2 September 26, 2019 Meeting Minutes

Public Hearing – SE-19-06

## Department of Community Development & Code Compliance



#### PLANNING COMMISSION

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

# County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

# Planning Commission

Regular Meeting Thursday, October 24, 2019 6:30 p.m. County Board Room

- I. Call to Order
- II. Roll Call
- III. Invocation
- IV. Pledge of Allegiance to the U.S. Flag
- Approval of the Meeting Minutes September 26, 2019 [2] V.
- Citizen Comment Period VI.
- VII. New Business - Public Hearings

#### SPECIAL EXCEPTION SE-19-06 [3]

Request of James and Rhonda Hamlin pursuant to § § 90-103(12) to permit a home professional office in a R-A, Residential - Agricultural District. The request property is located at 12000 Prince George Drive and is identified as Tax Maps 440(0A)00-079-B & 440(06)00-004-0. The Comprehensive Plan indicates the property is suitable for residential uses.

#### VIII. Old Business

- 1. Progress Report on Food Truck Ordinance Amendment
- Planner's Communications to the Commission IX.
  - 1. Actions of the Board of Zoning Appeals
  - 2. Actions of the Board of Supervisors
  - General Comments
- X. Adjournment

The next regularly scheduled meeting will be Thursday, November 21, 2019

## Department of Community Development & Code Compliance



#### PLANNING COMMISSION

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

# County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

# **Planning Commission**

Meeting Minutes September 26, 2019

#### I. CALL TO ORDER

A regular meeting of the Planning Commission of the County of Prince George, Virginia was called to order at 6:30 p.m. on Thursday, September 26, 2019 in the Boardroom, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Joseph E. Simmons, Chairman.

#### II. ATTENDANCE

The following members responded to Roll Call:

Joseph E. Simmons, Chairman	Present
Alex W. Bresko, Jr., Vice-Chairman	Present
Mr. R. Stephen Brockwell	Absent
Mr. Floyd M. Brown	Present
Mr. James A. Easter	Present
Mrs. Imogene S. Elder	Present
Mr. V. Clarence Joyner, Jr.	Present

Also present: Julie C. Walton, Director; Horace Wade, Planner; Tim Graves, Planner; Missy Greaves-Smith, Administrative Support Specialist

### III. <u>INVOCATION</u>

Mrs. Elder provided the Planning Commission's Invocation.

## IV. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

Vice-Chairman Bresko led the Pledge of Allegiance to the United States Flag.

#### V. APPROVAL OF THE MEETING MINUTES

Chairman Simmons asked for the Approval of the Minutes for the August 22, 2019 Planning Commission Meeting. A motion was made by Mr. Brown and it was seconded by Mr. Joyner and the minutes were adopted, as amended Monday night at the work session. Roll was called on the motion.

Roll Call vote on the Motion:

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

Opposed: (0)

Absent: (1) Brockwell

Abstain: (0)

#### VI. CITIZEN COMMENT PERIOD

At 6:34 p.m. Chairman Simmons opened the Citizen Comments Period to anyone who wished to speak on any subject not on the agenda. He asked that persons limit their remarks to three (3) minutes. With no one coming forward to speak, Chairman Simmons closed the Citizen Comments Period at 6:35 p.m.

#### VII. PUBLIC HEARINGS

#### **SPECIAL EXCEPTION SE-19-05**

Request of Mark and Terri Perkinson pursuant to § § 90-103 (23) to permit an animal boarding place within a R-A, Residential - Agricultural District. The request property is located at 10610 Merchants Hope Road and is identified as Tax Map 140(0A)00-059-A. The Comprehensive Plan indicates the property is suitable for residential uses. Tim Graves, Planner, addressed the Commission with the following staff report:

The applicants are requesting a Special Exception to permit an Animal Boarding Place as an Accessory Use on a property zoned for both R-A, Residential – Agricultural District, and R-2 Limited Residential District, with the proposed use on the R-A portion of the property.

The applicants are proposing to operate a "doggie daycare" and small-scale dog boarding business as part of an "animal boarding place use" on the portion of their property zoned R-A, consisting of approximately 2.75 acres out of the 5.57 acres. The applicants will utilize an existing 1,500 square-foot detached garage and fenced areas. The proposed operation is no-crate, no-kennel, allowing the dogs freedom to move during the day within the structure and fenced areas. Customer visits would generally entail dropping off and/or picking up their dogs for those customers who choose not to utilize the transportation services offered by the applicants. Impact on neighbors and total vehicle trips would be limited by various factors including available transportation services, a proposed maximum number of dogs, overnight boarding only within the home, and increased well-being afforded to the dogs by the no-crate, no-kennel model. The applicants propose to comply with all local, state and federal codes related to the care and keeping of animals, and propose to cooperate with

Animal Services before and after opening the facility.

Based on the activities described by the applicants, the use would be considered "animal boarding place", which is defined in Sec. 90-1 as "any structure or any land or any combination of either used, designed and arranged for the boarding, breeding or care of dogs cats, pets, fowl, ponies, horses or other domestic animals for profit, but exclusive of animals used for agricultural purposes."

This use is permitted by special exception under Sec. 90-103 in the R-A Residential Agricultural District.

(23) Animal hospital, animal boarding place, veterinary service.

The Comprehensive Plan Future Land Use Map identifies this area, including the request property and surrounding properties, as appropriate for residential use.

#### Other County Staff Review Comments:

Building Inspections: No new construction is being proposed, therefore there is no further comments at this time. No Change of Use required for buildings on the property since primary use is still residential.

Environmental: No land disturbance, therefore no comments.

Transportation (VDOT): This would be a low volume commercial entrance, therefore no entrance improvements necessary.

**Health (VDH):** VDH provided the following comments:

- Sewage disposal and well requirements will need to be evaluated by an AOSE/OSE or Engineer for this commercial use. The evaluation information will need to be supplied to the Health Department.
- The permit on file for this property (HDID# 89-174-0126) shows the design was to serve 3 bedrooms. The County GIS system states that there are 4 bedrooms. This will need to be sorted out.

Utilities: No public water and sewer connection required or present, therefore no comments.

Animal Services: Applicant must comply with the provisions of state code related to animal care and recommend meeting with Animal Services prior to opening facility.

**Economic Development:** No comments

Police Department: Observe the County Noise Ordinance related to barking dogs kept overnight to avoid violations.

County Staff recommends approval of the proposed animal boarding place use, subject to the following conditions intended to minimize the impact on surrounding property owners and ensure that this use complies with all local, state and federal requirements:

- 1. The Special Exception is granted for an Animal Boarding Place use to Mark and Terri Perkinson on Tax Map 140(0A)00-059-A. It is not transferable and it does not run with the land.
- 2. The Special Exception is granted for an animal boarding place for the purpose of daytime care of dogs on the premises and limited overnight lodging of dogs in the home.
- 3. The Special Exception is granted only for the portion of the property zoned R-A, therefore animal boarding place activities shall only be permitted to take place on the portion of the property zoned R-A.
- 4. Sewage disposal and well requirements shall be evaluated by an AOSE/OSE or Engineer for this commercial use. The evaluation information will be supplied to the Health Department prior to issuance of a business license.
- 5. All dogs will be required to be screened prior to acceptance into the facility, including verification of good health by a veterinarian and being current on all shots.
- 6. The applicants shall operate in compliance with all applicable local, state and federal codes.
- 7. The applicants shall take appropriate measures to ensure compliance with the County Noise Ordinance of the Code of the County of Prince George, as adopted, and as enforced by the Police Department.
- 8. The applicants shall meet with Animal Services prior to opening to inspect the facility, shall accommodate unannounced visits from Animal Services during operations, and take appropriate measures for health and safety of the animals as recommended by Animal Services.
- 9. A maximum of 20 dogs shall be permitted for day care on the premises, in conjunction with the use.
- 10. A maximum of 4 dogs shall be permitted for overnight stays, to be kept indoors in the home, in conjunction with the use.
- 11. Dogs will be kept within fenced areas or indoors at all times when not in transport.
- 12. The hours of operation for the daytime care activities shall be limited to Monday through Friday 6:00 a.m. to 6:00 p.m.

- 13. A maximum of two (2) personnel may be present on the premises in conjunction with this use, other than members of the family residing on the premises.
- 14. 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.
- 15. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicants to comply with any of the listed conditions or any provision of federal, state or local regulations.

Mr. Brown asked Mr. Graves if staff had received any comments from the adjoining property owners. Mr. Graves stated that all of the adjoining property owners were properly notified, there were no comments received, and he added that two of the three recipients are family members of the Perkinson's.

Mr. Brown inquired about the conditions that the applicant has yet to have complied with. Mr. Graves stated that the conditions that go along with the approval must be met before a business license can be issued, to include the VDH (Virginia Department of Health) requirements. The applicant has stated to staff that this process had already been started. The applicant cannot start their business until the VDH has given their approval and the business license has been issued.

Chairman Simmons inquired if the Commission should postpone their vote and not send this to the BOS until the VDH renders a decision. Mr. Wade stated that the VDH has their own function and this condition is dependent upon VDH's approval. Therefore, if VDH does not sign off on this, the Perkinson's could not file for a business license.

At 6:47 p.m. Chairman Simmons opened the Public Hearing.

With no one coming forward, Chairman Simmons closed the public hearing at 6:48 p.m.

Chairman Simmons asked the Commissioners if there were any questions or discussion amongst themselves, and if not, he would entertain a motion. Vice-Chairman Bresko made a motion to forward SE-19-05 to the Board of Supervisors for their consideration with the Planning Commission's recommendation of approval and the motion was seconded by Mr. Easter. Roll was called on the motion.

Roll Call vote on the Motion:

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

Opposed: (0)

Absent: (1) Brockwell

Abstain: (0)

#### VIII. COMMUNICATIONS TO THE COMMISSION

Mr. Wade provided the following updates:

- a. Actions of the Board of Zoning Appeals
  - The BZA approved a variance for height of a communications tower on

#### September 16, 2019.

#### b. Actions of the Board of Supervisors

- On September 10, 2019, the BOS approved the amended PUD for Proud Moma's Food Truck, the Special Exception for the Bland Assembly Hall, the M-3 Ordinance Amendment, and M-3 Rezoning for Service Center Metals.
- c. General Comments to the Commission
  - Chairman Simmons and Mr. Easter will serve on a sub-committee for the Sign Ordinance that was remanded by the BOS to the Planning Commission.
  - The draft Mobile Food Units Ordinance, pertaining to food trucks, was submitted to the Planning Commission for review.

#### IX. ADJOURNMENT

A Motion was made by Mrs. Elder, seconded by Mr. Easter to adjourn the meeting at 6:56 p.m. until Thursday, October 24, 2019 at 6:30 p.m.

Roll Call vote on the Motion:

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

Opposed: (0)

Absent: (1) Brockwell

Abstain: (0)

# PLANNING COMMISSION STAFF REPORT SE-19-06 JIM & RHONDA HAMLIN OCTOBER 24, 2019 RESUME

The applicants, Jim and Rhonda Hamlin, are requesting a <u>Special Exception</u> to permit a <u>Home Professional Office</u> use on a property zoned for <u>R-A, Residential Agricultural District</u>, for the purpose of "Equine-Facilitated Psycotherapy".

Staff recommends Approval, subject to recommended conditions.

#### **PLANNING COMMISSION -- STAFF REPORT**

#### SPECIAL EXCEPTION REQUEST

CASE NUMBER: SE-19-06

APPLICANTS: James S. and Rhonda A. Hamlin

**LOCATION:** 12000 Prince George Drive

**TAX MAP ID:** 440(0A)00-079-B & 440(06)00-004-0

SIZE OF PROPERTY: Approximately 9.55 ac

PLANNING DISTRICT: Planning Area

REQUEST: Special Exception to permit Home Professional Office

**EXISTING ZONING:** R-A Residential Agricultural Zoning District **SURROUNDING ZONING:** R-A Residential Agricultural Zoning District

**EXISTING USE:** Single Family Dwelling

PROPOSED USE: Home Professional Office (as Accessory Use)

UTILITIES: Well and Septic

REAL ESTATE TAXES: Taxes have been paid as of October 1, 2019

**MEETING INFORMATION:** 

Planning Commission: Thursday, October 24, 2019 at 6:30 p.m.

Board of Supervisors: TBD

**RECOMMENDATION:** Staff recommends Approval with recommended conditions

#### ATTACHMENTS:

- 1. GIS Location Map
- 2. Satellite View
- 3. Zoning Map
- 4. Application
- 5. Applicant Statement and Site Sketch

#### PLANNING COMMISSION STAFF REPORT

#### **SPECIAL EXCEPTION CASE SE-19-06**

#### JAMES S. & RHONDA A. HAMLIN

**PUBLIC HEARING: OCTOBER 24, 2019** 

#### Request:

The applicants are requesting a Special Exception to permit a Home Professional Office on a property zoned for R-A, Residential – Agricultural, for the purposes of "equine-assisted psychotherapy".

#### **Request Details:**

The applicants are proposing to operate a therapy office on the premises of their home property, which is approximately 9.55 acres in area and located at 12000 Prince George Drive. The therapy sessions involve the aid of horses to service the needs of customers. The sessions are targeted to individuals with special needs such as autism, and may occasionally include family members or occasionally consist of small groups of up to 8 individuals with special needs.

The "equine-assisted psychotherapy" services will be conducted by applicant Rhonda Hamlin, a Licensed Clinical Social Worker (LCSW) and equine specialist in mental health and learning. The use will occur within fenced areas outdoors and occasionally in the barn on the property. Off-street parking will be provided in the interior of the property, and customer visits will be defined by the number of sessions per day, length of sessions, and the number of visitors within each session. Operating hours will be between 8am and 6pm Monday through Saturday, by appointment only, with a typical session having a duration of 50 minutes, with a maximum of 5 sessions per day. No personnel other than the family members living on the property are currently planned be involved with the use.

#### **Proposed Use**

"Home Professional Office"

#### Sec. 90-103. - Uses and structures permitted by special exception.

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

(12) Home professional and trade offices.

#### Sec. 90-1. - Definitions:

- (2) Home professional and trade offices means offices within residences or accessory structures on residential properties where clients or customers are received within the home, such to be permitted by special exception only. This category shall include dental offices, doctors' offices, law offices, or architectural offices where clients or patients are received and services or medical/dental care is rendered; and personal service uses such as barber and beautician services and sewing and upholstery services. Conditions of a special use exception shall address, at a minimum:
  - a. The provision of offstreet parking;

- b. The number of nonresident employees permitted;
- c. Signage permitted; and
- d. Hours of operation

#### **Zoning**

The request property is zoned R-A Residential Agricultural.

The surrounding properties are zoned R-A Residential Agricultural.

The proposed use is permitted by Special Exception in the R-A zoning district.

The nature of this specific proposed use appears to be compatible with existing surrounding uses.

The keeping of horses is permitted by right as an accessory use, subject to provisions:

#### Sec. 90-104. - Accessory uses and structures permitted.

- b. The following contained or fenced animal and poultry operations are considered accessory uses with the R-A residential agricultural district, but are subject to the noted provisions:
  - (4) Beef, dairy cattle or livestock: one or less per acre per tract, not to exceed 125 head, and provided any animal containment or fenced area is a distance of at least 150 feet from the nearest adjoining dwelling.

The applicants house their horses in a barn structure that is at least 150 feet from the nearest dwelling, and the activities of the use are proposed to occur at least 440 feet from the nearest dwelling. Per the ordinance, a maximum of 9 horses may be kept on this 9.55-acre property.

#### Comprehensive Plan

The Comprehensive Plan Future Land Use Map identifies this area, including the property and surrounding properties, as appropriate for residential use.

This use appears to be compatible with the Future Land Use designation.

#### **Staff Review Comments:**

#### **Building Inspections Division:**

The request has been reviewed and found in compliance with current use of property. Any future construction of structures over 256 sq. feet will be required to be reviewed, permitted and inspected to meet the requirements of the applicable Virginia Construction Code and maintained in compliance with the applicable Virginia Fire Prevention Code.

Contact: Dean Simmons, Building Official and Fire Official

Note: No new structures are currently proposed for this use.

#### **Environmental Division:**

No comments at this time. However, if future expansion of the facility requires land disturbance, the following conditions will apply:

 Any land disturbance that exceeds 10,000 sq. ft. will require a Land Disturbance Permit from Prince George County. Any disturbance of 1 acre and above will require a Construction General Permit from the Virginia Department of Environmental Quality. The Land Disturbance Permit Application must be accompanied by an Erosion and Sediment Control Plan

2. Site Plan should show the Wetland Area (Pond) located on site. Plan should also show proximity of all proposed improvements with respect to the wetland area.

Contact: Angela Blount, Environmental Program Coordinator

Note: No land disturbance is currently proposed for this use, therefore a site plan and environmental permits are not required at this time.

#### Transportation (VDOT):

Based on the information provided, it is anticipated that a low volume commercial entrance would be required for this proposed use. A low volume commercial entrance demonstrates the stopping sight distance based upon the speed limit of the roadway is available at the proposed entrance. SR 156 has a posted speed limit of 55 MPH and a stopping sight distance of 495'. A visual evaluation of the existing entrance indicates the required stopping sight distance is available at the existing entrance to the property.

Contact: Paul Hinson, Southern Region Land Use Engineer, VDOT

#### Health (VDH):

Sewage disposal and well requirements will need to be evaluated by an AOSE/OSE or Engineer for this proposed use. The evaluation information will need to be supplied to the Health Department.

Contact: Alice Weathers, Environmental Health Specialist, VDH

#### **Animal Services:**

The applicant appears to have a good background to handle the animals responsibly and make a positive contribution to the community.

Contact: Nicholas Wilder, Supervisor, Animal Services Facility

**Economic Development:** No comments

Police Department: No comments

Fire Department: No comments

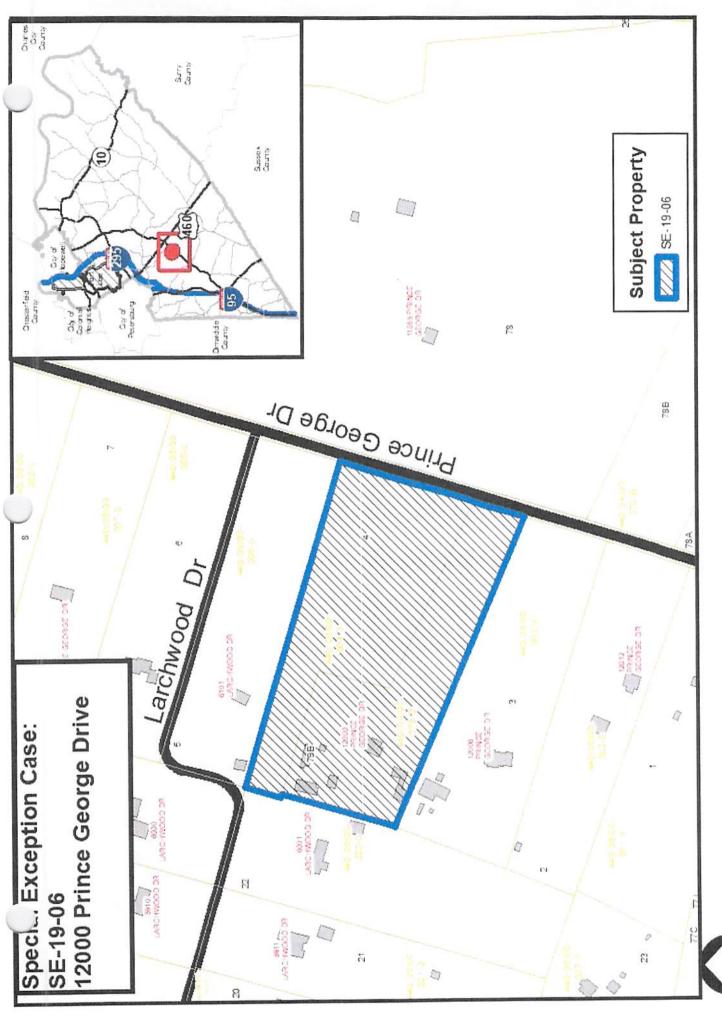
Assessor: No comments

#### Recommendation:

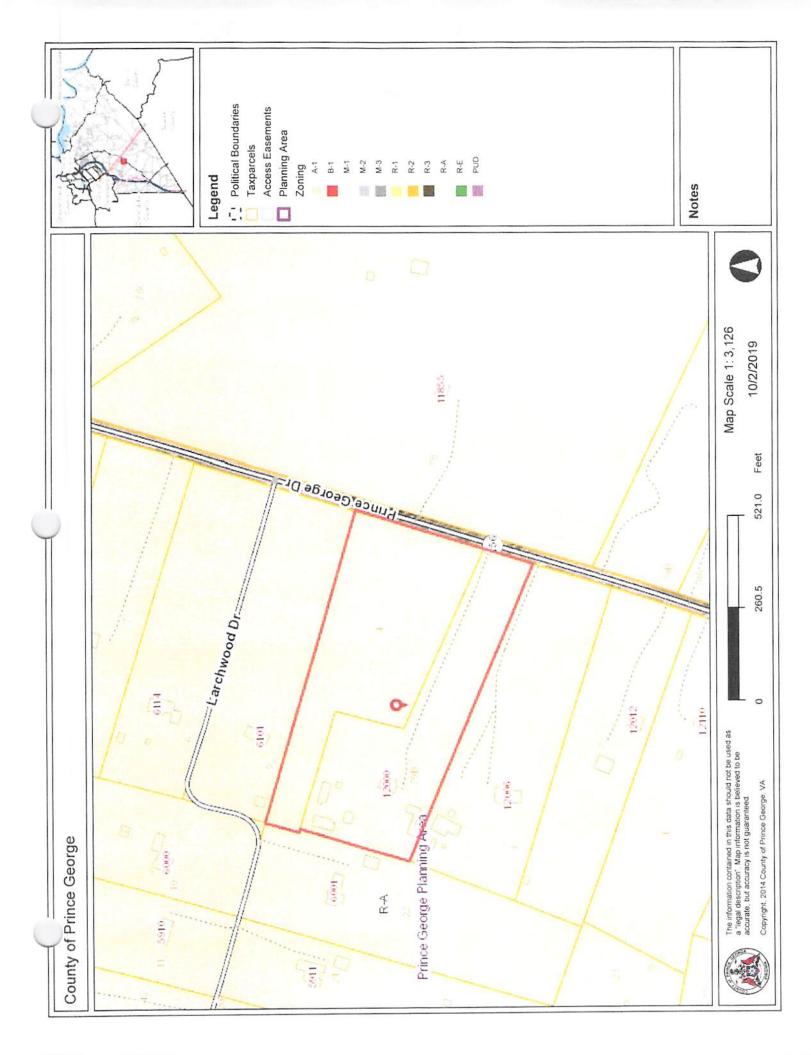
County Staff recommend Approval of the proposed use, subject to the following conditions intended to minimize the impact on surrounding property owners and ensure that this use complies with all local, state and federal requirements:

1. This Special Exception is granted for a Home Professional Office to James S. and Rhonda A. Hamlin on Tax Map parcels 440(0A)00-079-B and 440(06)00-004-0 for the purpose of

- equine-facilitated psychotherapy, so long as the two parcels are both owned by the applicants. This Special Exception is not transferable and it does not run with the land.
- 2. Sewage disposal and well requirements shall be evaluated by an AOSE/OSE or Engineer for this proposed use. Evaluation information shall be supplied to the Health Department prior to issuance of a business license.
- 3. The applicant shall permit unannounced inspections during regular business hours by County Animal Services Officers to ensure proper treatment of the animals at the facility.
- 4. The hours of operation for the use shall be between 8:00am and 6:00pm Monday through Saturday.
- 5. Sufficient off-street parking equivalent to at least four (4) standard vehicle spaces shall be provided for visitors, located in the interior of property.
- 6. The maximum number of visitors for the use in a given day shall be limited to five (5) sessions of one individual or family, or equivalent combination of visitors and sessions, by appointment only, with no more than one (1) session per seven (7) days of groups of between five (5) and ten (10) people.
- 7. One (1) non-illuminated, freestanding sign, no greater than four (4) square feet, may be placed for directional purposes near the main entrance, located outside of the VDOT right-of-way and meeting setback requirements.
- 8. 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.
- 9. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicants to comply with any of the listed conditions or any provision of federal, state or local 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

OFFICE USE ONLY APPLICATION #: BY: SECTION:

	1	www.princegeorge	ecountyva.gov		
	(PLEASE FILL-IN ALL BLANKS)				
-	LEGAL OWNER(S) OF PROPERTY REQUESTED FOR PERMIT:				
	JAMES S & RHONDA A HAMLIN				
	ADDRESS:				
N	12000 PRINCE GEORGE DR				
GENERAL PROPERTY INFORMATION		STATE:	ZIP CODE:	PHONE NUMBER:	
	DIS PUTA NTA	UA	23342	703 244 2626	
	E-MAIL ADDRESS:				
Z	JIM - Hotmain 23 @ HOTMAIL com				
2	TAX MAP OF SUBJECT PARCEL: 440(06) 00-004-0				
E	RECORDED IN THE CIRCUIT COURT CLERK'S OFFICE:				
Ö	INST 13000 7217				
PR	DEED BOOK PAGE Date DEED RESTRICTIONS:				
NERAL	ACREAGE:	PARTIAL PARCEL: YES NO	SUBDIVISION:		
	PRESENT USE:				
GE	RESIDE JTIAL /ABRICULTURAL				
	ZONING CLASSIFICATION				
	LAND USE CLASSIFICATION:		PRESENT ZONING: RC, INC. NTAL (RA)		
	RESIDENTIAL	OMMEDIC) IE ANY ISBE		TOTAL COLL ONE	
_	AGENT OR REPRESENTATIVE OF PROPERTY OWNER(S), IF ANY (SPECIFY INTEREST):				
REF	NAME:				
1	NAME:  ADDRESS:  CITY: STATE: ZIP CODE: PHONE NUMBER:				
GEI					
4 A					
NE	CITY:	STATE:	ZIP CODE:	PHONE NUMBER:	
3					
0	E-MAIL:				
	PROVIDE A GENERAL DESCRIPTION OF THE PROJECT: (ATTACH A SEPARATE LETTER IF NECESSARY)				
	SEE ATTACHED				
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PROJECT DESCRIPTION					
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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:  MAILING ADDRESS: 12000 PRINCE GEORGE DR  CITY/STATE/ZIP: 01585777774, JA 23342  PHONE NUMBER: 703 2 4 4 2626  E-MAIL ADDRESS: JIM- (+AMLIN 73 CD) HOTMALL, 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
CITY/STATE/ZIP:  PHONE NUMBER:  E-MAIL ADDRESS:  STATE OF VIRGINIA

Special Exemption - 12000 Prince George Drive, Disputanta, VA 23842

#### Description

Provide primarily individual equine-facilitated psychotherapy conducted by Rhonda Hamlin, a Licensed Clinical Social Worker (LCSW) and equine specialist in mental health and learning.

Therapy will be provided at 12000 Prince George Dr., primarily on the large lower field adjacent to Prince George Dr. The barn will be used occasionally. Operating times will be between 8:00 am and 6:00 pm Monday through Saturday. No sessions will be held on Sundays. Sessions are 50 minutes in duration and there will be a maximum of 5 sessions per day.

Therapy is targeted to individuals with special needs such as autism. Therapy may also occasionally include family members when therapeutically indicated.

Services to small groups (e.g., from Prince George Co public school field trip) of up to 8 individuals with special needs will also be provided.

