

MINUTES
Planning Commission
County of Prince George, Virginia

January 26, 2023

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

CALL TO ORDER. The Regular Meeting of the Prince George County Planning Commission was called to order at 6:30 p.m. on Thursday, January 26, 2023 in the Board Room, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Mr. Alex Bresko, Chairman.

ATTENDANCE. The following members responded to Roll Call:

Mr. Simmons	Present
Mrs. Elder	Present
Mr. Bresko	Present
Mr. Joyner	Present
Ms. Anderson	Present
Mrs. Canepa	Present
Mr. Brockwell	Present

Also present: Dan Whitten, County Attorney; Julie Walton, Director; Andre Greene, Planner II; Tim Graves, Planner I; Missy Greaves-Smith, Office Manager

INVOCATION. Mr. Joyner provided the Invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG. Mrs. Elder 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 Agenda for the January 26, 2023 Planning Commission meeting. Mr. Simmons made a motion to approve the meeting Agenda and Mrs. Elder seconded the motion.

Roll Call:

In favor: (7) Simmons, Canepa, Elder, Anderson, Brockwell, Bresko, Joyner

Opposed: (0)

Absent: (0)

ORGANIZATIONAL MEETING.

O-1. Introduction of New Commissioner: Jennifer D. Canepa.

Mr. Bresko introduced the newest Planning Commissioner to the members, Mrs. Jennifer Canepa. Mrs. Canepa stated she works for VCU Health as a Project Manager and has lived in Prince George for the past four years.

O-2. Election of Planning Commission Officers for 2023.

Mr. Graves asked for nominees for Chairman of the 2023 Planning Commission. Mr. Bresko nominated Mrs. Elder for Chair. With no other nominees, the Commission unanimously voted to appoint Mrs. Elder as Chair.

Roll Call:

In favor: (7) Simmons, Canepa, Elder, Anderson, Brockwell, Bresko, Joyner

Opposed: (0)

Absent: (0)

Mr. Graves asked for nominees for Vice-Chairman of the 2023 Planning Commission. Mr. Bresko nominated Ms. Anderson for Vice-Chair. With no other nominees, the Commission unanimously voted to appoint Ms. Anderson as Vice-Chair.

Roll Call:

In favor: (7) Simmons, Canepa, Elder, Anderson, Brockwell, Bresko, Joyner

Opposed: (0)

Absent: (0)

O-3. Adoption of the Planning Commission 2023 Meeting Schedule.

Mrs. Elder asked the Commissioners to review the 2023 Meeting Schedule for the Planning Commission. Mrs. Elder asked if there were any questions or comments. Mr. Bresko made a motion to change the December meeting dates to have the Work Session on December 11, 2023 and the business meeting on December 14, 2023, due to the holiday. The motion was seconded by Mr. Brockwell.

Roll Call:

In favor: (7) Simmons, Canepa, Elder, Anderson, Brockwell, Bresko, Joyner

Opposed: (0)

Absent: (0)

PUBLIC COMMENT PERIOD.

At 6:40 p.m., Mrs. Elder 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 Public Hearings. Citizens were asked to limit their comments to three (3) minutes.

With no one present indicating they wished to speak, the Public Comment Period was closed at 6:40 p.m.

ORDER OF BUSINESS.

A-1. Adoption of the Work Session Minutes – November 14, 2022.

Mrs. Elder asked the Commissioners to review the minutes of the November 14, 2022 Work Session of the Planning Commission. Ms. Anderson made a motion to approve the November 14, 2022 Work Session Minutes. The motion was seconded by Mr. Bresko.

Roll Call:

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

Opposed: (0)

Abstain: (1) Canepa

A-2. Adoption of Meeting Minutes – November 17, 2022.

Mrs. Elder asked the Commissioners to review the minutes of the November 17, 2022 Planning Commission meeting. Ms. Anderson made a motion to approve the meeting Minutes of the November 17, 2022 meeting. The motion to approve the minutes was seconded by Mr. Joyner.

Roll Call:

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

Opposed: (0)

Abstain: (1) Canepa

A-3. Adoption of the Work Session Minutes – December 19, 2022.

Mrs. Elder asked the Commissioners to review the minutes of the December 19, 2022 Work Session of the Planning Commission. Mr. Bresko made a motion to approve the December 19, 2022 Work Session Minutes. The motion was seconded by Mr. Brockwell.

Roll Call:

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

Opposed: (0)

Abstain: (2) Canepa, Joyner

PUBLIC HEARINGS.

P-1. Public Hearing; REZONING RZ-22-02. Request of Jeff Oakley, Robert Forehand Jr., and Buckingham Pines, LLC to conditionally rezone approximately 12.18 acres from M-1 (Limited Industrial) District to M-2 (General Industrial) District, to accommodate existing and future industrial land uses. The subject property consists of seven (7) tax parcels located on the north and south sides of Harvest Road within an existing industrial park, and is identified as Tax Maps 240(0A)00-069-A, B, F, G, K, L, and M. The Comprehensive Plan Future Land Use Map indicates that the land underlying all affected tax parcels is planned for Industrial uses.

Mr. Greene presented the case to the Planning Commissioners. He shared several slides to reference the locations of the parcels, the current zonings of the area, Future Land Use map and the aerial view.

Background:

Since 1981, industrial uses related to trucking, truck repair, and maintenance have been located in the Harvest Road Industrial Park located off Prince George Drive (Route 156). The current zoning of the properties utilized for trucking related purposes is M-1, Limited Industrial. It has been determined that the appropriate zoning for the type of uses in the industrial park is M-2, General Industrial.

Request Summary:

The owners of the lots in the industrial park wish to have the existing tenants and any future industrial users to be in conformance/compliance with County's Zoning regulations. Therefore, they are requesting a rezoning from M-1 to M-2.

The owners have stated that no new businesses will be locating in the Harvest Road Industrial Park at this time. So, there will be no increase in traffic, no disturbance of land and no increase in noise.

The proffer statements were voluntarily submitted with the rezoning request by the applicants.

Planning & Zoning Staff Review Comments:

The proposed rezoning affects land and structures that have been utilized over the years (since 1981) for industrial purposes and are land uses currently permitted "by-right" in the M-2, General Industrial, Zoning District. There were no new development plans and no new establishments planning to locate in the industrial park at the time of this request. Consequently, there will be no change in the flow of traffic in and out of the existing industrial park.

The proposed rezoning is consistent with the Comprehensive Plan because The Future Land Use Map calls for Industrial Uses in this area (See Exhibit 2: Comprehensive Plan Future Land Use Map). There appears to be a commercial designation on one (1) of the lots in question but a rezoning to M-2, General Industrial is justified because the property has been used for industrial purposes over many years.

Any new tenants or owners would be limited by existing infrastructure, space and current zoning requirements.

Other Staff Review Comments:

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

1. No traffic Study Provided - VDOT recommended that the County require trip generation data and the submission of turn lane warrant analyses for the existing entrance road.

P&Z Response/Update: This issue has been resolved because new businesses are not locating into the existing industrial park. Staff has recommended conditions

that any new businesses locating in the industrial park has to submit County trip generation data and turn lane warrant study with the site plan.

2. Condition of the Commercial Entrance - Consideration should be given to requiring repairs or improvements to the commercial entrance serving the parcels in this zoning case to bring it into compliance with current VDOT standards.

P&Z Response/Update: The applicants have voluntarily proffered to repave the first 15-20 feet of commercial entrance.

3. Road Maintenance Agreement - VDOT recommends that a road and entrance maintenance agreement be required in conjunction with the proposed rezoning case that binds all users to the continued maintenance of the commercial entrance and private road.

P&Z Response/Update: The applicants are planning to repair the entrance and Harvest Road appears to be in satisfactory condition.

4. Parcel 240(0A)00-069-0 – Entrance off Route 156 - Parcel 240(0A)00-069-0 does not appear to have access to Harvest Road or Anguilla Road. Access to this parcel will be restricted to a right-in/right-out entrance as there is not sufficient spacing between Harvest Road and Anguilla Road for a full access commercial entrance that meets VDOT's Access Management spacing standards.

P&Z Response/Update: The applicants removed Parcel 240(0A)00-069-0 from their rezoning application.

Proffers:

The applicant proffered to repave the first 15-20 feet of the Harvest Road commercial entrance off Route 156 (Prince George Drive). They also stated that the following M-2, General Industrial Uses would not be permitted upon the property:

- Blacksmith shops
- Sawmills and planing mills
- Brick manufacture
- Boiler shops
- Meat, poultry and fish processing
- Conservation areas
- Game preserves

In addition, the County included the following proffer recommendation: Any new business or businesses proposed to locate in the park in the future will require trip generation data and a turn warrant analysis at the time of site plan submittal.

Mr. Greene stated that staff recommended approval subject to the applicant's proffered conditions and staff's recommended conditions. The recommendation was based on the following considerations:

1. The applicants' request is compatible with existing and surrounding land uses.
2. A rezoning from M-1, Limited Industrial to M-2, General Industrial is consistent with the Prince George County adopted Comprehensive Plan.
3. The issues and concerns of VDOT have been addressed.
4. No negative feedback was received from adjacent property owners and community prior to publishing the Staff Report.
5. The applicant has proffered several conditions which staff finds acceptable and supports.

Mrs. Elder asked the Commissioners if they had any questions for Mr. Greene. Ms. Anderson asked for clarification on VDOT's questions being resolved with the paving of the first 15-20 feet. She explained that VDOT also had suggested a road maintenance agreement be in place. Mr. Greene explained that staff did not feel that a road maintenance agreement was necessary because the road was in good condition now.

Mr. Simmons asked for confirmation in reference to Mr. Forehand and Mr. Oakley being the property owners of the requested rezoning area. Mr. Greene confirmed that they were the property owners and Mr. Oakley is the owner/representative for the LLC.

Mr. Simmons ask Mr. Greene for the purpose of the applicants requesting the rezoning. Mr. Greene explained that the current uses in the area are M-2 uses. The rezoning request would update the zoning to match the current uses.

At 6:59 p.m., Mrs. Elder opened the Public Hearing to anyone wishing to speak for or against the request. Citizens were asked to state their name and address and they would have three minutes to speak. With no one coming forward to speak, the Public Hearing was closed at 7:00 p.m.

Mrs. Elder asked the Commissioners if they had any additional questions. Mr. Bresko made a motion to forward request RZ-22-02 to the Board of Supervisors with a recommendation for approval, subject to the recommended conditions in the Staff Report and the applicant's proffers, and the reason for this recommendation is that it is compatible with the Comprehensive Plan and current surrounding uses and zoning districts. The motion was seconded by Mr. Brockwell.

Roll Call:

In favor: (7) Simmons, Canepa, Elder, Anderson, Brockwell, Bresko, Joyner

Opposed: (0)

Absent: (0)

- P-2. Public Hearing; Special Exception SE-22-12. Request of Dennis and Wendy Plear to permit an Animal Boarding Place in a Residential Agricultural (R-A) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-103(23). The purpose of the request is to allow a dog-breeding business to operate within the existing single-family dwelling on the property. The subject property is approximately 2.76 acres in size, located at 10608 Walton Lake Road, and is**

identified as Tax Map 440(0A)00-001-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses.

Mr. Graves presented SE-22-12, a request of Dennis and Wendy Plear to permit an “Animal Boarding Place” in their home. The applicants are requesting to have dog breeding allowed on their property. The subject property is approximately 2.7 acres on Walton Lake Road. Mr. Graves shared slides referencing the property location, the zoning reference map, and the aerial view map.

Request Summary:

The applicants want to start a breeding program as a business, with a focus on providing service dogs for disabled veterans. They would maintain seven adult dogs that will produce an average of 4-6 litters per year with 5-10 puppies per litter. They would make puppies available for adoption/purchase when they are 6-12 weeks old, with most adopted at around 8 weeks old. They stated that puppies will be adopted before they are 12 weeks old and a limit of 20 puppies will on the property at one time.

Planned changes to the property:

- Relocate two existing sheds and the existing kennels toward the front of the property
- Whelp (birth) the puppies primarily in the sheds and sometimes possibly in the dwelling
- Install a fence around the kennel areas
- Install a fence between the kennels and the road
- Install French drains and concrete slabs to keep areas dry
- Possibly place a new shed for a reception area
- Provide onsite parking in driveway or in the front of the lot
- Have a small sign for advertising the business
- Limit customer visits to one (1) family at a time by appointment, mostly on weekends, between hours of 9am-6pm.
- Prevent or limit barking:
 - Any dog that is a nuisance would be removed from breeding program and adopted out
 - Use bark collars only if needed in the event of a nuisance and only on dogs over one (1) year old
 - For dogs under one (1) year old, use other means to keep puppies quiet if needed, such as tone machines, vibration collars, etc.
- Reduce or eliminate pests and odor:
 - Clean and dispose of waste regularly
 - Use a solution to clean the kennel areas
 - Groom dogs regularly

Planning & Zoning Staff Review Comments:

The desired land use is classified as:

“animal boarding place” – This land use is permitted by Special Exception under Section 90-103(23).

Zoning Ordinance Definition: “Animal boarding place means any structure or any land or any combination of either used, designed and arranged for the boarding, breeding or care of dogs, cats, pets, fowl, ponies, horses or other domestic animals for profit, but exclusive of animals used for agricultural purposes.”

Expected impacts for this request:

- Traffic from customer visits
 - Visual/Noise from seven (7) adult dogs and upwards of 20 puppies on the property at any given time, and kennels
 - Odor from dogs and waste
- Mitigation: Staff recommends conditions to address these impacts:
 - All sheds are accessory structures and will need building/zoning permits for final locations and must meet setback requirements
 - Compatibility with surrounding zoning districts, surrounding uses, and Comprehensive Plan: Yes, low impacts to surrounding residential uses with recommended conditions
 - Applicants discussed plans with neighbors and invited them to contact them to resolve any issues if they arise

Other Staff Review Comments:

Building Inspections Division

- Submit plans/layout of proposed reception area to Building Inspections office. Any meeting/reception structure(s) required to meet Building Code requirements.
- Obtain all required permit(s) for any addition(s), renovation(s), or alteration(s) to existing structure(s), or new structures, and obtain inspections/approval for all

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

- Existing entrance appears to meet VDOT’s criteria, no objection to this use

Virginia Department of Health (VDH)

- Provide waste characterization letter to confirm systems capacities are adequate

Prince George Animal Services

- Potential for noise complaints. Not aware of any calls for service or problems with the applicants.

Police Department / Sheriff’s Department

- Adhere to state codes for commercial dog breeder requirements

Mr. Simmons asked Mr. Graves about the VDH comments. Mr. Simmons stated that the VDH had strong recommendations that were not included in the presentation. Mr. Graves explained that the VDH comments in the Staff Report are in bold text and different font because they were copied from a scanned document. Mr. Graves also explained that the property owners would need to have their septic system inspected and provide the VDH with proof that the system is adequate for their use. Mr. Simmons expressed concerns in reference to ground water contamination from the French drains and how far away they are from the well. Mr. Graves stated that the VDH did not indicate a concern for ground water contamination in their report but he will ask the applicant to disclose any plans they may have.

Recommended Conditions:

- Animal Boarding Place is specifically for breeding, not for overnight boarding, etc.
- Max seven (7) dogs, 20 puppies
- Max 12 weeks age for puppies
- Max six (6) litters per year, whelped indoors
- Maintain adequate records to confirm compliance
- Onsite parking
- Dogs kept leashed, fenced or indoors (not running free on the business property)
- Screen view of kennels from the road
- Clean everything regularly
- One (1) small sign on front of property
- No employees
- Accommodate Animal Services visits

Mr. Graves stated that staff recommends approval subject to the recommended conditions. The basis of approval is supported on the following:

- Appears compatible with current and future surrounding land uses
- No negative feedback from adjacent property owners and community
- Conditions are recommended to mitigate any expected impacts
- Applicant has reviewed and supports Staff's recommended conditions

Mrs. Elder asked the Commissioners if they had any additional questions. Mr. Graves added that the applicants were present if they had any questions for them.

The applicant, Wendy Plear, explained she wished to address Mr. Simmons questions referencing the well location. She stated that the structure would be approximately 150 feet from the well area. She also stated that after speaking with the VDH representative, she recommended the Plear's to clean the bin areas with a bleach and water solution.

Mrs. Elder opened the Public Hearing for SE-22-12 at 7:17 p.m. The Public Hearing was opened to anyone wishing to speak for or against the request. Citizens were asked to state their name and address and they would have three minutes to speak. With no one coming forward to speak, the Public Hearing was closed at 7:18 p.m.

Mrs. Canepa made a motion to forward the request SE-22-12 to the Board of Supervisors with a recommendation for approval, subject to the recommended conditions in the Staff Report, and the reason for this recommendation is it is compatible with the Comprehensive Plan and current surrounding uses and zoning districts. Mr. Brockwell seconded the motion.

Roll Call:

In favor: (7) Simmons, Canepa, Elder, Anderson, Brockwell, Bresko, Joyner

Opposed: (0)

Absent: (0)

COMMUNICATION.

Mr. Graves presented to the Commissioners the following updates:

A. Actions of the Board of Zoning Appeals (BZA)

- a. Organization Meeting was held on Monday, January 24, 2022 – Mrs. McAllister was re-elected Chair and Mrs. Woodward was re-elected Vice-Chair

B. Actions of the Board of Supervisors (BOS)

- a. December 13, 2022 meeting approvals
 - i. Special Exception for the Jordan Point Country Club
 - ii. Special Exception Home Daycare
 - iii. Ordinance Amendment for zoning districts that allow private animal boarding – personal keeping of dogs
 - iv. Ordinance Flood Plain Map update

C. Planning Commission Communications

- a. Upcoming Cases
 - i. Industrial Rezoning for truck and trailer parking

Mr. Graves made one additional communication based on an inquiry from a citizen in the audience. He stated that the rezoning case application for Diamond Park, that was scheduled for December, was withdrawn and staff was working with the applicant. He stated that if the applicant wished to move forward with a new request in the future, surrounding property owners would be notified.

ADJOURNMENT.

At 7:23 p.m., Mrs. Elder asked the Commissioners if they had any additional questions. If not, she would entertain a motion to adjourn. Mr. Bresko made a motion to adjourn and Mr. Joyner seconded the motion. Roll was called on the motion.

Roll Call:

In favor: (7) Simmons, Canepa, Elder, Anderson, Brockwell, Bresko, Joyner

Opposed: (0)

Absent: (0)