

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

Regular Meeting
April 28, 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, April 28, 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 - Present
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

Mr. Simmons gave the Invocation.

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

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

VI. APPROVAL OF MINUTES – March 24, 2016

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

Roll call vote on the Motion:

In Favor: (5) Easter, Elder, Bresko, Brown, Joyner.

Opposed: (0) Absent: (0) Abstain: (2) Brockwell, Simmons

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 7:35 p.m.

VIII. OLD BUSINESS

REZONING CASE RZ-16-01 Request of Prince George County to conditionally rezone a 5.7+/- acre parcel zoned R-1, Limited Residential to A-1, General Agricultural to permit certain A-1 uses. The subject property is located in the northwest quadrant of James River Drive and Moody Road and is known as Tax Map 150(0A)00-023-0.

Mr. Miles summarized the conditional rezoning case request for the general public that was not present during the Public Hearing that was held on Tuesday, March 24, 2016 to permit a fire station and certain A-1, General Agricultural uses.

Mr. Brown asked Mr. Miles if the County Attorney and Board were satisfied with the contractual sales agreement with the seller and Mr. Miles responded yes.

Upon a motion made by Mr. Brown and seconded by Mrs. Elder that the Conditional Rezoning be approved along with the recommended conditions and forwarded to the Board of Supervisors with a recommendation of approval. Roll was called on the motion.

Roll Call vote on the Motion:

In Favor: (5) Joyner, Bresko, Brown, Easter, Elder

Opposed: (0) Absent: (0) Abstain: (2) Brockwell, Simmons

IX. NEW BUSINESS

SPECIAL EXCEPTION SE-16-01 Request of Sun Pool 1, LLC in the R-A, Residential - Agricultural District for the expansion of Pine Ridge Mobile Home Park with connection to County water and sewer on Route 156. The site is located at 400 Swift Street and is known as Tax Map 240(0A)00-099-0. The comprehensive plan indicates the subject property is appropriate for residential land uses.

Mr. Miles explained that the applicant, Sun Pool 1, LLC, is proposing to expand their existing mobile home park through the construction of a 12-inch water main approximately for a ½ mile along State Route 156 allowing for connection to the County water system. He indicated that the applicant is proposing to add 139 additional home sites, construct a community clubhouse, remodel and update the community offices, relocate and improve the community playgrounds, to include new playground equipment, modify the site drainage to reduce ponding water and perform upgrades to road sections, site landscaping, site signage and the common open space areas for residents.

Mr. Miles indicated that the property is zoned R-A, Residential Agricultural and properties surrounding the subject parcel are also zoned R-A, Residential - Agricultural and contain single-family dwellings or are vacant. Mr. Miles indicated that one property located south of the site has a closed general store and it is zoned B-1, General Business for commercial uses.

Mr. Miles explained that the 2014 Comprehensive Plan Update recommends this portion of the County for residential use and that the request complies with the Plan for temporary single and doublewide mobile homes as single family dwelling uses. He further explained that the 2016 Water and Wastewater Master Plan

calls for water line extensions to serve residential developments within the Central Service Area of the County. Mr. Miles indicated that a ½ mile long water line extension up SR 156 to serve the development complies with the new plan and provides the capacity to allow for the expansion of the mobile home park.

Mr. Miles indicated that Chip England, P.E., County Engineer, had provided the following comments after working with Bob Hufnagel, P.E., Atwell Engineering of Ann Arbor, Michigan and with Derrick Johnson, P.E., Timmons Group on the expansion of the existing mobile home park along Prince George Drive (SR 156):

1. The developer will need to provide documentation recording the conveyance of property interests for the parcels for the connection to and use of the Pine Ridge wastewater collection system. The developer will extend the public water main up Route 156 until just beyond Sandpiper Lane. The developer will be providing public water connection for the single family homes located at 6903 and 6911 Sandpiper Lane.
2. The developer should provide a water service connection for 6827 Prince George Drive at the edge of the Route 156 right-of-way north of Sandpiper Lane near the end of the required extension. The developer should consider how their planned improvements may be able to address the Benesek's interest and remain in contact with these citizens.
3. The developer will provide water service connections and pay the tap fees for all parcels with premises containing sanitary facilities located within 200 feet of the property line adjoining the right-of-way or easement containing the new water line. The meter box, meter setting, and water meter shall be furnished for each new service connection provided conforming to Prince George County standards. In addition, the developer will be responsible for paying connection charges for each new service connection provided and we will be addressing this requirement within the County water agreement.

Mr. Miles explained that Paul Hinson, P.E., LEED AP, VDOT - Land Use Engineer had reviewed the request and the turn lane warrant analysis dated March 30, 2016 as prepared by W. Scott Dunn, AICP, PTP, Timmons Group on the expansion of the existing mobile home park along Prince George Drive (SR 156) and provided the following comments:

1. VDOT reviewed the submitted Special Exception request to add an additional 139 home sites for a total of 384 sites in accordance with VDOT's Access Management Regulations, 24VAC30-73. SR 156, Prince George Drive has a functional classification as a minor arterial and a posted speed limit of 45 MPH. In accordance with the Access Management Regulations, spacing between full access entrances must be 470 feet from centerline to centerline.

The zoning case applicant is voluntarily closing three (3) of the seven (7) existing entrances serving their development. The spacing between the remaining full access entrances to the site is approximately 240 feet. This separation does not meet VDOT's requirement and an exception request to the access management standards will need to be approved for the reduced spacing from the required spacing of 470 feet. VDOT will begin processing

the access management waiver request concurrent with the Special Exception application process with the applicant's engineering consultant.

2. At VDOT's request the applicant has submitted a turn lane warrant analysis for the four (4) entrances proposed to remain as are shown on the concept plan that was included with the application. VDOT's review of the turn lane warrant analysis concurs that no right or left turn lanes will be warranted by this proposed development. This concurrence is contingent upon approval of the access management waiver request to allow the reduced spacing for the four (4) existing entrances to remain to serve this development.
3. The proposed project includes an approximately ½ mile long extension of a potable water line to serve the project site. VDOT's preference would be for the waterline to be installed within a utility easement outside of the VDOT right-of-way (ROW). In the event that the waterline is installed within the VDOT ROW, then the waterline will need to be installed between the existing ROW line and the backside of the ditch. Installation within the shoulder areas of the roadway or between the roadway and the ditch are not acceptable locations. All proposed construction within the VDOT ROW will be required to meet VDOT specifications and design standards. VDOT will participate in the site plan review process and provide reviews of the portions of the site in the VDOT ROW.

Mr. Miles indicated that Staff recommended approval of the proposed expansion with the recommended conditions:

1. This Special Exception is granted for a mobile home park use to Sun Pool 1, LLC or any other division of Sun Communities, Incorporated on Tax Map 240(OA)00-099-0.
2. The developer, at their cost, will construct a community clubhouse available for resident use, along with relocating and improving community playground areas suitable to serve the mobile home park community, perform upgrades to road sections, modify on-site drainage to reduce standing water, and upgrade the landscaping within the common areas prior to full buildout of the expanded mobile home park sites.
3. This Special Exception shall become null and void if the mobile home park use is abandoned for a period of twenty-four (24) consecutive months.
4. 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.
5. There shall be a six (6) foot tall chain link fence of at least eleven gauge in size, with top rail, near and along the western boundary line from Swift Street to the existing wetlands to preclude trespassing and to be maintained by the developer at their cost. (Added at Planning Commission Public Hearing)

Mr. Miles indicated that the County Assessor had provided an assessment value statement of the subject property and of the mobile home units on the property.

Chairman Bresko asked Derrick Johnson, P.E. from Timmons Group if he would like to come forward to make any comments representing the case before them.

Mr. Johnson explained that he is representing Sun Pool 1, LLC that is requesting 139 new home sites which also includes the construction on many amenities as part of the new infrastructure to include a ½ mile twelve inch water main to be installed along SR 156 to serve the park and the existing homes along SR 156.

Mr. Johnson indicated that they are proposing three (3) stormwater management facilities to handle the stormwater under the 2014 guidelines which will reduce the amount of phosphorus from the homes in the park. He mentioned that the new infrastructure improvements consisted of a new community club house, management office remodel, relocating the basketball court, enhancements to the playground area, new signage, landscaping, and improvements to the existing common areas.

Mr. Johnson indicated that they accept the five (5) recommended conditions to include condition number five (5) that requires the fence. Mr. Johnson explained that Sun Pools 1, LLC is willing to install the fence along the western property line from Swift Street to the existing wetlands as required by the original deed between Bennie's Mobile Home Park, Inc. and Bennies Limited Partnership.

Mr. Johnson explained that the property managers for the facility are present for any operational questions that the Planning Commissioners may have tonight.

Chairman Bresko asked if the water and sewer lines easements had been acquired from the adjacent property owners yet.

Mr. Johnson explained yes where the water line would be installed but that the easements had not yet been acquired from VDOT. He indicated that acquiring easements will be the next step once the Special Exception is approved. He indicated that the sewer drains to pump station number 4 therefore nothing will change with respect to the sewer infrastructure for this development.

Chairman Bresko asked if adjoining land owners were going to be required to connect to County water.

Mr. Johnson explained that if the property owner's home is within 200 feet of the water line then they will be required to connect to it. He indicated that Sun Pool 1, LLC will pay the tap fees for the three (3) homes that will be affected on SR 156.

Mr. Simmons asked if all the proposed improvements would be completed at the same time as the development of the 139 additional lots.

Mr. Johnson indicated that the amenities would be completed prior to total build out of the units however, the construction schedule had not been completed yet.

Mr. Miles explained that County Staff will monitor that through both the Site Plan approval and permitting process to ensure that the site amenities are completed.

Vice Chairman Joyner asked if fire hydrants would be installed as part of the

water line extension for this development.

Mr. Johnson indicated that hydrants would be installed along SR 156 and that the park would have a master meter and connected to the twelve (12) inch water line so that the existing water lines in the park would remain private. Therefore, the County will not be providing maintenance for the mobile home park water lines and water service will be individually metered at each home lot. Mr. Johnson explained that there will be enhanced fire protection and water pressure because the fire hydrants will be close to the new mobile home units.

Mr. Simmons asked if other homes would have the ability to tap into the County water line that exceeded 200 feet with the new water main.

Mr. Johnson indicated that it was his understanding that if the home was within 200 feet of the line then they were required to connect and if the home was over 200 feet they were not required to connect. Mr. Johnson explained that the County Engineer was available to provide a response as it related to current County Code requirements.

Mr. Simmons asked Mr. Johnson if the home owners were currently connected to the private water line provided by Sun Pool 1, LLC currently buying county water.

Mr. Johnson responded no everything is private.

Mr. Simmons asked if the adjacent home owners would be required to purchase County water after the water main was installed by the developer of Pine Ridge.

Chip England, P.E., County Engineer indicated that if the homes on the parcels are within 200 feet of the right of way or the easement containing the utility line then the owners will be required to pay a tap fee but they are no longer required to connect to the water line. He further explained that the County is requiring the developer to install a tap on the main and a meter at the edge of the easement for three (3) properties identified so they can connect if they want to in the future.

Mr. England explained that the developer will be required to pay for the tap fee for these three (3) properties and he further explained the water main expansion connection process and the tap fees that were involved within the County Code.

Mr. England indicated that the water line would go past the mobile home park in order to service two (2) additional parcels that are currently serviced by the commercial well within the mobile home park. He explained that the developer has agreed provide the water meters, taps and the service connections.

Mr. Simmons asked if the mobile home park was currently on a private well.

Mr. England indicated that it was and that the mobile home park was on a private water system.

Mr. Simmons asked if the mobile home park would be on County water after the expansion project was completed. Mr. England said yes.

Mr. Simmons asked about individual taps for residences and the master meter

that would serve the mobile home park.

Mr. England explained that the mobile home park would be on a master meter and two (2) other parcels will have new private connections with County Utilities.

Mr. Joyner asked what would happen to the well that currently services the park.

Mr. England indicated that the developer will be required to close off the well and close or alter their permit with the state health department. He explained that he was not sure if the well would be used for other purposes such as irrigation. Mr. England explained that if the well was not going to be used, the state requires the well to be abandoned by their standards.

Mr. Miles explained that Charles Leonard at the Virginia Department of Health had been made aware of the project and he would work with the developer to abandon the well if needed or have it available for irrigation purposes out there.

Mrs. Elder asked Mr. England about the water line that could service the three (3) additional properties along SR 156 outside of the mobile home park property.

Mr. England indicated that the meter and tap fees would be provided by the developer however, the property owners can opt not to connect to the system.

Mr. Brown asked if he understood that the developer was proposing to add one hundred thirty nine (139) new home sites. Mr. Johnson said that was correct.

Mr. Brown wanted clarification on how many mobile homes are there now and how many units ultimately will be there once the site expansion is completed.

Mr. Johnson explained that there are two hundred forty-five (245) units now and adding the one hundred thirty nine 139 additional units is the maximum capacity for a total of three hundred eighty four (384) mobile or manufactured home units.

Mr. Brown asked if the new park plan layout required that some of the existing units be rearranged or will the current area compensate for the additional units.

Mr. Johnson indicated that this property is large enough to compensate for the additional units. He mentioned that the only site improvement within the park that will be relocated is the basketball court but there are no plans to reorganize the existing home sites.

Chairman Bresko asked if the mobile home park management staff would like to provide comments. No comments were provided by the mobile home park staff.

At 8:08 p.m. Chairman Bresko opened the Public Hearing to anyone who wished to speak for or against the Special Exception. He asked that persons limit their remarks to three (3) minutes or if speaking for a group tonight to five (5) minutes.

Beth Hoover Lipp, 6605 Prince George Drive, provided the following information on behalf of the Helen B. Hoover Trust, for Donald W. Anderson, Executor as an adjacent land owner:

1. Requested that the northern forty four (44) home sites not be allowed to be added to the mobile home park.
2. Requested that a six (6) foot solid board privacy fence be installed along the property line between the northern forty four (44) sites (if developed) and 6911 Sandpiper Lane.
3. Requested that the setback distance between the privacy fence and 6911 Sandpiper Lane be maintained by Sun Pool 1, LLC and or the Pine Ridge management team to prevent varmints from breeding within the fenced area.

Concerns:

1. There have been numerous occurrences of trespassing, vandalism and theft caused by the residents of Pine Ridge Mobile Home Park and to the property located at 6911 Sand Piper Lane. This occurred after a chain link fence was installed to prevent access by mobile home park residents.
2. In order to prevent unlawful access to 6911 Sand Piper Lane, that foliage was planted to discourage residents from hopping the fence to gain access to the property. This continues to be a problem as we cannot police all 5 acres of the property 24 hours a day.
3. Ensure that the current foliage is not disturbed by the proposed development and the existing setbacks are maintained.

Mrs. Sheryle Benesek Okum of 6725 Prince George Drive provided the following comments on behalf of: Robert and Sheryle Okum of 6725 Prince George Drive, Charles and Barbara Benesek of 6827 Prince George Drive and James and Lesley McNew of 6903 Sandpiper Lane.

Mrs. Okum explained that these individuals are all Benesek family members that own existing homes that border the proposed development and that they have the following requests and concerns:

1. Requested that the northern forty four (44) home sites not be allowed to be added to the mobile home park.
2. Requested that a 6 foot solid board privacy fence be installed along the property line between the northern forty four (44) sites (if developed) and 6725 and 6827 Prince George Drive and 6903 Sandpiper Lane.
3. Requested that the setback distance between the privacy fence and the mentioned properties be maintained by Sun Pool 1, LLC and or the Pine Ridge management team to prevent varmints from breeding in this area.

Concerns:

1. There is a huge decrease in property values and our resale ability in future.
2. It is proposed that the new mobile home sites will be developed behind the property lines of 6725 and 6827 Prince George Drive. As such, because of the increase of additional mobile home park units and the removal of existing

trees and foliage, therefore removing the buffer and providing no method to avoid the increase of the already existing residential noise near us now.

3. There have been numerous occurrences of trespassing, vandalism and theft caused by residents of Pine Ridge to the property and pond located at 6725 and 6827 Prince George Drive as well as at 6903 Sandpiper Lane. This occurred after all these properties were heavily posted as well by informing trespassers from the mobile home park that they were on private property.
4. In order to prevent unlawful access to 6725 and 6827 Prince George Drive and to 6903 Sandpiper Lane, foliage was planted to discourage the park residents from hopping the fence and entering the properties. This continues to be a problem as we cannot police all 15 acres of the properties 24 hours a day.
5. Requested that the current foliage not be disturbed by the proposed development and the existing setbacks are maintained. In an effort by the mobile home park owners to reduce troublesome weeds, herbicides were used that killed Red Tip bushes that we planted to make a barrier between 6827 Prince George Drive and the mobile home park.

Mrs. Okum asked the Planning Commission to please consider how the park expansion will affect us and how our lives will change with these new units.

Chairman Bresko closed the Public Hearing at 8:15 p.m. and asked the Planning Commissioners if they had any additional questions or comments.

Mr. Brown indicated that he was concerned and indicated that the expansion of the mobile home park should have been worked out with the adjacent property owners prior to the Planning Commission meeting so that these concerns could be addressed as case conditions.

Mr. Miles responded to Mr. Brown by informing him that County Staff and Atwell Engineering located in Michigan started this entire process in August of 2015, mainly working on the utilities and infrastructure requirements to determine the required upgrades. Mr. Miles indicated that in that process that Planning staff had advised Mr. Robert Hufnagel P.E. to work with the land owners on water and sewer connection requirements.

Mr. Miles explained that the County had asked that Atwell conduct a community meeting for the project. Mr. Miles said that the layout of the project was provided by the park management for the residents of the park as they paid their monthly rent to make them aware of the expansion plans there. He further explained that he indicated that it was our understanding that in establishing water and sewer connections for the other homes identified that some discussion would take place between the developer and these home owners to determine water and sewer connections options and to show them the proposed mobile home park plans.

Mr. Miles indicated that the County followed its normal practices with notifying all adjacent property owners by First Class mail and that today was the first day we had heard any public opposition to the request. He mentioned that the County staff had spent eight (8) months working with the developer to solve any issues.

Mrs. Lipp indicated that they were unaware as a family until this month that this development was brought to their attention and it was strictly in terms of the new water connections. She further explained that a representative from Sun Pool 1, LLC contacted her Aunt to discuss the new water and sewer improvements and explained that her Aunt referred the representative to her for further discussion.

Mrs. Lipp indicated that it was not until recently that she reviewed the proposed layout of the proposed development that the family's concerns began to surface with the new units. She indicated that it was more of a surprise to her family that the northern forty four (44) home sites were going to back right up to the property lines. She explained that she had received a letter about two (2) weeks prior to the County Planning Commission meeting announcing the Public Hearing tonight.

Mrs. Lipp indicated that that there are only a few houses that will be impacted by the development however, her family has worked hard to maintain their property.

Mr. Simmons asked Mrs. Lipp if she lived in either of the two (2) houses that would be affected in the extended Benesek family.

Mrs. Lipp indicated that she lives $\frac{1}{4}$ mile from the property and she is a frequent visitor to the property because that is where her mother lived. Mrs. Lipp added that she and her husband had helped her mother maintain her house until she passed away thus the reason for her vested interest in the property. Mrs. Lipp indicated that her sister will take possession in late spring of this year of their mother's former house adjacent to the mobile home park.

Mr. Simmons indicated that Mrs. Lipp did not answer his question and rephrased his question. He explained that there are two (2) houses that are in the field near the mobile home park - do you live there? Mrs. Lipp indicated that she does not live in either of the houses. Mr. Simmons asked if either house was owned by the Benesek family.

Mrs. Lipp indicated that the house at 6911 Prince George Drive belongs to the Helen Benesek Hoover Trust and the house located at 6903 Sandpiper Lane is owned by her cousin Leslie McNew.

Mrs. Lipp indicated that I. J. Benesek, Jr. lived in the other house when they owned Bennie's Mobile Home Park as a business. Then when the park was sold the remaining residential land belonged to the Benesek family around the park.

Mrs. Lipp explained that she has devoted a considerable amount of time over the past 25 years maintaining the house that she grew up in at 6911 Prince George Drive and that she is quite familiar with the park and the surrounding properties.

Mr. Simmons indicated that when the trailer park was developed and the two (2) homes were built that you all had to know that at some point the park would be expanded in the future. Mr. Simmons stated that the mobile home park developer has the legal right to expand the mobile home park.

Mrs. Lipp indicated that she understood and explained that this is what made the park so valuable because the approvals had been made final prior to the sale of the park by the Benesek family.

Chairman Bresko asked Mr. Miles if the recommended fence within the proposed condition would be right beside the northern forty four (44) home sites.

Mr. Mile explained that once the home site locations are established through site plan process the mobile home units can be within five (5) feet to the lot line and fifteen (15) feet between each unit for fire separation purposes. He mention that we can work with Sun Pool 1, LLC to try to located the home sites away from the adjacent properties as much as possible. However, under the Zoning Ordinance requirements there may not be much flexibility as buffers are not typically placed between residential uses such as existing homes and proposed mobile homes.

Chairman Bresko asked what the setback was from the fence to a mobile home.

Mr. Miles responded five (5) feet to the lot line however, there may be other fire code separation requirements. He added that normally the greatest setback that a building would be away would be ten (10) feet from the lot line when adjacent to an R-A, Residential Agricultural Zoning District.

Mr. Miles mentioned that the park layout plan is not conditioned because if it was conditioned and the developer needed to make minor changes to the plan they would have to return to the Planning Commission and the Board of Supervisors to request the changes that can be done administratively by staff in the process.

Mrs. Okum mentioned that even with the ten (10) foot setback from her property line, it would put a trailer two hundred ten (210) feet from her family's bedroom windows which will reduce their current property values. She added that if the development occurs as planned that they would not be able to sell their homes if they ever wanted to, however that is not their intent now.

Chairman Bresko indicated that if there were no further comments that he would entertain a motion on the Special Exception request.

Mr. Simmons indicated that if in the next thirty (30) day something could be accomplished by the County staff and Timmons Group to work with all of the concerned property owners to try to improve the area between the park and the adjoining properties that he would suggest that the Planning Commission defer the case for thirty (30) days to allow for these issues to be worked out by them.

Mr. Simmons explained that although the developer has the right to develop the park he believed that it would be the responsible thing to do to attempt to work out as many of the Benesek family's concerns as possible then make a decision.

Mr. Easter indicated that he does not see a solution to the situation even though the developer has a legal basis to move forward on it. He asked if the Planning Commission was under a certain timeframe to consider the development request.

Mr. Miles explained that the County was not under a timeline nor were there any

legal issues; however he would like to see the Planning Commission make the proper recommendation onto the Board of Supervisors and he deferred to Mr. Johnson to answer on behalf of his client how he felt about a possible deferral.

Chairman Bresko asked Mr. Johnson if his client would have any objections if the Commission were to defer the request for thirty (30) days.

Mr. Johnson explained that his client was hoping to come out of the Planning Commission with a decision tonight. He indicated that his client currently owns the property. He indicated that his client had already been delayed by filing the application request to work out the water and sewer line issues with County Staff.

Mr. Johnson indicated to Chairman Bresko that if the Planning Commissioners needed to defer the request for 30 days that they would be ok with a decision to work with the adjacent property owners on this request.

Mr. Brown indicated that he believes that we all live here in the County and we all want to live peacefully and we want to all work together as peacefully as possible going forward with this case request.

Upon a motion made by Mr. Brown and seconded by Mr. Easter that the Special Exception request be deferred for thirty (30) days to allow the County staff, the developer and adjacent property owners to meet to discuss the development.

Roll was called on the motion.

Roll Call vote on the Motion:

In Favor: (3) Brown, Easter, Simmons

Opposed: (4) Brockwell, Bresko, Elder, Joyner Absent: (0) Abstain: (0)

Chairman Bresko stated that the motion to defer the case for thirty (30) days had failed by a 3-4 vote and he would entertain another motion on the case.

There was a motion made by Mrs. Elder and seconded by Mr. Brockwell that the Special Exception be forwarded onto the Board of Supervisors for Approval with the recommended conditions to include the six (6) foot chain link fence condition.

Roll Call vote on the Motion:

In Favor: (4) Brockwell, Bresko, Elder, Joyner

Opposed: (3) Brown, Easter, Simmons Absent: (0) Abstain: (0)

Chairman Bresko indicated that the matter will be forwarded on to the Board of Supervisors for their consideration.

Mr. Johnson mentioned that he will meet with County Staff and the adjacent property owners to work out any concerns they may have prior to the Board.

Mr. Miles indicated that the Special Exception request will be forwarded to the Board of Supervisors for their consideration on Tuesday, May 24, 2016.

REZONING CASE RZ-16-02 Request of Donald P. Vtipil, Jr. to rezone a 65 +/- acre parcel from R-1, Limited Residential to the R-A, Residential-Agricultural

Zoning District, located on the west line of 156 and north of Trailing Rock Road and known as Tax Map 13B(01)00-00D-0. The comprehensive plan indicates the subject property is appropriate for residential land uses.

Mr. Miles explained that the applicant proposes to rezone 65 +/- acres from R-1, Limited Residential with proffered conditions to R-A, Residential - Agricultural zoning to permit single family dwelling uses.

Mr. Miles explained that the case applicant is a direct descendant of the original owners of the subject property formerly known as the Vtipil Farm that was much larger in size prior to being rezoned back in 2005.

Mr. Miles indicated that the 2014 Comprehensive Plan Update identifies this area for residential uses and the proposed rezoning would be in compliance with the County's established land use plan and its policies.

Mr. Miles explained the rezoning case history by indicating that on January 25, 2005, the Board of Supervisors approved a conditional rezoning from R-2 and R-A zoning to R-1 zoning for the construction of a new single family dwelling subdivision with a maximum of 117 lots. The case applicant had proffered that a maximum of 30 homes would be built each year; public water and sewer would be used; a \$3,544 payment would be made per lot for the needed infrastructure improvements; and open space, sidewalks, street lights, and stormwater basins would be constructed for a new residential subdivision backing up to Branchester Lakes subdivision.

Mr. Miles further explained that on October 14, 2008, the Board of Supervisors approved a Zoning Case Amendment to the 2005 zoning case that had deleted proffered condition 2 that limited the subdivision developer to thirty (30) homes per year. The new developer received approval for a revised subdivision lot layout that he felt would allow for the new subdivision to be developed along with a \$12,585 payment per lot since the previous applicant had not requested to be vested at \$3,544 per lot.

Mr. Miles explained that VDOT has reviewed the request and stated that they had no comments and they are in support of the proposed rezoning case request as written from R-1 to R-A as it decreases vehicle traffic counts along Route 156 and the surrounding VDOT secondary road system within the County.

Mr. Miles indicated that County Staff recommends Approval of this rezoning case request that will allow for the applicant to return the subject property to R-A land uses along with single family dwelling uses. The R-A District would require that horses or goats be at least 150 feet away from the nearest adjoining dwelling.

Mr. Simmons asked Mr. Miles about the parcels highlighted in blue represented on the GIS Map within the packet.

Mr. Miles explained that we utilize the County's GIS to notify adjacent property owners therefore, all the properties that are highlighted in blue have been notified of the public hearing via First Class mail. He indicated that the larger parcel in the center of the slide was the subject property for the rezoning case. Mr. Miles explained that a zoning sign had been placed on the property along 156 as well.

Mr. Simmons asked Mr. Miles to demonstrate the subject property line of the sixty five (65) acres on the slide presentation.

Mr. Miles indicated that the property line abutted the rear yards of homes within Branchester Lakes Subdivision on Old Logging Circle, Hearthside Drive, Trailing Rock Road, Cypress Court, and Cedar Crest Lane.

Donald P. Vtipil, Jr. of 4310 Fox Hill Place thanked the Planning Commissioners for considering the rezoning of this property. Mr. Vtipil indicated that he and his wife plan to relocate to the property in about two (2) to three (3) years once they have sold their home and have cleared the land for a new home site. Mr. Vtipil explained that the vegetation on property has grown up very rapidly over the past ten (10) years and there is a lot of work to be done. Mr. Vtipil indicated that the property has become a dumping ground as people have been entering the property and dumping garbage all over the property. He further explained that with the Bank of McKenney's permission he has secured the entrance to the property on SR 156 with a chain. He mentioned that some of the houses that share a common property line have dumped items on the property as well. Mr. Vtipil indicated that the Vtipil family is working on cleaning it up now with the bank's permission and explained they want to get the land back into their names.

At 8:49 p.m. Chairman Bresko opened the Public Hearing to anyone who wished to speak for or against the Rezoning request. He asked that persons limit their remarks to three (3) minutes.

Mr. Edward Sedivy of 4326 Mount Sinai Road who is a cousin to Mr. Vtipil provided comments in support of the rezoning in order for the Vtipil family to regain control of the property and manage the Vtipil Farm once again there.

At 8:51 p.m. Chairman Bresko closed the Public Hearing as there were no further public comments or any further questions from the Planning Commissioners.

Upon a motion made by Mr. Brockwell and seconded by Mr. Brown that the Rezoning be approved and forwarded onto the Board of Supervisors with a recommendation of approval. Roll was called on the motion.

Roll Call vote on the Motion:

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

Opposed: (0) Absent: (0) Abstain: (0)

X. COMMUNICATIONS

Mr. Miles indicated that the Board of Zoning Appeals regular meeting for May 23, 2016 was cancelled due to a lack of docket items.

Mr. Miles indicated that the Board of Supervisor's Meeting Re-Cap Sheets were provided for the meetings that had occurred on April 12 and on April 26, 2016.

Mr. Miles indicated that the Board of Supervisors had approved the purchase of the property for the new fire station on the corner of Moody Road and Route 10.

Mr. Miles reminded the Planning Commissioners that the Board of Supervisors only holds one (1) meeting a month during the months June, July and August as we approach the summer months. There were no further questions from the Planning Commissioners.

XI. ADJOURNMENT

A Motion was made by Mr. Simmons, seconded by Mr. Easter to adjourn the Planning Commission Meeting at 9:00 p.m. until Monday, May 23, 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: (7) Joyner, Bresko, Brown, Easter, Elder, Simmons, Brockwell

Opposed: (0) Absent: (0) Abstain: (0)