

Planning Commission
County of Prince George, Virginia

Regular Meeting
October 27, 2016
7:30 p.m.

County Administration Building, Boardroom, Third Floor
6602 Court Drive, Prince George, Virginia 23875

I. CALL TO ORDER

Chairman Bresko called to order the Regular Meeting of the Prince George County Planning Commission on Thursday, October 27, 2016 at 7:30 p.m. in the Boardroom of the County Administration Building, 6602 Courts Drive, Prince George, Virginia.

II. ATTENDANCE

The following members responded to Roll Call:

Mr. Joe Simmons - Present
Mr. James Easter - Present
Mrs. Imogene Elder – Present
Mr. Steve Brockwell - Absent
Vice Chairman Clarence Joyner, Jr. - Present
Chairman Alex Bresko, Jr. - Present
Mr. Floyd Brown - Present

Also present were: Douglas Miles, Planning Manager and Chuck Brown, Office Associate II from Community Development – Planning Division.

III. INVOCATION

Vice Chairman Joyner gave the Invocation.

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

Mr. Simmons led in the Pledge of Allegiance to the United States Flag.

VI. APPROVAL OF MINUTES – September 22, 2016

Upon a motion made by Mrs. Elder and seconded by Vice Chairman Joyner the minutes were adopted as written. Roll was called on the motion.

Roll call vote on the Motion:

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

VII. PUBLIC COMMENTS

At 7:35 p.m. Chairman Bresko opened the citizen comment 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 Chairman Bresko closed the public comment period at 7:36 p.m.

VIII. OLD BUSINESS

None

IX. NEW BUSINESS

REZONING CASE RZ-16-06 Request of Ophelia S. Fludd to rezone a 1.07 +/- acre parcel and 2.21 +/- acre parcel from the B-1, General Business to the A-1, General Agricultural Zoning District. The Comprehensive Plan indicates that the subject properties are appropriate for Commercial uses. The subject properties are located at 13000 South Crater Road and are known as Tax Maps 430(0A)00-099-0 and 430(0A)00-098-0.

Mr. Miles presented two (2) maps of the subject property identifying the location. He mentioned that the property was rezoned to B-1 during a blanket zoning on July 1, 1965 by Prince George. He further explained that the subject property was subdivided in 1962 and a single family dwelling was built in 1964 and later on a detached garage was built in 1977 on the adjacent subject property. He indicated that if the rezoning were approved that the subject parcels should be combined as one, new parcel through a parcel consolidation survey plat request.

Mr. Miles explained that the applicant was not aware that her property was zoned B-1 until she had consulted with her real estate agent to list the property for sale. He indicated that through the due diligent process in working with the County and their attorney they deemed it necessary to request the rezoning in order to allow for the sale of these properties. Mr. Miles indicated that a zoning certificate was issued that identified the single family dwelling as a non-conforming structure.

Mr. Miles explained that the subject properties are not served by County water and sewer and are not located within the Enterprise Zone. He indicated that future business growth is planned to be located at the I-95 Exit 45 interchange.

Mr. Miles indicated that staff recommends Approval of this rezoning request from B-1, General Business to A-1, General Agricultural without any staff conditions.

Vice Chairman Joyner asked if there were other homes in the area that were also blanket zoned in 1965 and if they were adversely affected under the B-1 zoning.

Mr. Miles stated there were no other affected homes and that the parcels to the north of the subject properties were vacant and owned by Mr. Tedesco. He further explained that the only other homes in the area were in Forest Acres subdivision across US 301 and are zoned R-1, Limited Residential District.

Vice Chairman Joyner asked if the 1965 blanket zoning had created B-1 zoning.

Mr. Miles stated yes; it was a blanket zoning however; Mrs. Fludd's land was the only property with a home on it and no other homes in the immediate area were affected. Mr. Miles indicated the entire I-95 and US 301 interchange had been blanket zoned for future growth and commercial development on July 1, 1965.

Mr. Simmons had asked if this type of zoning request is considered spot zoning.

Mr. Miles explained that it was not spot zoning and it is considered down zoning which is returning the zoning back to its original status. He further explained that if the parcel was zoned R-1, Limited Residential and the County only zoned the two (2) parcels to B-1, General Business, then that would be considered spot zoning. Mr. Miles indicated that the Comprehensive Plan calls for commercial

uses in this area and technically staff should not be recommending approval. He indicated that we are using a common sense approach in determining that Mrs. Fludd or a future owner could never afford to extend utilities to this location to convert the existing house to an office building as a B-1, General Business use.

Chairman Bresko opened the public hearing at 7:40 pm. for citizens to speak for or against the request. There were none and the applicant's attorney came up.

Mr. Lewis Wyche, attorney representing Mrs. Fludd, he provided comments in support of the rezoning request which restated comments provided by Mr. Miles.

Mr. Wyche pointed out that during the examination of the title to the property it was noted that the property was zoned B-1, General Business. Mr. Wyche had indicated that the Zoning Ordinance stated non-conforming structures that are damaged more than fifty percent (50%) of their value cannot be rebuilt and new structures shall conform to the current zoning, in this case, as B-1 zoning uses.

Mr. Brown asked if there was a pending contract on the subject properties based on the outcome of the Board of Supervisors decision on this rezoning request.

Mr. Wyche indicated that there was not at this time however; there was a good possibility that a contract could be considered after the rezoning. He stated that the applicant lost a contract on the subject properties due to the B-1 zoning and they may be able to regain that contract if the rezoning requested, is approved.

With no further citizens coming forward to make comments Chairman Bresko closed the Public Hearing at 7:48 pm. and returned it to the Commissioners.

Upon a motion made by Mr. Brown and as seconded by Mr. Easter; that the Rezoning request be approved and forwarded to the Board of Supervisors with a recommendation of Approval with no conditions. Roll was called on the motion.

Roll Call vote on the Motion:

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

Opposed: (0) Absent: (1) Brockwell Abstain: (0)

X. COMMUNICATIONS

Mr. Miles indicated that the Board of Zoning Appeals Regular Meeting for November 28, 2016 was cancelled due to a lack of docket items. The BZA conducted a Work Session on October 24, 2016 where a VA General Assembly update was provided. Mr. Miles explained that the Board of Zoning Appeals had expressed their desire to consider starting their meetings at 6:30 p.m. in 2017.

Mr. Miles indicated that the Board of Supervisor's Meeting Re-Cap Sheet was provided for the meeting on October 25, 2016 where the Splat Brothers Special Exception request and the Loves Travel Stops and Country Stores, Inc. Conditional Zoning request were approved. He indicated that both the Jefferson Pointe Apartments Conditional Rezoning request and their Zoning Amendment request were tabled until the November 9, 2016 Board of Supervisors Meeting.

Mr. Miles indicated that the Board of Supervisors will meet with the School Board to discuss their cash proffer appropriation for Beasley Elementary. Mr. Miles explained that the cash proffers that were being offered by the developer can only be used for Beasley Elementary and cannot be transferred to any other schools in the County. The Board of Supervisors wanted to work with the applicant in November through the County Attorney's Office for any possible options for these funds and they would discuss it on November 1st with them.

Mr. Miles explained that Dominion Power would hold a Community Meeting at Prince George High School on Thursday, November 3, 2016 from 5:00 p.m. until 7:00 p.m. to discuss a project to upgrade a transmission line that will impact the Flowerdew Hundred area of the County where it crosses to Charles City County.

Mr. Miles indicated next month that County Staff will be working with the Planning Commission on a solar farm siting policy. He mentioned that there are currently two (2) sites within the County that have been identified by developers for new, proposed solar farms. He explained that the developer for the Fort Powhatan site will be holding their own community awareness meeting at the Burrowsville Community Center on Tuesday, November 15, 2016 from 5:30 pm until 7:30 pm.

Mr. Miles explained that Dr. Chandler and Dr. Fogel who manage the Certified Planning Commissioners Program will be taking individuals on a tour of solar farms in North Carolina on November 30, 2016. He mentioned that the County allows homeowners to outfit their homes with solar as a by right accessory use either as free standing panels or integrated into the shingles of their own home.

Mr. Easter asked if there were solar farms within the State of Virginia currently.

Mr. Miles explained that there were several that were already started and that Dominion Power has received twenty (20) applications for solar farms over the past year or so now. He indicated that there are 3 currently under construction after going through zoning in Powhatan, Louisa, and Isle of Wight Counties.

Mr. Simmons asked if the proposed solar farm companies are leasing the land like tower companies or are purchasing the land after obtaining zoning approval.

Mr. Miles stated it could be leased or land bought by the solar farm developers.

Mr. Simmons asked if real estate taxes for the land would be paid by the developer plus the solar farm panel improvements on the subject properties.

Mr. Miles indicated that there if the facility is less than 20 megawatts then there are no machinery or tools taxes paid and if greater there is a sliding scale to pay these taxes based upon the amount of the megawatts as a commercial land use.

Mr. Simmons asked that if that was the case, what was in it for the County to give up the property to be taken out of land use as it related to the smaller solar sites. He indicated that it could be developed into real estate taxes in a better way.

Mr. Miles reminded Mr. Simmons that the Board of Supervisors had denied the McQueen site on Rives Road multiple times due to transportation and safety factors with the I-295 site distance issue. A solar farm may work well there with limited service vehicle traffic on a regular basis rather than more intense uses.

Chairman Bresko asked if the existing transmission lines were required to service the solar farm locations that produce electricity.

Mr. Miles indicated that the smaller sites like at the McQueen site will not require the use of a transmission line because the site will feed back into a substation for distribution. However, the larger solar farm may require the developer to break into a five hundred (500) kilovolt transmission line which may be very expensive.

With there being no further comments Chairman Bresko asked for a motion to adjourn the meeting.

XI. ADJOURNMENT

A Motion was made by Mr. Simmons, seconded by Mr. Brown to adjourn the Planning Commission Meeting at 8:10 p.m. until Monday, November 14, 2016 at 6:30 p.m. in the Planning Conference Room. Roll was called on the motion.

Roll Call vote on the Motion:

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

Opposed: (0) Absent: (1) Brockwell Abstain: (0)