

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

October 28, 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, October 28, 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	Present
Mr. Joyner	Present
Mr. Easter	Present
Mr. Brown	Present
Mr. Brockwell	Absent

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

**INVOCATION.** Mr. Joyner provided the Invocation.

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

**PUBLIC COMMENT PERIOD.** At 6:32 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.

**VOTE TO AMEND THE MEETING AGENDA.** Due to the applicant's withdrawal of Ordinance Amendment OA-21-01, Mr. Brown requested a motion to amend the meeting Agenda. Mrs. Elder made a motion to amend the October 28, 2021 meeting Agenda and Mr. Joyner seconded the motion.

Roll Call:

In favor: (6) Simmons, Brown, Elder, Joyner, Bresko, Easter

Opposed: (0)

Absent: (1) Brockwell

**ADOPTION OF THE AMENDED MEETING AGENDA.** Mr. Brown asked the Commissioners for a motion to approve the amended meeting Agenda for the October 28, 2021 Planning Commission. Mr. Bresko made a motion to approve the amended meeting Agenda and Mr. Easter seconded the motion.

Roll Call:

In favor: (6) Simmons, Brown, Elder, Joyner, Bresko, Easter

Opposed: (0)

Absent: (1) Brockwell

### **OLD BUSINESS.**

A-1. **APPROVAL OF THE MEETING MINUTES.** Mr. Brown asked the Commissioners to review the August 26, 2021 Minutes of the Planning Commission for approval. Mr. Joyner made a motion to approve the August 26, 2021 Minutes as presented and Mr. Bresko seconded the motion.

Roll Call:

In favor: (6) Simmons, Brown, Joyner, Bresko, Easter, Elder

Abstain: (0)

Absent: (1) Brockwell

### **NEW BUSINESS.**

P-1. **REZONING CASE RZ-21-04:** Request of Dwight Nelson Cunningham to rezone 6.8 acres from M-1, Limited Industrial to M-2, General Industrial. The subject parcel is

located on the west side of Chudoba Parkway where it begins to parallel Interstate 295 and is identified as Tax Map 340(19)00-001-0. The Comprehensive Plan indicates the property is suitable for industrial uses.

Mr. Graves presented to the Commissioners an aerial view slide for directional reference. He shared a slide illustrating the different zonings of the surrounding properties near the location on Chudoba Parkway.

Mr. Graves gave a brief overview stating the following:

The Property's Zoning History:

- The property was rezoned to M-2 in 2000 to permit contractor sales and assembly.
- The conditions provided that if the property was not used for the planned purpose, it would revert to an M-1 designation.
- The zoning later reverted to M-1 in accordance with the conditions.

The Applicant's Goals & Request:

- Relocate automobile restoration business from Chesterfield County
- Future speculative building construction for industrial park uses
- Rezone 6.8 acres from M-1 to M-2

The Planning & Zoning & Review Team Comments:

- Proposed land use:
  - Sec. 90-492(2): "Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping."
- Future uses as permitted under M-2 zoning district
- All development to be reviewed during Site Plan review process
- Appears compatible with surrounding zoning and uses (vacant, industrial park)
- Future Land Use Map: Industrial
- Traffic impact should be accommodated with existing infrastructure, or with improvements required by VDOT during Site Plan review
- Consider conditions for:
  - Vegetated buffer yards per conceptual plan
  - Prohibit exterior storage (unless completely screened) per conceptual plan
  - Restrict access to F342 (road on north/west side of property) per VDOT comments
- VDOT
  - Chapter 527 Traffic Impact Analysis not required
  - Right and left turn lanes will be required if warranted at the site connection to SR 730 or F342.
  - VDOT is recommending that the applicant consider removing the proposed connection to F342. VDOT would support an entrance that would be access controlled for emergency services or that does not provide primary access to the site.

- Economic Development
  - Enterprise zone incentives apply. (NOTE: Rezoning fee was waived based on estimated capital investment > \$250k)

Recommended Conditions:

1. Retain or establish vegetated buffer yards at the southwest corner of the property and along Chudoba Parkway, in conformance with the conceptual plan included with the application, and in conformance with any additional applicable design standards in the Zoning Ordinance.
2. Development of the property is limited to permitted uses within structures, in conformance with the conceptual plan submitted with the application. Exterior storage is prohibited unless completely screened from view of parking areas, adjoining properties and roads by fences or walls attached to buildings.
3. Entrance via F342 is restricted to emergency services and non-commercial vehicles.

Mr. Graves stated that staff recommended approval subject to the recommended conditions, on the basis of the following:

- Compatible with current and future surrounding uses and zoning
- No negative feedback from community
- Conditions recommended by Staff were agreed to by the applicant

Dean Hawkins addressed the Commission, representing the applicant. He is the Landscape Architect Designer for this project. Mr. Hawkins thanked Mrs. Walton and staff for all their hard work and stated they have agreed to the Staff Report and conditions without exception.

Mr. Simmons asked Mr. Hawkins which of the five buildings is going to be constructed first for the restoration of automobiles. Mr. Hawkins noted that Building D is planned to be built first. He also stated that the main infrastructure would need to be done prior to the construction.

Mr. Simmons requested clarity on the entrance marked for “emergency entrance only”. He asked, as that property is developed, whose responsibility is it going to be to make sure that entrance does not become a second main entrance? Mr. Hawkins stated that they would put up a locked gate that the fire department would have no problem getting through if needed.

At 6:54 p.m., Mr. Brown opened the Public Hearing to anyone who wished to speak for or against RZ-21-04. Citizens were asked to limit their comments to three (3) minutes.

With no one coming forward and no one on Zoom that indicated they wished to speak, the Public Hearing closed at 6:55 p.m.

With no additional questions or comments from the Commissioners, Mr. Brown asked for a motion.

Mr. Bresko made a motion to forward request RZ-21-04 to the Board of Supervisors with the Planning Commission's recommendation for approval, subject to the recommended conditions in the Staff Report. This motion was seconded by Mr. Simmons.

Roll Call:

In favor: (6) Simmons, Brown, Elder, Joyner, Bresko, Easter

Opposed: (0)

Absent: (1) Brockwell

- P-2. SPECIAL EXCEPTION CASE SE-21-06: Request of Jaime Pennington pursuant to Prince George County Zoning Ordinance Section 90-243 (6) to permit a home occupation in an accessory building in a R-2, Limited Residential District, for the purpose of conducting a therapeutic massage business in an existing accessory building. The subject property is approximately 4.13 acres in size, located at 7106 Courthouse Road, and is identified as Tax Map 240(05)00-00B-0. The Comprehensive Plan indicates the property is suitable for Village Center uses.

Mr. Greene presented to the Commissioners an aerial view slide for directional reference. He shared a slide illustrating the different zonings of the surrounding properties near the location on Courthouse Road.

Mr. Greene shared the applicant, Jaime Pennington's background history with the Commissioners.

Background History:

- Prince George County native
- Educated, licensed and certified as a massage therapist
- Massages intended to assist pain management for medical conditions, improve recovery post surgery, speed up muscle recover for athletes, etc.
- Operated a therapeutic massage practice in Chesterfield since 2007

The Applicant's Goals & Request:

- Use an existing accessory building with electricity to receive clients
- Clients by appointment only, with appointment times from 10 a.m. to 6 p.m.
- 3-4 clients per day
- No employees
- Off-street parking available with turnaround
- No signage
- Special Exception for Home Occupation within an accessory building, pursuant to Section 90-243 (6)

Recommended Conditions:

Highlights:

1. Special Exception for this applicant within the existing accessory building which will be modified to accommodate a bathroom as required per building code.
2. Customer visits limited to the hours of 9:30 a.m. to 8:00 p.m. M-F
3. Maximum of 4 clients per day
4. Off-street parking and turnaround provided
5. No signage, no employees
6. All applicable permits including building permit to be provided

Mr. Greene stated that staff recommended approval subject to the recommended conditions, on the basis of the following:

- Request appears compatible with current and future surrounding uses
- No negative feedback from community
- Conditions recommended

Mrs. Walton explained to Mr. Simmons that in the Zoning Ordinance there are several categories for home base businesses. There is a category for running a business in your house such as a home office. There is also a category for a “Cottage Industry Home Occupation” in a detached building. This is not a common request. However, we have had a few applications in the past few months. This trend could be because office buildings are closing and more people are working from home. These cases are required to be reviewed by the Planning Commission and the Board of Supervisors to assure the request is a good fit for the surrounding neighbors and the community.

The applicant, Jaime Pennington addressed the Commissioners and spoke to her character and professionalism. She stated she has been licensed by the Virginia Board of Nursing as a Massage Therapist since 2007. She would like to have her business at her home in Prince George.

At 7:12 p.m., Mr. Brown opened the Public Hearing to anyone who wished to speak for or against RZ-21-04. Citizens were asked to limit their comments to three (3) minutes.

Tara Pennington, of 4713 Prince George Drive, spoke to Jaime Pennington’s reputation and professionalism as a massage therapist. She stated she was in favor of the Commissioners approving the special exception request for Jaime Pennington.

With no one else on Zoom or in person indicating, they wished to speak, the Public Hearing closed at 7:13 p.m.

With no additional questions or comments from the Commissioners, Mr. Brown asked for a motion.

Mr. Simmons made a motion to forward request SE-21-06 to the Board of Supervisors with the Planning Commission’s recommendation for approval, subject to the recommended conditions in the Staff Report. This motion was then seconded by Mr. Bresko.

Roll Call:

In favor: (6) Simmons, Brown, Elder, Joyner, Bresko, Easter  
Opposed: (0)  
Absent: (1) Brockwell

## **REPORTS.**

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

Ms. Julie Walton, Deputy County Administrator and Director of Community Development, introduced to the Commissioners a presentation on battery storage facilities. She stated that this type of facility is not addressed in Prince George County's Zoning Ordinance as a "stand alone" use. They have received a request to add the use and definition to the Code. Staff has developed a Draft Ordinance for consideration defining the Use, Application as Special Exception, Zoning Districts, etc. They recommend an internal policy for guidance on application reviews and standard conditions for Special Exception requests. Ms. Walton showed the Commissioners a couple of examples of battery storage facilities and explained that regulations established the requirements for 3,100 MW of energy storage in Virginia by 2035, the most among states in the nation. Energy storage is valued for its rapid response – most battery storage technologies can begin discharging power to the grid very quickly, while fossil fuel sources tend to take longer to ramp up. This rapid response is important for ensuring stability of the grid when unexpected increases in demand occur or temporary outages. Battery Storage facilities should have proximity to an electrical substation or transmission line. Other things to consider are the size of the facility ("footprint") and size of lot/property where located (acreage), the distance to adjoining properties and structures, hazard protections, a provider agreement in place with an Energy company, and facility screening and security. Facilities should be sited to avoid wetlands, floodplains, and environmental concerns. Also addressed in the draft ordinance is fire and explosion risk mitigation and developing a water containment plan as a component of a Battery Fire Action Plan. Ms. Walton went over the substation locations in the County where potentially these facilities may be located. She is looking for feedback from the Planning Commission and the Board on the Draft Ordinance, set public hearings for Ordinance consideration, and determine if a Policy is needed, or include Special Exception conditions in the Ordinance.

Mr. Joyner asked if the fire departments would be involved in the training and do they already have the type of equipment needed for this type of fire. Mrs. Walton explained that the County does have some foam systems and the type of fire extinguishing agent needed for containment depends on the type of batteries installed. She wants to ensure that our policy would include a good fire mitigation plan by an applicant or even proffers as needed. Safety is a huge concern for staff, she explained.

Mr. Simmons inquired about any noise associated with the battery storage facilities. Mrs. Walton explained that there is some humming noise involved. The draft ordinance is recommending a minimum of five (5) acres for these facilities to allow for separation from adjoining properties.

Mr. Bresko asked: How close does the battery storage facility need to be to the power source? Mrs. Walton explained that battery storage facilities need to be rather close to the main power sources. Virginia and the Federal Governments have put in requirements to the power companies to begin this process. The County is trying to get ahead of the curve to get ordinances and policies in place.

Mr. Easter asked if there are any localities around us that already have battery storage facilities operating that we can study. Old Dominion Electric Cooperative is currently looking into three (3) pilot programs right now. Mrs. Walton stated she would look into Old Dominion Electric Cooperative's projects to get specific locations.

### **Private Roads Draft Ordinance – Tim Graves, Planner I**

Mr. Graves introduced to the Commissioners a presentation on amending the Private Road Ordinance.

He stated the following goals:

- View examples of existing roads
- Review the history of changes to private road requirements
- Review the current challenges
- Consider example situations
- Review the current standards
- Review the draft ordinance amendment
- Review reasons why standards are important
- Decide next steps

Abbreviated History of Private Roads Requirements:

Prior to December 2007:

- Private roads not permitted
- Family Divisions permitted on access easements

Beginning December 2007:

- Private roads allowed for up to 3 lots in A-1 and R-A districts, if built to VDOT standards, except they could be gravel
- Family divisions allowed to be accessed by a private easement, or a shared easement if they couldn't secure a new private one

Beginning Jan 2009:

- Reference VDOT Subdivision Street Design Guide
- Family Divisions allowed on minimum 10' wide easement
- Access management standards added

Beginning 2013:

- Family Divisions to be held to same access standards as other divisions in R-A and A-1

Summary of Private Road Requirements in the Ordinance Today:

- All new lots in the County are required to front on state-maintained roads, EXCEPT THAT private roads are permitted to serve up to 3 lots in R-A and A-1 zoning districts.



- Each lot must have road frontage of effectively 120 feet, or 50 feet on a cul-de-sac. The Subdivision Agent may exempt the cul-de-sac.
- The required road frontage must be used for access via a driveway.
- A driveway is not defined, but it is effectively an on-site roadway serving only one lot.
- A private road is something that provides the required road frontage to an abutting lot, including a road that serves only one lot. We understand the intent may not be for an easement serving any one lot to be treated like a road.
- A shared entrance becomes a private road after a common-sense distance, i.e. 50 feet.
- The developer must construct or bond the road prior to final plat approval. Otherwise, the lot would not have the required road frontage, and the road may never be constructed by the developer.
- The VDOT Standards referenced by the Ordinance are for a two-lane subdivision street with a width of at least 18', not including engineered shoulders and ditches.
- The County's access management standards currently require private roads for lots fronting on collector and arterial (high traffic) roads.
- The County does not enforce private agreements, but can enforce required development standards (at the time of subdivision or initial construction).

#### Summary of the Draft Ordinance Amendment:

##### Clarifications:

- The draft ordinance consists primarily of clarifications for existing requirements
- Standards have been detailed in a list on page 6 of the draft
- New definitions for: Driveway, Public road, Private road, Access easement
  - Example: Driveway: A privately owned and maintained thoroughfare that provides access from a street or road to a parking space, garage, dwelling, or other structure on the single lot or parcel that the driveway serves. A driveway is distinct from a street or road.

##### Proposed Changes:

- Establish driveway standards (10 feet wide gravel)
- Allow a driveway standard whenever there is only one lot served by an easement, or when roads platted prior to 2013 have not yet been constructed
- Require road maintenance agreements
- Change applicable VDOT standard to be based on traffic volume (= change from 18' width to 15')
- The agent can exempt 1 or 2 lots from the 3-lot limit if they only share the road entrance (first 50')
- Defer to VDOT to regulate access management (shared entrances, spacing between entrances, etc.)

Mr. Graves explained the options for the "Next Steps".

- A. Seek community input on the draft ordinance amendment and send to Planning Commission for consideration
  - This option would primarily clarify the existing requirements. (+ Any tweaks)
  - Staff recommends this option at this time.
  
- B. Draft an alternate amendment to prohibit private roads, except for Family Divisions (Max 3 lots, include standards for Family Division roads and roads not yet built)
  - This option would eliminate most private road/easement issues for future development.
  - Staff recommends working toward this option within 3-5 years or to consider during the next Comprehensive Plan update.
  
- C. Draft an alternative amendment to eliminate private road standards except for 3-lot limit
  - Cons: Number of private roads, emergency and delivery vehicle access issues, property owner conflicts could all proliferate further. The Rural Conservation Area would continue to be a focus for housing construction.
  - Pros: Staff time dedicated to enforcing standards would be reduced, as would development costs.
    - Staff would recommend only considering this after first adopting the currently proposed clarifications.
  
- D. Do nothing
  - This option would not solve any of the current issues. Staff opposes this option.

**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. October and November BZA meetings have been cancelled due to no cases
2. Actions of the Board of Supervisors (BOS)
  - a. September 29<sup>th</sup> BOS approved RZ-21-02 Mueller Builders LLC
3. Upcoming cases to the Planning Commission
  - a. Subdivision Waiver – November 18<sup>th</sup>

**ADJOURNMENT.** At 8:15 p.m., Mr. Brown asked the Commissioners if they had any additional questions. If not, he would entertain a motion to adjourn. Mr. Simmons made a motion to adjourn and Mr. Bresko seconded the motion. Roll was called on the motion.

In favor: (6) Simmons, Brown, Elder, Joyner, Bresko, Easter

Opposed: (0)

Absent: (1) Brockwell