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Adoption of Policy

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Approval of Meeting Minutes

February 27, 2020

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Rezoning Amendment Case RZ-20-01

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Special Exception SE-20-01

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Rezoning Case RZ-20-02

*Department of
Community Development &
Code Compliance*



PLANNING COMMISSION

Alex W. Bresko, Jr., Chairman
Floyd M. Brown, Sr., Vice Chairman
R. Steven Brockwell
James A. Easter
Imogene S. Elder
V. Clarence Joyner, Jr.
Joseph E. Simmons

County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

Planning Commission

Agenda

Regular Meeting

Thursday, May 28, 2020

6:30 p.m. County Board Room

This meeting is being held electronically in accord with Virginia Code Section 15.2-1413. The meeting is accessible by:

If you would like to participate in the meeting using Zoom:

<https://bit.ly/2yEnHJB>

Meeting ID: 505 385 1421

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During the public comment period you may raise your hand using the Zoom controls on your screen or press *9 on your phone. Visit the Zoom Help Center for more information.

If you would like to watch the meeting in real time use this link:

<https://www.youtube.com/c/princegeorgevirginia>

Public comments may be made in person during any meeting. You may also submit any public comments on our website at

https://www.princegeorgecountyva.gov/departments/board_of_supervisors/public_comment_form.php.

Any public comments received via Zoom, in person or by website form up until the public comment section is closed by the Chairman of the Planning Commission on May 28th shall be entered into the meeting minutes.

P.O. Box 68 – 6602 Courts Drive, Prince George, VA 23875

Phone: 804.722.8659 - Fax: 804.722.0702

www.princegeorgecountyva.gov

X. Planner's Communications to the Commission

1. Actions of the Board of Zoning Appeals
2. Actions of the Board of Supervisors
3. General Comments

XI. Adjournment

The next regularly scheduled meeting will be **Thursday, June 25, 2020**



PLANNING COMMISSION

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**POLICY ALLOWING FOR AND GOVERNING PARTICIPATION OF COMMISSION
MEMBERS BY ELECTRONIC COMMUNICATION MEANS**

The Planning Commission may conduct any meeting wherein the public business is discussed or transacted through electronic communication means as provided in Code of Virginia Section 2.2-3708.2 subject to the following requirements:

1. A member of the Commission must notify the Chairman that the member is unable to attend the meeting due to either (a) a temporary or permanent disability or other medical condition that prevents the member's physical attendance; or (b) a personal matter and the member identifies with the specificity the nature of the personal matter. Participation by a member due to a personal matter is limited to two meetings per calendar year.
2. A quorum of the Commission must be physically assembled at one primary or central meeting location.
3. The Commission must make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
4. The Commission shall record in its minutes the remote location from which the member participated but the location does not have to be open to the public.
5. The Commission shall record in its minutes that the member participated through electronic communications due to either (a) a temporary or permanent disability or other medical condition; or (b) a personal matter and the minutes shall include the specific nature of the personal matter.
6. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.
7. The policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
8. The Commission may meet by electronic communication means without a quorum of the Commission physically assembled at one location when the Governor has declared a state of emergency pursuant to Virginia Code Section 44-146.17 provided that (a) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and (b) the purpose of the meeting is to address the emergency. The Commission convening such a meeting shall (a) give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Commission; (b) make arrangements for public access to the meeting; and (c) otherwise comply with the provisions of Virginia Code Section 2.2-3708.2. The nature of the emergency, the fact the meeting was held by electronic communication means, and the type of electronic communications means by which the meeting was held shall be stated in the minutes.

MINUTES
Planning Commission
County of Prince George, Virginia

February 27, 2020

County Administration Bldg. Board Room, Third Floor
6602 Courts Drive, Prince George, Virginia

MEETING CONVENED. The Regular Meeting of the Prince George County Planning Commission was called to order at 6:30 p.m. on Thursday, February 27, 2020 in the Boardroom, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Chairman Bresko.

ATTENDANCE. The following members responded to Roll Call:

Mr. Simmons	Present
Mrs. Elder	Present
Mr. Bresko	Present
Mr. Joyner	Present
Mr. Easter	Present
Mr. Brown	Present
Mr. Brockwell	Present

Also present were: Horace Wade, Planner, Tim Graves, Planner, Julie C. Walton, Director, Andrea Erard, Assistant County Attorney and Missy Greaves-Smith, Administration Support Specialist II

INVOCATION. Mrs. Elder provided the Invocation.

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

APPROVAL OF MEETING AGENDA. Chairman Bresko asked the Commissioners for a motion to approve the Meeting Agenda for the February 27, 2020 Planning Commission. Vice-Chairman Brown made a motion to approve the Meeting Agenda and it was seconded by Mrs. Elder.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell
Abstain: (0)

APPROVAL OF THE MEETING MINUTES. Chairman Bresko asked the Commissioners to review the January 23, 2020 Minutes of the Planning Commission for approval. Mr. Simmons made a motion to approve the Minutes as presented. This motion was seconded by Mr. Brockwell. Roll was called on the motion.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell

Abstain: (0)

CITIZEN COMMENT PERIOD. At 6:34 p.m., Chairman Bresko opened the Citizen 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.

Andrea Erard, Assistant County Attorney, explained the Public Hearings for the solar facilities are closed. Therefore, if any one wished to speak in reference to one of the cases, this would be the time for them to come forward.

Larry Mitchell, 16200 Arwood Road, spoke in reference to the solar project on Arwood Road. He had brought a letter to read to the Commissioners but Chairman Bresko stated that the Commissioners had all received the letter earlier in the week. He expressed his objection to the proposed project.

Lee Hixon, 6851 Lake Road, spoke in reference to the solar project on Arwood Road. Mr. Hixon felt the project was not consistent with the Comprehensive Plan, disagreed that it qualified to be a special exception, and was opposed to the project. Property value and buffers were also concerns he expressed.

Tony Rednour, 14111 Arwood Road, spoke in reference to the solar project on Arwood Road. He expressed his objection to the solar project because it would look like an industrial park.

Mr. Brown asked Mr. Rednour where on Arwood Road he lived. Mr. Rednour stated he lived near Ray Temple's farm, approximately 150 yards from his property.

At 6:42 p.m. Chairman Bresko closed the Citizen Comment Period. After the Citizen Comment Period closed, a citizen approached the podium to speak and Assistant County Attorney, Andrea Erard advised Chairman Bresko to allow him to speak.

Jeff Oakley, 9900 Old Stage Road, stated he lives across the street from the Sebera Road Solar Project. Mr. Oakley stated he did not object to a solar farm – "they are great neighbors, they are quiet, they don't make any noise, we don't have to worry about crime and robbery." In his opinion it would be in the best interest of the citizens if they were not seen. Mr. Oakley suggested asking the solar farm applicants to use a dirt berm instead of a vegetative buffer due to the fact that the vegetative buffers die off. He expressed that he was in favor of letting people do what they desire with their land just block it so others do not have to see it.

Ronnie Joswick, 9901 Kingston Dive, spoke in reference to the solar project on Sebera Road. He stated he continues to be concerned with the amount of wetlands in this area and the dust that may occur during construction. He was questioning how this would benefit the County.

Brenda Skalsky, 6405 West Quaker Road, spoke in reference to the Rives Road project. She said the Commissioners needed to consider the buffering around the solar farms for the citizens that live around the projects.

Carolyn Curtindale, 9434 Springfield Lane, stated she agreed with everything that everyone else had already stated.

Kathy Bennett, 16030 Arwood Road, spoke in reference to the beauty of the land and she does not want the industrial look to come to the residential areas of the County. She stated at the Community Meeting that was held last Saturday, a real estate agent reported that a solar facility would make a difference in the resale value of their property.

Charles Skalsky, 6000 County Drive, spoke in favor of the solar farms. He stated he lives next to a jail farm, driving range, Rolls Royce (behind), and Wells Station Road. He said he was in favor of letting Mr. Thacker do what he wants to do with his land. In the past he was a farmer and has tried to do other industries on his property with little success.

James L. Thacker, Jr., 13407 Queens Street, is one of the landowners for the proposed solar farms. Mr. Thacker stated his property is in the proposed project area that runs along the Norfolk & Western Railroad starting at Alden Road heading towards Arwood Road. He explained there are very few houses in that area. This project was presented to him based on the high tension power lines that run through his property. His family has grown trees on this property for generations. Mr. Thacker stated he could receive more revenue with this project than the selling of the trees. He continued to list the benefits of the solar farm:

- They do not make any noise
- They will be screened from view from the roads and houses
- No traffic issues (since all the traffic will come off of Route 460)
- The project will not require water or sewer
- No night time lighting
- No policing
- No permanent personnel working onsite
- The County will receive more income from his land going from land use value to market value
- The County will receive additional revenue from the Machine and Tool Tax

Mary Jo Tyson, 15303 Arwood Road, expressed her concerns with the proposed solar farm on Arwood Road. The panels that are proposed on the Warwick property are projected to be around her pond in her back yard. She has experienced surveyors and engineers already driving around her property. She feels solar facilities belong in an industrial park and not in the country.

At 6:58 p.m., Chairman Bresko closed the Public Hearing after an extension period. Chairman Bresko directed staff to present the New Business that was on the Agenda.

NEW BUSINESS: ORDINANCE AMENDMENT OA-20-01. Tim Graves, Planner, introduced the adoption of an Ordinance to amend “The Code of the County of Prince George, Virginia,” by amending §§ 90-1, 90-392, 90-442, and 90-492, and to amend Article XIII – Miscellaneous Provisions, by adding “Requirements for Mobile Food Units” to Chapter 90, “Zoning,” § 90-1041 to provide requirements to the permitting and operation of Mobile Food Units in permitted districts of the County.

The purpose of this amendment is to allow food trucks in County locations that are appropriate for this business use and to define reasonable requirements for the operation of food trucks within the County. Mr. Graves continued to explain some of the background research that had been done for this project. In 2014, the County passed an ordinance amendment that allowed food trucks under “Temporary Food & Beverage Sales.” Since then, the County has received multiple requests from food truck vendors to be permitted in additional business locations. In 2019, the BOS asked the Planning Division and the Planning Commission to explore amending the ordinance. The Planning Division held a Community Meeting and invited food truck operators, members of the BOS, Planning Commissioners, County staff and local restaurant owners. Attendees met with staff, asked questions, reviewed the draft ordinance amendment and provide comments. Based on the feedback from that meeting, staff was able to update and provide the Planning Commission the proposed ordinance amendment.

Mr. Graves explained to the Commissioners that food trucks are currently only allowed in M-1 and M-2 Zoning districts. The food trucks must have the Health Department license, be self-contained, have property owner permission and must have five (5) off-street parking spaces to operate. The current ordinance has the following limitations:

- No definition of “Prepared food and beverage vendors”
- Use only permitted in industrial zoning districts
- Requires zoning approval from locations that only serve on-site employees

The proposed ordinance has provisions that include:

- Definition of “Mobile Food Unit”
- Allow mobile food units in M-1, M-2, and B-1 zoning districts
- Food trucks operating at a private event or at an approved Special Event do not need to obtain zoning approval
- 6-hour time limit on site each day
- Different components of food truck business: Base of Operations, Commissary, Sales Location
- Requirements for Zoning Permit application, i.e. Health Department License, Owner Permission, Location Sketch, etc.
- Requirements for location on a lot, parking, signage, etc.
- Annual renewal: only one fee per year

Mr. Graves stated that the Comprehensive Plan supports these changes in relation to enhancing the economic base and providing employment opportunities in the County. Some objectives would be to develop a strong and diversified tax base through guided office, commercial retail and industrial development, and to promote the retention of existing businesses. In conclusion, he stated that staff recommends approval of this amendment.

Chairman Bresko asked the Commissioners if they had any questions for Mr. Graves. Mr. Simmons asked if the set-up and clean-up time was included in the 6-hour time limit a truck could be on-site on a given day. Mr. Graves explained that the proposed ordinance states the total time allowed each day is 6-hours. Mr. Simmons stated that during the Community Meeting there were several operators that had concerns about being limited to 6-hours. Mr. Graves explained the original total time was 4-hours and after the feedback staff received, the time increased to 6-hours.

At 7:10 p.m., Chairman Bresko opened the Public Hearing to any one that wished to speak for or against this ordinance amendment.

Tom Santy, 4701 Red Gate Drive, explained he and his wife operate the mobile food truck, Santy Subs. Mr. Santy said he would like to have the ordinance state that he could operate for an 8-hour day, but would also accept what is being proposed. They currently operate almost exclusively out of Hopewell due to the current limitations in the County. As residents of Prince George, he would like to be able to work and pay food taxes in the County.

Larry Mitchell, 16200 Arwood Road, spoke in favor of food trucks.

Jeff Oakley, 9900 Old Stage Road, spoke as a business owner in the County. He expressed his concerns with the time limitations and suggested tabling the voting processes and suggested staff look into what other localities have proposed.

With no one else coming forward, the Public Hearing was closed at 7:15 p.m. Chairman Bresko asked the Commissioners if they had any further questions.

Mrs. Elder questioned whether Mr. Santy's examples of locations where he provided food in Hopewell were "special events". Mr. Santy replied that Hopewell was more open and easier to talk to in reference to obtaining permits. He would like to have the same opportunities in Prince George.

Chairman Bresko stated that the new ordinance amendment would add business-zoned areas as locations where food trucks could operate.

Mr. Simmons asked Mr. Santy how long it takes him to set up and clean up once on location. Mr. Santy replied that it usually takes an hour to set up and an hour to clean up. Mr. Simmons commented that he felt that the ordinance was penalizing the operators and taking away from the time they would be able to sell. Mr. Brown stated he did not feel it was penalizing them.

Mr. Joyner asked Mr. Graves about the Zoning Permit applications. Mr. Graves explained to the Commissioners that a mobile food truck has a home base of operations in the County where they park their truck, then that home-base business requires a Home Occupation Business Zoning approval, which is an additional form they are required to fill out.

Mr. Joyner asked if the food truck operators had a chance to review the proposed ordinance. Mr. Graves explained that the operators were provided a copy of the first draft ordinance prior to the Community Meeting in November 2019 and an updated ordinance was shared approximately a month ago with the Commissioners and the operators. He stated that the Planning Department did not receive any additional comments.

With no further discussion, Mr. Brown made a motion and he suggested the six (6) hour per day limitation be revisited for further discussion if it does not meet what the mobile food truck operators find reasonable, and he concluded by recommending approval of Ordinance

Amendment OA-20-01 as written. The motion was seconded by Mr. Joyner and roll was called on the motion.

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

OLD BUSINESS: SOLAR ENERGY FACILITY SITING POLICY: Mr. Wade presented the Commissioners with the revised Solar Energy Siting Policy and he highlighted several updates and provided clarification to the policy. These updates included:

- The policy was developed with public input from multiple sources.
- The County has discussed limiting the total acreage dedicated for solar energy facilities to 4%.
- Location of solar facilities within areas planned to be serviced by public water or wastewater, as indicated in the most current Water and Wastewater Master Plan, will be discouraged and will not be recommended for approval, except those permitted by-right in the M-3 District.
- Schematic layout of the proposed site of panels and buffers will be required to be submitted.
- Utilities will be underground or screened by view.
- All solar energy facility structures, racks and associated facilities shall have a non-reflective finish or appearance.

Mr. Bresko asked Mr. Wade a question about the Warwick project, inquiring how many acres of current farmland would have solar panels. Mr. Wade confirmed with one of the applicant's representatives and stated that approximately 35% of the 535 acres is currently agricultural.

Mr. Bresko requested clarification on the County's 4% total acreage dedicated for solar facilities. Mr. Wade confirmed the 4% would be the recommended total acreage allowed for solar facilities and the total of agricultural land in the County is 23.6%.

Mr. Simmons questioned Mr. Wade on how the calculation of the 4% is going to be determined: by total project area or area with panels. The revised policy states:

“2. Site acreage dedicated to solar energy for a project shall be calculated as the aggregate acreage of all parcels for a special exception application, unless the applicant details and delineates the maximum acreage to be used for approval, which includes acreages for panels, fencing, access roads, and buffer and screening requirements.”

Mr. Simmons requested that the explanation of the 4% of the total County acreage in the policy be more specific.

Chairman Bresko asked the Commissioners for a motion on the Solar Energy Facility Siting Policy. Mr. Simmons asked if this policy had to go to the BOS. Chairman Bresko confirmed that it would. Mr. Simmons made a motion that the Solar Energy Facility Siting Policy to be forwarded to the BOS with the recommendation of approval by the Planning Commission. Mr. Joyner seconded the motion and roll called on the motion.

In favor: (5) Elder, Joyner, Simmons, Easter, Brockwell
Opposed (2) Brown, Bresko

SPECIAL EXCEPTION SE-19-11 & SUBSTANTIAL ACCORD DETERMINATION SA-19-02 [Request of Warwick PV1, LLC, pursuant to § 90-103 (57), to permit a large-scale solar energy facility in a R-A, Residential-Agricultural, Zoning District, and a substantial accord determination in accordance with Virginia Code §15.2-2232(H) (1950), as amended for the use of a 60 MW solar energy facility. The subject properties are located along Arwood Road in the Templeton Magisterial District on 1,071 +/- acres and known as Tax Maps 540(0A)00-042-0, 540(0A)00-043-0, 540(0A)00-049-0, 54A(01)0C-001-0, 54A(01)0C-002-0, 540(0A)00-058-0, 550(0A)00-008-0, 550(0A)00-009-0, 540(0A)00-041-A, 540(0A)00-041-B, 540(0A)00-041-C, 540(0A)00-050-0, 540(0A)00-052-0, 540(0A)00-053-0, 540(0A)00-054-0, 540(0A)00-038-0, 540(0A)00-039-0, 540(0A)00-040-0, 550(0A)00-013-0, and 550(0A)00-013-A. The Comprehensive Plan indicates the property is suitable for agricultural and neighborhood commercial uses.

Mr. Wade provided an update to this case from last month's Planning Commission meeting when the case was deferred. There are 20 tax parcels included in this project; 90% of the acreage is in agricultural and 10% is in neighborhood commercial. This project abides by the Comprehensive Plan and it keeps with the design character of the rural environment by providing buffering and landscaping. A Community Meeting was held on August 21, 2019 and 52 adjacent property owners were notified of the January 23, 2020 Public Hearing. Since the last Public Hearing, the applicant provided additional information that was included in the Planning Commission packet. The Warwick Solar Project Environmental and Ecological Report, a handout on Bald Eagle Locations, Health & Safety Impacts of Solar, and an updated Concept Plan were submitted for review. In the new plan, the buffer areas increase from 30 feet to 50 feet and they have removed the panels on Arwood Road to meet the concerns of the neighbors and the Planning Commission.

Staff recommends approval. The request meets the requirements in the Comprehensive Plan and it complies with the policy recommended for approval earlier in the meeting. Staff has proposed recommended conditions to ensure this use complies with the Solar Facility Policy, minimizes the impact on surrounding property owners, and ensures the use complies with all applicable local, state and federal requirements. The updated conditions include:

- Limitation of a total of 535 acres
- Utilities underground or screened from view
- All structures, racks, and facilities shall have a non-reflective finish or appearance
- 50-foot minimum setback for wetlands

Chairman Bresko asked the Commissioners if they had any questions for Mr. Wade or the applicant. With no one having any questions, Chairman Bresko asked for a motion. Mrs. Elder made a motion to recommend approval of SE-19-11 subject to the conditions as outlined in the Staff Report and to make the Substantial Accord Determination. Assistant County Attorney, Andrea Erard assisted in clarifying the motion and it was seconded by Mr. Easter.

In favor: (5) Elder, Joyner, Easter, Brown, Brockwell
Opposed (1) Bresko
Abstained: (1) Simmons

SPECIAL EXCEPTION SE-19-12 & SUBSTANTIAL ACCORD DETERMINATION SA-19-03. Request of Sebera-Winstead, LLC, pursuant to § 90-103 (57), to permit a large-scale solar energy facility in a R-A, Residential-Agricultural, Zoning District, and a substantial accord determination in accordance with Virginia Code §15.2-2232(H) (1950), as amended for the use of a 20 MW solar energy facility. The subject property is located along Sebera Road and Lawyers Road in the Blackwater Magisterial District on 182+/- acres and known as Tax Map 250(0A)00-054-0. The Comprehensive Plan indicates the property is suitable for residential uses.

Mr. Wade provided an overview of the project with updates from the applicant. The Future Land Use Map indicates that request properties and surrounding properties are appropriate for Residential or Agricultural uses. The applicants have provided berms in additional locations in response to staff's previous report.

Mr. Wade reviewed with the Commissioners the relevant Comprehensive Plan recommendations:

1. The Planning Commission and Board of Supervisors use the future land use map contained within the Comprehensive Plan as a general guide for determining the desired location of development.
2. Commercial and/or industrial developments that are approved in rural portions of the County should be small in scale and of a design character that is consistent with a rural environment.

A Community Meeting was held on December 3, 2019 and the primary concerns at that meeting included:

1. Visibility of solar panels from adjoining properties (Applicant response: Intent is for practical invisibility from adjoining properties and roads using existing or new visual buffers)
2. Possibility of declining property values as a result of the facility (Applicant response: No reliable evidence of this)
3. Noise made by inverters (Applicant response: Noise from inverters only during the day and inaudible from 100-150 feet distance)
4. Environmental contamination and radiation from the facility (Applicant supplied a response)
5. Who is responsible for maintaining buffers and screening for the life of the project? (Applicant response: Operator of facility)

On January 13, 2020, Planning Staff mailed notifications for the Public Hearing on January 23rd to twenty-three (23) adjacent property owners. A legal ad was posted in the Progress Index on January 8th and January 15th for the Public Hearing.

Mr. Wade stated that staff recommends approval and this request complies with the Comprehensive Plan objective to approve development in rural portions of the County small in scale and of a design character that is consistent with a rural environment. Staff finds that the

proposed project substantially complies with the proposed Solar Facility Siting Policy (as drafted). Staff has proposed recommended conditions to ensure this use complies with the Solar Facility Siting Policy, minimizes the impact on surrounding property owners, and ensures the use complies with all applicable local, state and federal requirements. These revised conditions include:

- Clarity of grading
- Updated Solar facility and vegetation plan
- Utilities installed underground or screened
- Solar energy facility structures, racks, and facilities shall have a non-reflective finish
- Updated setbacks
- Updated inspections

Mr. Wade stated the applicant provided the Commissioners with an updated list of recommended changes to the staff's recommended conditions. Staff had no objections to the proposed changes.

Mr. Brockwell asked about the suggestion that Jeff Oakley proposed in reference to having more dirt berms. Mr. Wade replied that there are berms proposed where there is currently no vegetation, and where there is current vegetation, they will add additional understory to supplement the screening.

Mr. Simmons asked about the setback from the roads. Chairman Bresko stated there is a 150 foot setback off Lawyers Road and 100 foot setback off Sebera Road. Mr. Simmons inquired if the setbacks were going to be vegetated. Chairman Bresko and Mr. Wade clarified that the majority of the setbacks have existing vegetation and in the locations where no vegetation exist, berms will be required.

Mr. Simmons requested confirmation that the solar panels should not be visible from the Sebera Road and Lawyers Road. Mr. Wade confirmed that the panels should not be seen from the roadways.

Chairman Bresko asked if there were any additional questions, if not, he would entertain a motion. Mr. Easter made a motion to recommend approval of SE-19-12 subject to the conditions as outlined in the Staff Report and to make the Substantial Accord Determination. Andrea Erard, Assistant County Attorney assisted in clarifying the motion. Mr. Brockwell seconded the motion. Roll called on the motion.

In favor: (7) Bresko, Simmons, Elder, Joyner, Easter, Brown, Brockwell
Opposed (0)

PLANNER'S COMMUNICATIONS TO THE COMMISSION. Mr. Wade shared with the Commissioners that there was not a February Board of Zoning Appeals meeting and there have been no cases filed for March. The BOS approved the Tree Time Adventure special exception request with an added condition of a gate to be installed at the entrance of the site. They will receive the Solar Facility Siting Policy at the March 10th meeting.

ADJOURNMENT. Chairman Bresko asked the Commissioners if they had any additional comments or questions. At 7:55 p.m., Mr. Joyner made a motion to adjourn until the next

regularly scheduled meeting on Thursday, March 26, 2020. The motion was seconded by Mrs. Elder. Roll called on the motion.

In favor: (7) Bresko, Simmons, Elder, Joyner, Easter, Brown, Brockwell

Opposed (0)

REZONING CASE AMENDMENT RZ-20-01

PLANNING COMMISSION

PUBLIC HEARING: MAY 28, 2020

RESUME

APPLICANT: Skycass Marketing, LLC

REQUEST:

Currently, only one use is permitted on the subject property: "Automobile painting, repairing, rebuilding, reconditioning and body and fender work."

The applicant is requesting to amend proffers to Rezoning Case ZM-84-5 to allow additional uses on the subject property.

ZONING: M-2 General Industrial District w/ conditions

RECOMMENDATION:

Staff recommends Approval of this request.

PROFFER AMENDMENT REQUEST RZ-20-01 -- STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING: May 28, 2020

REZONING CASE AMENDMENT RZ-20-01: Request of Skycass Marketing pursuant to § 90-788, Change of Approved Conditions, to amend proffered condition 1 of Section 2 of Zoning Case ZM-84-5 relative to the permitted uses on the M-2, General Industrial Zoned parcel by adding the following additional permitted uses: 1) Blacksmith shops, welding or machine shops, 2) Building material sales yard and plumbing supplies, 3) Contractors' equipment storage yard or plant or rental of equipment commonly used by contractors, 4) Off street parking as required by this chapter, 5) Accessory uses, 6) Business signs, and 7) Wholesale businesses and storage warehouses. The subject property is located at 5106 Prince George Drive and is identified as Tax Map 240(16)00-004-0. The Comprehensive Plan indicates the property is suitable for commercial uses.

APPLICANT:	Skycass Marketing, LLC
OWNER:	Johnna E. Moore, Administrator
ADDRESS:	5016 Prince George Drive
TAX MAP ID:	240(16)00-004-0
LOCATION:	5106 Prince George Drive
SIZE OF PROPERTY:	1.08 acres
MAGISTERIAL DISTRICT:	Bland
PLANNING AREA:	Prince George County Planning Area
UTILITIES:	Private
REAL ESTATE TAXES:	Current as of March 12, 2020
EXISTING USE:	Industrial
PROPOSED USE:	Industrial
COMP PLAN FUTURE USE:	Commercial
ZONING DISTRICT:	M-2 General Industrial w/ conditions
PROPOSED ZONING:	M-2 General Industrial w/ conditions
SURROUNDING ZONING:	
EAST & SOUTH:	B-1, General Business
WEST:	R-A, Residential Agricultural
NORTH:	M-2, General Industrial

MEETING INFORMATION:	
Planning Commission:	Thursday, May 28, 2020 at 6:30 p.m.
Board of Supervisors:	TBD

RECOMMENDATION:	Staff recommends approval of the request subject to proffered conditions signed May 15, 2020.
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ATTACHMENTS:

1. Rezoning Case Staff Report and a GIS Map of the Surrounding Properties
2. Rezoning Application, Textual Statement and Proffer Statement Letter
3. Conditional Rezoning Approved Ordinance – ZM-84-5

PROFFER AMENDMENT REQUEST RZ-20-01 -- STAFF REPORT

Request:

The applicant is requesting to amend proffers to Rezoning Case ZM-84-5 to allow additional uses in addition to the single permitted use of Automobile painting, repairing, rebuilding, reconditioning and body and fender work.

Request Details:

On April 24, 1984, the Board of Supervisors conditionally rezoned this property from R-2, Limited Residential and A-1, General Agricultural to M-2, General Industrial to permit the use of Automobile painting, repairing, rebuilding, reconditioning and body and fender work.

In addition to the permitted use approved by Board of Supervisors in 1984, the applicant requests to add the following permitted uses in the M-2, General Industrial District:

1. Blacksmith shops, welding or machine shops.
2. Building material sales yards and plumbing supplies.
3. Contractors' equipment storage yard or plant or rental of equipment commonly used by contractors.
4. Off street parking as required by this chapter.
5. Accessory uses.
6. Business Signs.
7. Wholesale businesses and storage warehouses.

The applicant states that there is an existing structure on this parcel, and they would initially use the building for general storage, warehousing, and contractor equipment storage as well as reconditioning of commercial vending equipment and antiques. The applicant states that they would look to further divide the interior space of the building to add office space to create a combination office and storage space for small businesses such as plumbers, electricians, HVAC contractors, and other tradesmen who need affordable office space in addition to storage/shop space. The office space would only be used as a supplement to the approved uses in conjunction with those businesses. Any outside storage would be screened by fencing and/or landscaping in order to maintain an attractive appearance and not interfere with neighboring parcels.

Comprehensive Plan

The Comprehensive Plan shows that the parcel in this area is appropriate for commercial use. The proposed uses are compatible with this designation. The plan includes additional language which is supportive of this request:

Economic Development Goal #1: To enhance the economic base and employment opportunities in Prince George.

Objective #1: Develop a strong and diversified tax base through guided office, commercial retain and industrial development.

Staff Comments

Planning & Zoning:

When the Rezoning was approved on April 24, 1984, the previous applicant's intent was to use the property for an automotive body and maintenance shop. In 1984, the Board of Supervisors had concerns about the storage of inoperable vehicles and the number of vehicles on the property, and restricted the storage of inoperable vehicles by condition.

Staff has evaluated the current applicant's requested uses, and all uses appear to be compatible with the previous permitted use of an automotive body and maintenance shop.

The adjacent property located south of the subject property at 5108 Prince George Drive [240(16)00-002-0] Zoned M-2 is also subject to ZM-84-5, which limits the use to an automotive body and maintenance shop. Subsequently, the previous use of this property was for an automotive body shop.

Another adjacent property located north of the subject property at 5050 Prince George Drive [240(13)00-002-0] Zoned M-2 is subject to ZM-90-06 when the property was rezoned to M-2. This property does not have any use limitations other than no exterior storage. The current use of this property is an industrial site for Landen Strapping Corporation.

Outside Storage of materials of any permitted uses in the M-2, General Industrial District are subject to Section 90-494(b), which requires permitted uses to be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or an evergreen hedge six feet in height.

In summary, Planning staff finds that the applicant's requested uses would be appropriate for this site. Outside storage areas would be regulated by the County Zoning Ordinance.

Building Official:

This request has been evaluated under the provisions of the 2015 Virginia USBC and the 2015 Virginia SFPC. All structures that may be built, altered or any change of use of existing structures on property will need to be permitted and meet all requirements of the Virginia USBC and the Virginia SFPC.

Utilities Department:

Per County Ordinance 81-313 & 82-595, as long as the existing private well and septic system provide adequate service to the premises, such systems may continue as long as they are operated at all times in strict accordance with federal, state, and local requirements. Should the systems no longer provide adequate service, the owner will be required to connect to the public water and sewer, if available at that time.

Transportation (VDOT):

1. The property is currently accessed from a private road that connects to SR 156, Prince George Drive, with a paved commercial entrance for private subdivision road or street entrance. This is an appropriate entrance for the current uses.
2. The proposed amendments to the proffers include uses that could result in increases in trip generation compared to the current allowable uses. It is not anticipated that this increase in trip generation would warrant any turn lanes based upon the users of the current access

PROFFER AMENDMENT REQUEST RZ-20-01 -- STAFF REPORT

road and traffic on Prince George Drive. VDOT recommends that a turn lane warrant analysis be required in conjunction with the rezoning request to allow VDOT to evaluate the need for turn lanes. If turn lanes are warranted, the County could request that the applicant proffer the construction of any warranted turn lanes. VDOT cannot require construction of off-site improvements during the site plan review process if it is determined that the proposed uses will warrant a right or left turn lane.

3. It is unknown if there is a road maintenance agreement in place that includes the maintenance of the commercial entrance within the VDOT ROW. VDOT recommends that the County require a road maintenance agreement for the private road and commercial entrance within the VDOT ROW if one does not currently exist. This would assist the County and VDOT in ensuring proper maintenance activities are performed on the road and entrance.

Economic Development Department, Environmental Division, Police Department, Fire and EMS, Health Department : No comments.

Public Notice:

Adjacent property owners were notified by mailing on 5/18/2020.

A legal ad was run for the request in the Progress-Index on 5/13/2020 and 5/20/2020.

This Staff Report was reviewed with the applicant on 5/13/2020.

Recommendation:

Staff recommends approval of the amendment of ZM-84-5 by amending condition 1 of Section 2 with the following text in a proffer statement signed May 15, 2020:

Section 1. The following described property presently zoned Limited Residential R-2 and General Agricultural A-1, be rezoned to General Business B-1 and General Industrial M-2. However, in addition to the regulations for such zoning as contained in Chapter 21 of the Code of Prince George County, there are hereby incorporated the conditions set forth in Section 2 of this Ordinance:

A 4.10 acre portion of a 23.84 acre parcel identified as Assessor's Parcel Number 24-(A)-4, and further shown on plat of survey prepared by Charles C. Townes and Associates dated March 16, 1984. The entire 23.84 acres is recorded in Deed Book 265, Page 127 of the Clerk of the Circuit Court's Office of Prince George County

Section 2. The following Conditions, voluntarily proffered by zoning application No. 83-07 and letter dated March 2, 1984, in accordance with Chapter 21-Section 105 of the Code of Prince George County, shall apply to the property described in Section 1 above, which are in addition to the regulations contained in Chapter 21 of the Code of Prince George County:

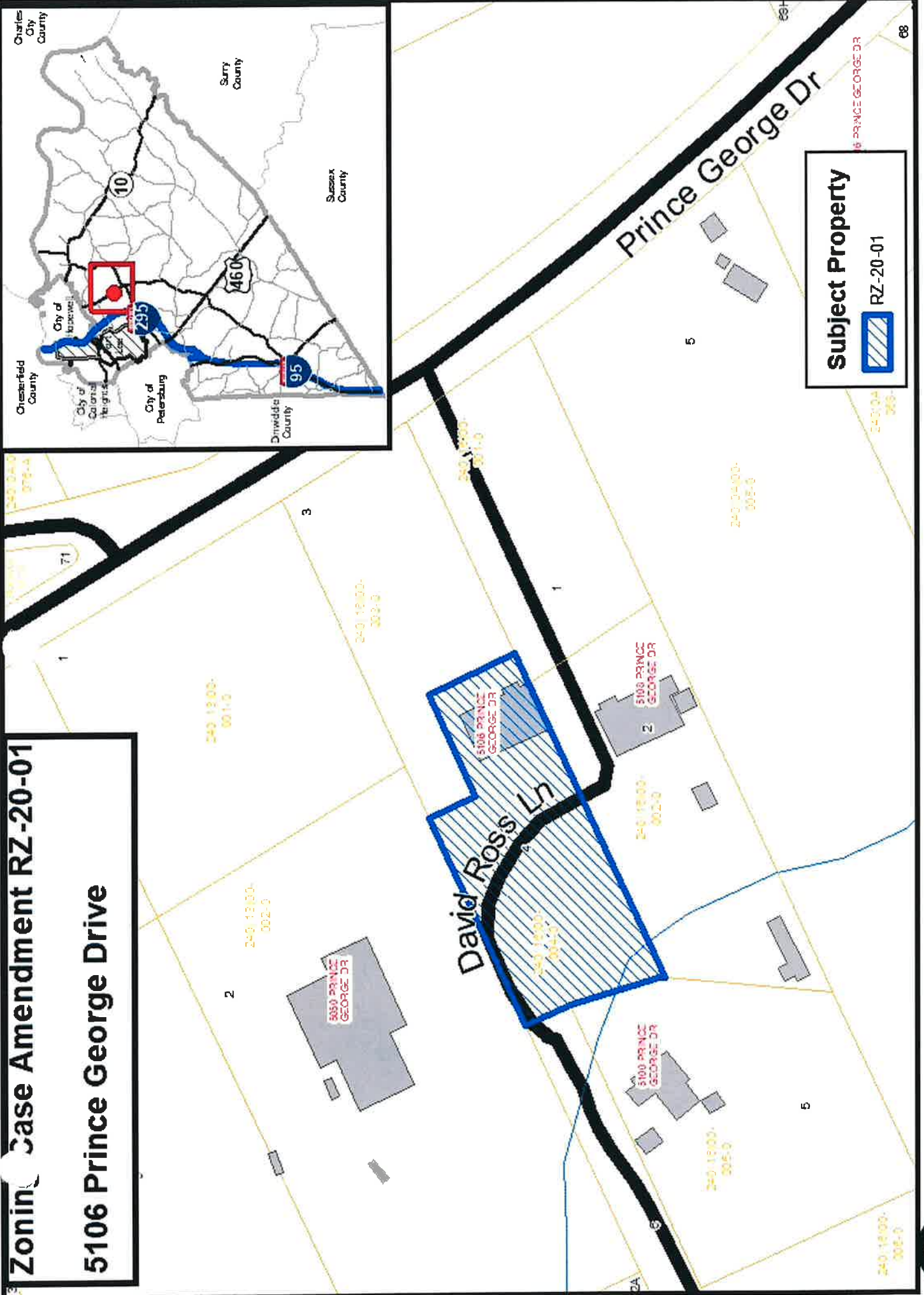
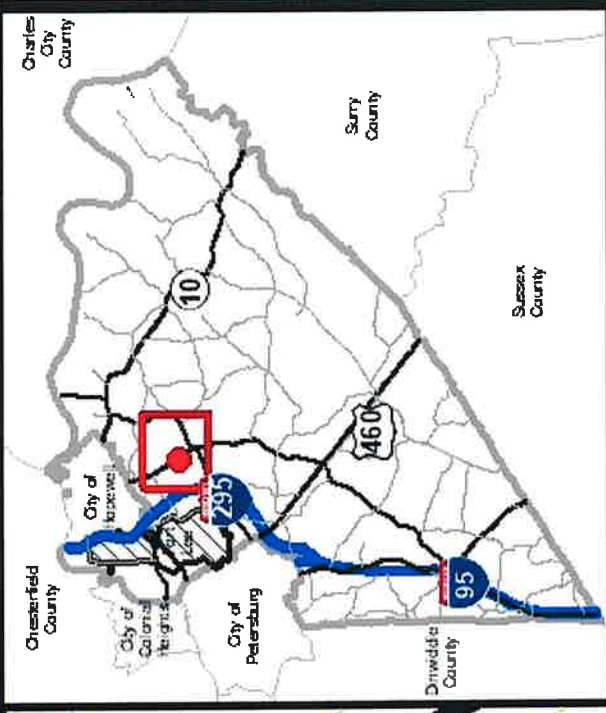
1. Automobile painting, repairing, rebuilding, reconditioning and body and fender work will be the only M-2 zoning permitted use utilized for the portion of the property requested for M-2 zoning, except that Permitted Uses for Tax Map 240(16)00-004-0 may have additional uses:
 - a. Blacksmith shops, welding or machine shops;
 - b. Building material sales yard and plumbing supplies;

PROFFER AMENDMENT REQUEST RZ-20-01 -- STAFF REPORT

- c. Contractors' equipment storage yard or plant or rental of equipment commonly used by contractors;
 - d. Off street parking as required by this chapter;
 - e. Accessory uses;
 - f. Business signs;
 - g. Wholesale businesses and storage warehouses.
2. No inoperative vehicles or equipment of any type, except those being worked on, will be stored or located on the property.
 3. The property will be kept in a neat, clean and orderly state that is compatible with the surrounding areas.
 4. A site plan for development of the property will be submitted to the zoning administrator's office for review and approval as part of required building and zoning permit applications. Said site plan will provide for adequate screening, buffering and landscaping as necessary and will include retention of as much existing natural vegetation as possible to accomplish required screening, buffering and landscaping.
 5. Construction of a turn lane is required if proposed uses warrant the need for a turn lane for additional uses for Tax Map 240(16)00-004-0.
 6. Road Maintenance agreement shall be in place for the maintenance of the commercial entrance within the VDOT Right-of-way prior to any business zoning approval for any business locating on Tax Map 240(16)00-004-0.

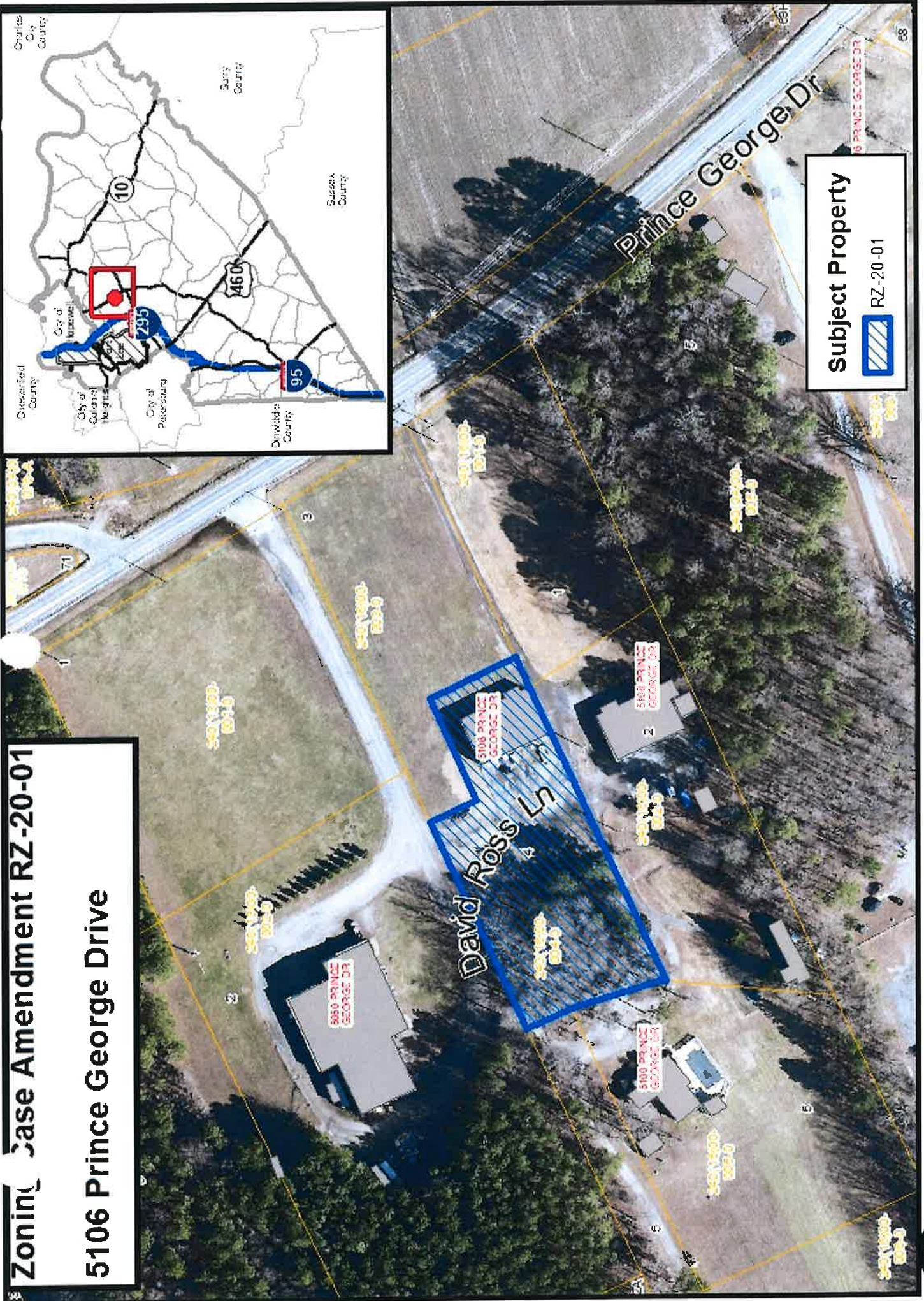
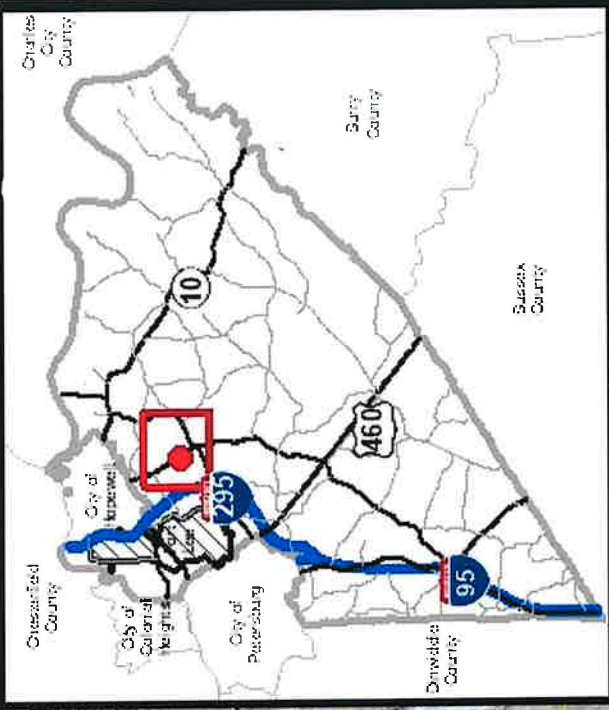
Zoning Case Amendment RZ-20-01

5106 Prince George Drive

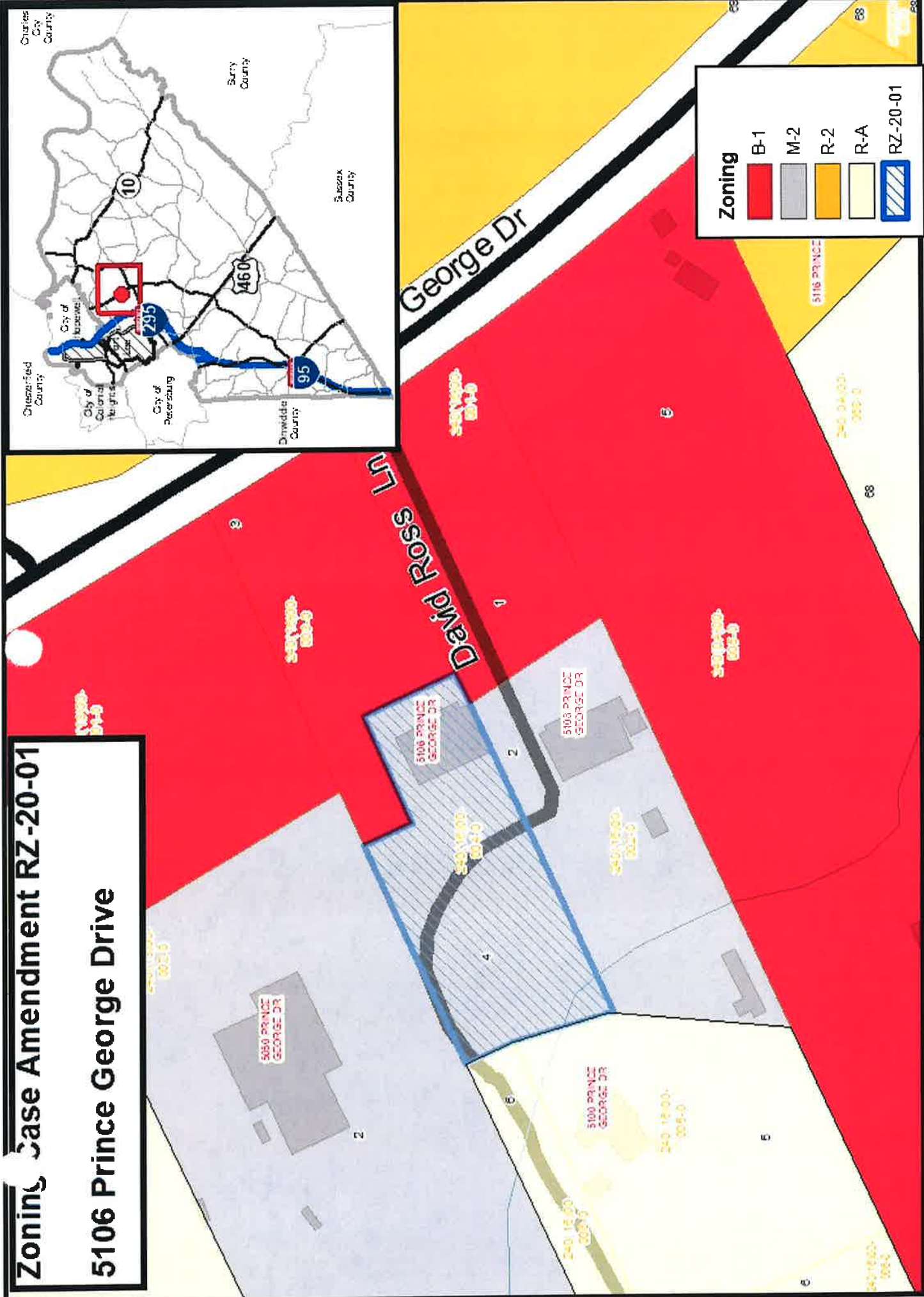
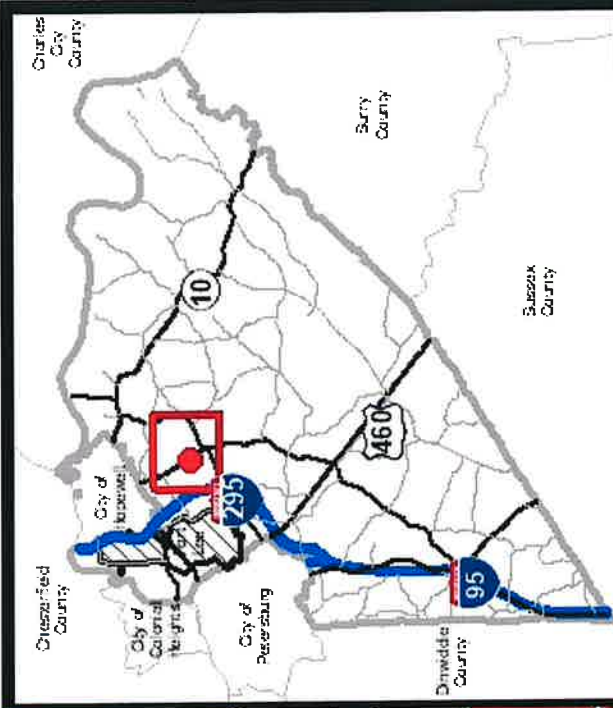


Zoning Case Amendment RZ-20-01

5106 Prince George Drive



Zoning Case Amendment RZ-20-01 **5106 Prince George Drive**



Zoning	
	B-1
	M-2
	R-2
	R-A
	RZ-20-01



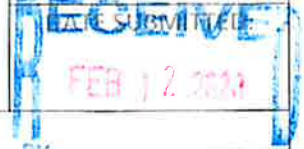
REZONING APPLICATION

Department of Community Development and Code Compliance
6602 Courts Drive
Prince George, VA 23875
Planning Division (804) 722-8678
www.princegeorgecountyva.gov

OFFICE USE ONLY

APPLICATION #:

RZ-20-01



(Please fill-in all blanks)

LEGAL OWNER(S) OF PROPERTY REQUESTED TO BE REZONED:

Skycass Marketing, LLC c/o Johnna E. Moore, Administrator (aka Johnna Ross)

ADDRESS:

5106 Prince George Dr. Prince George, VA 23875

TAX MAP OF SUBJECT PARCEL:

240-16-00-004-0

CITY:

Prince George

STATE:

VA

ZIP CODE:

23875

DISTRICT:

E-MAIL ADDRESS:

troy@troygibbs.com

RECORDED IN THE CIRCUIT COURT CLERK'S OFFICE:

DEED BOOK 08

PAGE 2418

Date

DEED RESTRICTIONS:

CURRENT LAND USE:

Auto Body Shop

ACREAGE:

1.08 acres

COMPREHENSIVE PLAN DESIGNATION:

ZONING CLASSIFICATION

PRESENT ZONING :

M-2 w/Conditions

PROPOSED ZONING:

M-2 allowing additional uses

REASON(S) FOR REZONING REQUEST, INCLUDING DESCRIPTION OF PROPOSED USE:

Property is currently conditioned for limited use as auto body and related activities. Would like to add uses.

AGENT OR REPRESENTATIVE OF PROPERTY OWNER(S), IF ANY (SPECIFY INTEREST):

NAME:

Troy Gibbs

PHONE NUMBER:

804-691-3838

ADDRESS:

4244 Cedar Creek Lane

CITY:

Prince George

STATE:

VA

ZIP CODE:

23875

E-MAIL ADDRESS:

PROVIDE A GENERAL DESCRIPTION OF THE PROJECT: (Attach a separate letter if necessary)

Please see the attached letter

AFFIDAVIT

- A. The undersigned (1) Property Owner or (7) duly authorized agent or representative certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

NAME: Skycass Marketing, LLC / Troy Gibbs

SIGNED: *Troy Gibbs*

DATE: 2/12/20

MAILING ADDRESS: 4244 Cedar Creek Lane

CITY/STATE/ZIP: Prince George VA 23875

PHONE NUMBER: 804-691-3838

E-MAIL ADDRESS: troy@troygibbs.com

STATE BELOW THE NAME, ADDRESS, AND PHONE NUMBER OF PERSON(S) TO BE CONTACTED REGARDING THIS APPLICATION IF OTHER THAN ABOVE PERSON(S):

NAME: _____

MAILING ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

STATE OF VIRGINIA

COUNTY OF: PRINCE GEORGE

Subscribed and sworn before me this 12 day of February, 2020.

My Commission expires: Aug 31, 2021, 2021

Cynthia L. Bergamini
Notary Public

CYNTHIA L. BERGAMINI
NOTARY PUBLIC
REGISTRATION # 369291
COMMONWEALTH OF VIRGINIA

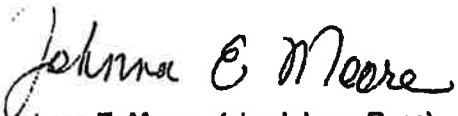
AFFIDAVIT

February 6, 2020

To Whom it may concern:

I hereby give permission to Skycass Marketing, LLC and/or Troy Gibbs to act on my behalf to seek an amendment or re-zoning of 5106 Prince George Dr. Prince George, VA 23875 (tax id: 240-16-00-004-0) to allow additional uses with the M-2 zoning that is already in place.

Regards,

A handwritten signature in black ink that reads "Johnna E. Moore". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Johnna E. Moore (aka Johnna Ross)

Administrator

RE: REZONING APPLICATION for 5106 Prince George Dr. Prince George, VA (PID#240-16-00-004-0)

"PROJECT DESCRIPTION"

This parcel is currently zoned M-2 with conditions placed on it by the Board of Supervisors on 4/24/1984. The current conditions only allow the following use: Automobile Painting, repairing, rebuilding, reconditioning and body and fender work. We would proffer to maintain certain restrictions on this parcel but allow the following additional uses as described in Sec. 90-492 of the county code:

- 1) Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping.
- 2) Blacksmith shops, welding or machine shops.
- 3) Building material sales yards and plumbing supplies.
- 4) Contractors' equipment storage yard or plant or rental of equipment commonly used by contractors.
- 5) Off street parking as required by this chapter.
- 6) Accessory uses.
- 7) Business Signs only (keep restrictions on the installation of billboard(s)
- 8) Wholesale businesses and storage warehouses.

We would like to add that there is already an existing structure on this parcel and we would initially be using this for general storage, warehousing, and Contractor equipment storage as well as reconditioning of commercial vending equipment and antiques. We would potentially look at further dividing the interior of this building to add office space to create a combination office and storage space for small business such as Plumbers, electricians, HVAC contractors and other tradesman who need affordable office space in addition to storage/shop space. The office space would only be used as a supplement to the approved uses in conjunction with those businesses. Any outside storage would be screened by fencing and/or landscaping in order to maintain an attractive appearance and not interfere with neighboring parcels.

Thank you in advance for your consideration.

Regards,



Troy Gibbs

Skycass Marketing LLC

RE: REZONING APPLICATION for 5106 Prince George Dr. Prince George, VA (PID#240-16-00-004-0)

Proffered Conditions

The following conditions are proffered to amend Condition 1 of Section 2 of ZM-84-5:

1. Permitted Uses for Tax Map 240(16)00-004-0 are limited to:
 - a. Automobile painting, repairing, rebuilding, reconditioning and body and fender work.
 - b. Blacksmith shops, welding or machine shops;
 - c. Building material sales yard and plumbing supplies;
 - d. Contractors' equipment storage yard or plant or rental of equipment commonly used by contractors;
 - e. Off street parking as required by this chapter;
 - f. Accessory uses;
 - g. Business signs;
 - h. Wholesale businesses and storage warehouses.
2. Construction of a turn lane if proposed uses warrant the need for a turn lane.
3. Road Maintenance agreement shall be in place for the maintenance of the commercial entrance within the VDOT Right-of-way.


SkyCass Marketing, LLC

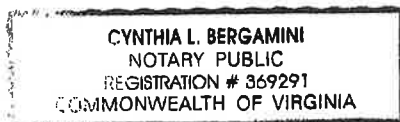
Witnessed:

Commonwealth of Virginia

County of Prince George

The foregoing instrument was acknowledged before me Cynthia L. Bergamini this May 15, 2011 (date) by Troy D. Gibbs, Jr. of SkyCass Marketing, LLC a Virginia Limited Liability Corporation, on behalf of the corporation.

Seal



Cynthia L. Bergamini
Exp 8/31/2011

Board of Supervisors
County of Prince George
Prince George, Virginia

Ordinance

An ordinance adopted at a regular meeting of the Board of Supervisors, County of Prince George, held in the General District Courtroom at Prince George Court-house on the 24th day of April, 1984:

Present:

Samuel L. Bland, Chairman
E. W. Burrow, Vice Chairman
Harry G. King
John H. Minor
H. W. Williams, Jr.

Vote:

Yea
Yea
Yea
Yea
Yea

On motion of Mr. Williams, which carried unanimously, the following ordinance was adopted:

WHEREAS David and Ron Ross, applicants, did on March 2, 1984 make application to the Board of Supervisors of the County of Prince George to rezone a 4.10 acre portion of a 23.84 acre parcel identified as Assessor's Parcel No. 24-(A)-4, Bland District, from R-2 Limited Residential and A-1 General Agricultural to B-1 General Business and M-2 General Industrial for the purpose of providing a new location of Ross Automotive Body and Maintenance Shop; and

WHEREAS David and Ron Ross, as part of their rezoning application, identified as Application No. 1984-04, have proffered conditions in writing by letter dated March 2, 1984 concerning the use of the property, in accordance with the terms of conditional zoning as provided for by Section 21-105 of the County Code; and

WHEREAS the property requested for B-1 and M-2 zoning, with conditions, is located on Prince George Drive and is presently owned by Donald P. and John D. Vtipil, as the applicants have a contract to purchase the property subject to requested rezoning approval; and

WHEREAS the notice and hearing requirements of Section 15.1-431 of the Code of Virginia (1950, as amended) have been met; and

WHEREAS the Board of Supervisors finds that it is empowered by the County Code to grant or to deny the rezoning request for which application is made; and

WHEREAS the Board of Supervisors has given due consideration to the interests of the neighborhood and to the interests of the general public; and

WHEREAS the Prince George County Planning Commission held a public hearing on the proposed rezoning on March 22, 1984 and recommended that the Board of Supervisors grant said request with the conditions as offered; and

WHEREAS the Board of Supervisors has considered carefully the recommendation of the Planning Commission concerning said rezoning and feels that the conditions as offered by the applicants will provide adequate safeguards and protection from disturbances to the surrounding properties;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Prince George this 24th day of April, 1984 that the Official Zoning Map of the County of Prince George be and is hereby amended as follows:

Section 1. The following described property, presently zoned as Limited Residential R-2 and General Agricultural A-1, be rezoned to General Business B-1 and General Industrial M-2. However, in addition to the regulations for such zoning as contained in Chapter 21 of the Code of Prince George County, there are hereby incorporated the conditions set forth in Section 2 of this ordinance:

A 4.10 acre portion of a 23.84 acre parcel, identified as Assessor's Parcel No. 24-(A)-4, and further shown on plat of survey prepared by Charles C. Townes and Associates dated March 16, 1984. The entire 23.84 acres is recorded in Deed Book 265, Page 127 of the Clerk of the Circuit Court's Office of Prince George County.

Section 2. The following conditions, voluntarily proffered by zoning application No. 83-07 and letter dated March 2, 1984, in accordance with Chapter 21-Section 105 of the Code of Prince George County, shall apply to the property described in Section 1 above, which are in addition to the regulations contained in Chapter 21 of the Code of Prince George County:

1. Automobile painting, repairing, rebuilding, reconditioning and body and fender work will be the only M-2 zoning permitted use utilized for the portion of the property requested for M-2 zoning.
2. No inoperative vehicles or equipment of any type, except those being worked on, will be stored or located on the property.
3. The property will be kept in a neat, clean and orderly state that is compatible with the surrounding areas.
4. A site plan for development of the property will be submitted to the zoning administrator's office for review and approval as part of required building and zoning permit applications. Said site plan will provide for adequate screening, buffering and landscaping as necessary and will include retention of as much existing natural vegetation as possible to accomplish required screening, buffering and landscaping.

A Copy Teste:


 John G. Kines, Jr.
 County Administrator

SPECIAL EXCEPTION CASE SE-20-01

PLANNING COMMISSION

PUBLIC HEARING: MAY 28, 2020

RESUME

APPLICANT: Craig Owen

REQUEST:

The applicant wishes to operate a pest-control business on their home property within a 2,400-sf accessory building to be constructed for the use.

To accomplish this, they are requesting a Special Exception for a Home occupation in an accessory building.

ZONING: A-1 General Agricultural

RECOMMENDATION:

Staff recommends Approval of this request, subject to the recommended conditions.

SPECIAL EXCEPTION SE-20-01 -- STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING: May 28, 2020

SPECIAL EXCEPTION SE-20-01: Request of Craig Owen pursuant to Prince George County Zoning Ordinance Sections 90-53(55) to permit a Home Occupation in an accessory building within an A-1, General Agricultural District, for the purpose of operating a pest control business as a home occupation. The request property is located at 12700 Silvercrest Lane and is identified as Tax Map 260(07)00-015-0. The Comprehensive Plan indicates the property is suitable for agricultural uses.

APPLICANT:	Craig Owen
OWNER:	Craig Owen
ADDRESS:	12700 Silvercrest Lane
TAX MAP ID:	260(07)00-015-0
LOCATION:	On a private road near the intersection of Heritage Road and Old Stage Road
SIZE OF PROPERTY:	5.14 Acres
MAGISTERIAL DISTRICT:	Blackwater
PLANNING AREA:	Rural Conservation Area
UTILITIES:	Well and Septic
REAL ESTATE TAXES:	Current as of March 18, 2020
CURRENT USE:	Residential
PROPOSED USE(S):	Home Occupation in an Accessory Building (Accessory Use)
COMP PLAN FUTURE USE:	Agricultural
ZONING DISTRICT:	A-1 General Agricultural
SURROUNDING ZONING:	A-1 General Agricultural

MEETING INFORMATION:

Planning Commission:	Thursday, May 28, 2020
Board of Supervisors:	TBD

STAFF RECOMMENDATION:

Staff recommends Approval of the request, subject to the recommended conditions.

ATTACHMENTS:

- | | |
|--|---------------------|
| 1. Application | 4. Site Photos |
| 2. Business Use Information | 5. GIS Location Map |
| 3. Plat with sketched site modifications | 6. 2018 Aerial View |

SPECIAL EXCEPTION SE-20-01 -- STAFF REPORT

Request Summary:

The applicant wishes to operate a pest-control business on their home property within a 2,400-sf accessory building to be constructed for the use.

The applicant has been a provider of pest control services in other states, treating for bugs, lawn and tree care prior to moving to Prince George County, and has obtained a professional applicator's license for Virginia.

The applicant intends to construct an accessory building approximately 40' x 60' for the business, primarily to store two business vehicles and supplies and equipment for the business, and also potentially include a washroom in the future.

The applicant has stated that there will not be any large quantities of chemicals stored on the property, and any that are will be behind locked doors at all times. There will be no employees or customers visiting the site. Additional details are available in the "Business Use Information" attachment.

The use was initially considered as a home occupation home office use, which is a by-right use, however, the presence of multiple business vehicles and outside storage for the business (two shipping containers), combined with the need to build an accessory building primarily for the business, resulted in the need for the applicant to obtain a Special Exception.

This request may be granted by Special Exception under the following section of the Prince George County Zoning Ordinance:

Sec. 90-53. - Uses and structures permitted by special exception.

The following uses and structures are permitted by special exception in the A-1 general agricultural district:

(55) Home occupation in an accessory building.

Comprehensive Plan

The future land use map calls for Agricultural uses in this area.

Staff finds the proposed use compatible with the future land use designation for the following reasons:

1. The request for a special exception would not change the underlying zoning of the property.
2. The primary use of the property will continue to be residential, which is also the current land use of most of the adjacent properties.
3. The use is not expected to generate an increase in vehicle trips beyond the average of other home occupations which are allowed by right in single family dwellings in the County.

Staff Review Comments:

Planning & Zoning Division:

1. Some home occupations are permitted by-right in A-1 zoning districts, however the requested use requires a special exception because the majority of the proposed accessory building is proposed to be dedicated to the business use, and because the use involves outside storage (shipping containers) and parking of more than one business vehicle.
2. If the request is approved, the Applicant will need to apply for a building permit in order to construct the building for the use. At the time of building permit application, the proposed structure will be reviewed for all applicable zoning requirements such as setbacks and height. It will be required by code to be at least 75' from the street right-of-way and less than the main building in height.
3. The proposed new building would be approximately half the size of the recently expanded house. The applicant stated that it would be used for both business and personal storage.
4. The two (2) shipping containers, currently on site, if occupying permanent locations on the property, should meet accessory building setback requirements of 75' from the street right of way and 5' from side and rear property lines.
5. Visual impact to the neighborhood (if this use is approved) is expected to be limited to 2 business vehicles used occasionally, which would be stored inside of the new building on the property.
6. Overall, the scale and expected impacts of the proposed use appear to be compatible with the existing surrounding residential and agricultural land uses.

Contact: Tim Graves, Planner

Building Inspections:

All structures built on property that exceeds 256 square feet will be required to be permitted and meet all requirement of the 2015 Virginia USBC and the 2015 Virginia SFPC.

Contact: Dean Simmons, Building Official

Transportation (VDOT):

The property is currently accessed from a private road that connects to SR 635 Heritage Road with a paved commercial entrance for private subdivision road or street entrance. This is an appropriate entrance for the current use and is acceptable for the special exception proposed use.

Contact: Paul Hinson, Area Land Use Engineer, Virginia Department of Transportation

Environmental Division:

Any land disturbance associated with building construction in excess of 2,500 square feet will require a Land Disturbance Permit from the county.

Contact: Angela Blount, Environmental Program Coordinator

Fire & EMS Department:

1. Safety Data Sheets have to be available for review upon request.
2. Please keep in mind that items need to be secured and maintained, so that there is no accidental release of the products. With that in mind, keep an eye on equipment for leaks at various points.

Contact: Shawn Jones, Firefighter/Medic

SPECIAL EXCEPTION SE-20-01 -- STAFF REPORT

Utilities

This parcel does not have public water or sewer available. Any increase in water usage due to the new use of the property may require approval by the Health Department.

Contact: Frank Haltom, Director of Engineering and Utilities

Economic Development; Real Estate Assessor; Health Department:

Offered "No comments" on the application.

Police Department:

Did not provide comments.

Public Notice:

6 adjacent property owners were notified by mailing on 5/18/20.

A legal ad was run for the request in the *Progress-Index* on 5/13/20 and 5/20/20.

A copy of this report was reviewed with the Applicant on 5/15/20.

Recommendation:

Staff finds the use as proposed compatible with current and expected future surrounding uses, so long as the user adheres to certain conditions. Staff therefore recommends Approval of this request, subject to the following recommended conditions:

1. This Special Exception request is granted to Craig Owen for a Home Occupation within an Accessory Building on Tax Map 260(07)00-015-0, for the purpose of operating a pest control business within an accessory building to be built on the property.
2. The applicant shall maintain the necessary professional applicator's license through the Virginia Department of Agriculture and Consumer Services.
3. The size of the building for the use shall be a maximum of 2,400 SF.
4. There shall be no outside storage of supplies and equipment, other than the two (2) existing shipping containers on site, which shall be relocated to meet all setback requirements for accessory buildings prior to issuance of a building permit for the new building.
5. Any chemicals stored or present on the property shall be contained and locked at all times, of a total quantity of chemicals on the property not to exceed 4 gallons at any one time, and shall be contained and stored in accordance with all applicable federal, state and local codes and guidelines.
6. Business vehicles are limited to one spray truck and one smaller vehicle for smaller jobs.
7. There shall be no employees on the property other than those who permanently live in the house on the property.
8. There shall be no customer visits to the property.
9. There shall be no permanent signage on the property for the use.
10. If the requested use of the premises is abandoned for a period of twenty-four (24) consecutive months, then the Special Exception shall become null and void.
11. This permit may be revoked by the County of Prince George or its designated agent for failure by the applicants to comply with any of the listed conditions or any provision of Federal, State or County regulations.



APPLICATION FOR SPECIAL EXCEPTION - CONDITIONAL USE PERMIT

Department of Community Development and Code Compliance
6602 Courts Drive
Prince George, VA 23875
Planning Division (804) 722-8678
www.princegeorgecountyva.gov

OFFICE USE ONLY

APPLICATION #:

SE-20-01

DATE SUBMITTED:

MAR 03 2020

ZONING ORDINANCE

SECTION:

90-53(55)

(PLEASE FILL-IN ALL BLANKS)

LEGAL OWNER(S) OF PROPERTY REQUESTED FOR PERMIT:

Craig Owen

ADDRESS:

12700 Silver Crest Ln

CITY: Prince George

STATE: VA

ZIP CODE: 23875

PHONE NUMBER: 804-704-0500

E-MAIL ADDRESS: CCraigOwen@gmail.com

TAX MAP OF SUBJECT PARCEL: 260(07)00-015-0

RECORDED IN THE CIRCUIT COURT CLERK'S OFFICE:

Inst. 18000367

DEED BOOK PAGE Date DEED RESTRICTIONS:

ACREAGE: 5.14 PARTIAL PARCEL: ☐ YES ☒ NO SUBDIVISION: N/A

PRESENT USE: Residential

ZONING CLASSIFICATION

LAND USE CLASSIFICATION: Residential PRESENT ZONING: A-1

AGENT OR REPRESENTATIVE OF PROPERTY OWNER(S), IF ANY (SPECIFY INTEREST):

NAME: CCraig Owen

ADDRESS: 12700 Silver Crest Ln

CITY: Prince George

STATE: VA

ZIP CODE: 23875

PHONE NUMBER: 804-704-0500

E-MAIL: CCraigOwen@gmail.com

PROVIDE A GENERAL DESCRIPTION OF THE PROJECT: (ATTACH A SEPARATE LETTER IF NECESSARY)

See E-Mail Per Tim

AFFIDAVIT

A. The undersigned (1) Property Owner or (7) duly authorized agent or representative certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

SIGNED: _____

DATE: 3-5-2020

MAILING ADDRESS: 12700 SilverCrest Ln

CITY/STATE/ZIP: Prince George VA 23875

PHONE NUMBER: 804-704-0500

E-MAIL ADDRESS: ccraigowen@gmail.com

STATE BELOW THE NAME, ADDRESS, AND PHONE NUMBER OF PERSON(S) TO BE CONTACTED REGARDING THIS APPLICATION IF OTHER THAN ABOVE PERSON(S):

NAME: C. Craig Owen

MAILING ADDRESS: 12700 SilverCrest Ln

CITY/STATE/ZIP: Prince George VA 23875

PHONE NUMBER: 804-704-0500

E-MAIL ADDRESS: CraigOwen@gmail.com

STATE OF VIRGINIA

COUNTY OF: PRINCE GEORGE

Subscribed and sworn before me this 5th day of March, 2020.

My Commission expires: 4-30, 2021

Notary Public



AFFIDAVIT

BUSINESS USE INFORMATION (Summary per emails from applicant)

SE-20-01

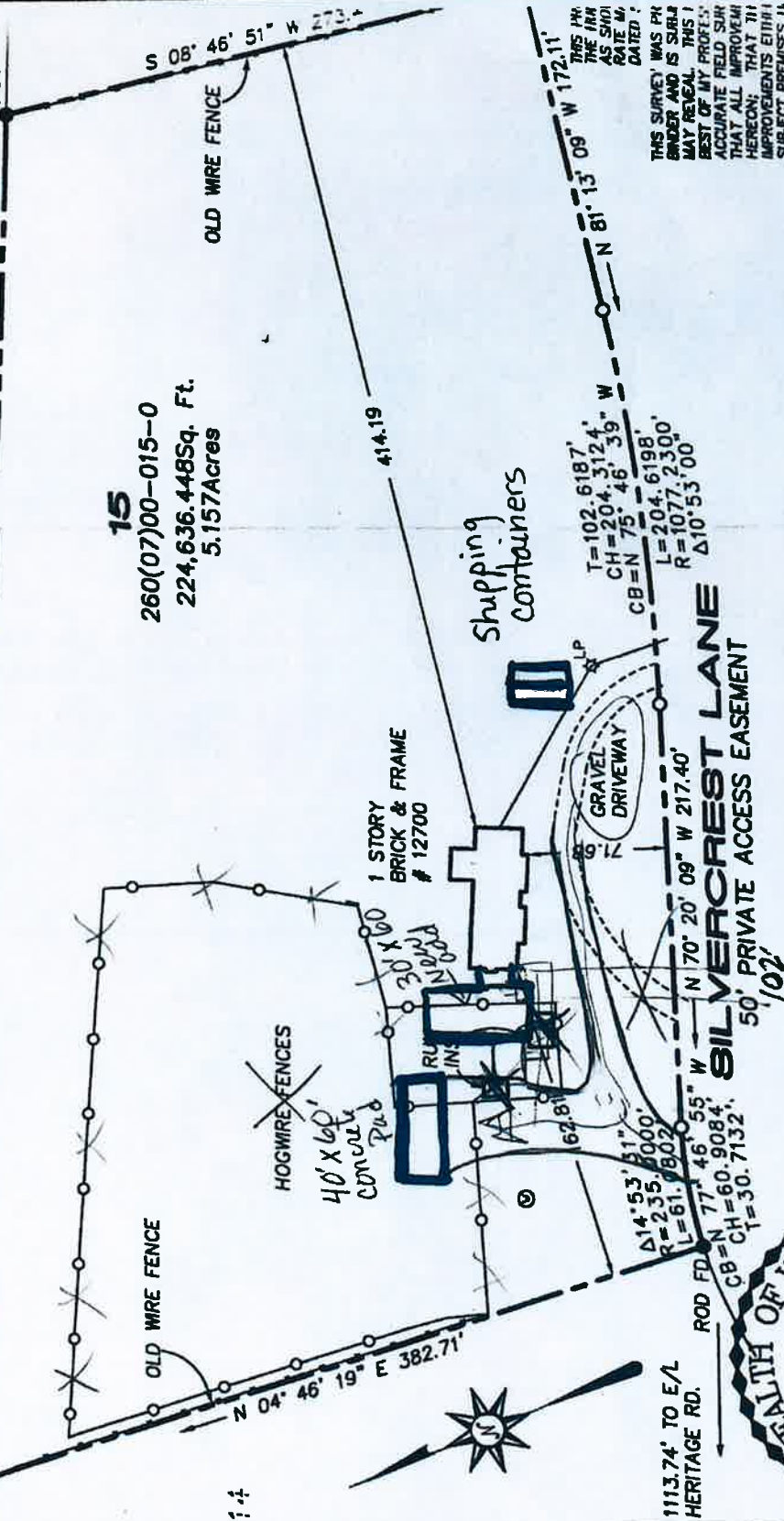
Project Summary

- Request: seeking a Special Exception for a Home Occupation in an Accessory Building
- Address: 12700 Silvercrest Lane
- Company name: Budget Pest Control
- Treating for bugs and lawn & tree care

Project Details

- In the process of obtaining a Professional Applicators License
- Plans to construct an approximately 40 x 60' (2,400 sf) building with a concrete pad. The purpose of the building is to
 - Store chemicals
 - Store business supplies/equipment
 - house two spray trucks
 - One spray truck – 1-ton 15' flatbed with two 300-gallon tanks and pumps. A maximum of 1 gallon of chemicals would be mixed with water in any one tank at any one time.
 - One pick-up truck with a shell for advertising, and for smaller pest control jobs
 - Potentially provide a washroom (future plans)
 - Only about 30x30' of the building is planned to be dedicated to the business use, with the remainder available for other personal property.
- No employees
- No outside storage of chemicals or business supplies/equipment, except for the use of two shipping containers stored on the property, to be used for both business and personal storage
- No clients visiting the site
- Regarding Chemicals
 - Would not be delivered to the property but instead picked up from suppliers.
 - The type of chemicals are termite-icide, herbicide and fertilizer.
 - "Chemicals are safe as long as you know how to handle them."
 - "I will not be storing any large quantities of chemicals. I will buy what I need as I need it. I don't intend on storing anything other than the current job I'm on. If I have anything pertaining to the job I'm on, or anything extra, it will be secured and locked in a shipping container I have on the property."
- "I have discussed what I do with my neighbors and no one has brought up any concerns. The comments from the neighbors are positive. They have seen my truck that advertises my business come and go. They know what I do and have never brought up any concerns about it."

PIPE FD. IN DITCH S 67° 54' 39" E 303.82' ——— WILLIE G. VARGO, II
 260(0A)00-056-A
 P.B. 17/118
 ROD FD. IN DITCH S 66° 08' 56" E 394.42' ——— ROD FD.



THIS SURVEY WAS PREPARED BY THE SURVEYOR AND IS SUBJECT TO THE FIELD SURVEYING ACT OF 1968. THE SURVEYOR'S BEST OF MY PROFESSIONAL SKILL AND ACCURATE FIELD SURVEYING THAT ALL IMPROVEMENTS HEREON, THAT THE IMPROVEMENTS EITHER SUBJECT PREMISES OR SHOWN HEREON.



DATE: DECEMBER 19
 DRAWN BY: SLI
 CHECKED BY:
 JOB NO.: 2181

PLAT SHOWING
PARCEL 15, 5.157 ACRES OF LAND ON THE NORTH SIDE OF SILVERCREST LANE
 BLACKWATER DISTRICT, PRINCE GEORGE COUNTY, VIRGINIA
SURVEYED FOR CRAIG & RUTH OWEN



NOT VALID UNLESS SIGNED IN RED
 PREVIOUS JOB NO.

all hogwire fences are removed
 2 animal lean-to's " "

SE-20-01 – Site Photos

Craig Owen – Budget Pest Control

Special Exception for Home Occupation in an Accessory Building



View toward pad (proposed building location) from the front yard on Silvercrest Lane. House visible at right.



View of concrete pad (proposed building location). West side of house visible at right.



View of Southwest of house from Silvercrest Lane roadway. Black trailer parked on concrete pad (proposed building location) to left of house. Shipping containers and temporary dumpster at right of house.



Two shipping containers used for business and personal storage. Currently stored to east of house.



Two business trucks.



**Special Exception:
SE-20-01
12700 Silvercrest Lane**

56A

11

260(07)00-011-0

12

260(07)00-012-0

14

260(07)00-014-0

12620
SILVERCREST LN

13

260(07)00-013-0

12615
SILVERCREST LN

6

260(07)00-006-0

260(07)00-007-0

7

12519
SILVERCREST LN

12701
SILVERCREST LN

5

260(07)00-005-0

12801
SILVERCREST LN

260(07)00-004-0

4

Silvercrest Ln

260(07)00-015-0

12700
SILVERCREST LN

12810
SILVERCREST LN



16

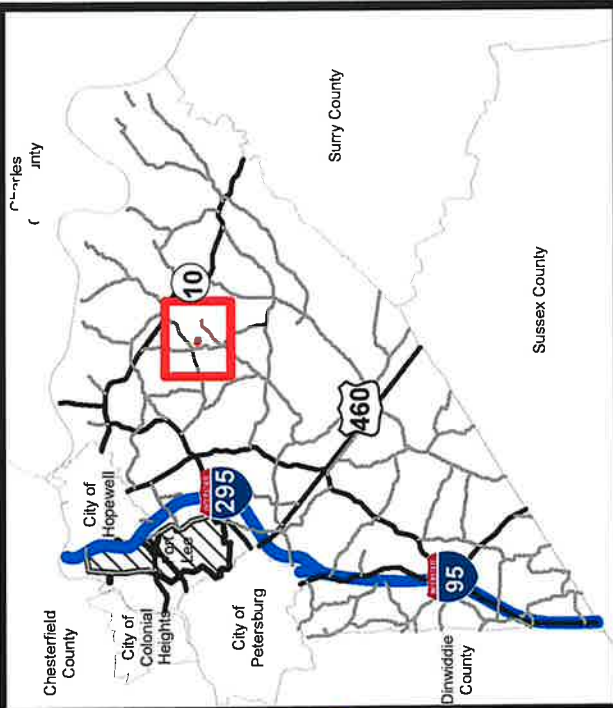
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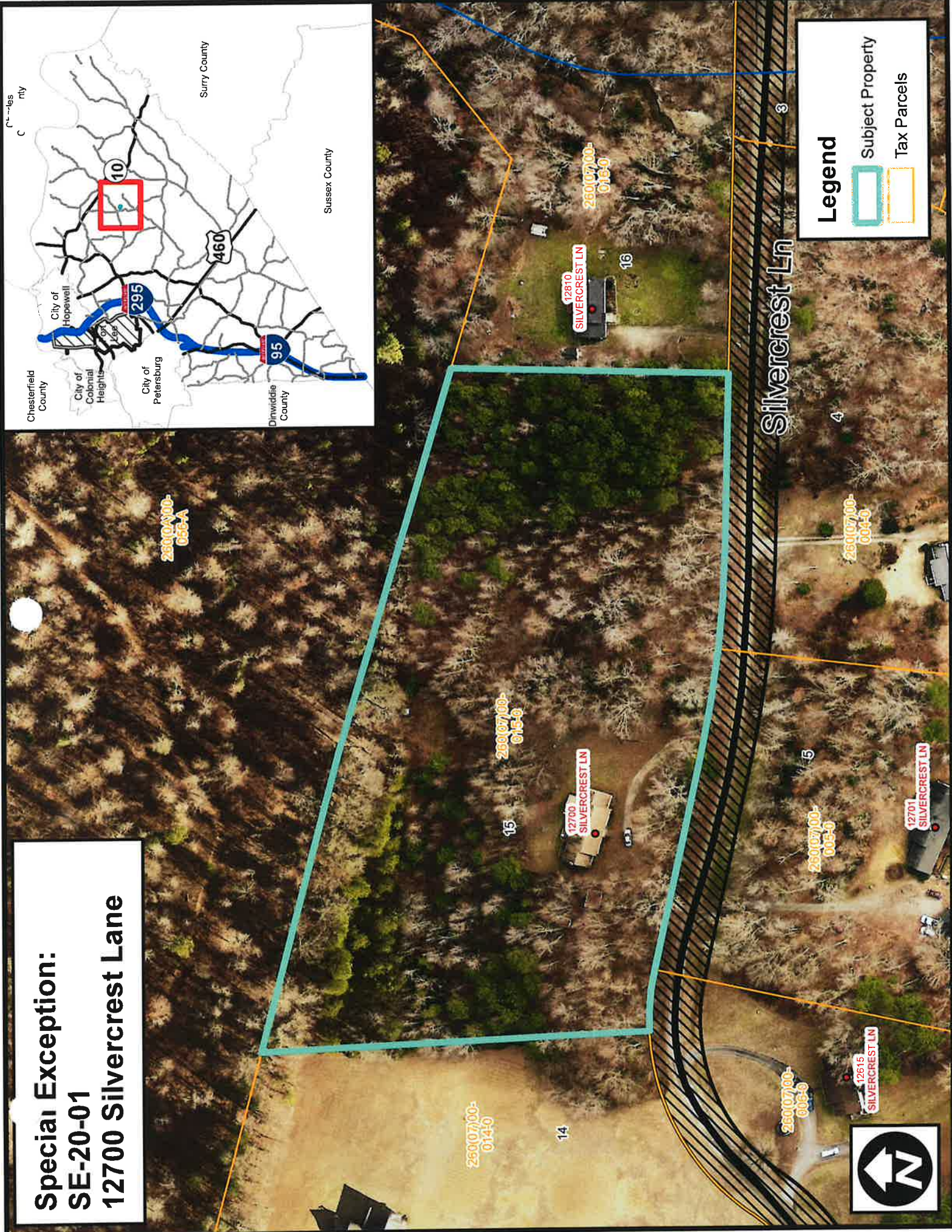
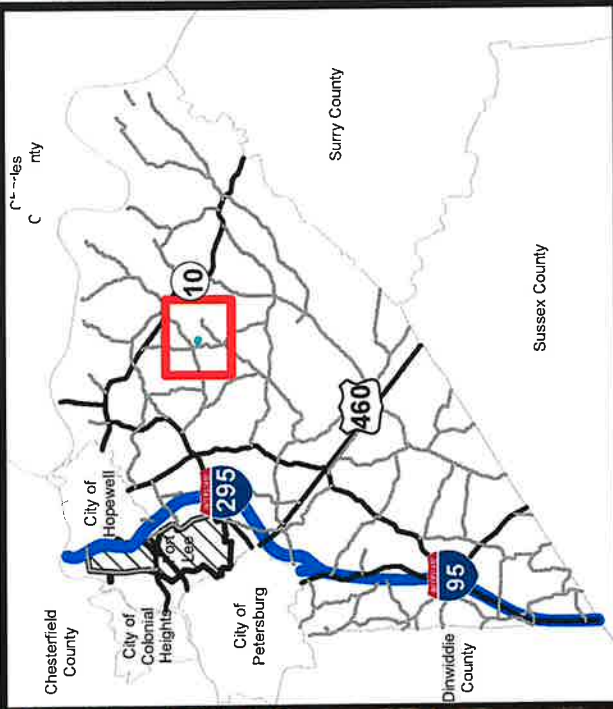
260(07)00-003-0

Legend

-  Subject Property
-  Tax Parcels



**Special Exception:
SE-20-01
12700 Silvercrest Lane**



Legend

- Subject Property
- Tax Parcels

REZONING CASE RZ-20-02
PLANNING COMMISSION
PUBLIC HEARING: MAY 28, 2020

RESUME

APPLICANT: Prince George 105, LLC

REQUEST:

The applicant is requesting to rezone 1.452 acres that are currently zoned R-A, Residential-Agricultural to B-1, General Business, with conditions, in order to allow general business uses on the property.

PROPOSED ZONING: B-1 General Business

RECOMMENDATION:

Staff recommends Approval of this request subject to proffers dated March 9, 2020.

REZONING RZ-20-02 -- STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING: May 28, 2020

REZONING CASE RZ-20-02: Request of Prince George 105 LLC to conditionally rezone 1.452 acres from R-A, Residential Agricultural to B-1, General Business. The subject parcel is located at 4521 County Drive at the northwest intersection of County Drive and Bull Hill Road and is known as Tax Map 340(08)00-00A-0. The Comprehensive Plan indicates the property is suitable for industrial or commercial uses.

APPLICANT:	Prince George 105, LLC
OWNER:	Prince George 105, LLC
ADDRESS:	4521 County Drive
TAX MAP ID:	340(08)00-00A-0
LOCATION:	Northwest Intersection of County Drive and Bull Hill Road
SIZE OF PROPERTY:	1.452 acres
MAGISTERIAL DISTRICT:	Rives
PLANNING AREA:	Prince George Planning Area
UTILITIES:	Private
REAL ESTATE TAXES:	Current as of April 21, 2020
CURRENT USE:	Vacant
PROPOSED USE(S):	Restaurant
COMP PLAN FUTURE USE:	Industrial / Commercial
ZONING DISTRICT:	R-A Residential Agricultural
SURROUNDING ZONING:	
NORTH, SOUTH:	B-1 General Business
WEST:	B-1 General Business / M-1 Limited Industrial
EAST:	B-1 General Business / R-A Residential Agricultural
MEETING INFORMATION:	
Planning Commission:	Thursday, May 28, 2020 at 6:30 p.m.
Board of Supervisors:	TBD
RECOMMENDATION:	Staff recommends Approval of this request, subject to the recommended conditions.

ATTACHMENTS:

1. Rezoning Case Staff Report
2. GIS Map of the Surrounding Properties
3. Rezoning Application
4. Project Description
5. Proffer Statement Letter

REZONING RZ-20-02 -- STAFF REPORT

Request:

The applicant is requesting to rezone 1.452 acres that are currently zoned R-A, Residential-Agricultural to B-1, General Business with conditions.

Request Details:

The requested rezoning for B-1, General Business is being sought to allow General Business uses that include, but are not limited to, an approximately 3,000 square foot fast food restaurant building with associated parking spaces and sidewalks. The site will be accessed at two locations: (1) a connection to US Route 460 [County Drive] by a right-in and right-out entrance; and (2) a connection to State Route 630 [Bull Hill Road] by a full entrance. The applicant states that a sprinkled fire suppression system for each building will be provided as well as fire hydrants throughout the development.

The applicant submitted a textual statement signed March 9, 2020 in which the applicant proposes to exclude certain uses:

funeral homes; lumber and building supply with storage facilities under cover; waterfront business activities; general advertising signs; cemeteries; circuses, carnivals or similar activities; noncommercial fairgrounds; and mobile home and recreational vehicle sales, service repair.

The applicant also proposes to exclude certain special exception uses:

outdoor theater, outdoor motion picture theater; dancehall; motor freight terminal, transshipment facility; commercial amusement park, turkey shoot theater; circuses, carnivals or similar temporary activities when organized or sponsored by commercial enterprise; tree stump landfills; outdoor flea markets; family day care (large) in existing dwelling; and vehicle impound facility.

In addition to excluding several permitted or future special exception uses, the applicant also proffers Site Development and Design requirements as follows:

Site Development Requirements

1. Storm water quantity and quality shall be provided for this site through development of on-site best management practices and purchase of off-site nutrient credits.
2. All stormwater easements and basins shall be maintained by the property owner.
3. All utilities to serve this development will be provided underground to include, but not to be limited to: power, telephone, gas and cable television.

Site Design Requirements

1. Prior to site plan approval, a written graphic description of exterior materials, colors, architectural style and building scale shall be submitted for approval to the Director of Community Development and Code Compliance.

REZONING RZ-20-02 -- STAFF REPORT

2. Exterior wall material shall be clad in fiber-cement siding, brick, stone, cultured stone, stucco, or materials having the appearance of such materials. Alternative siding materials including vinyl accents maybe permitted if approved by the Director of Community Development and Code Compliance, however, fully vinyl siding shall not be permitted.
3. Architectural compatibility, in regards to surrounding properties, must be achieved through the use of similar building massing, materials, scale, colors and other architectural features.
4. All roof-mounted mechanical equipment must be screened by a parapet wall or other material as may be approved by the Director of Community Development and Code Compliance, or designee, as part of the site plan process.
5. All ground mounted mechanical and electrical equipment must be screened by fences, walls or vegetation and approved by the Director of Community Development and Code Compliance, or designee, as part of the site plan process.
6. All junction and accessory boxes must be integrated in the architectural treatment of the building or view minimized by landscaping.

Comprehensive Plan

Future Land Use

The Planning Commission and Board of Supervisors should use the future land use map as a general guide for determining the desired location of development.

The Comprehensive Plan identifies this area as appropriate for industrial and/or commercial use. Industrial designates those areas where major industrial activities exist and/or are planned, and Commercial designates those areas where commercial developments have occurred and where future urban and suburban commercial developments are encouraged. Public and wastewater facilities are generally available or planned for these areas.

Staff finds the proposal of B-1, General Business rezoning compatible with the future land use designation for commercial uses.

Transportation

The Transportation Plan requires applicants with development projects seeking rezoning or special exceptions that generate over 250 trips per day to submit a traffic impact study to evaluate any expected needs relative to transportation. This transportation requirement was coordinated with the Virginia Department of Transportation (VDOT).

The applicant, along with the request for rezoning, has submitted a Traffic Impact Analysis. VDOT has assisted the County in reviewing the submitted turn lane warranty analysis and is in agreement with the trip generation data, traffic volumes, and trip distributions included in the analysis. Further, VDOT is in agreement that the proposed use will not warrant right or left turn lanes or tapers.

Prince George Planning Area (PGPA)

New Development within the PGPA is required to be connected to utility services, which ensures that new development does not run the risk of septic or well failure, and bears the financial cost of extending services to the development site to the developer.

Staff Comments

Planning & Zoning Division:

1. The surrounding Tax Map parcels at the intersection of County Drive [US 460] and Bull Hill Road, and Rives Road are zoned B-1, General Business with compatible uses expected. There is an approved site plan for Hardee's at the northeast intersection of County Drive and Bull Hill Road, and there is also a site plan under review for a 7-Eleven at the southwest intersection of County Drive and Rives Road.
2. The Tax Map parcel to the north along Bull Hill Road is zoned B-1 and includes the use of a travel plaza, a full service restaurant, and a hotel.
3. While the applicant has proffered various site design requirements, several additional requirements, such as perimeter and interior landscaping, dumpster enclosures, parking spaces and lighting are details specified within the Prince George County Zoning Ordinance.
4. Setback requirements for the B-1 zoning will require 25 ft setbacks from Bull Hill Road and County Drive.
5. Proffer statement does not include a conceptual plan.
6. The Comprehensive Plan requires "pedestrian and vehicular interconnectivity between neighborhoods and activity centers such as shopping areas, schools, libraries and community centers." Based on the guidance in the Comprehensive Plan and the presence of uses of a similar intensity nearby, staff recommends a proffered condition for a sidewalk along the Bull Hill Road portion of the property.
7. VTRANS Mid-Term Needs indicate that there is a regional need for bicycle access along Bull Hill Road.

Contact: Horace Wade III, Planner

Building Inspections:

This property is known as Tax Map 340(08)00-00A-0. It has been reviewed for compliance with the 2015 Uniform Statewide Building Code, with information provided.

Contact: Dean Simmons, Building Official

Utilities Department:

1. The sewer system that serves this property is near full capacity. The applicant must perform an analysis to determine if improvements to the existing county facilities are required to serve the needs of the property. Any improvements required will be at the applicant's expense. At a minimum, the analysis must include all existing County facilities that may be affected up to the point of discharge at the pump station located at the intersection of Route 460 and Courthouse Road.
2. Connection to the sewer system must be made on Route 460 to gravity sewer system.
3. Connection to the water can be made to either of the 12" water lines located on Route 460 and Bull Hill Road.

Contact: Frank Haltom, Director of Engineering and Utilities

Transportation (VDOT):

The Virginia Department of Transportation, Southern Region Land Development Office has reviewed the zoning application and traffic impact analysis (TIA) received at the Petersburg Residency on 3-24-20 and is providing the following information for the County's use:

1. Sr 630 Bull Hill Road has a functional classification of Major Collector and a speed limit of 45 MPH. US 460 County Drive has a functional classification of Principal Arterial and a speed limit

REZONING RZ-20-02 -- STAFF REPORT

of 45 MPH. VDOT's Access Management Regulations will apply to any entrances proposed on either of these roads. The proposed site access from SR630 Bull Hill Road meets VDOT's access management spacing standards for a full access entrance and appears to be acceptable as shown. The proposed right-in/right-out entrance from County Drive meets VDOT's access spacing standards and appears to be acceptable.

2. The easement shown within the proposed BMP is a VDOT drainage easement. No work will be allowed within this easement until it has been abandoned and a replacement easement recorded. VDOT easements must be abandoned by the Commonwealth Transportation Board (CTB) and can be a lengthy process. Contact Vicky Pinchbeck in VDOT's surplus property division to obtain additional information on the cost, process, and time frames needed to abandon a VDOT drainage easement.

Contact: Paul Hinson, Area Land Use Engineer, VDOT

Economic Development Department:

This parcel is located in the Enterprise Zone. The local incentives are as follows:

Machinery & Tools Tax Credit (5 years):

New industry: qualifies with \$250,000 total investment in building & equipment

Existing industry: qualifies with \$50,000 total investments in building & equipment. Credit is equal to the amount of Machinery & Tools Tax paid annually for a 5-year period...as follows:

Year 1...\$1.50/\$100 value x 60%

Year 2...\$1.50/\$100 value x 50%

Year 3...\$1.50/\$100 value x 40%

Year 4...\$1.50/\$100 value x 30%

Year 5...\$1.50/\$100 value x 20%

Process: Business pays annual Machinery & Tools Tax; business provides Economic Development Director with copy of check and letter requesting reimbursement of annual M&T tax; County reimburses business amount of M&T tax which qualifies. This process is repeated each year for 5 years.

Business License Fee Credit (5 years):

Retail	\$0.15/\$100 gross receipts
Mail order	\$0.15/\$100 gross receipts
Wholesale/Distribution/Mfg	None
Financial Services	\$0.20/\$100 gross receipts
Business Services	\$0.20/\$100 gross receipts

Process: Business pays annual Business License Tax; business provides Economic Development Director with copy of check and letter requesting reimbursement of annual Business License tax; County reimburses business total annual amount of Business License tax. This process is repeated each year for 5 years.

Water/Sewer Connection Fee Discount (50%):

One time incentive for new commercial or industrial entity with \$250,000 total investment of building & equipment. Equal to one half of the connection fees above \$10,000, but less than \$200,000.

REZONING RZ-20-02 -- STAFF REPORT

Process: County Engineer meets with business to determine cost to connect water and sewer; County Engineer assesses cost for each and if in compliance with the above, business is invoiced for 50% of the actual connection fee cost.

Rezoning Fees Waived:

One time incentive for new business with \$250,000 investment or existing business with \$50,000 expansion investment.

Process: Director of Planning meets with applicant to determine eligibility.

Contact: Yoti Jabri, Economic Development Specialist

Health Department (VDH):

According to the submission, this project will be served by public water and public sewer services. Any food facilities will need to make an application to the Health Department.

Environmental, Fire and EMS, Police:

Responded that there are no comments at this time.

Public Notice:

Adjacent property owners were notified by mailing on 5/18/2020.

A legal ad was run for the request in the Progress-Index on 5/13/2020 and 5/20/2020.

This Staff Report was reviewed with the applicant on 5/12/2020.

Recommendation:

Staff recommends approval of this B-1, General Business conditional rezoning request along with the proffers dated May 18, 2020 for the development of the property for fast food restaurant use. The Comprehensive Plan supports the commercial use of the property subject to the following conditions.

1. The following permitted land uses shall be excluded from the property under Section 90-392:

- 13. Funeral Homes
- 17. Lumber and building supply with storage facilities under cover
- 20. Waterfront business activities
- 24. General Advertising Signs
- 37. Cemeteries
- 38. Circuses, carnivals or similar temporary activities
- 39. Noncommercial fairgrounds
- 45. Mobile home and recreational vehicle sales, service repair

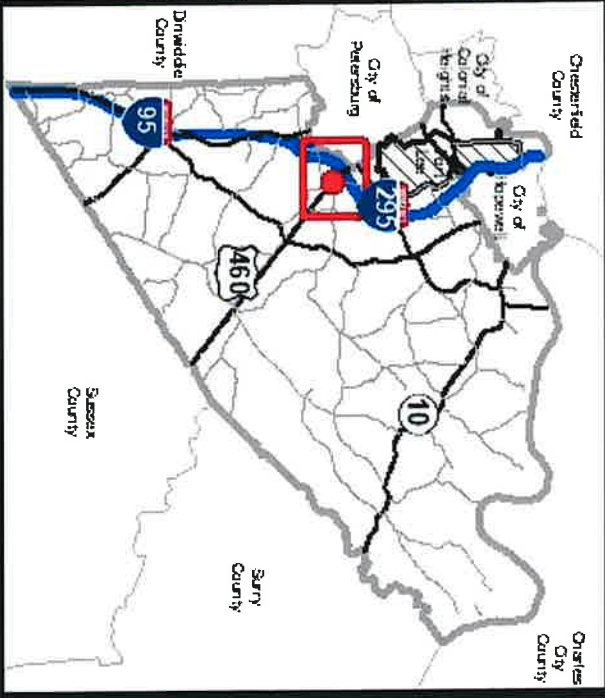
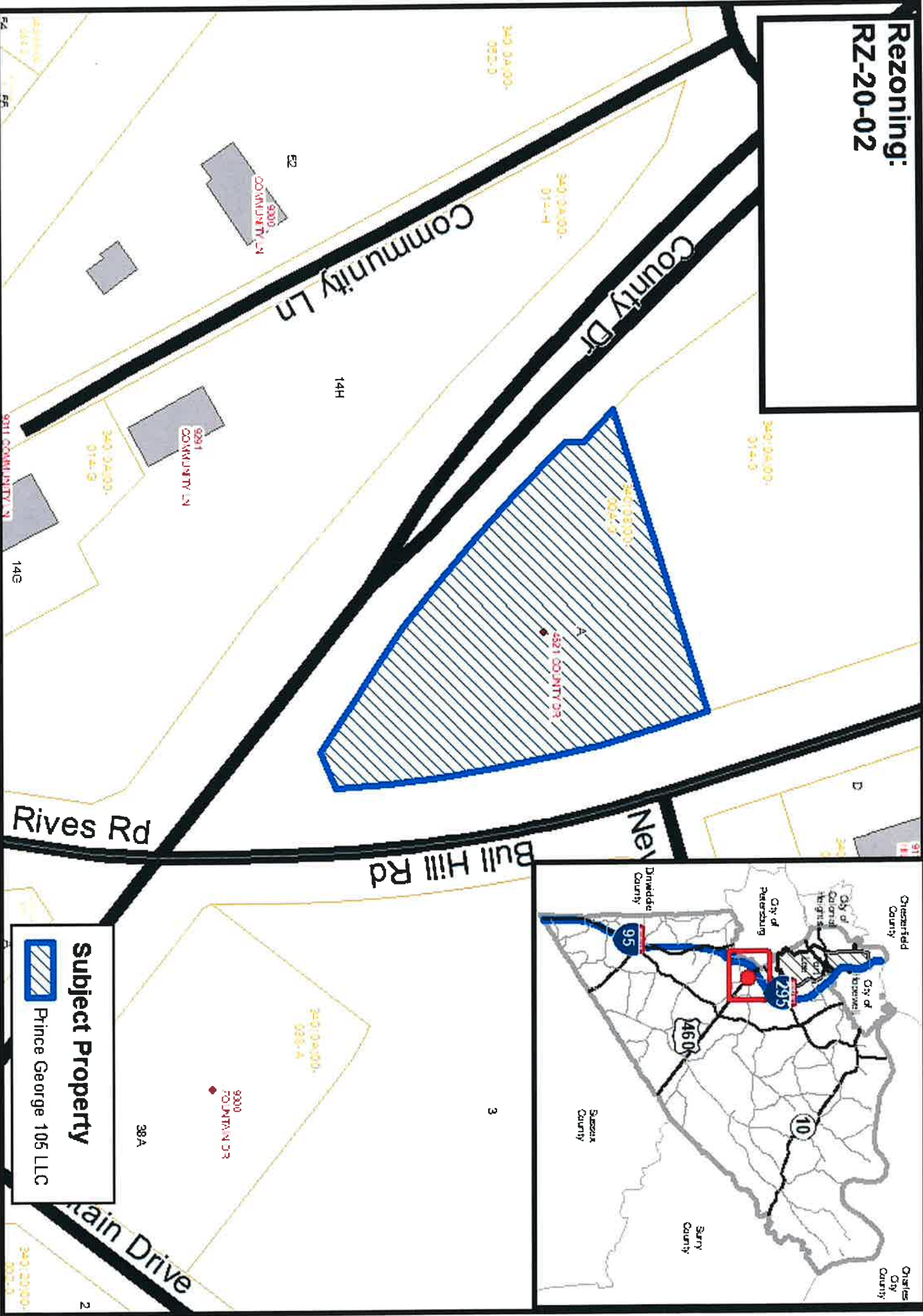
The following land uses shall be excluded from the property under Section 90-393:

- 6. Outdoor theater, outdoor motion picture theater
- 10. Dancehall
- 16. Motor freight terminal, transshipment facility
- 19. Commercial amusement park
- 21. Turkey shoot theater
- 25. Circuses, carnivals or similar temporary activities when organized or sponsored by commercial enterprise
- 29. Tree stump landfills

REZONING RZ-20-02 -- STAFF REPORT

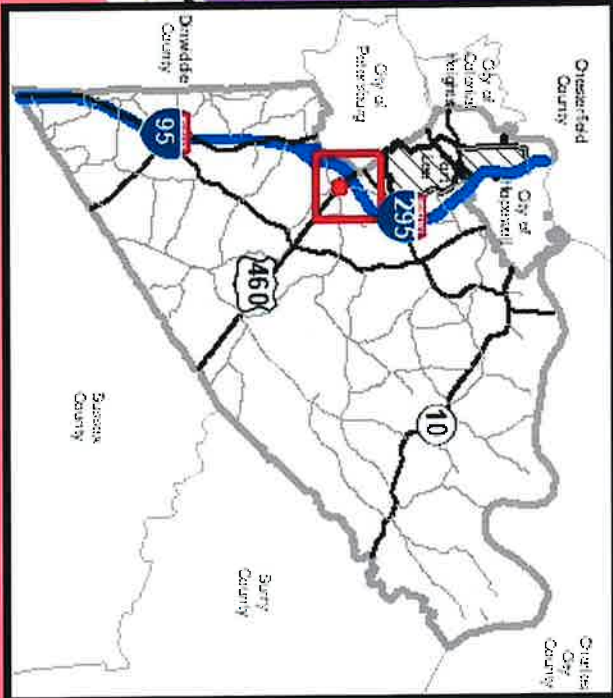
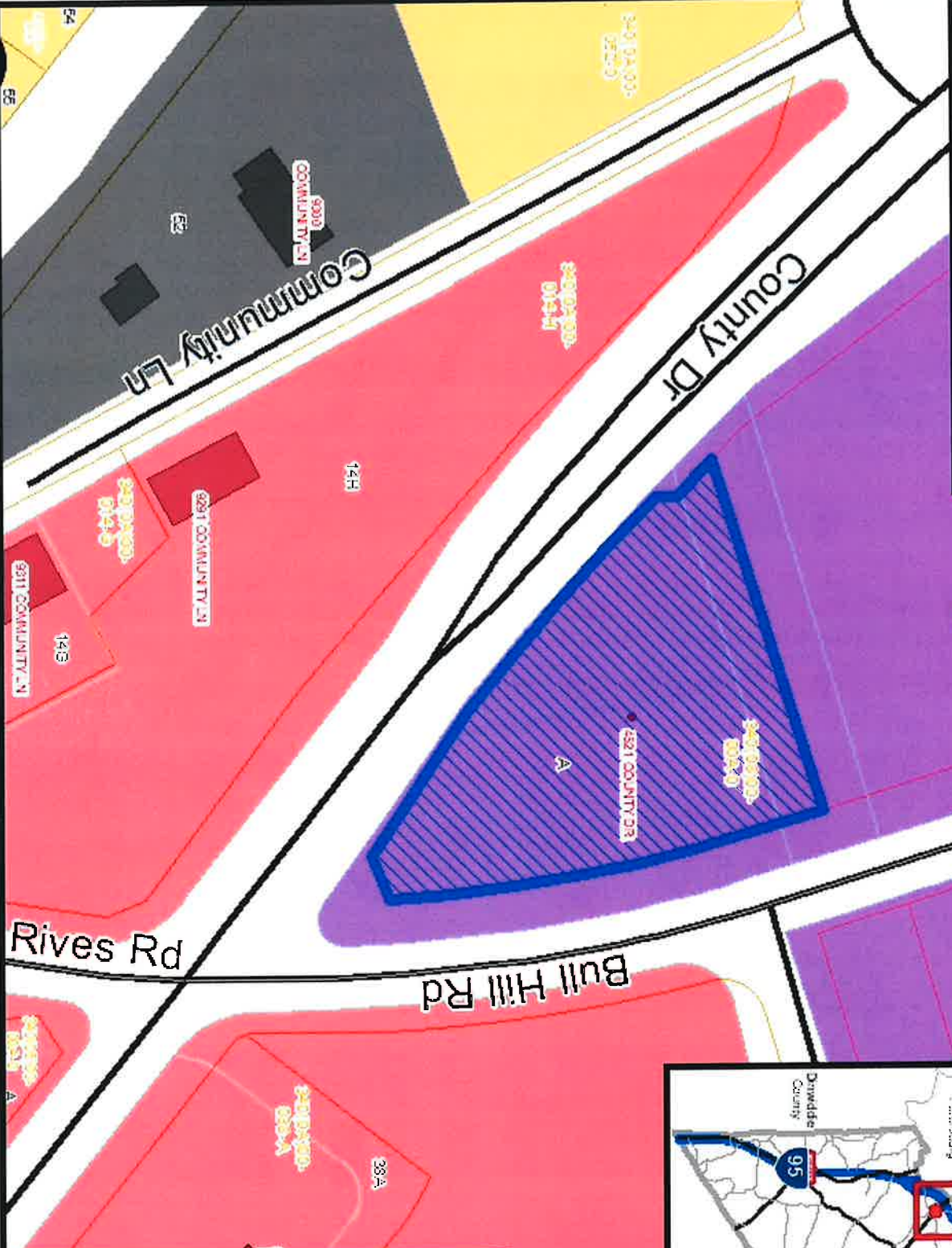
- 31. Outdoor flea markets
- 33. Family day care (large) in existing dwelling
- 36. Vehicle Impound facility
- 2. Storm water quantity and quality shall be provided for this site through development of on-site best management practices and purchase of off-site nutrient credits.
- 3. All storm water easements and basins shall be maintained by the property owner.
- 4. All utilities to serve this development will be provided underground to include, but not limited to, power, telephone, gas and cable television.
- 5. Prior to site plan approval, a written graphic description of exterior materials, color, architectural style and building scale shall be submitted for approval to the Director of Community Development and Code Compliance.
- 6. Exterior wall material shall be clad in fiber-cement siding, brick, stone, cultured stone, stucco, or materials having the appearance of such materials. Alternative siding materials including vinyl accents may be permitted if approved by the Director of Community Development and Code Compliance, however, full vinyl siding shall not be permitted.
- 7. Compatibility must be achieved through the use of similar building massing, materials, scale, colors and other architectural features. (Staff working with applicant for more specific details)
- 8. All roof-mounted mechanical equipment must be screened by a parapet wall or other material as may be approved by the Director of Community Development and Code Compliance, or designee, as part of the site plan process.
- 9. All ground mounted mechanical and electrical equipment must be screened by fences or vegetation and approved by the Director of Community Development and Code Compliance, or designee, as part of the site plan process.
- 10. All junction and accessory boxes must be integrated in the architectural treatment of the building or view minimized by landscaping.
- 11. A VDOT handicap curb ramp (CG-12) will be installed on the north side of the proposed entrance to Bull Hill Road prior to Certificate of Occupancy
- 12. A five (5) foot wide sidewalk will be installed within the Bull Hill Road right-of way from the north side of the proposed entrance on Bull Hill Road to the adjacent common property line north along Bull Hill Road. This sidewalk will be installed upon the development of the northern adjacent property
- 13. The development of the subject property of this application shall be in strict accordance with the conditions set forth as proffers and as generally depicted on the schematic plan dated March 9, 2020 with respect to access and developable area. These proffers shall run with the land and shall, in the event of transfer of the Property to other parties, be enforceable against such other parties.

**Rezoning:
RZ-20-02**



Subject Property
Prince George 105 LLC

Future Land Use: RZ-20-02 Prince George 105 LLC

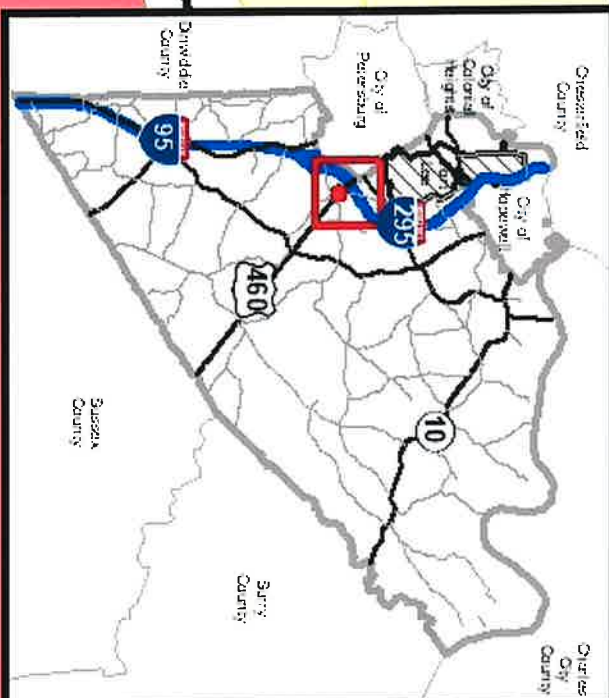
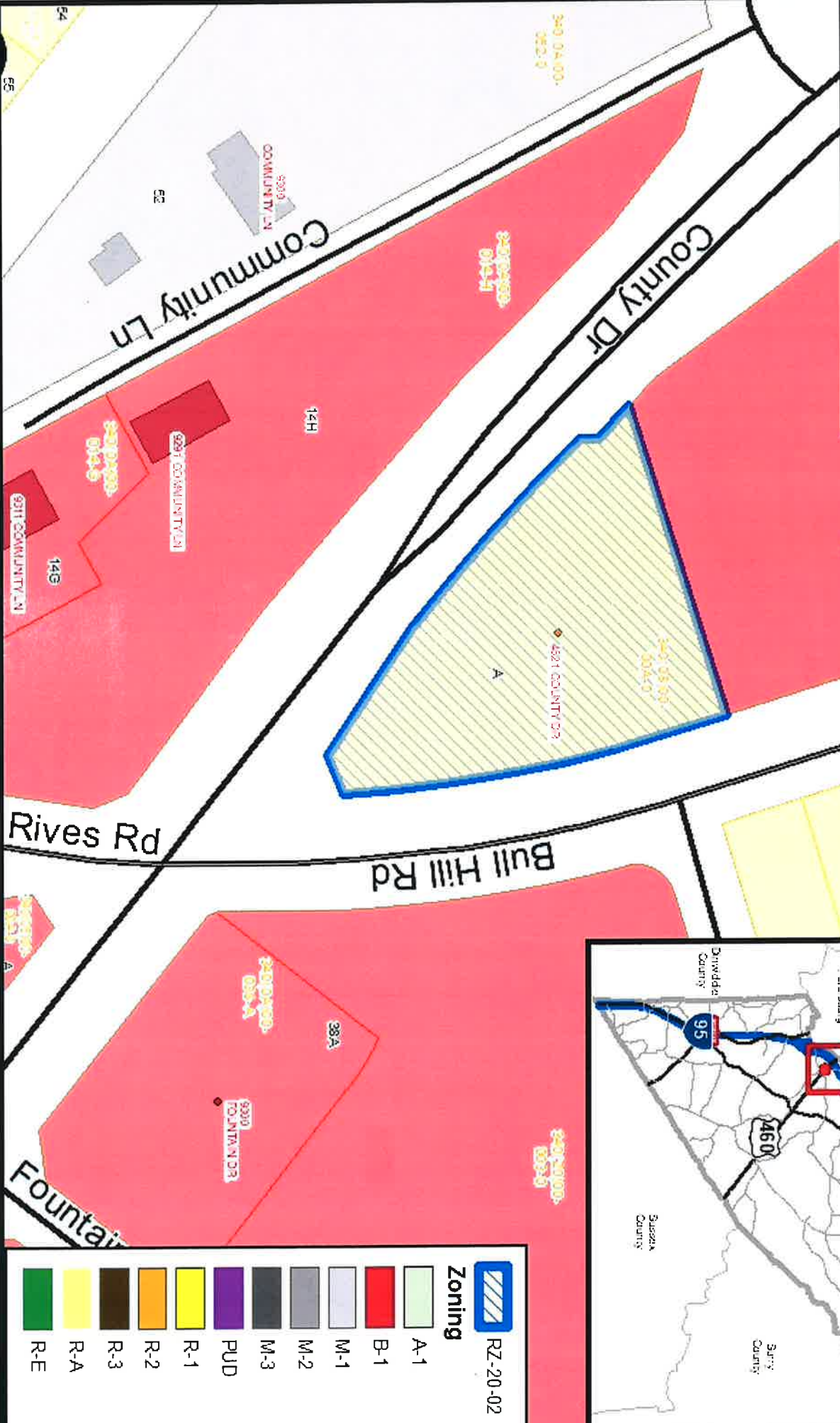


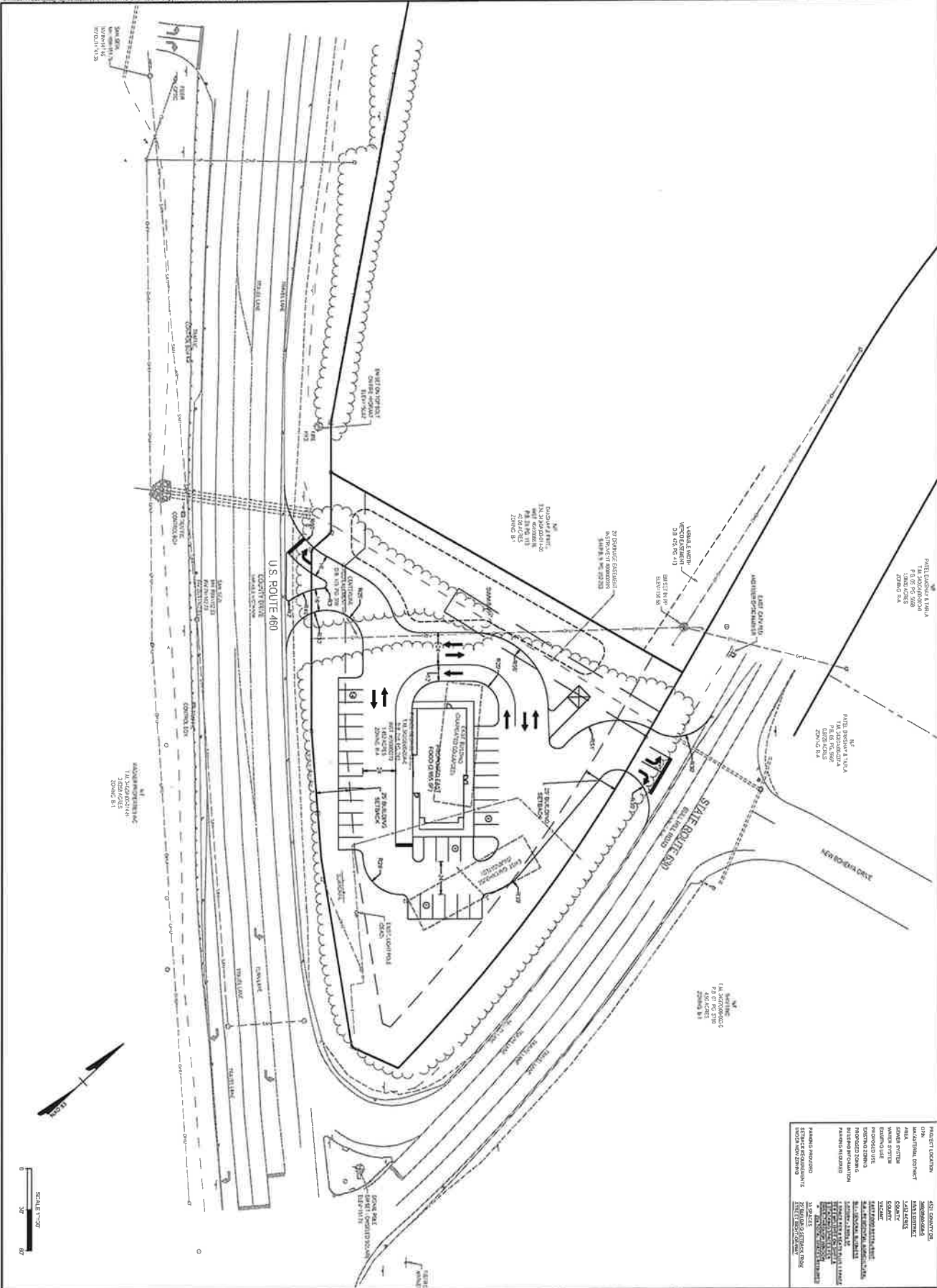
RZ-20-02

Future Land Use

	Agriculture
	Commercial
	Commercial / Industrial
	Industrial
	Neighborhood Commercial
	Public / Semi-Public
	Residential
	Residential - Multi-Family
	Village Center

**Current Zoning:
RZ-20-02
Prince George 105 LLC**





TIMMONS GROUP

DAVIS BULL HILL ROAD
 RIVES DISTRICT - PRINCE GEORGE COUNTY - VIRGINIA
 SCHEMATIC LAYOUT FOR REZONING

YOUR VISION ACHIEVED THROUGH OURS.

THIS DRAWING PREPARED AT THE
 TRC-CITIES OFFICE
 4701 Owens Way, Suite 900 | Prince George, VA 22975
 TEL 804.541.6600 FAX 804.459.1511 www.timmons.com

NO.	DATE	DESCRIPTION
1	10/20/2011	SCHEMATIC LAYOUT FOR REZONING



REZONING APPLICATION

Department of Community Development and Code Compliance
6602 Courts Drive
Prince George, VA 23875
Planning Division (804) 722-8678
www.princegeorgecountyva.gov

OFFICE USE ONLY

APPLICATION #:

RZ-20-02

DATE SUBMITTED:

RECEIVED

MAR 10 2020

BY:

(Please fill-in all blanks)

LEGAL OWNER(S) OF PROPERTY REQUESTED TO BE REZONED:

Prince George 105 LLC

ADDRESS:

PO Box C, Stony Creek, VA 23882

TAX MAP OF SUBJECT PARCEL:

340(08)00-00A-0

CITY:

Prince George

STATE:

VA

ZIP CODE:

23875

DISTRICT:

Rives

E-MAIL ADDRESS:

RRook@dtc33.com, RDavis@dtc33.com, MDavis@dtc33.com

RECORDED IN THE CIRCUIT COURT CLERK'S OFFICE:

PB. 218, PG. 740

DEED BOOK 15 PAGE 2350 Date 8/14/15 DEED RESTRICTIONS:

CURRENT LAND USE:

Vacant

ACREAGE:

1.452 AC

COMPREHENSIVE PLAN DESIGNATION:

Industrial

ZONING CLASSIFICATION

PRESENT ZONING :

R-A

PROPOSED ZONING:

B-1

REASON(S) FOR REZONING REQUEST, INCLUDING DESCRIPTION OF PROPOSED USE:

Wants to build fast food

AGENT OR REPRESENTATIVE OF PROPERTY OWNER(S), IF ANY (SPECIFY INTEREST):

Timmons Group

NAME:

John Wall

PHONE NUMBER:

(804)541-6606

ADDRESS:

4701 Owens Way, Suite 900

CITY:

Prince George

STATE:

VA

ZIP CODE:

23875

E-MAIL ADDRESS: John.Wall@Timmons.com

PROVIDE A GENERAL DESCRIPTION OF THE PROJECT: (Attach a separate letter if necessary)

Fast food that fits growing development around area

**Application by Prince George 105 LLC
Davis Bull Hill Rd.
Prince George County, Virginia
February 4, 2020**

Prince George 105 LLC (the “Applicant”) submits this application for a rezoning. The reason for this rezoning is to allow for development of a fast food restaurant.

The proposed zoning request consists of a 1.452 acre parcel known as Tax Map Parcel 340-(08)00-00A-0 located in the Rives District of Prince George County, Virginia, along US Route 460 just east of Interstate 295 (the “Property”) as shown on the rezoning plan dated January 28, 2020.

The current zoning of the Property is R-A, Residential Agriculture. We are seeking rezoning of 1.452 acre from R-A to B-1, General Business for this development.

The properties adjacent to this site include business zoned property to the northwest (B-1), which is owned by Dakshay J. Patel, Bull Hill Road right of way and B-1 business zoned property to the east, and Highway 460 and B-1 business zoned property to the south and west.

Project Description

The Project will consist of, general business uses including but not limited to, an approximately 3,000 square foot fast food restaurant building with associated parking spaces and sidewalks.

The site will be accessed by a connection to US Route 460 by a right-in and right-out entrance. The site will also be accessed by a connection to State Route 630 – Bull Hill Road by a full entrance.

Lights will be provided within the parking area on the site and maintained at the developers cost. Exact location of lights will be reviewed and approved through the site plan review process with county staff. Any utilities will be provided underground for this development to include, but not limited to, sanitary sewer, water, power, telephone, gas and cable television.

Storm Water Management

Water quality and water quantity runoff from this developed site will be handled using Best Management Practices (BMP). These BMPs will provide compliance with County and State regulations and will include structural measures to control runoff from the site.

STATEMENT OF PROFFER

Pursuant to Section 15.2-2296 of the Code of Virginia and Article XVII of the Prince George County Zoning Ordinance, Melvin L. Davis, of Prince George 105 LLC, does hereby voluntarily proffer, as the owner of record of the property (the "Property") respectively, which is the subject of this rezoning request, that the development of the Property shall be in strict accordance with the following conditions set forth in this submission:

We present the following proffers for the Davis Bull Hill Road on Tax Map Parcel #340-(08)00-00A-0:

1. The following permitted land uses shall be excluded from the property under Section 90-392:

- 13. Funeral Homes
- 17. Lumber and building supply with storage facilities under cover
- 20. Waterfront business activities
- 24. General Advertising signs
- 37. Cemeteries
- 38. Circuses, carnivals or similar temporary activities
- 39. Noncommercial fairgrounds
- 45. Mobile home and recreational vehicle sales, service repair

The following land uses shall be excluded from the property under Section 90-393:

- 6. Outdoor theater, outdoor motion picture theater
- 10. Dancehall
- 16. Motor freight terminal, transshipment facility
- 19. Commercial amusement park
- 21. Turkey shoot theater
- 25. Circuses, carnivals or similar temporary activities when organized or sponsored by commercial enterprise
- 29. Tree stump landfills
- 31. Outdoor flea markets
- 33. Family day care (large) in existing dwelling
- 36. Vehicle impound facility

2. Storm water quantity and quality shall be provided for this site through development of on-site best management practices and purchase of off-site nutrient credits.
3. All storm water easements and basins shall be maintained by the property owner.
4. All utilities to serve this development will be provided underground to include, but not limited to, power, telephone, gas and cable television.
5. Prior to site plan approval, a written graphic description of exterior materials, colors, architectural style and building scale shall be submitted for approval to the Director of Community Development and Code Compliance.
6. Exterior wall material shall be clad in fiber-cement siding, brick, stone, cultured stone, stucco, or materials having the appearance of such materials. Alternative