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Draft Minutes February 25, 2021

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AGENDA
Planning Commission
County of Prince George, Virginia
Business Meeting: Thursday, March 25, 2021
County Administration Bldg. Boardroom, Third Floor
6602 Courts Drive, Prince George, Virginia

Business Meeting
6:30 p.m.

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 via Zoom –

<https://zoom.us/j/5053851421?pwd=V2pjSHFncFRUUE2bjNqQnR3emZoUT09>

Meeting ID: 505 385 1421

Password: 200726

One tap mobile

+19294362866,,5053851421#,,1#,200726# US (New York)

+13017158592,,5053851421#,,1#,200726# US (Germantown)

Dial by your location

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

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 view 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 the website form up until the public comment section is closed by the Chairman of the Planning Commission on March 25, 2021 shall be entered into the meeting minutes.

CALL TO ORDER

Roll Call

INVOCATION

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

PUBLIC COMMENTS

ADOPTION OF AGENDA [1]

ORDER OF BUSINESS

A-1. Approval of Meeting Minutes – February 25, 2021 [2]

OLD BUSINESS

O-1. SPECIAL EXCEPTION CASE SE-20-03 Request of Tom and Diane McCormick, pursuant to § 90-103 (52) and (53), to permit a cottage industry home occupation on a parcel of five acres or more for bed and board in an accessory building, and sales/rental of formal wear in a single-family residence in a R-A, Residential-Agricultural, Zoning District. The subject property is located at 5503 Ruffin Road and is known as Tax Map 240(0A)00-115-A. The Comprehensive Plan indicates the property is suitable for commercial or village center uses. [3]

COMMUNICATIONS [4]

- A. Actions of the Board of Zoning Appeals
- B. Actions of the Board of Supervisors

ADJOURNMENT

DRAFT MINUTES
Planning Commission
County of Prince George, Virginia

February 25, 2020

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

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

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+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

MEETING CONVENED. The Organizational and Regular Meeting of the Prince George County Planning Commission was called to order at 6:30 p.m. on Thursday, February 25, 2021 in the Board Room, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Horace Wade, Planning Commission Secretary.

ATTENDANCE. The following members responded to Roll Call:

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

Also present: Andrea Erard, Asst. County Attorney, Cliff Young, Director of IT, Horace Wade, Planner II, Tim Graves, Planner I and Missy Greaves-Smith, Administrative Support Specialist II

ELECTION OF OFFICERS. Mr. Wade asked the Commissioners for nominees for Chairman of the Planning Commission.

Mr. Joyner nominated Floyd Brown, Sr. to be the Chairman of the Planning Commission. This motion was then seconded by Mr. Simmons. Roll was called on the nomination of Mr. Brown.

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

Mr. Brown asked for nominees for the Planning Commission Vice-Chair. Mr. Simmons nominated Mr. Joyner and it was then seconded by Mr. Brockwell. Roll was called on the nomination of Mr. Joyner for Vice-Chair.

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

INVOCATION. Mrs. Elder provided the Invocation.

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

PUBLIC COMMENT PERIOD. At 6:35 p.m., Mr. Brown opened the Public Comment Period to anyone who wished to come forward to speak to the Commissioners on only topics that were not on the agenda. Citizens were asked to limit their comments to three (3) minutes.

With no one coming forward and no one on Zoom indicating they wished to speak, the Public Comment Period was closed at 6:36 p.m.

ADOPTION OF MEETING AGENDA. Mr. Brown asked the Commissioners for a motion to approve the meeting Agenda for the February 25, 2021 Planning Commission. Mr. Bresko made a motion to approve the meeting Agenda and Mrs. Elder seconded the motion. Roll was called on the motion.

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

ADOPTION OF BYLAWS & RULES OF PROCEDURE. Mr. Wade reviewed the proposed changes to the Bylaws suggested by the County Attorney, Dan Whitten and staff. The following changes were discussed:

- Page 3:
 - “Workshops” to “Work Sessions”
 - Monday meeting location to the Boardroom on the third floor of the County Administration Building
 - Special called meeting notifications were proposed to have a three-day advance notice replacing the five-day advance notice
- Page 4:
 - “Citizen Comment Period” to “Public Comment”
- Page 6:

- Committees shall provide the date, time and location of their meeting three days in advance as opposed to five days
- “Director of Planning” was changed to “Planning Manager”
- The order of business at regular meetings
- Page 7:
 - Matters Pending Before the Commission - #2, referencing the receiving of final revised proffers, the proposed change from ten-days to shall be submitted seven-days prior to the Planning Commission meeting was proposed
- Page 8:
 - The County Attorney made a recommendation to hold public hearings similar to the Board of Supervisors
- Page 10:
 - Adding the electronic communications means that were adopted last year

Mr. Simmons questioned the meeting by electronic communication means without a quorum of the Commission physically assembled at one location when the Governor has declared a State of Emergency. Ms. Erard explained that this policy has been in State law for the last year. Prior to the pandemic, you could have electronic communications in a meeting as long as you had a physical quorum present. In addition, the State law says, when there is an emergency and the local governing body needs to meet for the sole purpose of addressing that emergency, then you can have an all-electronic meeting and you do not need to have a quorum present. The Governor has in place the Caboose Bill that states such. This allows for all electronic meetings, without a quorum present through June 30, 2021, to be conducted and this information needs to be reflected in your Bylaws.

Mr. Brown asked the Commissioners for a motion to adopt the Bylaws dated February 25, 2021 for the Prince George Planning Commission. Mr. Joyner made a motion to approve the Bylaws and Mr. Brockwell seconded the motion. Roll was called on the motion.

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

Abstain: (0)

Absent: (1) Easter

ADOPTION OF 2021 PLANNING COMMISSION MEETING DATES. Mr. Brown asked the Commissioners for a motion to approve the proposed 2021 meeting dates for the Prince George Planning Commission. Mr. Simmons made a motion to approve the 2021 meeting dates and Mrs. Elder seconded the motion. Roll was called on the motion.

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

Abstain: (0)

Absent: (1) Easter

ADOPTION OF 2020 ANNUAL REPORT. Mr. Brown asked the Commissioners for a motion to approve the 2020 Annual Report for the Prince George Planning Commission. Mr. Bresko made a motion to approve the 2020 Annual Report as presented and Mrs. Elder seconded the motion. Roll was called on the motion.

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

Abstain: (0)

Absent: (1) Easter

APPROVAL OF THE MEETING MINUTES. Mr. Brown asked the Commissioners to review the December 17, 2020 Minutes of the Planning Commission for approval. Mrs. Elder made a motion to approve the December 17, 2020 Minutes as presented and Mr. Bresko seconded the motion. Roll was called on the motion.

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

Abstain: (0)

Absent: (1) Easter

NEW BUSINESS.

Public Hearing:

SPECIAL EXCEPTION SE-20-03: Request of Tom and Diane McCormick, pursuant to § 90-103 (52) and (53), to permit a cottage industry home occupation on a parcel of five acres or more for bed and board in an accessory building, and sales/rental of formal wear in a single-family residence in a R-A, Residential-Agricultural, Zoning District. The subject property is located at 5503 Ruffin Road and is known as Tax Map 240(0A)00-115-A. The Comprehensive Plan indicates the property is suitable for commercial or village center uses.

Mr. Graves presented to the Commissioners Special Exception case SE-20-03. He began with the property history. In 2017, Ambrusta Development, LLC was granted a special exception on approximately 200 acres for an Assembly Hall use with the business operator to live on the property. In 2018, Living Well, LLC was granted a similar special exception request for 13.468 acres divided into a new parcel.

The applicants provided a list of goals, requests and conditions:

Applicant Goals:

- Continue existing Assembly Hall use
- Accommodate overnight guests in an existing building (Proposed to become an accessory building)
- Offer formalwear sales/rentals for clients booking events at the facility
- Construct new structure for use as a single-family dwelling (and also the formalwear sales/rental)

Request:

- Permit a cottage industry home occupation on a parcel of five acres or more for:
 1. The rental of rooms not to exceed four, including bed and board, in an accessory building
 2. A home trade office for sales and rental of formalwear

Conditions:

- Ensure all applicable building codes are met
- Ensure all necessary business licenses are secured

Mr. Graves reviewed some key comments from the staff review.

Planning & Zoning Division:

- Single-family dwelling use – only one dwelling is permitted:
- Previously: the “Farmhouse”

- Proposed: new structure (new single-family dwelling)
- Overnight room rental in an accessory building
- “Home Occupation - Cottage industry” - permits “the rental of rooms not to exceed four, including bed and board”
- Owner/operator required to live on the property
- Formalwear rentals and sales: Permitted as a “Cottage industry”

Health Department:

- An authorized soil evaluator must determine if any modifications to well and septic systems are necessary (in progress)

Building Official:

- Certain building code requirements apply to the structures

Staff has recommended conditions to accompany Special Exception SE-20-03 which are intended to ensure applicable code requirements are met and limit any expected impacts on adjacent property owners and the surrounding community. On February 11, 2021, the conditions were reviewed with the applicants and they indicated their support for all of them.

1. This Special Exception is granted for a “Cottage industry home occupation” on a parcel of five acres or more for bed and board in an accessory building, and sales/rental of formalwear in a single-family residence on Tax Map 240(0A)00-115-A.
2. This Special Exception is transferrable to future owners without additional approval from the Board of Supervisors so long as there are no deviations from the expressed conditions and the scope of activities described in the Application and Staff Report.
3. The applicants shall provide adequate on-site parking.
4. Days and hours of operation for the formalwear sales and rental shall be Monday through Sunday between the hours of 9:00 a.m. and 8:00 p.m., by appointment only.
5. Signage shall be limited as provided for with the Assembly Hall Special Exception or as defined by law.
6. Unless otherwise permitted by law, only one single-family dwelling use is permitted on the property. In order to certify that only one single-family dwelling is present, the applicants will remove the kitchen facilities (ovens and stoves) from the accessory structure.
7. During any period in which the property is used for the permitted Cottage industry home occupation uses, either the property owner or business operator shall live in the permitted dwelling unit on the property.
8. Overnight stays are subject to the following provisions:
 - A. Not to exceed four (4) rooms including bed and board (food); and
 - B. The term of overnight stays shall be limited to seven (7) consecutive nights; and occupants may only rent again after a seven (7) night absence; and
 - C. The owner or operator shall maintain records to uniquely identify occupants and length of stay which shall be provided to the County upon written request; and

D. The owner or operator shall collect transient lodging tax which shall be reported and submitted to the Commissioner of Revenue office on a schedule as required by law.

9. All buildings shall comply with applicable building codes.

10. The applicants shall obtain certification from an Authorized Onsite Soil Evaluator or Professional Engineer indicating the sewage disposal system and water well have been evaluated to support their proposed usage, with review and approval by the Health Department prior to the granting of a business license for rental of rooms.

11. This Special Exception is in addition to the existing SE-18-03 use on the property. The conditions for that case remain in effect.

12. 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.

13. The applicants shall obtain and hold all required State and County permit or license approvals, including a drinking water permit from the Virginia Department of Health, an entrance permit from the Virginia Department of Transportation and applicable business licenses from the Commissioner of Revenue.

14. This Special Exception shall become null and void if both Cottage industry home occupation uses are abandoned for a period of twenty-four (24) consecutive months.

15. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of federal, state or local regulations.

Mr. Graves specified staff recommended approval, subject to recommended conditions. He also stated there were no negative public comments or feedback received after the notices were sent out to adjacent property owners.

Mr. Simmons asked for clarification on the previous conditions approved for this property and if they would still apply. Mr. Graves confirmed and referenced the previous conditions would still apply and are noted in condition #11. Mr. Simmons asked about the location of event parking. Mr. Graves stated he would have the applicant address his question.

Mr. Brown asked if the applicants are living on the property currently. Mr. Graves explained that the new proposed structure would be used as the single-family dwelling and that the applicants currently do not live on the property. Mr. Brown asked if there is a similar type of business operating in the County that has a bed and board. Mr. Graves stated, around 2007, Chester Plantation, along Golf Course Drive, was approved for a bed and breakfast under a different zoning ordinance.

Mr. Brown invited the applicant to speak before the Public Hearing opened. Mr. McCormick responded to Mr. Simmons' question about the event parking areas. Mr. McCormick used the diagram on the slide to pinpoint the parking areas on the property.

Mr. McCormick also clarified Mr. Brown's concerns about overnight stays. Mr. McCormick stated the Farmhouse is designed to only sleep 2-3 people. The primary use would be for the bride and groom to stay at the venue on their wedding night. Mr. McCormick stated that he and his wife would be living on the property and they would have a clear oversight of the day-to-day activities.

Mr. Simmons asked for an explanation of the difference between a "bed & breakfast" and a "bed & board". Mr. Graves referenced the dictionary's definition as "food and a place to stay". Mr. Simmons asked Mr. McCormick if he would be feeding the guest. Mr. McCormick stated that with the limited kitchen facilities, they would only be able to provide a prepacked "continental style" breakfast.

Mr. Joyner asked how many bedrooms in the farmhouse would be used. Mr. McCormick stated that they were only going to be using two of the rooms as bedrooms. Mr. McCormick stated they have had the well and septic systems inspected also.

Mr. Joyner asked Mr. Graves for additional information about only allowing one single-family dwelling on the property. Mr. Graves explained the kitchen stove/oven would need to be removed from the farmhouse and the new proposed structure would become the single family-dwelling. The new structure would have the retail space on the main floor and their one-bedroom apartment would be on the second floor.

Mr. Brown asked if the County had any other businesses of this type already operational to compare zoning types. Ms. Erard, Assistant County Attorney, explained she had stayed at a bed & breakfast in Powhatan for a wedding and there are facilities like this in the region but none in the County that she is aware of. Mr. Graves explained that the request is for a home-based business. The proposed zoning uses are only allowed with a special exception as a home occupation in the R-A Zoning District. The Commission sets the conditions on the use. Staff has recommended specific conditions for this use and the Commission can adjust them if they wish.

Mr. Simmons stated the Commission has approved two previous assembly halls. They could come back in the future and ask for something similar. Mr. Bresko asked if there is a limit to the number of special exceptions that can be granted to one piece of property. Mr. Graves stated that the conditions that the Commission put on the request could reflect a concern of excessive activity with numerous special exceptions on one property.

At 7:26 p.m., Mr. Brown opened the Public Hearing to anyone who wished to speak for or against SE-20-03. Citizens were asked to limit their comments to three (3) minutes.

With no one coming forward and no one on Zoom indicating they wished to speak, the Public Hearing was closed at 7:27 p.m.

Mr. Simmons asked for clarification of the transfer of the previous Special Exception. Ms. Erard confirmed that the previous Special Exception did transfer to the McCormick's.

Mr. Brown asked the Commissioners if they had any additional questions or concerns. Mr. Simmons made a motion to forward SE-20-03 to the Board of Supervisors for consideration with the Planning Commission's recommendation for approval. Mr. Brockwell seconded the motion. Roll was called on the motion.

In favor: (3) Simmons, Elder, Brockwell,
Opposed: (3) Brown, Bresko, Joyner
Absent: (1) Easter

Mr. Wade gave the Commission a brief presentation on battery storage and stated that the Board of Supervisors (BOS) had asked the Planning Commission to look into battery storage facilities and make some recommendations. Some battery storage facilities are used with solar facilities and some are used as “sole use” to store energy. Our Ordinance currently does not have a “stand alone” stored energy category. Staff is researching different types of facilities, locations and hazards. Staff has received a request to add the use and definition to the Code.

Mr. Wade led a presentation on “Why Battery Storage?”

- Regulations established the demand for 3,100 MW of energy storage in Virginia by 2035, most among states in the nation.
- Because some renewable energy technologies – such as wind and solar – have variable outputs, storage technologies have the potential for smoothing out the electricity supply from these sources and ensuring that the supply of generation matches the demand.
- Energy storage is valued for its rapid response – most storage technologies can begin discharging power to the grid very quickly, while fossil fuel sources tend to take longer to ramp up. This rapid response is important for ensuring the stability of the grid when unexpected increases in demand occur.
- Energy storage becomes more important the farther you are from the electrical grid.
- Storage facilities allow providers to store energy generated from wind and solar resources on shorter time frames to smooth variability, and on longer cycles to replace ever more fossil fuel.
- By charging storage facilities with energy generated from renewable sources, we can reduce greenhouse gas emissions and dependence on fossil fuels.

Battery Storage Facility Siting Policy and Ordinance Considerations:

- Proximity to an electrical substation or transmission line
- Size of the facility (“footprint”) and size of lot/property where located (acreage)
- Distance to adjoining properties and structures (larger facilities should have more separation)
- Hazard protections (There are many different types of batteries that have large-scale energy storage potential including sodium-sulfur, metal-air, lithium-ion, and lead-acid batteries)
- Provider agreement in place with Energy company? (Dominion or PGEC)
- Facility screening and security
- Facilities should be sited to avoid wetlands, floodplains and environmental concerns
- Fire and explosion risk mitigation - Mitigation measures could include: battery testing, failure testing, explosion mitigation, fire testing, and training for First Responders
- Developing a water containment plan as a component of a Battery Fire Action Plan

Mr. Wade provided examples of locations where battery storage facilities could be located based on current substations.

- Fine Street
- Heritage Road
- West Quaker Road

- Prince George Drive
- Arwood Road
- Middle Road
- Lamore Drive

Staff is requesting feedback from the Planning Commission and the BOS. Staff will complete research and develop an Ordinance amendment for the Planning Commission's review.

Mrs. Elder asked Mr. Wade for clarification on the storing of the energy. Mr. Wade stated the battery storage facility would be used to store energy that is not needed on the grid at that time.

Mr. Wade asked for a consensus from the Planning Commission to move forward on researching a battery storage policy and possible ordinance amendment. All Commissioners agreed.

Mrs. Erard, Assistant County Attorney, provided clarification of the Public Hearing for SE-20-03 that had a tie vote from the Commissioners. She explained that the By-Laws state, in case of a tie vote, the Chair shall have the item placed on the next agenda as a matter of Old Business for reconsideration and revote, but not a rehearing. If the item is tied again, then it would be forwarded to the BOS with no recommendation from the Planning Commission.

Mr. Brown asked if the Planning Commission was required to do that process. Mrs. Erard explained that the By-Laws state it shall be put on the next agenda.

PLANNER'S COMMUNICATION TO THE COMMISSION. Mr. Wade presented to the Commissioners the following updates:

1. Planning Division
 - a. Six Month Work Plan Goals
 - i. Battery Storage research
 - ii. Working on the Comprehensive Plan updates
 - iii. Clarifying Private Roads in Ordinance
 - iv. Utilities within the Prince George Planning Area
 - v. Density in the Rural Conservation Area
2. Actions of the Board of Zoning Appeals
 - a. February 22, 2021 meeting had been cancelled due to no cases
 - b. March 22, 2021 meeting has been cancelled due to no cases
3. Actions of the Board of Supervisors (BOS)
 - a. February 9, 2021 RZ-20-06 and SE-20-02 were approved

ADJOURNMENT. At 8:02 p.m., Mr. Brown asked the Commissioners if they had any additional questions. If not, he would entertain a motion to adjourn. Mr. Brockwell made a motion to adjourn and Mr. Simmons seconded the motion. Roll was called on the motion.

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

SPECIAL EXCEPTION REQUEST – SE-20-03
PLANNING COMMISSION STAFF REPORT – MARCH 25, 2021

RESUME

APPLICANTS:

Tom and Diane McCormick (Barns of Kanak)

REQUEST:

The applicants currently operate an events venue on their property under an existing Assembly Hall use permitted under Special Exception 18-03 and they wish to add additional activities on the property, specifically:

1. Accommodate overnight guests
2. Offer formal wear sales/rentals as an additional service for clients booking formal events at the facility

The applicants have requested a Special Exception to accommodate these activities.

STAFF RECOMMENDATION:

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

Staff Report Contents:

1. Sample Motions
2. Draft Ordinance
3. Staff Report
4. Application and attachments
5. APO list, map and letter
6. Powerpoint Presentation

SPECIAL EXCEPTION REQUEST -- SE-20-03
PLANNING COMMISSION STAFF REPORT – MARCH 25, 2021

Sample Motions

Sample APPROVAL Motion:

I move to forward request SE-20-03 to the Board with a recommendation for APPROVAL, subject to the recommended conditions in the Staff Report, and the reason(s) for this recommendation are:

(EXAMPLES):

- It is compatible with the Comprehensive Plan and current surrounding uses and zoning districts
- It is expected to benefit the general welfare of the community
- The expected off-site impacts appear to be adequately addressed by the conditions
- Other _____

(OPTIONAL): I would recommend approval if the following items are addressed / conditions are added:

Sample DENIAL Motion:

I move to forward request SE-20-03 to the Board with a recommendation for DENIAL and the reason(s) for this recommendation are:

Sample Motion to POSTPONE:

I move to POSTPONE request SE-20-03 until _____
(DATE)

County of Prince George, Virginia

DRAFT Ordinance

SPECIAL EXCEPTION SE-20-03: Request of Tom and Diane McCormick, pursuant to § 90-103 (52) and (53), to permit a cottage industry home occupation on a parcel of five acres or more for bed and board in an accessory building, and sales/rental of formal wear in a single-family residence in a R-A, Residential-Agricultural, Zoning District. The subject property is located at 5503 Ruffin Road and is known as Tax Map 240(0A)00-115-A. The Comprehensive Plan indicates the property is suitable for commercial or village center uses.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-20-03 is granted as an amendment to the official zoning map with the following conditions:

- 1. This Special Exception is granted for a Cottage industry home occupation on a parcel of five acres or more for bed and board in an accessory building, and sales/rental of formal wear in a single-family residence on Tax Map 240(0A)00-115-A.**
- 2. This Special Exception is transferrable to future owners without additional approval from the Board of Supervisors so long as there are no deviations from the expressed conditions and the scope of activities described in the Application and Staff Report.**
- 3. The Applicants shall provide adequate on-site parking.**
- 4. Days and hours of operation for the formalwear sales and rental shall be Monday through Sunday between the hours of 9am and 8pm, by appointment only.**
- 5. Signage shall be limited as provided for with the Assembly Hall Special Exception or as defined by law.**
- 6. Unless otherwise permitted by law, only one single-family dwelling use is permitted on the property. In order to certify that only one single-family dwelling is present, the applicants will remove the kitchen facilities (ovens and stoves) from the accessory structure.**
- 7. During any period in which the property is used for the permitted Cottage industry home occupation uses, either the property owner or business operator shall live in the permitted dwelling unit on the property.**

8. Overnight stays are subject to the following provisions:
- A. Not to exceed four (4) rooms including bed and board (food); and
 - B. The term of overnight stays shall be limited to seven (7) consecutive nights and occupants may only rent again after a seven (7) night absence; and
 - C. The owner or operator shall maintain records to uniquely identify occupants and length of stay which shall be provided to the County upon written request; and
 - D. The owner or operator shall collect transient lodging tax which shall be reported and submitted to the Commissioner of Revenue office on a schedule as required by law.
 - E. No more than four (4) persons are permitted for overnight stay.

9. All buildings shall comply with applicable building codes.

10. The applicants shall obtain certification from an Authorized Onsite Soil Evaluator or Professional Engineer indicating the sewage disposal system and water well have been evaluated to support their proposed usage, with review and approval by the Health Department prior to the granting of a business license for rental of rooms.

11. This Special Exception is in addition to the existing SE-18-03 use on the property. The conditions for that case remain in effect.

12. 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.

13. The applicants shall obtain and hold all required State and County permit or license approvals, including a drinking water permit from the Virginia Department of Health, an entrance permit from the Virginia Department of Transportation and applicable business licenses from the Commissioner of Revenue.

14. Structures related to permitted special exception uses shall be located in the R-A zoning district.

15. This Special Exception shall become null and void if both Cottage industry home occupation uses are abandoned for a period of twenty-four (24) consecutive months.

16. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of federal, state or local regulations.

Adopted on _____, 2021 and becoming effective immediately.

SPECIAL EXCEPTION REQUEST -- SE-20-03
PLANNING COMMISSION STAFF REPORT – MARCH 25, 2021

SPECIAL EXCEPTION SE-20-03: Request of Tom and Diane McCormick, pursuant to § 90-103 (52) and (53), to permit a cottage industry home occupation on a parcel of five acres or more for bed and board in an accessory building, and sales/rental of formal wear in a single-family residence in a R-A, Residential-Agricultural, Zoning District. The subject property is located at 5503 Ruffin Road and is known as Tax Map 240(0A)00-115-A. The Comprehensive Plan indicates the property is suitable for commercial or village center uses.



Applicant:	Tom and Diane McCormick
Legal Land Owner:	Living Well LLC
Location / Address:	5503 Ruffin Road
Tax Map ID:	240(0A)00-115-A
Size of Property:	13.468 Acres
Utilities:	Well and Septic
Real Estate Taxes:	Current as of January 19, 2021
Current Use:	Assembly Hall, Single-Family Residential
Proposed Use(s):	Cottage industry home occupation on a parcel of five acres or more for bed and board in an accessory building; Cottage industry home occupation for sales/rental of formal wear in a single-family residence
Comprehensive Plan Future Use:	Commercial, Village Center
Planning Area:	Prince George County Planning Area
Zoning District:	R-A Residential Agricultural / R-2 Limited Residential (dual-zoned)
Surrounding Zoning:	R-A, R-2
Meeting Information:	
Planning Commission:	Thursday, February 25, 2021 - Motion to forward to the Board with a recommendation for approval - <u>Tied 3-3</u> (one Commissioner absent)
	Decision rescheduled for Thursday, March 25, 2021
Board of Supervisors:	TBD

SPECIAL EXCEPTION REQUEST -- SE-20-03
PLANNING COMMISSION STAFF REPORT -- MARCH 25, 2021

Request Summary:

The applicant would like to add additional activities to supplement the existing Assembly Hall use on the property, specifically:

1. Accommodate overnight guests on the property
2. Offer formal wear sales/rentals as an additional service for clients booking formal events at the facility

In order to accommodate these uses to the property, some changes to the property are proposed:

1. Construct a new structure (approximately 2,200 square feet) to use as a single-family dwelling and for sales/rentals of formalwear.
2. Utilize the existing farmhouse building for overnight stays, in addition to its current use as a staging area for bridal parties.

Zoning Ordinance / County Code Review:

This request is eligible for Special Exception under the following sections of the Prince George County Zoning Ordinance:

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:

- (52) Cottage industry home occupation on a parcel of five acres or more in area.*
- (53) Home occupation within an accessory building.*

The following uses are existing or will be retained on the property:

Sec. 90-102. - Uses and structures permitted by right

- (2) Detached single-family dwelling on an individual lot.*

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

- (9) Assembly hall.*

Definitions pertaining to "Cottage industry" under Sec. 90-1 are as follows:

(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.

(3) Cottage industry, in addition to those uses permitted under subsections (1) and (2) of this definition, means a home occupation which shall permit the preparation of food products for sale; the rental of rooms not to exceed four, including bed and board; arts and crafts; construction of wood, leather goods, saddles, clothing and other similar products; and lawn care and landscaping businesses with outside storage or the storage or parking of more than one vehicle and one trailer used in association with the business.

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The definition of “Bed and board” on Merriam-Webster.com is as follows:

Bed and board: food and place to sleep

Definitions related to “Single family dwelling” under Sec. 90-1 are as follows:

Dwelling, single-family, means a structure 19 or more feet in width arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Dwelling unit means one or more rooms in a dwelling designed for living or sleeping purposes, having at least one kitchen.

Property History:

1. The BOS granted Special Exception SE-17-03 for an Assembly Hall use to Ambrusta Development, LLC (Mark and Terri Perkinson) on 5/23/2017 on parcel 240(0A)00-115-0 (approximately 200 acres). This Special Exception is no longer active.
2. Parcel 240(0A)00-115-A was divided from parcel 240(0A)00-115-0 in mid-2018.
3. The BOS granted Special Exception SE-18-03 to Living Well, LLC (Tom and Diane McCormick) on 9/25/2018 on parcel 240(0A)00-115-A (13.468 ac).

Compatibility with the Comprehensive Plan

The request is compatible with the Comprehensive Plan Future Land Use Map (FLUM), which calls for Village Center and Commercial uses on this property and in the vicinity.

Village Center

This category designates those areas of the County in the PGPA that are suitable for a mixture of residential and small-scale commercial uses to meet the needs of community residents.

Commercial

This category designates areas where commercial developments have occurred and where future urban and suburban commercial developments are encouraged. Public water and wastewater facilities are generally available or planned for these areas.

Staff Review Comments: (* Indicates a condition has been recommended to address the comment)

Planning & Zoning:

1. At least three Special Exceptions for Cottage industry bed and board have been granted in Prince George County, in 1994, 2007 and 2008.
2. If this Special Exception request is approved, there will be a total of two (2) Special Exceptions on the property: SE-18-03 and SE-20-03.
3. Comments on the existing land uses:
 - a. Special Exception Assembly Hall pursuant to Section 90-103(9) and case SE-18-03:
 - i. As long as this land use continues, all the conditions of case SE-18-03 will still apply to that use.*

SPECIAL EXCEPTION REQUEST -- SE-20-03
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- b. Single-family dwelling pursuant to Section 90-102(2):
 - i. In the original Special Exception (SE-17-03), the farmhouse was intended to be used as a single-family dwelling and support the Assembly Hall activities. The applicants propose to build a new single-family dwelling on the property and use the farmhouse as an accessory building.
 - ii. Only one single-family dwelling is allowed on the property. The new structure is proposed to replace the farmhouse as the legal single-family dwelling use on the property and the farmhouse will be modified so as to not be classified as a single family dwelling.*
 - iii. The applicants could potentially later change which building is used as the single-family dwelling structure so long as applicable requirements are met.
- 4. Comments on the requested uses:
 - a. Special Exception Cottage industry home occupation pursuant to Section 90-103(52):
 - i. The ordinance requires a minimum of 5 acres. The request property has 13.468 acres.
 - ii. The definition for “Home Occupation - Cottage industry” permits “the rental of rooms not to exceed four, including bed and board”.*
 - iii. The definition of “bed and board” according to Merriam-Webster Dictionary is “food and a place to sleep”, therefore food must be provided.*
 - iv. In the application, the Applicant described a limited frequency of overnight stays.*
 - v. The formalwear sales and rental office is a type of “Trade Office”. The definition of “Cottage Industry” indicates that “Home Professional and Trade Offices” may be permitted as a cottage industry.
 - b. Special Exception Home Occupation in an Accessory Building under Section 90-103(53):
 - i. This allows the bed and board use to occur in an accessory building.
 - ii. The farmhouse building is proposed to become an accessory building in relation to the proposed single-family dwelling building.
- 5. Expected impacts of the request:
 - a. Traffic: No more than those generated by SE-18-03
 - b. Noise: No more than those generated by SE-18-03
 - c. Visual impacts: Proposed structures are in character and scale with existing structures
- 6. Other alternatives considered for the applicants
 - a. Rezoning to B-1 -- Staff considered the possibility of recommending to the applicants request to rezone the property to B-1, but after further review decided against this recommendation due to the additional complexity of this route for the applicant and the County. If the B-1 zoning were granted, an assembly hall would be allowed by-right, however, the applicants would also need to request special exceptions for:
 - i. “Tavern, inn” (for overnight stays), and
 - ii. “Single-family residential unit located on the same or adjacent lot, providing the main purpose of the dwelling is for security of the business.” (for one single-family dwelling).
 - b. Ordinance amendment to address events venues with overnight accommodations – For example, the applicants could request an ordinance amendment for “events venue with overnight accommodations” or something similar. Currently there is an enumerated Special Exception use in the R-A zoning district “(43) *Corporate training facility with overnight accommodations*”, which is similar to this request, but not the same. Staff decided against this recommendation due to the additional unknowns and timelines associated with considering ordinance amendments.

SPECIAL EXCEPTION REQUEST -- SE-20-03
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7. Additional clarifications about this request:

- a. Home occupation uses are only allowed if the business owner/operator lives on the property.*
- b. There are two zoning districts on the property. The more restrictive R-A setbacks will apply unless the parcel is rezoned or subdivided. The Special Exception activities may only occur on the R-A zoned portion of the property.
- c. On their application form, the applicants applied to amend case SE-18-03. However, after review of the details, Staff determined that the request is for a new use and has therefore prepared the Staff Report and the legal ad as a new request and not an amendment of the previous case.
- d. The applicant's two proffered conditions are integrated into the Recommended Conditions.

Contact: Tim Graves, Planner I

Virginia Department of Health:

The owner needs to consult with an Authorized Onsite Soil Evaluator or Professional Engineer to have the existing sewage disposal system and existing water well evaluated to determine if any modifications need to be made to support their proposed usage. Information about private consultants was sent to the owner in mid-December.

Update: As of 2/11/21, Applicant is working with an engineer to confirm the systems are sufficient to accommodate usage from the proposed additional structure.*

Contact: Alice Weathers, Environmental Health Specialist

Virginia Department of Transportation (VDOT):

The proposed use will require a commercial entrance. The existing entrance meets VDOT's criteria for an appropriate commercial entrance.

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

Building Official:

The current proposal has been evaluated under the provisions of the 2015 Virginia USBC and the 2015 Virginia SFPC. I have the following comments.

1. The Small structure to include sales/rental on the first floor with living space on upper floor, will be considered a Live Work unit as defined in the 2015 Virginia Construction Code. This unit shall meet the limitation of Section 419.1 of the 2015 VCC of 3,000 square feet. The nonresidential area is permitted to be not more than 50 percent of each Live/Work unit. Nonresident area function shall be limited to first or main floor only and, not more than five nonresidential workers or employees.*
2. The Farmhouse shall be considered under exception 1 of Section 310.3 of the VCC as an R-3 occupancy classification and meet all requirement of such use, to include smoke alarm requirements per Section 907.2.11.2 of the VCC.*

Contact: Dean Simmons, Building Official

Utilities Department:

1. Per County Ordinance Sec. 82-313 & Sec. 82-595, where an existing individual water supply system and/or wastewater disposal system is providing service to a commercial establishments, such a system may continue in service as long as the system is operated at all times in strict accordance with federal, state and local requirements. The applicable availability fee and user fees must still be paid in accordance to county code.

SPECIAL EXCEPTION REQUEST -- SE-20-03
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2. If the parcel is subdivided at a later time, public water and sewer facilities must be extended to the property and all services must be connected to the public facilities.

Contact: Frank Haltom, Director of Engineering and Utilities

Commissioner of Revenue:

Two additional Business licenses will be needed: One for the real estate rental/Airbnb and one for the retail sales for the formal wear.*

Contact: Lina Howard, Deputy License Inspector

Real Estate Assessor: *Contact: Carol Crawford, Real Estate Operations Coordinator*

Economic Development: *Contact: Jeff Stoke, Deputy County Administrator*

Environmental Division: *Contact: Angela Blount, Environmental Program Coordinator*
Stated "No comments."

Police Department: *Contact: Chris Douglas*

Fire & EMS Department: *Contact: Paul Mauger*
Did not provide any comments.

Public Notice:

22 adjacent property owners were notified by mailing on 2/12/2021.

A legal ad was run for the request in the *Progress-Index* on 2/10/2021 and 2/17/2021.

The applicant reviewed a copy of this report prior to each Planning Commission meeting.

Community Feedback:

No comments from the community were received as of 2/25/21.

Planning Commission Meeting February 25, 2021

The public hearing was opened and closed with no comments from the public. The Commission's motion to approve the case failed with a vote of 3 to 3, with Commissioners Brockwell, Elder, and Simmons in support and Commissioners Bresko, Brown, and Joyner opposed. Commissioner Easter was absent. Since there was no additional motion following the 3-3 result, the case was automatically placed on the agenda for the public meeting on March 25, 2021. Since the public hearing has closed, there will be no additional comments from the public at the meeting, however, the Commission will be able to discuss the request further amongst themselves and with the applicant before considering a new motion.

Following the meeting, Staff reached out to the Commissioners to obtain additional feedback to clarify the concerns. A summary of the feedback (bolded font) with Staff comments (unbolded font) is provided below. Commissioner concerns are in bold font. Staff comments are below each bolded concern.

- **Number of special exceptions on the property. How many special exceptions should be allowed on one parcel of land? Three seem excessive.**
 - If this request is granted, there will be a total of two (2) special exceptions on the property (SE-18-03 and SE-20-03). SE-18-03 encompasses the Assembly Hall use and SE-20-03 encompasses two (2) uses that are enumerated individually in the ordinance:

SPECIAL EXCEPTION REQUEST -- SE-20-03
PLANNING COMMISSION STAFF REPORT – MARCH 25, 2021

- *(52) Cottage industry home occupation on a parcel of five acres or more in area.* – According to the definition of Cottage Industry in the zoning ordinance, this enumerated use allows for different types of uses as a Home occupation, including the two that the applicant is specifically requesting at this time:
 - The rental of rooms not to exceed four, including bed and board
 - Home trade office (for formalwear sales/rental)
- *(53) Home occupation within an accessory building.* – This is not so much an additional use but rather it allows a particular use (rental of rooms, including bed and board) to occur in the accessory building instead of the dwelling.
- The reason that Staff did not find that the two resulting Special Exceptions would be excessive is due to the nature and intensity of the uses requested for SE-20-03. Based on the applicant's specific request, the level of activity and impacts on adjacent properties on a daily basis are not expected to increase over what is already generated by the SE-18-03 Assembly Hall use.
- **Possible future growth of the business may require additional exceptions ie: limo service, on site food preparation, etc.**
 - Such requests would be considered on an individual basis, based on the factors specific to each request. Some may be permitted by-right, or by Special Exception. The Commission would have the opportunity to consider any additional Special Exceptions on an individual basis. Staff may not necessarily recommend approval if the expected impacts of a Special Exception request are expected to exceed the existing activities on the property.
- **Possibility of rezoning the location to Business may be more appropriate to consider. Business zoning is already nearby (Example: Circle D Mart)**
 - Prior to the applicant's submittal, Staff considered alternative requests for the applicant to achieve their goals, including a Rezoning to B-1 or an Ordinance Amendment, but decided against these alternatives due to the additional complexity they would introduce. Please see Planning & Zoning Staff comment #5 for more information.
 - If this request is denied, the applicants could choose to pursue this alternative request.
 - In effort to reinforce the small-scale intent of the request regarding overnight accommodations, the applicant proposed to limit that use to 4 persons in a given night.
- **Are there two residential buildings on the property?**
 - The applicants do not need a Special Exception to build the new house on the property, as long as they remove the kitchen facilities from the existing farmhouse structure. They only need a Special Exception in order to operate certain types of business in a dwelling or in an accessory building.
 - The new structure will be the only single-family dwelling permitted on the property and a building permit would only be granted if the applicants remove the kitchen facilities so that the existing farmhouse is no longer classified as a dwelling unit according to the zoning ordinance definition, and/or otherwise used as one.

SPECIAL EXCEPTION REQUEST -- SE-20-03
PLANNING COMMISSION STAFF REPORT -- MARCH 25, 2021

Staff Recommendation:

Staff recommends approval for this request, subject to the recommended conditions below.

This recommendation is based on the following considerations:

1. The requested use is provided for in the Zoning Ordinance.
2. The requested use is compatible with the Comprehensive Plan.
3. The requested use is compatible with the current surrounding zoning and uses.
4. The request is not expected to generate additional impacts on adjacent properties and roads in comparison to what is already generated by the SE-18-03 Assembly Hall.
5. No negative feedback has been received from adjacent property owners and community.

Recommended Conditions:

Staff has recommended the below conditions to accompany Special Exception SE-20-03 which are intended to ensure applicable code requirements are met and limit any expected impacts on adjacent property owners and the surrounding community.

Two conditions have been added since the previous meeting:

Condition #14 was added by Staff primarily to clarify a requirement that is based on the zoning ordinance. Condition #8E was added by the applicant in response to Commissioners' concerns.

The Applicant has reviewed and supports these conditions.

1. This Special Exception is granted for a Cottage industry home occupation on a parcel of five acres or more for bed and board in an accessory building, and sales/rental of formal wear in a single-family residence on Tax Map 240(0A)00-115-A.
2. This Special Exception is transferrable to future owners without additional approval from the Board of Supervisors so long as there are no deviations from the expressed conditions and the scope of activities described in the Application and Staff Report.
3. The Applicants shall provide adequate on-site parking.
4. Days and hours of operation for the formalwear sales and rental shall be Monday through Sunday between the hours of 9am and 8pm, by appointment only.
5. Signage shall be limited as provided for with the Assembly Hall Special Exception or as defined by law.
6. Unless otherwise permitted by law, only one single-family dwelling use is permitted on the property. In order to certify that only one single-family dwelling is present, the applicants will remove the kitchen facilities (ovens and stoves) from the accessory structure.
7. During any period in which the property is used for the permitted Cottage industry home occupation uses, either the property owner or business operator shall live in the permitted dwelling unit on the property.

SPECIAL EXCEPTION REQUEST – SE-20-03
PLANNING COMMISSION STAFF REPORT – MARCH 25, 2021

8. Overnight stays are subject to the following provisions:
 - A. Not to exceed four (4) rooms including bed and board (food); and
 - B. The term of overnight stays shall be limited to seven (7) consecutive nights and occupants may only rent again after a seven (7) night absence; and
 - C. The owner or operator shall maintain records to uniquely identify occupants and length of stay which shall be provided to the County upon written request; and
 - D. The owner or operator shall collect transient lodging tax which shall be reported and submitted to the Commissioner of Revenue office on a schedule as required by law; and
 - E. No more than four (4) persons are permitted for overnight stay.
9. All buildings shall comply with applicable building codes.
10. The applicants shall obtain certification from an Authorized Onsite Soil Evaluator or Professional Engineer indicating the sewage disposal system and water well have been evaluated to support their proposed usage, with review and approval by the Health Department prior to the granting of a business license for rental of rooms.
11. This Special Exception is in addition to the existing SE-18-03 use on the property. The conditions for that case remain in effect.
12. 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.
13. The applicants shall obtain and hold all required State and County permit or license approvals, including a drinking water permit from the Virginia Department of Health, an entrance permit from the Virginia Department of Transportation and applicable business licenses from the Commissioner of Revenue.
14. Structures related to permitted special exception uses shall be located in the R-A zoning district.
15. This Special Exception shall become null and void if both Cottage industry home occupation uses are abandoned for a period of twenty-four (24) consecutive months.
17. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of federal, state or local regulations.



SPECIAL EXCEPTION FINAL APPLICATION

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

OFFICE USE ONLY

APPLICATION #:

SE-20-03

DATE SUBMITTED:

DEC 15 2020

BY:

TIM

APPLICANT FILL-IN ALL BLANKS

REQUEST:

AMMEND SPECIAL EXCEPTION SE-18-03 to INCLUDE COFFAGE INDUSTRY

REQUEST PROPERTY ADDRESS / LOCATION: HOME OCCUPATION IN AN ACCESSORY BUILDING w/ CONDITIONS.

5503 RUFFIN ROAD. PRINCE GEORGE, VA 23875

REQUEST TAX MAP(S): (LIST ALL)

240(OA)00-115-A

AFFECTED ACREAGE:

13.5

ENTIRE PARCEL (Y / N):

YES

REQUIRED ATTACHMENTS (CHECK ATTACHED):

☒ PROJECT DETAILS DOCUMENT(S)

☒ PROPOSED CONDITIONS

☒ CONCEPTUAL SITE PLAN
(USE GIS OR ENGINEER DRAWING)

☐ COMMUNITY MEETING SUMMARY (IF REQUIRED)

☒ ADDITIONAL ATTACHMENTS:

AS STATED IN PRIOR
EMAILS

REFERENCE DRAWING OF
NEW BUILDING

NAME(S):

LIVING WELL LLC.

MAILING ADDRESS (INCL. CITY, STATE, ZIP):

12601 INVERNESS DR. CHESTER, VA 23836

E-MAIL:

TOM@THEBARNSOFKANAWA.COM

PHONE:

804-263-3404

NAME(S) (IF DIFFERENT THAN OWNER):

TOM AND DIANE MCCORMICK

RELATION TO OWNER:

MEMBER / PARTNERS

MAILING ADDRESS (INCL. CITY, STATE, ZIP):

12601 INVERNESS DR. CHESTER, VA. 23836

E-MAIL:

TOM@THEBARNSOFKANAWA.COM

PHONE:

804-263 3404

The undersigned Property Owner(s) or 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:

Thomas Paul McCormick

NAME:

Diane McCormick

SIGNED:

Thomas Paul McCormick

SIGNED:

Diane McCormick

DATE:

12/15/20

DATE:

12-15-20

NOTARIZATION:

STATE OF VIRGINIA

COUNTY OF:

Prince George

Subscribed and sworn before me this

15th

day of

December

20

Notary Public

My Commission expires:

4-30, 2021



OFFICE USE ONLY (COMPLETED AT TIME OF APPLICATION)

REQUEST LAND USE(S) CODE REFERENCE(S):

ZONING INQUIRY #:

DEED REFERENCE:

APPLICABLE CASES:

CURRENT ZONING DISTRICT(S):

SURROUNDING ZONING DISTRICT(S):

CURRENT LAND USE(S):

SURROUNDING LAND USE(S):

COMP PLAN FUTURE LAND USE:

SURROUNDING FUTURE LAND USE:

PRE-APPLICATION MEETING REQUIRED? Y / N

DATE:

TIME:

COMMUNITY MEETING REQUIRED? Y / N

DATE:

TIME:

FEE DUE:

Special Exception: \$700

Special Exception Home Occ: \$350

FEE PAID:

\$350

PAYMENT TYPE:

CHECK / CASH / CREDIT / DEBIT

CHECK # / TRANSACTION #:

29131

DATE RECEIVED:

12/15/2020

RECEIVED BY:

TWG/T3

PROJECT DETAILS - Amendment to Special Exception Application

Tom McCormick, Living Well LLC (DBA The Barns of Kanak)

- Living Well LLC DBA "The Barns of Kanak" is looking to utilize the property at 5503 Ruffin Road in Prince George to include an overnight stay option for wedding guests or as an occasional short term rental.
- In addition, there will be formal wear sales/rentals offered as another service for clients booking formal events at our facility.
- We are expecting to build a small structure (approximately 2200sq ft) which will be office space to support the rentals on the first floor with a living space on the upper floor. Owners will be occupying the living space on the upper floor.
- No new signage or advertising will be required, as the formal wear rentals will be by invite only and primarily offered to our guests booking events at our venue.
- The farmhouse will be used for overnight stays on occasion for wedding guests. Most stays will be limited to one to two night stays and in terms of frequency once per month on average.
- Please see attached photos, which shows the location of the new home we are building on the property as well as the location of the existing farmhouse. The existing farmhouse will be used for the occasional overnight, short term guest stays.
- There is no intention for general/independent advertising of an overnight space as we are not prioritizing

**STATEMENT OF PROFFER
SPECIAL EXCEPTION**

Pursuant to Article XVIII of the Prince George County Zoning Ordinance,
LIVING WALL LLC / Tom McEnrick do/does hereby voluntarily proffer, as the
applicant / owner of record of the property which is the subject of this
special exception request, that the use and development of the property
shall be in strict accordance with the following conditions set forth in this
submission:

We/I present the following conditions for the requested use on Tax Map
Parcel 24D(OA)00-115-A.

1. ENSURE ALL APPLICABLE BUILDING CODES
ARE MET
2. ENSURE ALL NECESSARY BUSINESS LICENSES
ARE SECURED.

3.

4.

5.

We/I hereby acknowledge that the Special Exception gives rise to the
need for these conditions.

Tom McEnrick
Tom McEnrick

Owner of Record – Signature

Date 12/14/20

Tom McEnrick

Applicant (if different) – Signature

Date 12/14/20

NOTE: Other Structures used for Storage

Office

Farmhouse Structure - Currently used for wedding party preparations; Proposed for Bed and Board (in addition to wedding party usage)

CURRENT
ASSEMBLY
HALL

(NO CHANGE)

Backup Open-Air Ceremony Barn

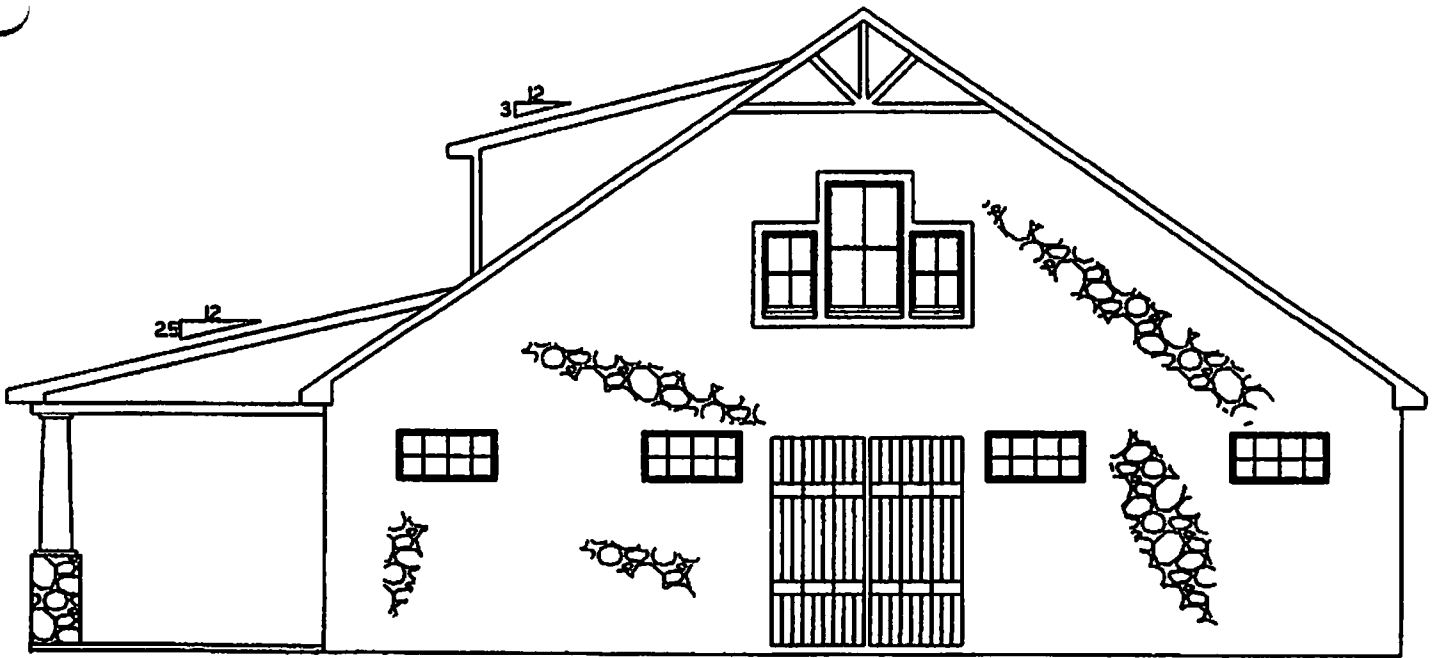
NEW BLDG
W/ RETAIL
SPACE ON
FIRST FLOOR.

Current-
PARKING
(NO CHANGE)

- Legend**
- Schools
 - Firestations
 - Political Boundaries
 - Taxparcels
 - Access Easements
 - Swamps

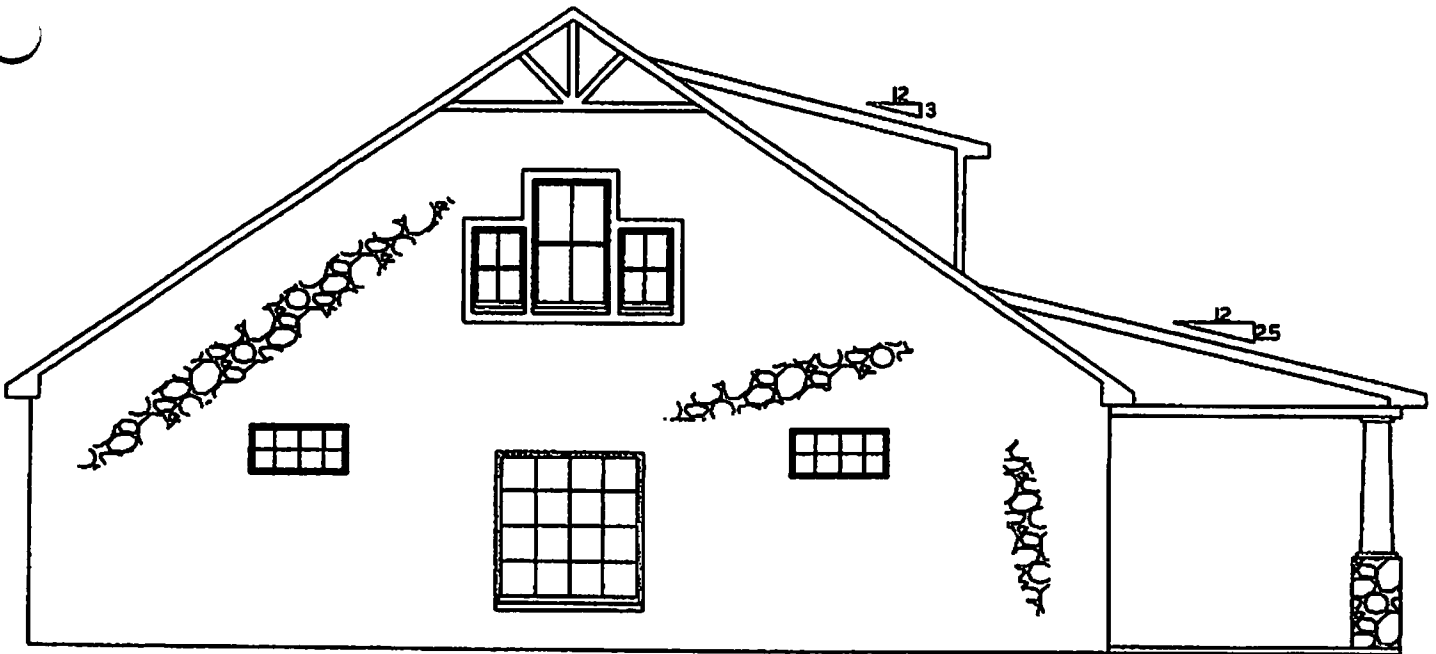
Structures related to
SE-20-03

Notes



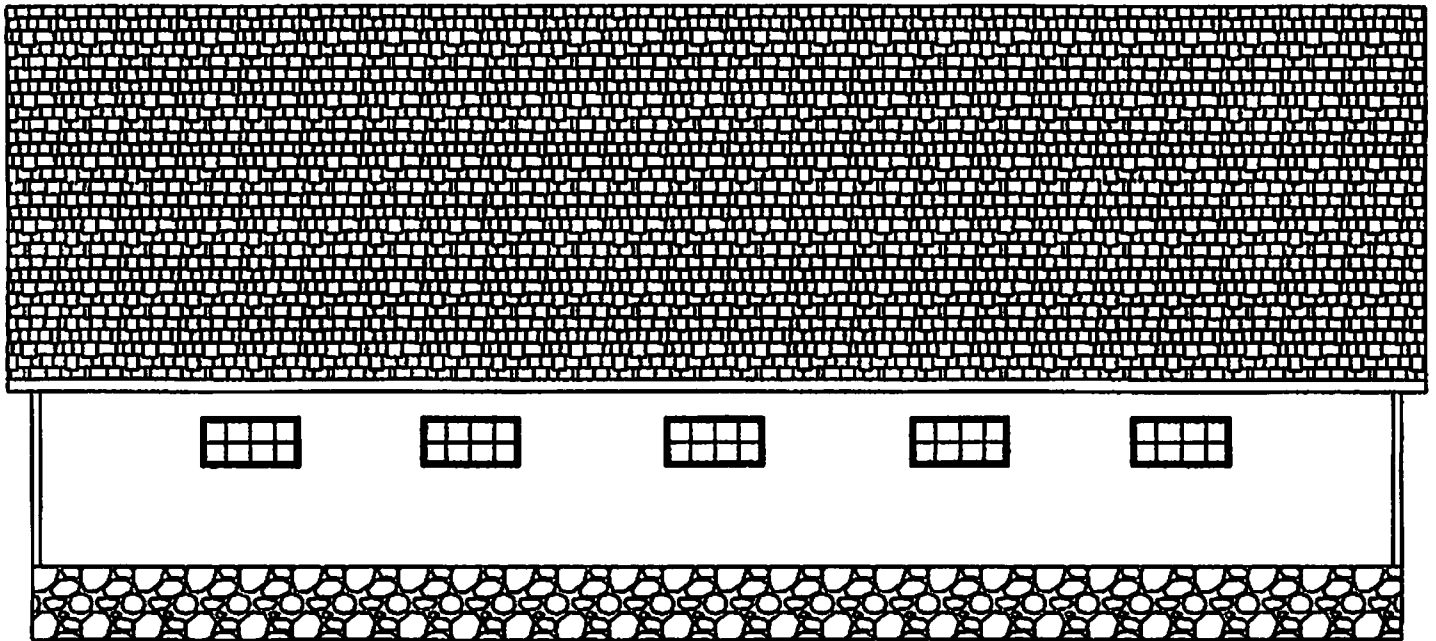
Left Elevation

Scale 1/8"=1'



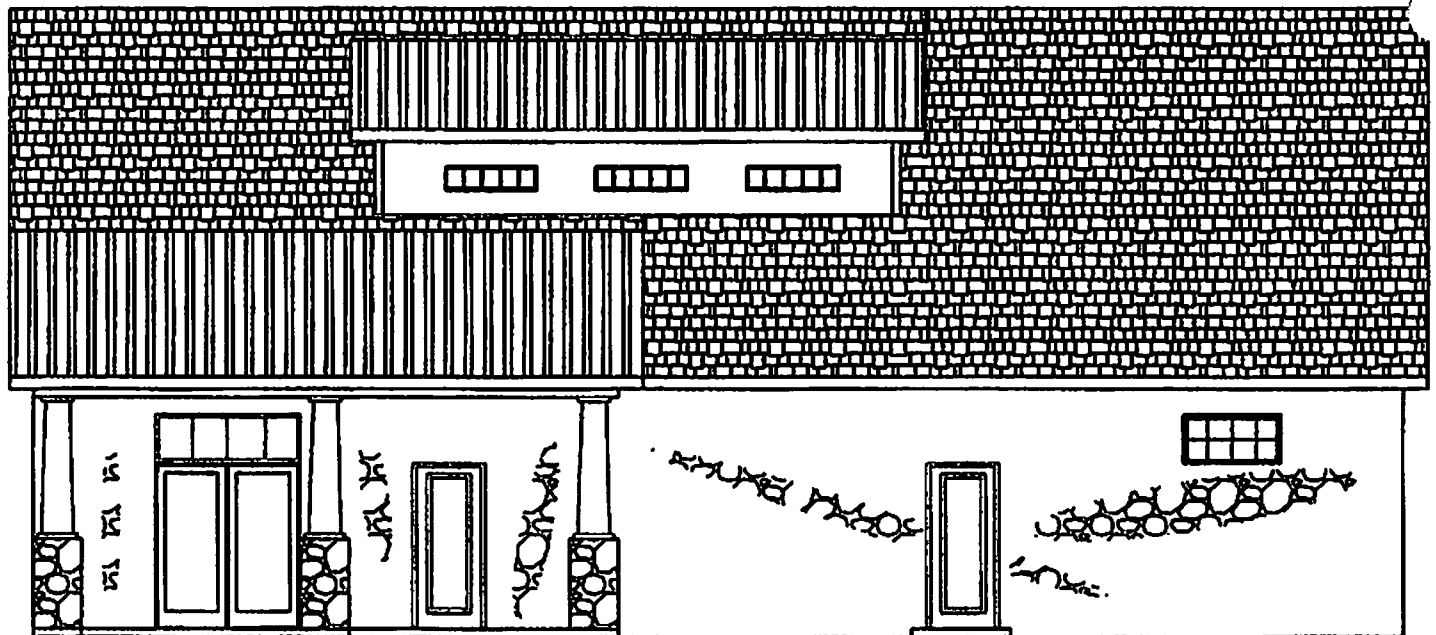
Right Elevation

Scale 1/8"=1'



Front Elevation

Scale 1/4"=1'



Rear Elevation

Scale 1/4"=1'



County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

February 12, 2021

PLANNING COMMISSION - NOTICE OF PUBLIC HEARING

Dear owner, agent or occupant of each parcel that is abutting, immediately across the street or road, or within close proximity of the property affected:

This is notification that the Prince George County Planning Commission will hold a public hearing on **Thursday, February 25, 2021 beginning at 6:30 pm** in the Board Room, located on the third floor of the County Administration Building, 6602 Courts Drive, Prince George, Virginia, to consider the following request that involves the Prince George County Zoning Ordinance:

SPECIAL EXCEPTION SE-20-03: Request of Tom and Diane McCormick, pursuant to § 90-103 (52) and (53), to permit a cottage industry home occupation on a parcel of five acres or more for bed and board in an accessory building, and sales/rental of formal wear in a single-family residence in a R-A, Residential-Agricultural, Zoning District. The subject property is located at 5503 Ruffin Road and is known as Tax Map 240(0A)00-115-A. The Comprehensive Plan indicates the property is suitable for commercial or village center uses.

Due to the COVID-19 pandemic, Prince George County's February 25th Planning Commission meeting will be held electronically and in person. The changes are designed to accommodate public input while encouraging the public to practice social distancing as recommended by health officials. If you wish to make comments prior to meeting, you are encouraged to do so via the Public Comment Form on the County website at

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

The meeting will also be accessible by Zoom or YouTube. Information on accessing this meeting electronically is available at <https://www.princegeorgecountyva.gov/>.

You may also contact Planning and Zoning Division at (804)722-8678 or by e-mail at planning@princegeorgecountyva.gov with any questions prior to the scheduled meeting. We have included a GIS Map showing the general location of the request.

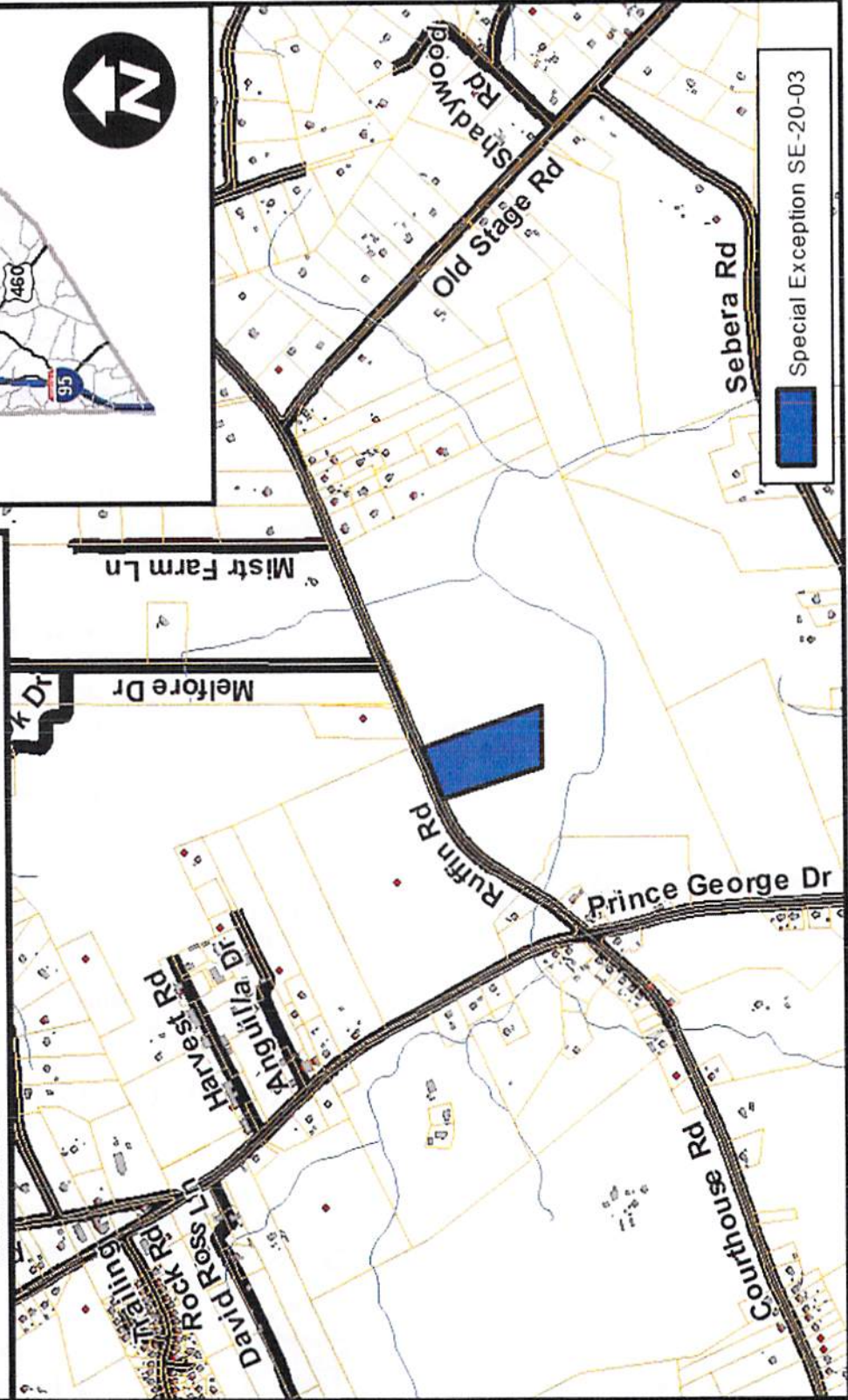
Sincerely,

A handwritten signature in blue ink, appearing to read "H. H. Wade III".

Horace H. Wade III, CFM
Planner II

Public Hearing Case:

SE-20-03 Special Exception for a cottage industry home occupation on a parcel of five acres or more for bed and board in an accessory building, and sales/rental of formal wear in a single-family residence.



KANAK BEATRICE J TR
C/O REBECCA K F FOX TRUSTEE
118 CONCORDIA ST
PRINCE GEORGE, VA 22032

NOBLIN JUSTIN D
8724 CENTENNIAL RD
DISPUTANTA, VA 23842

BANK OF MCKENNEY
PO BOX 2230
PRINCE GEORGE, VA 23875

PRINCE GEORGE 105 LLC
PO DRAWER C
STONY CREEK, VA 23882

PRINCE GEORGE 105 LLC
PO DRAWER C
STONY CREEK, VA 23882

JARRATT BOB W SR
JARRATT SHIRLEY A
6108 PRINCE GEORGE DR
PRINCE GEORGE, VA 23875

FRANCHOK LIVING TRUST
8500 SEBERA RD
PRINCE GEORGE, VA 23875

MAILE THOMAS R JR
MAILE PAULA M
5409 RUFFIN RD
PRINCE GEORGE, VA 23875

NICKELSON ELLIE Q
NICKELSON LUCRETIA D
5325 RUFFIN RD
PRINCE GEORGE, VA 23875

ROBINSON TIMOTHY C
VANDERVOORT BRITTANY D
5401 RUFFIN RD
PRINCE GEORGE, VA 23875

BLAKE MARY MISTR
PO BOX 2363
PRINCE GEORGE, VA 23875-0599

FOREHAND ROBERT E JR
FOREHAND LINDA M
PO BOX 2050
PRINCE GEORGE, VA 23875-1339

FOREHAND ROBERT E JR
FOREHAND LINDA M
PO BOX 2050
PRINCE GEORGE, VA 23875-1339

DAVIS MELVIN OIL CO INC
11042 BLUE STAR HWY
STONEY CREEK, VA 23882

OAKLEY JEFFREY S
5115 PRINCE GEORGE DR
PRINCE GEORGE, VA 23875

PKINS REBECCA G
7804 COURTHOUSE RD
PRINCE GEORGE, VA 23875

MCLEAN MELODY C
9001 OLD STAGE RD
PRINCE GEORGE, VA 23875

FRANCHOK LIVING TRUST
8500 SEBERA RD
PRINCE GEORGE, VA 23875

PRINCE GEORGE RURITAN CLUB INC
17431 JEFFERSON DAVIS HWY
RUTHER GLEN, VA 22546

TARR ROSE MARIE
6100 PRINCE GEORGE DR
PRINCE GEORGE, VA 23875

DAVIS MELVIN OIL CO INC
11042 BLUE STAR HWY
STONEY CREEK, VA 23882

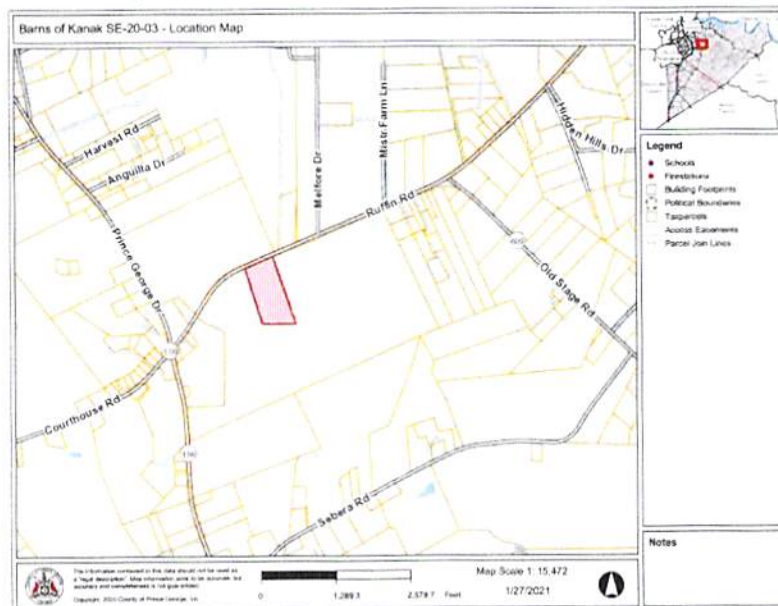
PRINCE GEORGE LODGE #115
ANCIENT FREE & ACCEPTED MASONS
P O BOX 115
PRINCE GEORGE, VA 23875

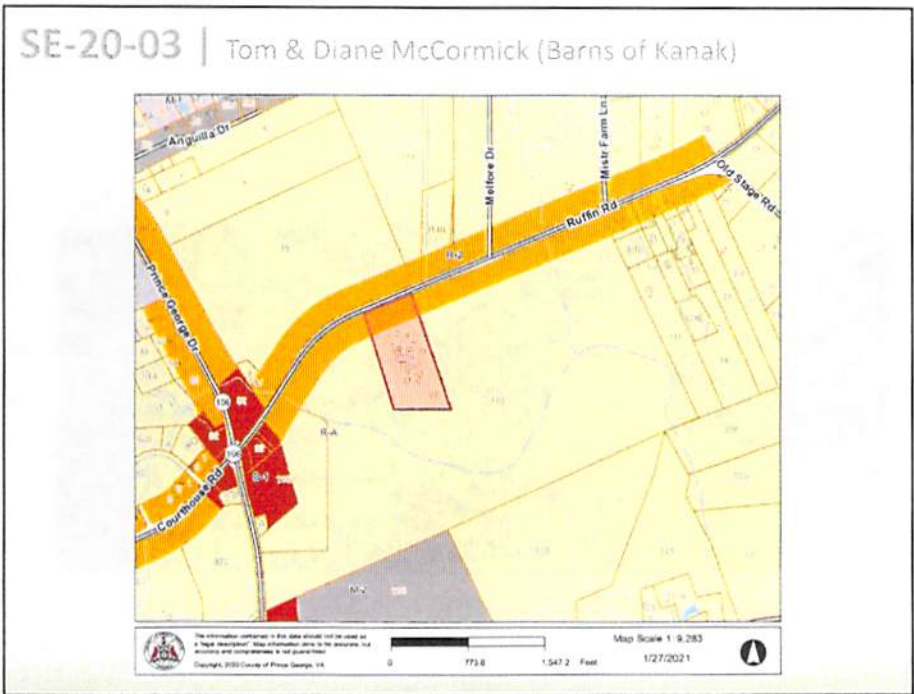
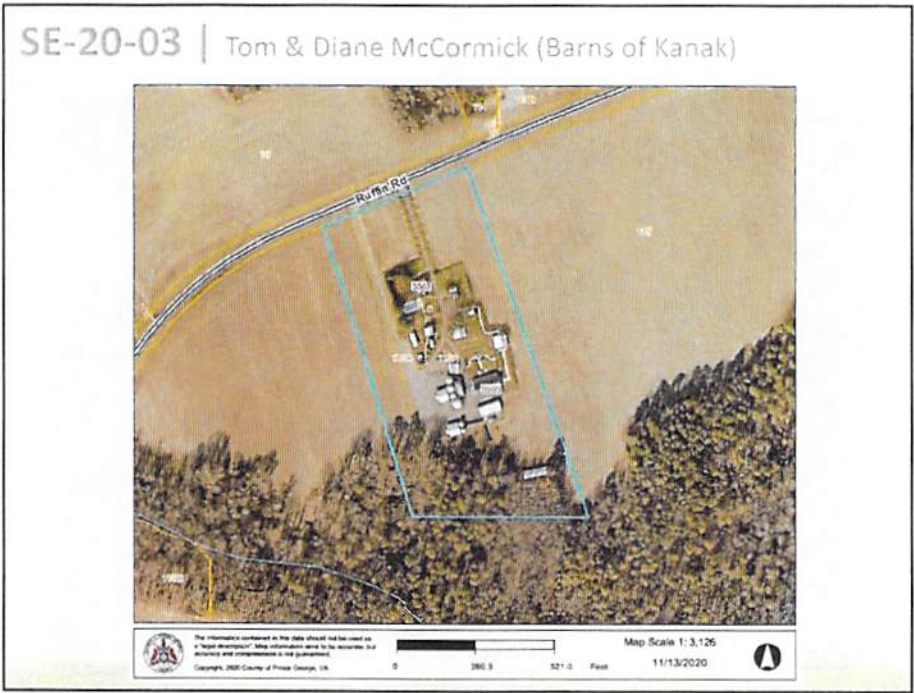
SPECIAL EXCEPTION SE-20-03:

Request of Tom and Diane McCormick,
pursuant to § 90-103 (52) and (53),
to permit a cottage industry home occupation on a parcel of five
acres or more for bed and board in an accessory building, and
sales/rental of formal wear in a single-family residence
in a R-A, Residential-Agricultural, Zoning District.
The subject property is located at 5503 Ruffin Road and is
known as Tax Map 240(OA)00-115-A.
The Comprehensive Plan indicates the property is suitable for
commercial or village center uses.

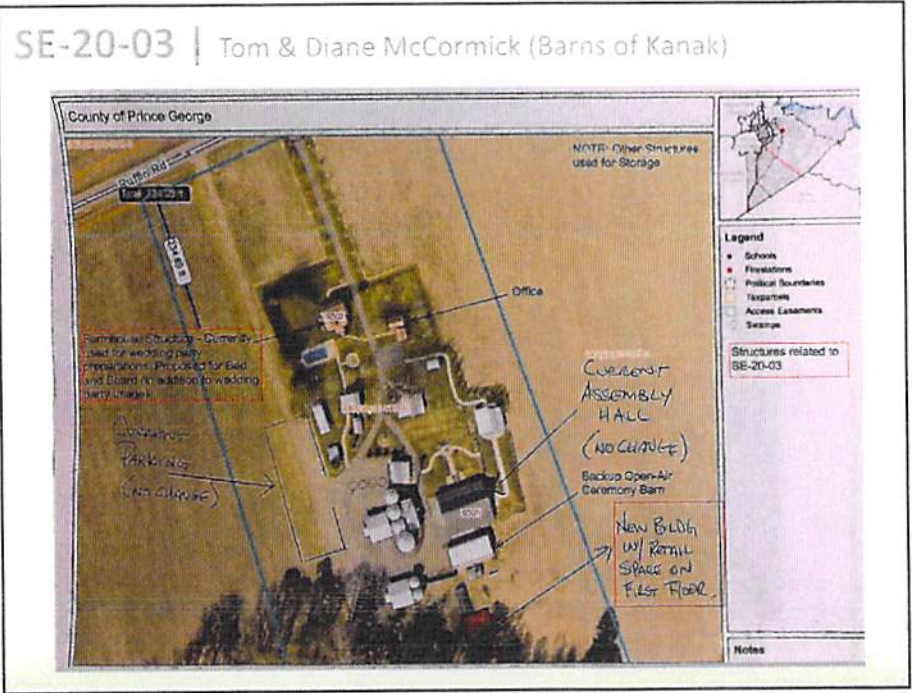
Planning Commission Meeting – March 25, 2021

SE-20-03 | Tom & Diane McCormick (Barns of Kanak)





SE-20-03 | Tom & Diane McCormick (Barns of Kanak)

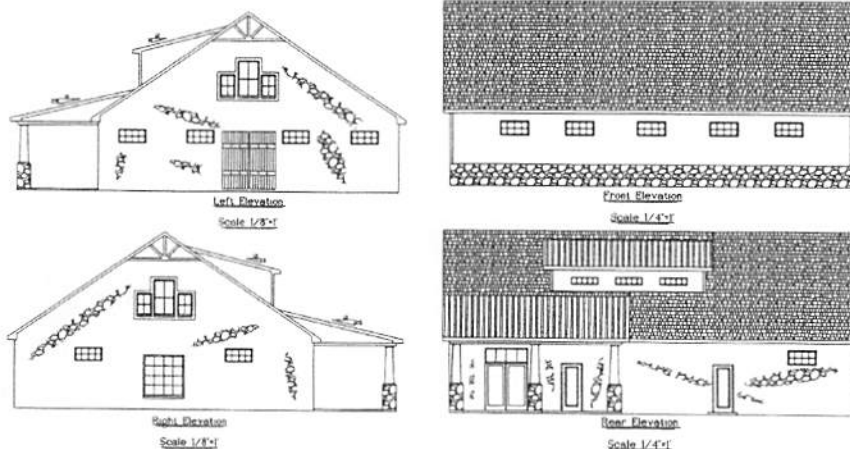


SE-20-03 | Tom & Diane McCormick (Barns of Kanak)



SE-20-03 | Tom & Diane McCormick (Barns of Kanak)

Proposed New Structure



SE-20-03 | Tom & Diane McCormick (Barns of Kanak)

Recommended Conditions

(Full list of recommended conditions in Staff Report)

Highlights:

- Only one single-family dwelling on the property
- Owner/operator must live on the property
- Structures related to Special Exception uses to be located in R-A zoned area
- Hours of operation for formalwear sales/rental office (9am to 8pm by appointment)
- Overnight accommodations conditions:
 - Limited to four rooms
 - Not to exceed 7 consecutive nights stay, 7-night absence required
 - Maintain lodging records to provide upon request
 - Lodging taxes apply
 - Limited to 4 overnight guests

March 9 Meeting Recap

BOS Receives FY '21 Budget Proposal From the County Administrator

The Board of Supervisors at its March 9 meeting received the Budget proposal for FY 2021-22 from County Administrator Percy Ashcraft.

Mr. Ashcraft outlined the spending plan for FY '22 that calls for no increase in real estate or personal property tax rates and no increase in water or wastewater rates. It does propose an increase in building permit fees and an addition of a 1.4% credit card convenience fee to offset rising cost of third-party costs. The budget includes funding for ongoing capital projects and law enforcement and administrative vehicles. In addition, it includes improved pay ranges for Public Safety and salary increases for all full-time and part-time salaried and part-time regular employees.

A contribution of \$17,056,643 is included for operations for the Public School Division, which is a 2.2% increase per Revenue Sharing Calculation approved by the Board of Supervisors in August 2019. This budget funds the Police budget at \$6,518,650, which is a 6.4% increase. Volunteer Fire & EMS programs are funded in the amount of \$4,509,629. The local share for the Comprehensive Services Act is proposed at \$804,038 and contributions to Riverside Regional Jail is \$2,238,443, which is a 2.27% increase.

The total Budget is \$132,844,071, which is 5.27 percent greater than FY '21. The General Fund Budget is \$62,288,849, which is 3.35 percent more than FY '21.

A Public Hearing on the Budget will be held at 7:30 p.m. Tuesday, April 27 in the Board Room of the Administration Building.

Other matters to come before the BOS at its meeting:

- Received a report on hunting with a rifle in Prince George County.
- Received a report on a Station One Feasibility Study.
- Received a report on a Station Eight Electrical Study.
- Received a report on the Jefferson Park Volunteer Fire Station Soil Report.
- Approved on consent a resolution accepting a 20' temporary construction easement located on Parcel ID: 13A(02)0A-015-0 for a Drainage Facility.

- Approved on consent an appropriation in the amount of \$41,785.72 for Southside Programs for Adult Continuing Education (SPACE) FY2021 revenue and expenditure increases.
- Approved on consent an appropriation in the amount of \$20,170 for Virginia Department of Emergency Management Next-Gen 911 grant funds.
- Approved on consent and presented to the Prince George County Social Services Department a proclamation for Social Work Month – March, 2021.
- Approved on consent and presented to Deacon Ellen Jones and Miss Justine Chan a proclamation for Women’s History Month – March, 2021.
- Received a Secondary Six-Year Road Plan report from the Virginia Department of Transportation.
- Received a radio system report.
- Received a report on repurposing of bond proceeds.
- Took no action on a resolution accepting land exchange agreement between the County and James R. Jones.
- Unanimously approved a resolution authorizing the advertisement of a public hearing for April 13 approving the lease agreement for Walton Elementary School property.
- Unanimously approved an appropriation in the amount of \$1,142,030 for School State No Loss Funding.
- Unanimous approved an award of contract and appropriation from debt proceeds in the amount of \$112,900 for architectural and engineering services for the County Garage expansion.
- Unanimously postponed to March 23 an award of annual services contract for routine and emergency utility repairs.
- Unanimously approved the authority to advertise a public hearing for April 13 for a one-time waiver of Section 82-541(C) of The Code of the County of Prince George, Virginia.
- Unanimously approved Droit, LLC to operate a wholesale business and storage warehouse at 6800 Scotland Way) Tax Map 230(0A)00-47-0.

- **Unanimously approved a resolution establishing a Senior Citizen Task Force.**
- **Unanimously reappointed Ms. Gail Vance to the Board of Grievance Appeals.**
- **Unanimously appointed Mr. Percy Ashcraft as alternate representative to the Central Virginia Waste Management Authority.**
- **Unanimously approved a resolution authorizing the advertisement of a public hearing for April 13 for setting a tax rate for real property, personal property, machinery and tools and mobile homes.**