoke in reference to the solar project on Arwood Road. He expressed his objection to the solar project because it would look like an industrial park.

Mr. Brown asked Mr. Rednour where on Arwood Road he lived. Mr. Rednour stated he lived near Ray Temple's farm, approximately 150 yards from his property.

At 6:42 p.m. Chairman Bresko closed the Citizen Comment Period. After the Citizen Comment Period closed, a citizen approached the podium to speak and Assistant County Attorney, Andrea Erard advised Chairman Bresko to allow him to speak.

Jeff Oakley, 9900 Old Stage Road, stated he lives across the street from the Sebera Road Solar Project. Mr. Oakley stated he did not object to a solar farm – “they are great neighbors, they are quiet, they don't make any noise, we don't have to worry about crime and robbery.” In his opinion it would be in the best interest of the citizens if they were not seen. Mr. Oakley suggested asking the solar farm applicants to use a dirt berm instead of a vegetative buffer due to the fact that the vegetative buffers die off. He expressed that he was in favor of letting people do what they desire with their land just block it so others do not have to see it.

Ronnie Joswick, 9901 Kingston Dive, spoke in reference to the solar project on Sebera Road. He stated he continues to be concerned with the amount of wetlands in this area and the dust that may occur during construction. He was questioning how this would benefit the County.

Brenda Skalsky, 6405 West Quaker Road, spoke in reference to the Rives Road project. She said the Commissioners needed to consider the buffering around the solar farms for the citizens that live around the projects.

Carolyn Curtindale, 9434 Springfield Lane, stated she agreed with everything that everyone else had already stated.

Kathy Bennett, 16030 Arwood Road, spoke in reference to the beauty of the land and she does not want the industrial look to come to the residential areas of the County. She stated at the Community Meeting that was held last Saturday, a real estate agent reported that a solar facility would make a difference in the resale value of their property.

Charles Skalsky, 6000 County Drive, spoke in favor of the solar farms. He stated he lives next to a jail farm, driving range, Rolls Royce (behind), and Wells Station Road. He said he was in favor of letting Mr. Thacker do what he wants to do with his land. In the past he was a farmer and has tried to do other industries on his property with little success.

James L. Thacker, Jr., 13407 Queens Street, is one of the landowners for the proposed solar farms. Mr. Thacker stated his property is in the proposed project area that runs along the Norfolk & Western Railroad starting at Alden Road heading towards Arwood Road. He explained there are very few houses in that area. This project was presented to him based on the high tension power lines that run through his property. His family has grown trees on this property for generations. Mr. Thacker stated he could receive more revenue with this project than the selling of the trees. He continued to list the benefits of the solar farm:

- They do not make any noise
- They will be screened from view from the roads and houses
- No traffic issues (since all the traffic will come off of Route 460)
- The project will not require water or sewer
- No night time lighting
- No policing
- No permanent personnel working onsite
- The County will receive more income from his land going from land use value to market value
- The County will receive additional revenue from the Machine and Tool Tax

Mary Jo Tyson, 15303 Arwood Road, expressed her concerns with the proposed solar farm on Arwood Road. The panels that are proposed on the Warwick property are projected to be around her pond in her back yard. She has experienced surveyors and engineers already driving around her property. She feels solar facilities belong in an industrial park and not in the country.

At 6:58 p.m., Chairman Bresko closed the Public Hearing after an extension period. Chairman Bresko directed staff to present the New Business that was on the Agenda.

**NEW BUSINESS: ORDINANCE AMENDMENT OA-20-01.** Tim Graves, Planner, introduced the adoption of an Ordinance to amend “The Code of the County of Prince George, Virginia,” by amending §§ 90-1, 90-392, 90-442, and 90-492, and to amend Article XIII – Miscellaneous Provisions, by adding “Requirements for Mobile Food Units” to Chapter 90, “Zoning,” § 90-1041 to provide requirements to the permitting and operation of Mobile Food Units in permitted districts of the County.

The purpose of this amendment is to allow food trucks in County locations that are appropriate for this business use and to define reasonable requirements for the operation of food trucks within the County. Mr. Graves continued to explain some of the background research that had been done for this project. In 2014, the County passed an ordinance amendment that allowed food trucks under “Temporary Food & Beverage Sales.” Since then, the County has received multiple requests from food truck vendors to be permitted in additional business locations. In 2019, the BOS asked the Planning Division and the Planning Commission to explore amending the ordinance. The Planning Division held a Community Meeting and invited food truck operators, members of the BOS, Planning Commissioners, County staff and local restaurant owners. Attendees met with staff, asked questions, reviewed the draft ordinance amendment and provide comments. Based on the feedback from that meeting, staff was able to update and provide the Planning Commission the proposed ordinance amendment.

Mr. Graves explained to the Commissioners that food trucks are currently only allowed in M-1 and M-2 Zoning districts. The food trucks must have the Health Department license, be self-contained, have property owner permission and must have five (5) off-street parking spaces to operate. The current ordinance has the following limitations:

- No definition of “Prepared food and beverage vendors”
- Use only permitted in industrial zoning districts
- Requires zoning approval from locations that only serve on-site employees

The proposed ordinance has provisions that include:

- Definition of “Mobile Food Unit”
- Allow mobile food units in M-1, M-2, and B-1 zoning districts
- Food trucks operating at a private event or at an approved Special Event do not need to obtain zoning approval
- 6-hour time limit on site each day
- Different components of food truck business: Base of Operations, Commissary, Sales Location
- Requirements for Zoning Permit application, i.e. Health Department License, Owner Permission, Location Sketch, etc.
- Requirements for location on a lot, parking, signage, etc.
- Annual renewal: only one fee per year

Mr. Graves stated that the Comprehensive Plan supports these changes in relation to enhancing the economic base and providing employment opportunities in the County. Some objectives would be to develop a strong and diversified tax base through guided office, commercial retail and industrial development, and to promote the retention of existing businesses. In conclusion, he stated that staff recommends approval of this amendment.

Chairman Bresko asked the Commissioners if they had any questions for Mr. Graves. Mr. Simmons asked if the set-up and clean-up time was included in the 6-hour time limit a truck could be on-site on a given day. Mr. Graves explained that the proposed ordinance states the total time allowed each day is 6-hours. Mr. Simmons stated that during the Community Meeting there were several operators that had concerns about being limited to 6-hours. Mr. Graves explained the original total time was 4-hours and after the feedback staff received, the time increased to 6-hours.

At 7:10 p.m., Chairman Bresko opened the Public Hearing to any one that wished to speak for or against this ordinance amendment.

Tom Santy, 4701 Red Gate Drive, explained he and his wife operate the mobile food truck, Santy Subs. Mr. Santy said he would like to have the ordinance state that he could operate for an 8-hour day, but would also accept what is being proposed. They currently operate almost exclusively out of Hopewell due to the current limitations in the County. As residents of Prince George, he would like to be able to work and pay food taxes in the County.

Larry Mitchell, 16200 Arwood Road, spoke in favor of food trucks.

Jeff Oakley, 9900 Old Stage Road, spoke as a business owner in the County. He expressed his concerns with the time limitations and suggested tabling the voting processes and suggested staff look into what other localities have proposed.

With no one else coming forward, the Public Hearing was closed at 7:15 p.m. Chairman Bresko asked the Commissioners if they had any further questions.

Mrs. Elder questioned whether Mr. Santy's examples of locations where he provided food in Hopewell were "special events". Mr. Santy replied that Hopewell was more open and easier to talk to in reference to obtaining permits. He would like to have the same opportunities in Prince George.

Chairman Bresko stated that the new ordinance amendment would add business-zoned areas as locations where food trucks could operate.

Mr. Simmons asked Mr. Santy how long it takes him to set up and clean up once on location. Mr. Santy replied that it usually takes an hour to set up and an hour to clean up. Mr. Simmons commented that he felt that the ordinance was penalizing the operators and taking away from the time they would be able to sell. Mr. Brown stated he did not feel it was penalizing them.

Mr. Joyner asked Mr. Graves about the Zoning Permit applications. Mr. Graves explained to the Commissioners that a mobile food truck has a home base of operations in the County where they park their truck, then that home-base business requires a Home Occupation Business Zoning approval, which is an additional form they are required to fill out.

Mr. Joyner asked if the food truck operators had a chance to review the proposed ordinance. Mr. Graves explained that the operators were provided a copy of the first draft ordinance prior to the Community Meeting in November 2019 and an updated ordinance was shared approximately a month ago with the Commissioners and the operators. He stated that the Planning Department did not receive any additional comments.

With no further discussion, Mr. Brown made a motion and he suggested the six (6) hour per day limitation be revisited for further discussion if it does not meet what the mobile food truck operators find reasonable, and he concluded by recommending approval of Ordinance

Amendment OA-20-01 as written. The motion was seconded by Mr. Joyner and roll was called on the motion.

In favor: (6) Bresko, Joyner, Brown, Simmons, Easter, Brockwell

Opposed (1) Elder

Abstain: (0)

**OLD BUSINESS: SOLAR ENERGY FACILITY SITING POLICY:** Mr. Wade presented the Commissioners with the revised Solar Energy Siting Policy and he highlighted several updates and provided clarification to the policy. These updates included:

- The policy was developed with public input from multiple sources.
- The County has discussed limiting the total acreage dedicated for solar energy facilities to 4%.
- Location of solar facilities within areas planned to be serviced by public water or wastewater, as indicated in the most current Water and Wastewater Master Plan, will be discouraged and will not be recommended for approval, except those permitted by-right in the M-3 District.
- Schematic layout of the proposed site of panels and buffers will be required to be submitted.
- Utilities will be underground or screened by view.
- All solar energy facility structures, racks and associated facilities shall have a non-reflective finish or appearance.

Mr. Bresko asked Mr. Wade a question about the Warwick project, inquiring how many acres of current farmland would have solar panels. Mr. Wade confirmed with one of the applicant's representatives and stated that approximately 35% of the 535 acres is currently agricultural.

Mr. Bresko requested clarification on the County's 4% total acreage dedicated for solar facilities. Mr. Wade confirmed the 4% would be the recommended total acreage allowed for solar facilities and the total of agricultural land in the County is 23.6%.

Mr. Simmons questioned Mr. Wade on how the calculation of the 4% is going to be determined: by total project area or area with panels. The revised policy states:

“2. Site acreage dedicated to solar energy for a project shall be calculated as the aggregate acreage of all parcels for a special exception application, unless the applicant details and delineates the maximum acreage to be used for approval, which includes acreages for panels, fencing, access roads, and buffer and screening requirements.”

Mr. Simmons requested that the explanation of the 4% of the total County acreage in the policy be more specific.

Chairman Bresko asked the Commissioners for a motion on the Solar Energy Facility Siting Policy. Mr. Simmons asked if this policy had to go to the BOS. Chairman Bresko confirmed that it would. Mr. Simmons made a motion that the Solar Energy Facility Siting Policy to be forwarded to the BOS with the recommendation of approval by the Planning Commission. Mr. Joyner seconded the motion and roll called on the motion.

In favor: (5) Elder, Joyner, Simmons, Easter, Brockwell  
Opposed (2) Brown, Bresko

**SPECIAL EXCEPTION SE-19-11 & SUBSTANTIAL ACCORD DETERMINATION SA-19-02** [ Request of Warwick PV1, LLC, pursuant to § 90-103 (57), to permit a large-scale solar energy facility in a R-A, Residential-Agricultural, Zoning District, and a substantial accord determination in accordance with Virginia Code §15.2-2232(H) (1950), as amended for the use of a 60 MW solar energy facility. The subject properties are located along Arwood Road in the Templeton Magisterial District on 1,071 +/- acres and known as Tax Maps 540(OA)00-042-0, 540(OA)00-043-0, 540(OA)00-049-0, 54A(01)0C-001-0, 54A(01)0C-002-0, 540(OA)00-058-0, 550(OA)00-008-0, 550(OA)00-009-0, 540(OA)00-041-A, 540(OA)00-041-B, 540(OA)00-041-C, 540(OA)00-050-0, 540(OA)00-052-0, 540(OA)00-053-0, 540(OA)00-054-0, 540(OA)00-038-0, 540(OA)00-039-0, 540(OA)00-040-0, 550(OA)00-013-0, and 550(OA)00-013-A. The Comprehensive Plan indicates the property is suitable for agricultural and neighborhood commercial uses.

Mr. Wade provided an update to this case from last month's Planning Commission meeting when the case was deferred. There are 20 tax parcels included in this project; 90% of the acreage is in agricultural and 10% is in neighborhood commercial. This project abides by the Comprehensive Plan and it keeps with the design character of the rural environment by providing buffering and landscaping. A Community Meeting was held on August 21, 2019 and 52 adjacent property owners were notified of the January 23, 2020 Public Hearing. Since the last Public Hearing, the applicant provided additional information that was included in the Planning Commission packet. The Warwick Solar Project Environmental and Ecological Report, a handout on Bald Eagle Locations, Health & Safety Impacts of Solar, and an updated Concept Plan were submitted for review. In the new plan, the buffer areas increase from 30 feet to 50 feet and they have removed the panels on Arwood Road to meet the concerns of the neighbors and the Planning Commission.

Staff recommends approval. The request meets the requirements in the Comprehensive Plan and it complies with the policy recommended for approval earlier in the meeting. Staff has proposed recommended conditions to ensure this use complies with the Solar Facility Policy, minimizes the impact on surrounding property owners, and ensures the use complies with all applicable local, state and federal requirements. The updated conditions include:

- Limitation of a total of 535 acres
- Utilities underground or screened from view
- All structures, racks, and facilities shall have a non-reflective finish or appearance
- 50-foot minimum setback for wetlands

Chairman Bresko asked the Commissioners if they had any questions for Mr. Wade or the applicant. With no one having any questions, Chairman Bresko asked for a motion. Mrs. Elder made a motion to recommend approval of SE-19-11 subject to the conditions as outlined in the Staff Report and to make the Substantial Accord Determination. Assistant County Attorney, Andrea Erard assisted in clarifying the motion and it was seconded by Mr. Easter.

In favor: (5) Elder, Joyner, Easter, Brown, Brockwell  
Opposed (1) Bresko  
Abstained: (1) Simmons

**SPECIAL EXCEPTION SE-19-12 & SUBSTANTIAL ACCORD DETERMINATION SA-19-03.** Request of Sebera-Winstead, LLC, pursuant to § 90-103 (57), to permit a large-scale solar energy facility in a R-A, Residential-Agricultural, Zoning District, and a substantial accord determination in accordance with Virginia Code §15.2-2232(H) (1950), as amended for the use of a 20 MW solar energy facility. The subject property is located along Sebera Road and Lawyers Road in the Blackwater Magisterial District on 182+/- acres and known as Tax Map 250(0A)00-054-0. The Comprehensive Plan indicates the property is suitable for residential uses.

Mr. Wade provided an overview of the project with updates from the applicant. The Future Land Use Map indicates that request properties and surrounding properties are appropriate for Residential or Agricultural uses. The applicants have provided berms in additional locations in response to staff's previous report.

Mr. Wade reviewed with the Commissioners the relevant Comprehensive Plan recommendations:

1. The Planning Commission and Board of Supervisors use the future land use map contained within the Comprehensive Plan as a general guide for determining the desired location of development.
2. Commercial and/or industrial developments that are approved in rural portions of the County should be small in scale and of a design character that is consistent with a rural environment.

A Community Meeting was held on December 3, 2019 and the primary concerns at that meeting included:

1. Visibility of solar panels from adjoining properties (Applicant response: Intent is for practical invisibility from adjoining properties and roads using existing or new visual buffers)
2. Possibility of declining property values as a result of the facility (Applicant response: No reliable evidence of this)
3. Noise made by inverters (Applicant response: Noise from inverters only during the day and inaudible from 100-150 feet distance)
4. Environmental contamination and radiation from the facility (Applicant supplied a response)
5. Who is responsible for maintaining buffers and screening for the life of the project? (Applicant response: Operator of facility)

On January 13, 2020, Planning Staff mailed notifications for the Public Hearing on January 23<sup>rd</sup> to twenty-three (23) adjacent property owners. A legal ad was posted in the Progress Index on January 8<sup>th</sup> and January 15<sup>th</sup> for the Public Hearing.

Mr. Wade stated that staff recommends approval and this request complies with the Comprehensive Plan objective to approve development in rural portions of the County small in scale and of a design character that is consistent with a rural environment. Staff finds that the



proposed project substantially complies with the proposed Solar Facility Siting Policy (as drafted). Staff has proposed recommended conditions to ensure this use complies with the Solar Facility Siting Policy, minimizes the impact on surrounding property owners, and ensures the use complies with all applicable local, state and federal requirements. These revised conditions include:

- Clarity of grading
- Updated Solar facility and vegetation plan
- Utilities installed underground or screened
- Solar energy facility structures, racks, and facilities shall have a non-reflective finish
- Updated setbacks
- Updated inspections

Mr. Wade stated the applicant provided the Commissioners with an updated list of recommended changes to the staff's recommended conditions. Staff had no objections to the proposed changes.

Mr. Brockwell asked about the suggestion that Jeff Oakley proposed in reference to having more dirt berms. Mr. Wade replied that there are berms proposed where there is currently no vegetation, and where there is current vegetation, they will add additional understory to supplement the screening.

Mr. Simmons asked about the setback from the roads. Chairman Bresko stated there is a 150 foot setback off Lawyers Road and 100 foot setback off Sebera Road. Mr. Simmons inquired if the setbacks were going to be vegetated. Chairman Bresko and Mr. Wade clarified that the majority of the setbacks have existing vegetation and in the locations where no vegetation exist, berms will be required.

Mr. Simmons requested confirmation that the solar panels should not be visible from the Sebera Road and Lawyers Road. Mr. Wade confirmed that the panels should not be seen from the roadways.

Chairman Bresko asked if there were any additional questions, if not, he would entertain a motion. Mr. Easter made a motion to recommend approval of SE-19-12 subject to the conditions as outlined in the Staff Report and to make the Substantial Accord Determination. Andrea Erard, Assistant County Attorney assisted in clarifying the motion. Mr. Brockwell seconded the motion. Roll called on the motion.

In favor: (7) Bresko, Simmons, Elder, Joyner, Easter, Brown, Brockwell  
Opposed (0)

**PLANNER'S COMMUNICATIONS TO THE COMMISSION.** Mr. Wade shared with the Commissioners that there was not a February Board of Zoning Appeals meeting and there have been no cases filed for March. The BOS approved the Tree Time Adventure special exception request with an added condition of a gate to be installed at the entrance of the site. They will receive the Solar Facility Siting Policy at the March 10<sup>th</sup> meeting.

**ADJOURNMENT.** Chairman Bresko asked the Commissioners if they had any additional comments or questions. At 7:55 p.m., Mr. Joyner made a motion to adjourn until the next

regularly scheduled meeting on Thursday, March 26, 2020. The motion was seconded by Mrs. Elder. Roll called on the motion.

In favor: (7) Bresko, Simmons, Elder, Joyner, Easter, Brown, Brockwell  
Opposed (0)