

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

February 25, 2021

County Administration Building, Board Room, Third Floor  
6602 Courts Drive, Prince George, Virginia 23875

This meeting was held electronically in accord with Virginia Code Section 15.2-1413. The meeting was accessible by:

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**MEETING CONVENED.** The Organizational and Regular Meeting of the Prince George County Planning Commission was called to order at 6:30 p.m. on Thursday, February 25, 2021 in the Board Room, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Horace Wade, Planning Commission Secretary.

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

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

Also present: Andrea Erard, Asst. County Attorney, Cliff Young, Director of IT, Horace Wade, Planner II, Tim Graves, Planner I and Missy Greaves-Smith, Administrative Support Specialist II

**ELECTION OF OFFICERS.** Mr. Wade asked the Commissioners for nominees for Chairman of the Planning Commission.

Mr. Joyner nominated Floyd Brown, Sr. to be the Chairman of the Planning Commission. This motion was then seconded by Mr. Simmons. Roll was called on the nomination of Mr. Brown.

In favor: (6) Simmons, Brown, Elder, Brockwell, Joyner, Bresko  
Abstain: (0)  
Absent: (1) Easter

Mr. Brown asked for nominees for the Planning Commission Vice-Chair. Mr. Simmons nominated Mr. Joyner and it was then seconded by Mr. Brockwell. Roll was called on the nomination of Mr. Joyner for Vice-Chair.

In favor: (6) Simmons, Brown, Elder, Brockwell, Joyner, Bresko  
Abstain: (0)  
Absent: (1) Easter

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

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

**PUBLIC COMMENT PERIOD.** At 6:35 p.m., Mr. Brown opened the Public 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.

With no one coming forward and no one on Zoom indicating they wished to speak, the Public Comment Period was closed at 6:36 p.m.

**ADOPTION OF MEETING AGENDA.** Mr. Brown asked the Commissioners for a motion to approve the meeting Agenda for the February 25, 2021 Planning Commission. Mr. Bresko made a motion to approve the meeting Agenda and Mrs. Elder seconded the motion. Roll was called on the motion.

In favor: (6) Simmons, Brown, Elder, Brockwell, Joyner, Bresko  
Abstain: (0)  
Absent: (1) Easter

**ADOPTION OF BYLAWS & RULES OF PROCEDURE.** Mr. Wade reviewed the proposed changes to the Bylaws suggested by the County Attorney, Dan Whitten and staff. The following changes were discussed:

- Page 3:
  - “Workshops” to “Work Sessions”
  - Monday meeting location to the Boardroom on the third floor of the County Administration Building
  - Special called meeting notifications were proposed to have a three-day advance notice replacing the five-day advance notice
- Page 4:
  - “Citizen Comment Period” to “Public Comment”
- Page 6:

- Committees shall provide the date, time and location of their meeting three days in advance as opposed to five days
- “Director of Planning” was changed to “Planning Manager”
- The order of business at regular meetings
- Page 7:
  - Matters Pending Before the Commission - #2, referencing the receiving of final revised proffers, the proposed change from ten-days to shall be submitted seven-days prior to the Planning Commission meeting was proposed
- Page 8:
  - The County Attorney made a recommendation to hold public hearings similar to the Board of Supervisors
- Page 10:
  - Adding the electronic communications means that were adopted last year

Mr. Simmons questioned the meeting by electronic communication means without a quorum of the Commission physically assembled at one location when the Governor has declared a State of Emergency. Ms. Erard explained that this policy has been in State law for the last year. Prior to the pandemic, you could have electronic communications in a meeting as long as you had a physical quorum present. In addition, the State law says, when there is an emergency and the local governing body needs to meet for the sole purpose of addressing that emergency, then you can have an all-electronic meeting and you do not need to have a quorum present. The Governor has in place the Caboose Bill that states such. This allows for all electronic meetings, without a quorum present through June 30, 2021, to be conducted and this information needs to be reflected in your Bylaws.

Mr. Brown asked the Commissioners for a motion to adopt the Bylaws dated February 25, 2021 for the Prince George Planning Commission. Mr. Joyner made a motion to approve the Bylaws and Mr. Brockwell seconded the motion. Roll was called on the motion.

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

Abstain: (0)

Absent: (1) Easter

**ADOPTION OF 2021 PLANNING COMMISSION MEETING DATES.** Mr. Brown asked the Commissioners for a motion to approve the proposed 2021 meeting dates for the Prince George Planning Commission. Mr. Simmons made a motion to approve the 2021 meeting dates and Mrs. Elder seconded the motion. Roll was called on the motion.

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

Abstain: (0)

Absent: (1) Easter

**ADOPTION OF 2020 ANNUAL REPORT.** Mr. Brown asked the Commissioners for a motion to approve the 2020 Annual Report for the Prince George Planning Commission. Mr. Bresko made a motion to approve the 2020 Annual Report as presented and Mrs. Elder seconded the motion. Roll was called on the motion.

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

Abstain: (0)

Absent: (1) Easter

**APPROVAL OF THE MEETING MINUTES.** Mr. Brown asked the Commissioners to review the December 17, 2020 Minutes of the Planning Commission for approval. Mrs. Elder made a motion to approve the December 17, 2020 Minutes as presented and Mr. Bresko seconded the motion. Roll was called on the motion.

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

Abstain: (0)

Absent: (1) Easter

## **NEW BUSINESS.**

### **Public Hearing:**

SPECIAL EXCEPTION SE-20-03: Request of Tom and Diane McCormick, pursuant to § 90-103 (52) and (53), to permit a cottage industry home occupation on a parcel of five acres or more for bed and board in an accessory building, and sales/rental of formal wear in a single-family residence in a R-A, Residential-Agricultural, Zoning District. The subject property is located at 5503 Ruffin Road and is known as Tax Map 240(0A)00-115-A. The Comprehensive Plan indicates the property is suitable for commercial or village center uses.

Mr. Graves presented to the Commissioners Special Exception case SE-20-03. He began with the property history. In 2017, Ambrusta Development, LLC was granted a special exception on approximately 200 acres for an Assembly Hall use with the business operator to live on the property. In 2018, Living Well, LLC was granted a similar special exception request for 13.468 acres divided into a new parcel.

The applicants provided a list of goals, requests and conditions:

#### Applicant Goals:

- Continue existing Assembly Hall use
- Accommodate overnight guests in an existing building (Proposed to become an accessory building)
- Offer formalwear sales/rentals for clients booking events at the facility
- Construct new structure for use as a single-family dwelling (and also the formalwear sales/rental)

#### Request:

- Permit a cottage industry home occupation on a parcel of five acres or more for:
  1. The rental of rooms not to exceed four, including bed and board, in an accessory building
  2. A home trade office for sales and rental of formalwear

#### Conditions:

- Ensure all applicable building codes are met
- Ensure all necessary business licenses are secured

Mr. Graves reviewed some key comments from the staff review.

#### Planning & Zoning Division:

- Single-family dwelling use – only one dwelling is permitted:
- Previously: the “Farmhouse”

- Proposed: new structure (new single-family dwelling)
- Overnight room rental in an accessory building
- “Home Occupation - Cottage industry” - permits “the rental of rooms not to exceed four, including bed and board”
- Owner/operator required to live on the property
- Formalwear rentals and sales: Permitted as a “Cottage industry”

Health Department:

- An authorized soil evaluator must determine if any modifications to well and septic systems are necessary (in progress)

Building Official:

- Certain building code requirements apply to the structures

Staff has recommended conditions to accompany Special Exception SE-20-03 which are intended to ensure applicable code requirements are met and limit any expected impacts on adjacent property owners and the surrounding community. On February 11, 2021, the conditions were reviewed with the applicants and they indicated their support for all of them.

1. This Special Exception is granted for a “Cottage industry home occupation” on a parcel of five acres or more for bed and board in an accessory building, and sales/rental of formalwear in a single-family residence on Tax Map 240(0A)00-115-A.
2. This Special Exception is transferrable to future owners without additional approval from the Board of Supervisors so long as there are no deviations from the expressed conditions and the scope of activities described in the Application and Staff Report.
3. The applicants shall provide adequate on-site parking.
4. Days and hours of operation for the formalwear sales and rental shall be Monday through Sunday between the hours of 9:00 a.m. and 8:00 p.m., by appointment only.
5. Signage shall be limited as provided for with the Assembly Hall Special Exception or as defined by law.
6. Unless otherwise permitted by law, only one single-family dwelling use is permitted on the property. In order to certify that only one single-family dwelling is present, the applicants will remove the kitchen facilities (ovens and stoves) from the accessory structure.
7. During any period in which the property is used for the permitted Cottage industry home occupation uses, either the property owner or business operator shall live in the permitted dwelling unit on the property.
8. Overnight stays are subject to the following provisions:
  - A. Not to exceed four (4) rooms including bed and board (food); and
  - B. The term of overnight stays shall be limited to seven (7) consecutive nights; and occupants may only rent again after a seven (7) night absence; and
  - C. The owner or operator shall maintain records to uniquely identify occupants and length of stay which shall be provided to the County upon written request; and

D. The owner or operator shall collect transient lodging tax which shall be reported and submitted to the Commissioner of Revenue office on a schedule as required by law.

9. All buildings shall comply with applicable building codes.

10. The applicants shall obtain certification from an Authorized Onsite Soil Evaluator or Professional Engineer indicating the sewage disposal system and water well have been evaluated to support their proposed usage, with review and approval by the Health Department prior to the granting of a business license for rental of rooms.

11. This Special Exception is in addition to the existing SE-18-03 use on the property. The conditions for that case remain in effect.

12. The applicants shall take appropriate measures to ensure compliance with the County Noise Ordinance of the Code of the County of Prince George, as adopted, and as enforced by the Police Department.

13. The applicants shall obtain and hold all required State and County permit or license approvals, including a drinking water permit from the Virginia Department of Health, an entrance permit from the Virginia Department of Transportation and applicable business licenses from the Commissioner of Revenue.

14. This Special Exception shall become null and void if both Cottage industry home occupation uses are abandoned for a period of twenty-four (24) consecutive months.

15. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of federal, state or local regulations.

Mr. Graves specified staff recommended approval, subject to recommended conditions. He also stated there were no negative public comments or feedback received after the notices were sent out to adjacent property owners.

Mr. Simmons asked for clarification on the previous conditions approved for this property and if they would still apply. Mr. Graves confirmed and referenced the previous conditions would still apply and are noted in condition #11. Mr. Simmons asked about the location of event parking. Mr. Graves stated he would have the applicant address his question.

Mr. Brown asked if the applicants are living on the property currently. Mr. Graves explained that the new proposed structure would be used as the single-family dwelling and that the applicants currently do not live on the property. Mr. Brown asked if there is a similar type of business operating in the County that has a bed and board. Mr. Graves stated, around 2007, Chester Plantation, along Golf Course Drive, was approved for a bed and breakfast under a different zoning ordinance.

Mr. Brown invited the applicant to speak before the Public Hearing opened. Mr. McCormick responded to Mr. Simmons' question about the event parking areas. Mr. McCormick used the diagram on the slide to pinpoint the parking areas on the property.

Mr. McCormick also clarified Mr. Brown's concerns about overnight stays. Mr. McCormick stated the Farmhouse is designed to only sleep 2-3 people. The primary use would be for the bride and groom to stay at the venue on their wedding night. Mr. McCormick stated that he and his wife would be living on the property and they would have a clear oversight of the day-to-day activities.

Mr. Simmons asked for an explanation of the difference between a "bed & breakfast" and a "bed & board". Mr. Graves referenced the dictionary's definition as "food and a place to stay". Mr. Simmons asked Mr. McCormick if he would be feeding the guest. Mr. McCormick stated that with the limited kitchen facilities, they would only be able to provide a prepacked "continental style" breakfast.

Mr. Joyner asked how many bedrooms in the farmhouse would be used. Mr. McCormick stated that they were only going to be using two of the rooms as bedrooms. Mr. McCormick stated they have had the well and septic systems inspected also.

Mr. Joyner asked Mr. Graves for additional information about only allowing one single-family dwelling on the property. Mr. Graves explained the kitchen stove/oven would need to be removed from the farmhouse and the new proposed structure would become the single family-dwelling. The new structure would have the retail space on the main floor and their one-bedroom apartment would be on the second floor.

Mr. Brown asked if the County had any other businesses of this type already operational to compare zoning types. Ms. Erard, Assistant County Attorney, explained she had stayed at a bed & breakfast in Powhatan for a wedding and there are facilities like this in the region but none in the County that she is aware of. Mr. Graves explained that the request is for a home-based business. The proposed zoning uses are only allowed with a special exception as a home occupation in the R-A Zoning District. The Commission sets the conditions on the use. Staff has recommended specific conditions for this use and the Commission can adjust them if they wish.

Mr. Simmons stated the Commission has approved two previous assembly halls. They could come back in the future and ask for something similar. Mr. Bresko asked if there is a limit to the number of special exceptions that can be granted to one piece of property. Mr. Graves stated that the conditions that the Commission put on the request could reflect a concern of excessive activity with numerous special exceptions on one property.

At 7:26 p.m., Mr. Brown opened the Public Hearing to anyone who wished to speak for or against SE-20-03. Citizens were asked to limit their comments to three (3) minutes.

With no one coming forward and no one on Zoom indicating they wished to speak, the Public Hearing was closed at 7:27 p.m.

Mr. Simmons asked for clarification of the transfer of the previous Special Exception. Ms. Erard confirmed that the previous Special Exception did transfer to the McCormick's.

Mr. Brown asked the Commissioners if they had any additional questions or concerns. Mr. Simmons made a motion to forward SE-20-03 to the Board of Supervisors for consideration with the Planning Commission's recommendation for approval. Mr. Brockwell seconded the motion. Roll was called on the motion.

In favor: (3) Simmons, Elder, Brockwell,  
Opposed: (3) Brown, Bresko, Joyner  
Absent: (1) Easter

Mr. Wade gave the Commission a brief presentation on battery storage and stated that the Board of Supervisors (BOS) had asked the Planning Commission to look into battery storage facilities and make some recommendations. Some battery storage facilities are used with solar facilities and some are used as “sole use” to store energy. Our Ordinance currently does not have a “stand alone” stored energy category. Staff is researching different types of facilities, locations and hazards. Staff has received a request to add the use and definition to the Code.

Mr. Wade led a presentation on “Why Battery Storage?”

- Regulations established the demand for 3,100 MW of energy storage in Virginia by 2035, most among states in the nation.
- Because some renewable energy technologies – such as wind and solar – have variable outputs, storage technologies have the potential for smoothing out the electricity supply from these sources and ensuring that the supply of generation matches the demand.
- Energy storage is valued for its rapid response – most storage technologies can begin discharging power to the grid very quickly, while fossil fuel sources tend to take longer to ramp up. This rapid response is important for ensuring the stability of the grid when unexpected increases in demand occur.
- Energy storage becomes more important the farther you are from the electrical grid.
- Storage facilities allow providers to store energy generated from wind and solar resources on shorter time frames to smooth variability, and on longer cycles to replace ever more fossil fuel.
- By charging storage facilities with energy generated from renewable sources, we can reduce greenhouse gas emissions and dependence on fossil fuels.

Battery Storage Facility Siting Policy and Ordinance Considerations:

- Proximity to an electrical substation or transmission line
- Size of the facility (“footprint”) and size of lot/property where located (acreage)
- Distance to adjoining properties and structures (larger facilities should have more separation)
- Hazard protections (There are many different types of batteries that have large-scale energy storage potential including sodium-sulfur, metal-air, lithium-ion, and lead-acid batteries)
- Provider agreement in place with Energy company? (Dominion or PGEC)
- Facility screening and security
- Facilities should be sited to avoid wetlands, floodplains and environmental concerns
- Fire and explosion risk mitigation - Mitigation measures could include: battery testing, failure testing, explosion mitigation, fire testing, and training for First Responders
- Developing a water containment plan as a component of a Battery Fire Action Plan

Mr. Wade provided examples of locations where battery storage facilities could be located based on current substations.

- Fine Street
- Heritage Road
- West Quaker Road



- Prince George Drive
- Arwood Road
- Middle Road
- Lamore Drive

Staff is requesting feedback from the Planning Commission and the BOS. Staff will complete research and develop an Ordinance amendment for the Planning Commission's review.

Mrs. Elder asked Mr. Wade for clarification on the storing of the energy. Mr. Wade stated the battery storage facility would be used to store energy that is not needed on the grid at that time.

Mr. Wade asked for a consensus from the Planning Commission to move forward on researching a battery storage policy and possible ordinance amendment. All Commissioners agreed.

Mrs. Erard, Assistant County Attorney, provided clarification of the Public Hearing for SE-20-03 that had a tie vote from the Commissioners. She explained that the By-Laws state, in case of a tie vote, the Chair shall have the item placed on the next agenda as a matter of Old Business for reconsideration and revote, but not a rehearing. If the item is tied again, then it would be forwarded to the BOS with no recommendation from the Planning Commission.

Mr. Brown asked if the Planning Commission was required to do that process. Mrs. Erard explained that the By-Laws state it shall be put on the next agenda.

**PLANNER'S COMMUNICATION TO THE COMMISSION.** Mr. Wade presented to the Commissioners the following updates:

1. Planning Division
  - a. Six Month Work Plan Goals
    - i. Battery Storage research
    - ii. Working on the Comprehensive Plan updates
    - iii. Clarifying Private Roads in Ordinance
    - iv. Utilities within the Prince George Planning Area
    - v. Density in the Rural Conservation Area
2. Actions of the Board of Zoning Appeals
  - a. February 22, 2021 meeting had been cancelled due to no cases
  - b. March 22, 2021 meeting has been cancelled due to no cases
3. Actions of the Board of Supervisors (BOS)
  - a. February 9, 2021 RZ-20-06 and SE-20-02 were approved

**ADJOURNMENT.** At 8:02 p.m., Mr. Brown asked the Commissioners if they had any additional questions. If not, he would entertain a motion to adjourn. Mr. Brockwell made a motion to adjourn and Mr. Simmons seconded the motion. Roll was called on the motion.

In favor: (6) Simmons, Brown, Elder, Brockwell, Joyner, Bresko  
 Absent: (1) Easter