

MINUTES
Planning Commission
County of Prince George, Virginia

February 24, 2022

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

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

Zoom: <https://zoom.us/j/5053851421?pwd=V2pjSHFneFRLUUE2bjNqQnR3emZoUT09>

Meeting ID: 505 385 1421

Password: 200726

One tap mobile

+19294362866,,91749744760#,,1#,106239# US (New York)

+13017158592,,91749744760#,,1#,106239# US (Germantown)

Dial by your location

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

MEETING CONVENED. The Regular Meeting of the Prince George County Planning Commission was called to order at 6:30 p.m. on Thursday, February 24, 2022 in the Board Room, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Mr. Alex W. Bresko, Chairman.

ATTENDANCE. The following members responded to Roll Call:

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

Also present: Julie C. Walton, Deputy County Administrator, Dan Whitten, County Attorney, Andre Greene, Planner II, Tim Graves, Planner I and Missy Greaves-Smith, Administrative Support Specialist II

INVOCATION. Mrs. Elder provided the Invocation.

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

ADOPTION OF THE AGENDA. Mr. Bresko asked the Commissioners for a motion to approve the meeting Agenda for the February 24, 2022 Planning Commission. Mr. Joyner made a motion to approve the meeting Agenda and Mr. Brockwell seconded the motion.

Roll Call:

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

Opposed: (0)

Absent: (1) Brown

PUBLIC COMMENT PERIOD. At 6:32 p.m., Mr. Bresko opened the Public Comment Period to anyone who wished to come forward to speak to the Commissioners on topics that were not on the Agenda as a Public Hearing item. Citizens were asked to limit their comments to three (3) minutes.

With no one present or on Zoom indicating they wished to speak, the Public Comment Period was closed at 6:33 p.m.

ORDER OF BUSINESS. Mr. Bresko asked the Commissioners to review the Minutes of the January 24, 2022 Work Session of the Planning Commission. Mrs. Anderson made a motion to approve the January 24, 2022 Work Session Minutes. The motion was seconded by Mrs. Elder.

Roll Call:

In favor: (5) Simmons, Anderson, Elder, Bresko, Joyner

Absent: (1) Brown

Abstain: (1) Brockwell

Mr. Bresko asked the Commissioners to review the Minutes of the January 27, 2022 Planning Commission meeting. Mr. Brockwell made a motion to approve the meeting Minutes of the January 27, 2022 meeting. The motion to approve the Minutes was seconded by Mr. Simmons.

Roll Call:

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

Opposed: (0)

Absent: (1) Brown

Mrs. Walton, Deputy County Administrator, presented to the Commissioners a draft Resolution to present to Mr. Easter for his years of dedicated service to the County and the Planning Commission. Mr. Simmons made a motion to move forward with the Resolution and Mr. Brockwell seconded the motion.

Roll Call:

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

Opposed: (0)

Absent: (1) Brown

Mrs. Walton discussed the training opportunity for the Planning Commission members hosted by Dr. Mike Chandler. The commissioners were given dates to review. Mrs. Walton indicated a meeting date would be set in the near future.

PUBLIC HEARING.

P-1. REZONING AMENDMENT RZ-21-06: Request of SI Virginia II, LLC to amend and replace the conditions of Rezoning RZ-20-04 and Zoning Case Amendment RZ20-05 to consolidate zoning conditions under one zoning case and eliminate a land use restriction on High Cube Warehouses. The subject property, zoned M-1 Limited Industrial, comprises 157.15 acres located on Quality Way in Southpoint Industrial Park, and is identified as Tax Map 340(22)00-010-0. The Comprehensive Plan indicates the property is suitable for Industrial uses.

Mr. Graves presented the rezoning amendment request to the Commissioners. The County's GIS maps were used to illustrate the property location, current zoning of subject properties and surrounding properties and an aerial view of the area.

Background Information:

Zoning cases RZ-20-04 and RZ-20-05 approved October 27, 2020

- Two tax parcels with different zoning histories → two zoning cases
- Excluded uses (because Traffic Impact Analysis (TIA) required):
 - 155 High-Cube Fulfillment Center Warehouse
 - 156 High-Cube Parcel Hub Warehouse

2021-2022

- Current edition of technical manual does not require TIA for above uses
- Applicant applied for rezoning amendment

Request Summary:

Applicant's Goals:

1. Remove the restriction on 155 High-Cube Fulfillment Center Warehouses and 156 High-Cube Parcel Hub Warehouses; and
2. Consolidate two zoning cases for two tax parcels into one zoning case for one tax parcel

Applicant's Request:

1. Remove the language that excludes the specified uses
2. Replace two lists of conditions with one set of conditions

All other conditions will not change.

Planning & Zoning Staff Review Comments:

- Zoning district will not change
- No objections to the additional proposed uses (permitted by-right in M-1 zoning district)
- A TIA (other than Chapter 527) does not appear to be necessary

- Site Plan submitted with building under construction 648k to 940k SF
- Consistent with Comprehensive Plan
- Proffered conditions are appropriate

Virginia Department of Transportation (VDOT) - *Paul Hinson, Area Land Use Engineer*

1. VDOT agrees that the submitted trip generation data is representative of the proposed rezoning and agrees that no Chapter 527 TIA will be required.
2. Quality Way is classified as a local road. The entrance locations shown on the submitted conceptual site plan appears to meet VDOT's Access Management Spacing standards.
3. VDOT has no objections to the proposed rezoning as presented in the application, conceptual site plan, and submitted proffers.

Proffered Conditions:

Changed conditions:

- #2: Regarding consolidation of parcels (done)
- #6: All M-1 uses permitted

Other conditions (no changes) pertain to:

- General conformance to a conceptual plan
- Vegetative buffers
- Ground cover and landscaping
- Lighting
- Meeting with VDOT

Staff Recommendation:

- Approval, subject to the proffered conditions
 - Basis:
 - Compatible with surrounding uses and comprehensive plan
 - No negative feedback received from community
 - Proffered conditions are appropriate

Mr. Bresko asked if the subject property was vacant before the current building was built. Mr. Graves confirmed that the parcel was vacant prior to the current structure.

Mr. Joyner asked about the current water capacity situation. Mr. Graves stated the applicant has been in communications with the Utility Department in reference to the water and sewer capacity in that area.

Mr. Bresko asked what the warehouse was going to be used for. Mr. Graves explained that any M-1 zoning use could be a potential tenant and that the owner has built a shell spec building.

Mr. Bresko opened the Public Hearing at 6:49 p.m. to anyone who wished to speak for or against RZ-21-06. Citizens were asked to come forward and state their name and address and they would have three minutes to speak,

Tom Wortham, representing SI Virginia II, LLC, explained how he has been working with the Hollingsworth Company in the Southpoint Business Park for almost thirty years. He expressed that this building is the largest building they have built in the business park. The company is excited about getting a tenant in the building as soon as possible.

With no one else coming forward to speak and no one on Zoom, the Public Hearing was closed at 6:51 p.m.

Mr. Bresko asked the Commissioners if they had any additional questions. Mrs. Elder made a motion to forward the request to the BOS with the recommendation of approval from the Planning Commission. The motion was seconded by Mr. Brockwell.

Roll Call:

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

Opposed: (0)

Absent: (1) Brown

P-2. SPECIAL EXCEPTION SE-21-07: Request of BrightView, LLC, pursuant to Prince George County Zoning Ordinance Section 90-393(8) to permit a special care hospital in a B-1 General Business District, for the purpose of providing outpatient substance abuse services in an existing commercial building. The subject property, approximately 6.645 acres in size, is located at 4140 Crossings Court and is identified as tax parcel 120(0A)00-003-J. The Comprehensive Plan indicates the property is suitable for Commercial uses.

Mr. Greene presented the special exception request to the Commissioners. The County's GIS maps were used to illustrate the property location, current zoning of subject properties and surrounding properties and an aerial view of the area.

Background:

BrightView, LLC

- Offers outpatient medication-assisted treatment for drug addiction
 - 54 locations across 5 states:
 - Virginia, Kentucky, Delaware, Ohio and North Carolina
- Seven (7) locations in Virginia:
Lynchburg, Midlothian, Newport News, Suffolk, Chesapeake (2)

Request Summary:

Applicant's Goals / Details:

- Lease 7,520 SF of space in an existing commercial building
- No significant exterior modifications planned
- At least ten (10) full-time jobs
- Seven (7) patients onsite at any given time
- Full parking load: 17 spaces
- Hours of operation: 8a.m. to 7p.m., Monday - Friday
- Accommodate evening group sessions for people with full-time jobs

Applicant's Request:

- Special Exception for a "special care hospital"
 - Hospital, special care, means an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.

Review Comments:

Planning & Zoning:

- Minimal impact on surrounding businesses and residences
- Existing commercial complex with sufficient off-street parking
- Surrounding uses: commercial, vacant lot zoned commercial, and single-family residences
- Other approvals required include: Change of use for building, licensure from VA Department of Behavioral Health, PG County business license
- Compatible with comprehensive plan (Future Land Use: Commercial)
- Existing berm and trees to buffer from adjacent residences

Building Inspections Division:

- "I-Institutional" building code use
- Comply with applicable requirements of Building Code and Fire Prevention Code, as reviewed during Site Plan
- Construction permits required if applicable
- Commercial structures to comply with applicable Building Code requirements, as reviewed during Building Permit

Police Department:

- Will any medication be kept on-site? Suboxone for withdrawal?
 - ANSWER: At the time comments were received, the answer was no. A few weeks ago the applicant notified staff and they do wish to keep medications on the property.
- Where are some other BrightView Health locations?
 - ANSWER: [provided]

Recommended Conditions:

Highlights:

- Hours of operation 8:00 a.m. to 7:00 p.m..
- The applicant shall be allowed to store and dispense medication on site. The medication shall be stored in a 2,500 lb. safe, in a badge access only room, that is under 24 hour surveillance by internal cameras. The applicant shall adhere to regulations of the Drug Enforcement Agency (DEA) and the Virginia Board of Pharmacy and will comply with their annual inspections.
- Obtain a change of use permit and a Tenant Upfit permit
- Obtain all required licenses and permits for operation of an outpatient drug addiction services facility
- No loitering shall be allowed after the facility is closed for business
- Full list of recommended conditions in the Staff Report / Draft Ordinance

Staff Recommendation:

- Approval, subject to the recommended conditions
Basis:
 - Request appears compatible with surrounding land uses
 - No negative feedback received from community
 - Recommended conditions provided

Mr. Simmons asked if any research had been conducted on these types of facilities in reference to problems with loitering. Mr. Greene stated he had not but he had been in contact with Denise Waff, Director of the Riverside Criminal Justice Agency. She stated that having drugs stored at this site would cause no greater risk than a local pharmacy.

Mr. Simmons expressed concerns about the new restaurant that opened in that area having issues with unwanted loitering. He asked Mr. Greene if the restaurant owner received the notice about the special exception request. Mr. Greene explained that the notices are only sent to the property owners.

Mr. Bresko opened the Public Hearing at 7:07 p.m. to anyone who wished to speak for or against SE-21-07. Citizens were asked to come forward and state their name and address and they would have three minutes to speak.

Nick Walker, with Roslyn Farms Corporation, stated he was present to represent the owners of the buildings. He explained that they have been in contact with the owners of Primo's restaurant and they are aware of the special exception request and had no concerns.

Mike Dimaggio, Vice-President of Development for Brightview, expressed his support for the request and stated he was available to answer any questions of Commissioners.

With no one else coming forward to speak and no one on Zoom, the Public Hearing was closed at 7:09 p.m.

Mr. Simmons stated that this request does not come without risk.

Mr. Bresko asked the Commissioners if they had any additional questions. Mr. Joyner made a motion to forward the request to the BOS with the recommendation of approval from the Planning Commission. The motion was seconded by Mrs. Elder.

Roll Call:

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

Opposed: (0)

Absent: (1) Brown

P-3. SPECIAL EXCEPTION SE-22-01: Request of Duncan and Suzanne Fung pursuant to Prince George Zoning Ordinance Section 90-103(9) to permit an Assembly Hall (Wedding Venue) within a R-A, Residential Agricultural District. The subject property is

approximately 33.7 acres in size, located at 9099 Golf Course Drive and is identified as Tax Parcel 460(0A)00-034-0. The Comprehensive Plan indicates the property is suitable for Agricultural uses.

Mr. Greene presented the special exception request to the Commissioners. The County's GIS maps were used to illustrate the property location, current zoning of subject properties and surrounding properties and an aerial view of the area.

Background:

The applicants built a residential dwelling on the subject property in 2021, with approximately 5,700 square feet:

First floor	2,952 SF
Finished half-story	1,771 SF
Balcony	96 SF
Open masonry porch	936 SF

Request Summary:

Primary Goal:

- Use the newly constructed building as a wedding venue

Details:

- 4 to 8 events per month, mostly Fridays and Saturdays
- Event operation from 12 P.M. (noon) until 10 P.M.
- Venue uninhabited and locked when there is no event
- 2 restrooms, one warming kitchen
- No cooking or dish washing done at the venue
- Max # wedding guests: 150 persons
- Large graveled area to accommodate 70+ cars
- No employees
- Event host responsible for catering, serving, cleanup, setup, etc.
- Access route:
 - Current, for single-family dwelling: from North via Golf Course Drive
 - Proposed for Assembly Hall: from Southeast via Lake Fungs Road
- Septic capacity:
 - Current: 120 people
 - Proposed per AOSE/PE report: 150 people

Review Comments:

Planning & Zoning:

- Expected impacts: Minimal traffic and noise during events
- Mitigated by:
- 0.5-miles distance off Robin Road
 - Surrounding woodlands
 - Surrounding property mostly owned by same owner

- Proposed conditions
- Surrounding land uses: Woodlands, Lake/Pond, some single-family dwellings
- Other approvals/permits required:
 - Site Plan for the commercial use of the building (Planning & Zoning)
 - Change of Use and a Building Permit for the building (Building Inspections)
 - Commercial entrance permit (VDOT)
 - Health Department permit for the upgrades to well and/or septic
- Compatibility with Comprehensive Plan:
 - Building resembles an agricultural barn

Building Inspections Division:

- “A-2 Assembly” building code use
- Comply with applicable requirements of Building Code and Fire Prevention Code, as reviewed during Site Plan
- Construction permits required for alterations or changes of use to structure(s)
- Commercial structures to comply with applicable Building Code requirements, as reviewed during Building Permit)

Virginia Department of Transportation (VDOT):

- Commercial entrance required (moderate volume)
- Undetermined if access meets VDOT’s criteria for a commercial entrance

Virginia Department of Health (VDH):

- AOSE/PE Report for modifications was forwarded to VDH (awaiting review and comment)

Environmental Division:

- Land disturbance permit required for 10,000+ square feet of land disturbance
- Construction General Permit from DEQ required for 1+ acre of land disturbance

Real Estate Assessor’s Office:

- Certificate of Occupancy for this structure (8-27-21) states “This Structure is not approved for Business or Assembly Usage. This Certificate of Occupancy may be Revoked or Suspended If Violations of This Occupancy Occur.”
- Acreage affected by this special exception would be subject to roll back taxes

Recommended Conditions:

Highlights:

- Hours of operation: Mon-Sat from noon until 10:00 P.M.
- All outdoor wedding ceremonies conclude by 7:00 P.M.
- All reception activities indoors incl. dancing and music
- Ingress and Egress restricted to Lake Fungs Road
- Provide adequate off-street parking
- No on-site food preparation and dishwashing
- One freestanding sign up to 60 square feet in size, at entrance
- Obtain all required permits and certifications
- Full list of recommended conditions in the Staff Report / Draft Ordinance

Mr. Greene added three (3) additional conditions and the applicant has agreed to the following:

- The applicant shall possess and maintain liability insurance in an amount no less than \$ 1 million.
- Occupancy shall be limited to no more than 150 persons per event.
- A site plan shall be required to be prepared and approved prior to submittal of the Change of Use Application.

Staff Recommendation:

- Approval, subject to the recommended conditions
Basis:
 - Request appears compatible with surrounding land uses
 - No negative feedback received
 - Recommended conditions provided

Mr. Simmons asked for clarification on the maximum number of people allowed at an event. Mr. Greene explained that the maximum occupancy shall be no more than 150 people.

Mr. Simmons asked about the use of alcohol during an event. Dan Whitten stated that in Condition #12, an alcohol permit would need to be obtained if alcohol was going to be served.

Mr. Bresko opened the Public Hearing at 7:27 p.m. to anyone who wished to speak for or against SE-22-01. Citizens were asked to come forward and state their name and address and they would have three minutes to speak.

Brian Hayes, 9005 Golf Course Drive, stated that the entrance to the subject property is right next to his property. The traffic from an event the Fung's had last summer came along the whole side of his property. The noise from the event was heard all the way to his property. He expressed concerns about the traffic and noise of 4-6 events monthly ruining their quality of life. Mr. Hayes suggested to the Commissioners to vote no.

Clayton McComber, 9095 Golf Course Drive, stated that all of the construction equipment has come through the shared driveway that he has with Mr. Fung. He stated he was not in favor of the special exception.

Eddie Jones, 9110 Golf Course Drive, expressed his concerns with the additional traffic along Golf Course Drive. He stated the road is very narrow and does not have yellow lines going all the way up to the tunnel.

Mr. Simmons asked for clarification about the easement and driveway to the property. Mr. Bresko explained that the subject property uses a shared easement off Golf Course Drive and Lake Fungs Road is accessed from Robin Road.

Mr. Fung stated he wants the event traffic to use Lake Fungs Road off Robin Road and have the Golf Course Road entrance locked.

Mr. Bresko asked Mr. Fung if he uses the driveway off Golf Course Drive. He explained that he built the barn-style home for his son and during construction, they did use the entrance off Golf Course Drive. He stated he wanted to use the entrance at Lake Fungs Road for events to avoid problems with the neighbors.

Mr. Brockwell clarified with Mr. Fung about the address given to guests would be Mr. Fung's personal house address on Lake Fungs Road. All guest would enter off Robin Road on to Lake Fungs Road.

Mr. Bresko suggested that the address be changed to Lake Fungs Road to prevent traffic entering off Golf Course Drive. Mr. Greene also suggested that Mr. Fung could request an address change. Mr. Fung agreed to make that request.

Mr. Whitten clarified that Mr. Fung would need to work with the GIS Department and the Assessor's office and request a Lake Fungs Road address for this location for 911 purposes.

Mrs. Anderson asked about the use of King Drive for tours, etc.

Mr. Fung asked what would happen to the easement if he does not use it. Mr. Whitten explained that the easement is "platted" and you would not lose the easement of Golf Course Drive.

Sarah Heretick, 9095 Golf Course Drive, was present via Zoom. She stated she resides with Clayton McComber and they were told that the easement would be used for them and Mr. Fung's son. She stated events have already been conducted using the entrance off Golf Course Drive.

With no one else coming forward to speak and no one else on Zoom, the Public Hearing was closed at 7:49 p.m.

Mr. Bresko asked the Commissioners if they had any additional questions. He continued to express his opinion to resolve the address situation before moving forward with a vote. Mr. Joyner also suggested to delay the discussion.

Mr. Joyner made a motion to postpone the request to the April Planning Commission meeting. Mr. Brockwell seconded the motion.

Roll Call:

In favor: (5) Simmons, Elder, Brockwell, Bresko, Joyner

Abstain: (1) Anderson

Absent: (1) Brown

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

1. Actions of the Board of Zoning Appeals (BZA)
 - a. No cases or applications were received
 - i. February and March meetings were cancelled
2. Actions of the Board of Supervisors (BOS)
 - a. Feb 22 approved the request for the townhouse development
3. Planning Commission Communications
 - a. Upcoming Cases for March
 - i. Solar facility (20-30 acres) on James River Drive
 - ii. Draft Battery Storage Facility Ordinance

ADJOURNMENT. At 7:50 p.m., Mr. Bresko 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. Joyner seconded the motion. Roll was called on the motion.

Roll Call:

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

Opposed: (0)

Absent: (1) Brown