



Planning Commission
County of Prince George, Virginia

Regular Meeting
April 26, 2018

I. CALL TO ORDER

Chairman Easter called to order the April 26, 2018 meeting of the Prince George County Planning Commission at 6:30 p.m. in the Board Room of the County Administration Building, 6602 Courts Drive, Prince George, Virginia.

II. ATTENDANCE

The following members responded to Roll Call:

Chairman James A. Easter - Present
Vice-Chairman Joseph E. Simmons - Present
Mrs. Imogene S. Elder – Present
Mr. R. Stephen Brockwell - Present
Mr. V. Clarence Joyner, Jr. - Present
Mr. Alex W. Bresko, Jr. - Present
Mr. Floyd M. Brown, Sr. - Present

Also present were: Douglas Miles, Planning Manager, Horace Wade, III, Planner, Andrea Erard, Assistant County Attorney and Missy Greaves-Smith, Office Associate II.

III. INVOCATION

Mr. Brown provided the Planning Commission's Invocation.

IV. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG

Mr. Brockwell led in the Pledge of Allegiance to the United States Flag.

V. APPROVAL OF MINUTES

Chairman Easter asked for the approval of the minutes for the March 22, 2018 meeting. A motion was made by Mr. Bresko and seconded by Mrs. Elder and the minutes were adopted as written. Roll was called on the motion.

Roll call vote on the motion:

In Favor: (5) Elder, Bresko, Brown, Easter, Simmons

Opposed: (0) Absent: (0) Abstain: (2) Brockwell, Joyner

VI. CITIZENS COMMENTS PERIOD

At 6:34 p.m. Chairman Easter opened the citizen comment period to anyone who wished to speak on any subject not on the agenda. He asked that persons limit their remarks to three (3) minutes. With no one coming forward, Chairman Easter closed the citizen comment period at 6:35 p.m.

VII. OLD BUSINESS

None

VIII. NEW BUSINESS

Public Hearing:

SPECIAL EXCEPTION SE-18-01 REQUEST OF FORT POWHATAN SOLAR LLC, PURSUANT TO § 90-53 (59) TO PERMIT A LARGE-SCALE SOLAR ENERGY FACILITY. THE COMPREHENSIVE PLAN CALLS FOR AGRICULTURAL USES. THE REQUEST IS LOCATED NEAR 17401 WARDS CREEK ROAD ON 2,602 +/- ACRES AND KNOWN AS TAX MAPS 280(0A)00-042-0, 180(0A)00-001-A, 170(0A)00-001-0, 170(0A)00-003-0, AND 170(0A)00-006-0 IN AN A-1, GENERAL AGRICULTURAL ZONING DISTRICT.

Mr. Wade presented to the Planning Commission Fort Powhatan Solar, LLC's request for a Special Exception to permit a large-scale solar energy facility in the A-1, General Agricultural District, as required for the use. The applicant proposes to build a 150 MW solar electric generating facility on approximately 2,600 acres near 17401 Wards Creek Road that is also bounded by the James River.

Mr. Wade indicated that the County's Comprehensive Plan identifies this area as appropriate for agricultural uses and that development occurring within this area of the County should be designed to incorporate significant open spaces and minimize environmental impacts on the County's land, air, and water resources. The properties surrounding the request are zoned A-1 and consist of single family dwellings and/or vacant parcels along Nobles Road, Wards Creek Road, and Fort Powhatan Road.

The staff is recommending a minimum fifty (50) foot buffer along the boundaries of the property because the property is adjacent to several single-family rural and agricultural properties. The subject property has a historically significant fort onsite, which has documented history from the Colonial period, Revolutionary War, and the Civil War. The fort is located on 10 acres within the proposed subject property.

Planning staff received information concerning the proposed dedication of the historic fort site from the contract purchaser last week. Staff's recommendation to

the Planning Commission is to defer this case for 90 days to allow the staff time to consider the dedication of the site, condition of the roads, and other staff recommendations.

Vice Chairman Simmons asked Mr. Wade who is the current property owner.

Mr. Wade stated that The Martin Group owned all of the properties being considered for the Special Exception including the historic fort property.

Mr. Joyner asked if they would be purchasing or leasing the land from the owner.

Mr. Wade indicated Fort Powhatan Solar LLC is the contract purchaser of the land

Linda Nwadike and Bradley Fite from Sun Energy 1, the parent company of the purchaser, both made statements and entertained questions from the Commission.

Mr. Fite stated that his company has been in the process of purchasing these properties for approximately three years and a 90 day deferral would delay this project and could affect moving forward with the purchase of these properties.

Mr. Brown explained to Mr. Fite that the 90 deferral would be the maximum amount of time the staff is asking for. He asked Mr. Fite if a 30 Day deferral would be more appropriate than a 90 Day deferral taken by the Commission.

Mr. Fite indicated he would speak to the land owner in reference to the deferral. He also indicated that the donation of the land needed to be a separate issue and not part of the vote for the Special Exception.

Andrea Erard, Assistant County Attorney, recommended to the Commission to take a 30 day deferral on this Special Exception due to the number of issues surrounding this case and to be able to verify the final Fort Powhatan information.

Vice Chairman Simmons made a statement in favor of moving forward with the approval tonight and explained that there should not be a delay based on the possible land donation. Chairman Easter indicated that we needed to conduct the Public Hearing before he could accept any motions on the Special Exception use.

Chairman Easter opened the Public Hearing at 7:25 p.m.

PUBLIC HEARING:

Rusty Foley, the real estate broker representing The Martin Group, explained that the owner is in favor of the solar project and requested that the Commission vote to approve the Special Exception tonight.

John Smith indicated to the Commission that he has worked for the Martin's family as a forester for 31 years. He offered to help in any way to clarify any land discrepancies related to the subject property of this land use request.

Mr. Fite explained to the board that he would not be building anywhere near the fort area.

Mr. Brockwell asked Mr. Fite if he had completed title searches for the property he was planning on using and he responded that he had.

Andrea Erard, Assistant County Attorney, expressed to the Commission again her concern with the Commission taking action tonight. Her concern was not based on the land donation issue but because the Commission would be recommending a zoning action and they need to make sure what parcels would be affected by their recommendation onto the Board of Supervisors. Ms. Erard recommended that the Planning Commission defers the Special Exception to May 24th and then be heard by the Board of Supervisors on June 12th.

Mr. Miles specified that staff recommends that the Planning Commission takes a 30 day deferral as Ms. Erard stated so the details can be reviewed by County Staff.

At 7:37 p.m. Chairman Easter closed the Public Hearing.

Mr. Joyner made a motion for the Planning Commission to take a 30 day deferral on Special Exception Case SE-18-01 based on the legal recommendation of the Assistant County Attorney, Andrea Erard. Mr. Brown seconded his motion. Roll was called on the motion.

Roll call vote on the motion:

In Favor: (5) Elder, Brown, Easter, Joyner, Brockwell

Opposed: (2) Simmons, Bresko Absent: (0) Abstain: (0)

Chairman Easter indicated that the Commission would take a five minute recess.

Mr. Wade presented the three ordinance amendments to the Planning Commission.

ORDINANCE AMENDMENT OA-18-01 ORDINANCE TO AMEND THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA, 2005, AS AMENDED, BY AMENDING § 90-824, SITE PLAN REQUIRED, TO ADD REQUIREMENTS FOR NOTATIONS PERTINENT TO CHESAPEAKE BAY PRESERVATION AREAS AND THE RESOURCE PROTECTION AREA RELATIVE TO SITE PLANS.

In reference to the Site Plans Ordinance, DEQ requested that Prince George County change three additional items:

1. Pump-out of on-site sewerage treatment systems in CBPAS every five years
2. Requirement for retention of an undisturbed and vegetated 100-foot wide buffer area in the RPA.
3. Requirement of the permissibility of only water dependent facilities or redevelopment in the RPA

ORDINANCE AMENDMENT OA-18-02 ORDINANCE TO AMEND THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA, 2005, AS AMENDED, BY AMENDING § 90-673 PERTAINING TO PENALTIES FOR VIOLATIONS OF THE CHESAPEAKE BAY PROTECTION PRESERVATION AREAS.

Mr. Wade explained this amended selection added needed enforcement provisions to the Prince George County Chesapeake Bay Preservation Ordinance, which will be consistent with the Code of Virginia.

ORDINANCE AMENDMENT OA-18-03 ORDINANCE TO AMEND THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA, 2005, AS AMENDED, BY AMENDING § 70-512.2(C)(29),(31)&(32), SIZE AND INFORMATION REQUIRED ON A PRELIMINARY PLAT; § 70-514.4(C)(10)(C),(E)&(F), ENGINEERING PLAN SPECIFICATIONS AND § 70-516.2(B)(3)(T),(V)&(W), ELEMENTS OF FINAL PLATS, TO ADD REQUIREMENTS FOR NOTATIONS PERTINENT TO CHESAPEAKE BAY PRESERVATION AREAS AND THE RESOURCE PROTECTION AREAS RELATIVE TO SUBDIVISION PLATS.

DEQ requested that Prince George County add requirements for:

1. Pump-out of on-site sewerage treatment systems in CBPAS every five years
2. Requirement for retention of an undisturbed and vegetated 100-foot wide buffer area in the RPA.
3. Requirement of the permissibility of only water dependent facilities or redevelopment in the RPA.

PUBLIC HEARING:

At 7:50 p.m. Chairman Easter opened the Public Hearing on the Ordinance Amendments OA-18-01, OA-18-02, and OA-18-03. With no one coming forward, Chairman Easter closed the Public Hearing at 7:51 p.m.

Chairman Easter asked for a motion on OA-18-01. A motion was made by Mr. Brockwell to forward OA-18-01 onto the Board of Supervisors seconded by Mr. Brown. Roll was called on the motion.

Roll call vote on the motion:

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

Opposed: (0) Absent: (0) Abstain: (0)

Chairman Easter asked for motion on OA-18-02. A motion was made by Mr. Brown to forward OA-18-02 onto the Board of Supervisors and it was seconded by Mr. Brockwell. Roll was called on the motion.

Roll call vote on the motion:

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

Opposed: (0) Absent: (0) Abstain: (0)

Chairman Easter asked for motion on OA-18-03. A motion was made by Mr. Brown to forward OA-18-03 onto the Board of Supervisors and it was seconded by Vice-Chairman Simmons. Roll was called on the motion.

Roll call vote on the motion:

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

Opposed: (0) Absent: (0) Abstain: (0)

Mr. Miles proceeded by providing the Planning Commission members with some communication updates.

IX: Communications:

Actions of the Board of Zoning Appeals:

The April 23rd BZA meeting was cancelled. Mr. Miles anticipates the May 21st BZA meeting to also be cancelled.

Actions of the Board of Supervisors:

On April 24th the Board of Supervisors approved the conditional rezoning of the Central Wellness Center for certain B-1 zoning uses and local government uses.

Comments to the Planning Commission:

Mr. Miles shared that Chesterfield County has asked for a Commission member to volunteer to participate on a steering committee for seamless regional planning efforts and Chairman Easter indicated that he would participate in their meetings.

X. ADJOURNMENT

A Motion was made by Mr. Brown, seconded by Mr. Joyner, to adjourn the meeting at 8:00 pm until Thursday, May 24, 2018 at 6:30 pm. Roll was called on the motion.

Roll call vote on the motion:

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

Opposed: (0) Absent: (0) Abstain: (0)