

MINUTES
Planning Commission
County of Prince George, Virginia

July 28, 2022

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

MEETING CONVENED. The Regular Meeting of the Prince George County Planning Commission was called to order at 6:30 p.m. on Thursday, July 28, 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	Absent
Mrs. Anderson	Present
Mr. Brown	Absent
Mr. Brockwell	Absent

Also present: Dan Whitten, County Attorney, Andre Greene, Planner II and Missy Greaves-Smith, Office Manager

INVOCATION. Mr. Simmons provided the Invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG. Mr. Bresko 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 July 28, 2022 Planning Commission. Ms. Anderson made a motion to approve the meeting Agenda and Mrs. Elder seconded the motion.

Roll Call:

In favor: (4) Simmons, Elder, Anderson, Bresko

Opposed: (0)

Absent: (3) Brown, Brockwell, Joyner

PUBLIC COMMENT PERIOD. At 6:34 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 indicating they wished to speak, the Public Comment Period was closed at 6:35 p.m.

ORDER OF BUSINESS.

- A-1.** Mr. Bresko asked the Commissioners to review the minutes of the June 21, 2022 Work Session of the Planning Commission. Mrs. Elder made a motion to approve the June 21, 2022, Work Session Minutes. Ms. Anderson seconded the motion.

Roll Call:

In favor: (4) Simmons, Elder, Anderson, Bresko

Opposed: (0)

Absent: (3) Brown, Brockwell, Joyner

- A-2.** Mr. Bresko asked the Commissioners to review the minutes of the June 23, 2022, meeting of the Planning Commission. Ms. Anderson made a motion to approve the June 23, 2022 meeting Minutes. Mrs. Elder seconded the motion.

Roll Call:

In favor: (3) Elder, Anderson, Bresko

Opposed: (0)

Abstained: (1) Simmons

Absent: (3) Brown, Brockwell, Joyner

- A-3.** SUBDIVISION WAIVER SW-22-01: Request of Ann Jordan Cogle for a waiver of the standards contained in Article VII of the Prince George County Subdivision Ordinance, specifically § 70-724(d)(3), which limits residential development on private roads to no more than three single-family lots served by the road. The waiver request is authorized under § 70-208. The applicant proposes to divide 1.928 acres from her 68.694-acre parcel for her grandson so that he may own and live in a new single-family dwelling, which is under construction on her property. The currently approved access for the new house is a private on-site driveway accessed from Birdsong Road, and the applicant is requesting the new house to be accessed from an existing private road (shared access easement) which enters the subject property from Griffin Road. Three existing parcels, two of which are owned by family members of the applicant, share the private road. If the Planning Commission approves this request, the new house will be the fourth lot using the road. The subject property is known as tax map 420(OA)00-005-0 and is located at 1435 Birdsong Road.

Andre Greene presented the Staff Report.

Background information:

- In 2020, John Jordan initially contacted the Planning & Zoning Office to discuss plans for his grandmother to subdivide her property to grant him a family division with access to the existing private road. Mr. Jordan was advised of the limit of three single-family lots on a private road.
- In 2021, the Jordan family submitted a building permit to build the new house for John Jordan on the existing 68-acre lot owned by Ann Jordan Cogle.
- The house building permit was approved with access via a private driveway extending south from Birdsong road around the large pond to reach the house site south of the pond. Staff applied a condition to the building permit approval that the driveway must

be improved for safe emergency vehicle access unless a different legal access is provided.

- May 13, 2022, Ann Jordan Cogle (the applicant and property owner) submitted a subdivision application identified as S-22-12 showing a 1.928-acre family division lot including the under-construction house, with the remainder tract to remain in the ownership of Ann Jordan Cogle.
- The plat proposes that the new lot access a public road via the existing private road instead of the existing driveway around the pond.
- Since the plat shows four lots on a private road, it is not eligible for approval since it doesn't meet the three-lot limit on a private road as required by § 70-724(d)(3) of the Subdivision Ordinance.
- The owner submitted the waiver request to ask the Planning Commission to waive that requirement so that the plat may be eligible for approval.

Request Summary:

The applicants have requested a waiver to the three-lot limit on a private road – Pursuant to § 70-724(d)(3).

Relevant details:

- House under construction by grandson on grandmother's property
- New lot proposed by Family Division from grandmother to grandson would be the 4th lot on an existing private road
- 2 out of 3 existing road users are family members
- Existing on-site driveway crosses a dam which is susceptible to damage from heavy vehicles (including emergency vehicles)
- Road maintenance agreement prepared to record with plat

Staff Review:

- The submitted subdivision plat is still under review
- If this request is approved, the plat will not be approved until it meets all applicable subdivision and zoning ordinance requirements
- No road upgrades planned or required unless imposed by Commission
- The road is required to be named as part of the plat review process

Recommended Conditions:

1. This waiver is granted for one (1) additional single-family residential lot to use the existing shared access easement (private road) to access the state-maintained Griffin Road, resulting in four (4) lots on the private road.
2. The private road used for shared access will not be improved or maintained with local or state funds unless otherwise provided for by law.
3. Maintenance of the private road shall be governed by a recorded road maintenance agreement among all property owners accessing the private road.
4. The subdivision plat that may be approved in accordance with this waiver shall reference this waiver and meet all other applicable requirements for subdivision approval, as approved by the Subdivision Agent.

Criteria provided in the ordinance for the Commission's consideration:

1. "In cases of unusual situations or where strict adherence to the general regulations in this ordinance would result in substantial injustice or hardship [to the applicant]..."

2. “No waiver shall be granted which is illegal or which would prejudice the health and safety of citizens of the county.”
3. “any remainder tract meets applicable zoning requirements”

Mrs. Elder asked: What is the hardship for the applicant? Have any other people done work prior to getting the special exception approved?

Mr. Greene replied: The applicants stated heavy vehicles or emergency vehicles might damage the dam. This is an unusual situation, the Planning Commission has only granted one other waiver.

Mr. Bresko stated in the previous request, the applicant requested and it was approved before they began building on the lot.

Mr. Simmons stated this applicant did not handle the application properly but this is a safer access to the property.

Mrs. Anderson stated they have been using this road all along with the three houses and now the fourth house is requiring the exception. They had agreed to improve the road with the building permit.

Mr. Simmons moved that the Planning Commission approve Subdivision Waiver request SW-22-01 as presented because the request allows for a safer access to the property and the four owners, including the applicant, have committed to an access road maintenance agreement that will be recorded. Mrs. Elder, seconded the motion.

Roll Call:

In favor: (4) Simmons, Elder, Anderson, Bresko

Opposed: (0)

Absent: (3) Brown, Brockwell, Joyner

PLANNER’S COMMUNICATION TO THE COMMISSION. Mr. Greene presented to the Commissioners the following updates:

- A. CIP Update – the Board of Supervisors (BOS) decided to defer a formal CIP Process
- B. Actions of the Board of Zoning Appeals – July meeting was cancelled due to the applicant withdrawing the Special Exception Application
- C. Actions of the Board of Supervisors
 - a. Approved SE-22-05, request by Christopher and Marisela Clark to permit a golf course within an R-A (Residential-Agricultural) Zoning District.
 - b. Approved SE-22-02, Powell Creek Solar, LLC
- D. Upcoming Cases for August 2022
 - a. (SE-22-06) Skalsky Borrow Pit
 - b. (SE-22-07) Jordan Point Country Club (Assembly Hall)
 - c. (SE-22-08) Capria Bed & Breakfast off Robin Road

ADJOURNMENT. At 7:05 p.m., Mr. Bresko asked the Commissioners if they had any additional questions. If not, he would entertain a motion to adjourn. A motion to adjourn by Mrs. Elder and seconded by Mrs. Anderson. Roll was called on the motion.

Roll Call:

In favor: (4) Simmons, Elder, Anderson, Bresko

Opposed: (0)

Absent: (3) Brown, Brockwell, Joyner