

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

November 18, 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 Regular Meeting of the Prince George County Planning Commission was called to order at 6:30 p.m. on Thursday, November 18, 2021 in the Board Room, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Mr. Floyd Brown, Sr., Chairman.

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

Mr. Simmons	Present
Mrs. Elder	Present (via phone from 10409 Old Stage Road)
Mr. Bresko	Absent
Mr. Joyner	Absent
Mr. Easter	Present
Mr. Brown	Present
Mr. Brockwell	Present

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

**INVOCATION.** Mr. Simmons provided the Invocation.

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

**PUBLIC COMMENT PERIOD.** At 6:33 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 present or on Zoom indicating they wished to speak, the Public Comment Period was closed at 6:33 p.m.

**ADOPTION OF THE AMENDED MEETING AGENDA.** Mr. Brown asked the Commissioners for a motion to approve the amended meeting Agenda for the November 18, 2021 Planning Commission. Mrs. Elder made a motion to approve the amended meeting Agenda and Mr. Brockwell seconded the motion.

Roll Call:

In favor: (5) Simmons, Brown, Elder, Easter, Brockwell

Opposed: (0)

Absent: (2) Joyner, Bresko

**OLD BUSINESS.**

A-1. APPROVAL OF THE MEETING MINUTES. Mr. Brown asked the Commissioners to review the October 28, 2021 Minutes of the Planning Commission for approval. Mr. Simmons made a motion to approve the October 28, 2021 Minutes as presented and Mr. Easter seconded the motion.

Roll Call:

In favor: (5) Simmons, Brown, Elder, Easter, Brockwell

Opposed: (0)

Absent: (2) Joyner, Bresko

A-2. SUBDIVISION WAIVER SW-21-01: Request of Timothy and Taira Cibula for a minor subdivision exception as set out in § 82-31 and § 82-351 and authorized under § 70-208, to permit a minor subdivision creating one additional lot of no less than five acres without connecting to public water and sewer systems, from a parcel located in the Prince George Planning Area and within a R-A zoning district, and with the remainder tract meeting applicable zoning requirements. The subject property is known as tax map 150(0A)00-031-0 and is located at 11201 Merchants Hope Road.

Mr. Graves presented the request for a subdivision waiver for Mr. & Mrs. Cibula.

He provided the following background information:

- The applicants want to divide off 30 acres from 240.5 acres to build a house to live in while running a farm business on the surrounding farm property
- The applicants submitted a subdivision plat showing the desired division
- The County Code requires all development (including subdivisions of 1 or more lots) within the Prince George Planning Area to connect to the County's public water and sewer systems at the developer's expense. (More detail in Staff Report)

- Existing public water infrastructure is approx. 4 miles away
- Existing public sewer infrastructure is approx. 2.5 miles away

There are two exceptions to the public utilities connection requirement:

- A. Family tract divisions
- B. “Minor subdivision” creating one additional lot of no less than five acres.

Requirements:

- A. Located in the Prince George Planning Area
- B. Zoned R-A or A-1
- C. Remainder tract meets applicable requirements
- D. Authorized under Section 70-208 (= requires approval from the Planning Commission)

Mr. Graves explained that neither of these exceptions would allow a new parcel to be served by private well and septic, however, the division does not qualify as a family division. The Comprehensive Plan for Prince George County designates the Prince George Planning Area as the planned growth area for dense, suburban type development and states that it will be necessary to have water and wastewater infrastructure installed in the PGPA to provide for the anticipated commercial, industrial and residential growth.

Request Summary:

The applicants have requested the “minor subdivision” waiver because:

- Their plans do not qualify for family subdivision
- They want to live on the farm
- They wish to have a house on a separate parcel because they plan to use the farm property (210.5 acres) as collateral for their business loan and do not want to risk their home as part of the collateral
- They do not want to extend public water 4 miles and sewer 2.5 miles to serve the development (subdivision creating one new lot)

Mr. Simmons asked for clarification on the difference of a family division and a minor subdivision. Mr. Graves explained a family division is a division of land from one family member to another and that does not apply in this case. The Cibula’s are dividing the house from the farm so they can use the farmland for collateral for a business loan.

Staff Review Comments:

Planning & Zoning Comments

- [Trail of ordinance requirements provided]
- Subdivision Plat S-21-26 under review
- Comments to surveyor are forthcoming after a decision on this waiver request
- Plat will need to meet other applicable requirements

Utilities department comments:

- If public utilities are extended in the future, the new parcel would be required to connect
- Any further development would require connection to public utilities

Recommended Conditions:

The following conditions are in the draft resolution:

1. Private water and septic are permitted, with Virginia Department of Health approval, on the newly divided parcel to serve permitted uses.
2. Any further development will require connection to the public utilities in accordance with the County Code.
3. Should public utilities be extended in the future, the newly divided parcel will be required to connect to the public utilities at that time and pay all associated connection fees, in accordance with applicable County Code requirements.
4. The subdivision plat that may be approved with this waiver, shall meet all other applicable requirements as approved by the Subdivision Agent.

Recommendation / Decision Criteria:

Staff Recommendation:

- None provided (similar to a variance request).
- Commission should use criteria from ordinance to make decision.

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

- "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]..."
- "No waiver shall be granted which is illegal or which would prejudice the health and safety of citizens of the county."
- "any remainder tract meets applicable zoning requirements"

Mr. Simmons asked if they would be able to subdivide their 30 acres in the future. Mr. Graves explained that in the future, any divisions made would be required to connect to County water and sewer.

Mr. Easter asked Mr. Graves if he knew the cost to connect to water and sewer since it was approximately 4 miles away. Mrs. Walton referenced a project ten years ago when the County ran water and sewer lines approximately 3 miles down Sandy Ridge Road and it cost \$3 million. The basis for this waiver request for a one-time lot division is based on the economic infeasibility of connecting to public water and sewer.

Mr. Cibula asked if he wanted to do a family division to his kids, would they need to connect to water and sewer. Mr. Graves stated that connecting to water and sewer is not required with a family division.

Mr. Simmons made a motion to adopt Resolution R-21-01 as presented and approve the minor subdivision request identified as SW-21-01. This motion was seconded by Mr. Brockwell.

Roll Call:

In favor: (5) Simmons, Brown, Elder, Easter, Brockwell

Opposed: (0)

Absent: (2) Joyner, Bresko

## **REPORTS.**

### **Battery Storage Facilities – Julie Walton, Director**

Ms. Julie Walton, Deputy County Administrator and Director of Community Development, presented to the Commissioners the updated information on the Battery Storage Facilities Ordinance Amendment. She asked the Commissioners if they had any additional comments or revision requests.

Mrs. Walton gave the Commission options of January or February as a possible Public Hearing date. The Commissioners agreed to schedule the Public Hearing at the January 27, 2022 Planning Commission meeting.

Mrs. Walton clarified that these battery facilities are designed to provide backup for emergencies and the power companies are required by law to design these systems for backup. In the County Ordinance, this use is not defined and when it is not defined, it is not allowed. We want to make sure that our ordinances addresses them and provides guidance with policies and regulations on where they are installed, what type of acres they are on and the protective measures for firefighting and hazards.

### **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. November and December BZA meetings have been cancelled due to no cases
2. Actions of the Board of Supervisors (BOS)
  - a. November 23<sup>rd</sup> they will consider the Home Occupation in an Accessory Building for a Massage Therapy business
  - b. November 23<sup>rd</sup> they will consider the rezoning case for New Visions
3. Upcoming cases to the Planning Commission
  - a. December 16<sup>th</sup> Ordinance Amendment for Townhouses

County Attorney Dan Whitten announced that County Administrator Percy Ashcraft’s, last day will be Friday, December 3<sup>rd</sup>. The BOS has appointed Jeff Stoke as Interim County Administrator. His appointment will begin December 4, 2021.

**ADJOURNMENT.** At 7:07 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.

Roll Call:

In favor: (5) Simmons, Brown, Elder, Easter, Brockwell

Opposed: (0)

Absent: (2) Joyner, Bresko