



County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

INTEROFFICE MEMORANDUM

TO: Alex W. Bresko, Jr., Chairman
R. Steven Brockwell, Vice-Chairman
Tammy Anderson
Floyd M. Brown, Sr.
Imogene S. Elder
V. Clarence Joyner, Jr.
Joseph E. Simmons

FROM: Tim Graves, Planner I

RE: November 2022 Planning Commission Work Session & Business Meeting

DATE: November 10, 2022

CC: Julie C. Walton, Director
Dan Whitten, County Attorney
Andre Greene, Planner II
Missy Greaves-Smith, Office Manager

The Planning Commission's Work Session will be Monday, November 14, 2022 at 5:30 p.m. in the Board Room.

The Planning Commission's regular Business Meeting will be Thursday, November 17, 2022 at 6:30 p.m. in the Board Room.

Please contact me at (804)722-8678 or via e-mail at tgraves@princegeorgecountyva.gov with any questions.

1	Agenda
2	Draft Work Session Minutes October 24, 2022
3	Draft Business Meeting Minutes October 27, 2022
4	Special Exception SE-22-07 Postponed Item – Jordan Point
5	Special Exception SE-22-11 Ruffin - Home Childcare
6	Ordinance Amendment OA-22-03 Private Animal Boarding Places
7	Ordinance Amendment OA-22-04 Floodplain Map/Ordinance
8	BOS Recap
9	VDOT Safety Study Route 106/156 Intersection
10	
11	
12	

Begin

TAB 1

AGENDA – BUSINESS MEETING

Planning Commission of Prince George County, Virginia

Thursday, November 17, 2022 at 6:30 p.m.

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

CALL TO ORDER – Chairman Bresko

Roll Call - Clerk

INVOCATION

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

ADOPTION OF AGENDA [1] – Chairman Bresko

PUBLIC COMMENTS - Chairman Bresko

The Public Comment period is open to anyone who wishes to speak to the Commissioners on any items not being heard as Public Hearing items this evening. Please state your name and address, and you will have three (3) minutes to speak.

ORDER OF BUSINESS

A-1. Adoption of the Work Session Minutes – October 24, 2022 [2] **Chairman Bresko**

A-2. Adoption of Meeting Minutes – October 27, 2022 [3] **Chairman Bresko**

POSTPONED ITEMS

T-1. SPECIAL EXCEPTION SE-22-07: Request of PG 1100 Jordan Point LLC to permit a country club with golf course and other recreational activities within a R-A (Residential-Agricultural) Zoning District pursuant to Prince George County Zoning Ordinance Sections 90-103(3) and 90-103(22), and in a R-1 (Limited Residential) Zoning District pursuant to Section 90-203(1). The subject property, formerly known as the Jordan Point Golf Course and Country Club, is approximately 143 acres in size, located at 1100 Jordan Point Road, and consists of Tax Parcels 040(02)00-001-0, 040(02)00-001-A, 040(0A)00-002-A, 040(0A)00-003-A, 140(08)00-00A-1. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses. [4] **Tim Graves**

PUBLIC HEARINGS

P-1. SPECIAL EXCEPTION SE-22-11: Request of Jason and Amelia Ruffin to permit a Family day care home (large) within a Limited Residential (R-1) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-203(3). The purpose of the request is to provide child care services for up to 10 children at a time as a home occupation within an existing single-family dwelling. The subject property is

approximately 0.368 acres in size, located at 4481 Branchester Parkway, and is identified as Tax Map 13H(04)0I-011-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses. [5] **Tim Graves**

P-2. ORDINANCE AMENDMENT OA-22-03: Ordinance to amend “The Code of the County of Prince George, Virginia”, 2005, as amended, by amending §§ 90-52, 90-53.1, 90-102, 90-103.1, 90-152, 90-153.1, 90-202, 90-203.1, 90-242, 90-243.1, 90-292, 90-293.1 and 90-985 to clarify the uses in the Agricultural and certain Residential zoning districts to allow by-right private animal boarding places on parcels of more than one acre and to allow by special exception from the Board of Zoning Appeals private animal boarding places on parcels of one acre or less in size. [6] **Dan Whitten**

P-3. ORDINANCE AMENDMENT OA-22-04: Ordinance to amend “The Code of the County of Prince George, Virginia”, 2005, as amended, by enacting § 90-707 and amending §§ 90-708, 90-709, 90-711, 90-712, 90-715, 90-717, 90-718, 90-719, 90-721, 90-723, 90-726, 90-727, 90-729, 90-730, and 90-731 to make changes to the Floodplain Ordinance to reflect certain changes in the Virginia Department of Conservation and Recreation Model Ordinance for Localities. [7] **Julie Walton**

COMMUNICATIONS – Tim Graves, Planner

- A. Actions of the Board of Zoning Appeals
- B. Actions of the Board of Supervisors
 - a. BOS Recap [8]
- C. VDOT Safety Study - Route 106/156 Intersection [9]
- D. Upcoming Cases for December 2022
 - a. SE-22-12 Plear Animal Boarding Place
 - b. RZ-22-02 Harvest Road Rezoning (Tentative)
 - c. OA-22-05 Day Support Facilities Ordinance Amendment (Tentative)
 - d. Comprehensive Plan Amendment relating to RZ-22-04 (Tentative)
 - e. RZ-22-04 Diamond Park Rezoning (Tentative)

ADJOURNMENT – Chairman Bresko

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TAB 2

DRAFT MINUTES - WORK SESSION

Planning Commission of Prince George County, Virginia

Monday, October 24, 2022 at 5:30 p.m.

County Administration Bldg., Board Room (Third Floor)

6602 Courts Drive, Prince George, Virginia

CALL TO ORDER – Chairman Bresko called the meeting to order at 5:30 p.m.

Roll Call – Commissioners present: Simmons, Elder, Bresko, Anderson
Staff present: Julie Walton, Tim Graves

AGENDA REVIEW FOR OCTOBER 27 BUSINESS MEETING - Tim Graves reviewed the Agenda.

CASE REVIEW

- P-1. SPECIAL EXCEPTION SE-22-07:** Request of PG 1100 Jordan Point LLC to permit a country club with golf course and other recreational activities within a R-A (Residential-Agricultural) Zoning District pursuant to Prince George County Zoning Ordinance Sections 90-103(3) and 90-103(22), and in a R-1 (Limited Residential) Zoning District pursuant to Section 90-203(1). The subject property, formerly known as the Jordan Point Golf Course and Country Club, is approximately 143 acres in size, located at 1100 Jordan Point Road, and consists of Tax Parcels 040(02)00-001-0, 040(02)00-001-A, 040(0A)00-002-A, 040(0A)00-003-A, 140(08)00-00A-1. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses. **Tim Graves reviewed the staff report materials and answered questions from the Commission.**
- P-2. SPECIAL EXCEPTION SE-22-10:** Request of Robert and Tonya Dempsey to permit a Home occupation within an accessory building within a R-A (Residential Agricultural) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-103(53). The purpose of the request is to open a car repair shop as a home-based business on a residential property. The subject property is approximately 4.18 acres in size, located at 19725 Carson Ruritan Road and is identified as Tax Map 620(0A)00-035-E. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Agricultural uses. **Tim Graves reviewed the staff report materials and answered questions from the Commission.**
- P-3. COMPREHENSIVE PLAN AMENDMENT CPA-22-02:** Request of Prince George County to amend the Comprehensive Plan Future Land Use Map designation for a specific property from Residential to Commercial. The subject property, approximately 2.18 acres in size, is identified as Tax Map 430(03)00-00B-0 and addressed as 11800 South Crater Road. The purpose of the amendment is to update the Future Land Use Map to be consistent with the County's Exit 45 Strategic Plan, which calls for restaurant or retail business development on the subject property. **Julie Walton reviewed the staff report materials and answered questions from the Commission.**

P-4. REZONING RZ-22-03: Request of Prince George County to rezone approximately 2.18 acres from R-1 (General Residential) District to B-1 (General Business) District. The purpose of the rezoning is to attract a restaurant or retail business in accordance with the County's Exit 45 Strategic Plan. The subject property is located on the west side of South Crater Road and was formerly occupied by the Continental Motel, addressed as 11800 S. Crater Road, before its demolition in 2022. The subject property is identified as Tax Map 430(03)00-00B-0. The Comprehensive Plan Future Land Use Map indicates the property is planned for "Residential" development; however, the County has requested to amend the future use designation for this property to "Commercial". **Julie Walton reviewed the staff report materials and answered questions from the Commission.**

COMMUNICATIONS – Communications were reserved for the Business Meeting.

ADJOURNMENT – 6:50 p.m. (Motion by Simmons, Second by Elder, Vote 4-0)

Begin

TAB 3

DRAFT MINUTES
Planning Commission
County of Prince George, Virginia
Regular Business Meeting

October 27, 2022

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

MEETING CONVENED. The Regular Meeting of the Prince George County Planning Commission was called to order at 6:30 p.m. on Thursday, October 27, 2022 in the Board Room, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Mr. Alex W. Bresko, Chairman.

ATTENDANCE. The following members responded to Roll Call:

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

Also present: Julie Walton, Director, Dan Whitten, County Attorney, Tim Graves, Planner I and Missy Greaves-Smith, Office Manager

INVOCATION. Mr. Simmons provided the Invocation.

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

ADOPTION OF THE AGENDA. Mr. Bresko asked the Commissioners for a motion to approve the meeting Agenda for the October 27, 2022 Planning Commission. Mrs. Elder made a motion to approve the meeting Agenda and Mr. Brockwell seconded the motion.

Roll Call:

In favor: (5) Simmons, Elder, Anderson, Bresko, Brockwell

Opposed: (0)

Absent: (2) Brown, Joyner

PUBLIC COMMENT PERIOD. At 6:33 p.m., Mr. Bresko opened the Public Comment Period to anyone who wished to come forward to speak to the Commissioners on topics that were not on the Agenda as a Public Hearing item. Citizens were asked to limit their comments to three (3) minutes.

With no one present indicating they wished to speak, the Public Comment Period was closed at 6:34 p.m.

ORDER OF BUSINESS.

- A-1. Adoption of the Work Session Minutes** - Mr. Bresko asked the Commissioners to review the minutes of the September 19, 2022, Work Session of the Planning Commission. Ms. Anderson made a motion to approve the meeting minutes. Mrs. Elder seconded the motion.

Roll Call:

In favor: (5) Simmons, Elder, Anderson, Bresko, Brockwell

Opposed: (0)

Absent: (2) Brown, Joyner

- A-2. Adoption of Meeting Minutes** - Mr. Bresko asked the Commissioners to review the minutes of the September 22, 2022, meeting of the Planning Commission. Mrs. Elder made a motion to approve the August 25, 2022 meeting minutes. Ms. Anderson seconded the motion.

Roll Call:

In favor: (5) Simmons, Elder, Anderson, Bresko, Brockwell

Opposed: (0)

Absent: (2) Brown, Joyner

- P-1. SPECIAL EXCEPTION SE-22-07:** Request of PG 1100 Jordan Point LLC to permit a country club with golf course and other recreational activities within a R-A (Residential-Agricultural) Zoning District pursuant to Prince George County Zoning Ordinance Sections 90-103(3) and 90-103(22), and in a R-1 (Limited Residential) Zoning District pursuant to Section 90-203(1). The subject property, formerly known as the Jordan Point Golf Course and Country Club, is approximately 143 acres in size, located at 1100 Jordan Point Road, and consists of Tax Parcels 040(02)00-001-0, 040(02)00-001-A, 040(0A)00-002-A, 040(0A)00-003-A, 140(08)00-00A-1. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses.

Tim Graves presented the case to the Planning Commission.

Background information:

Prior to 2012, the property was owned and operated by the Jordan Point Golf and Country Club. For the past 7-10 years, the property has not been in use. On June 6, 2022, the applicant submitted application for Special Exception and on July 25, 2022, the applicant purchased property. At the August 22, 2022, Planning Commission Work Session, staff reviewed the case and the public hearing scheduled for August 25th was postponed due to staff error. On September 7th, a Community meeting was held at the Hopewell Library. The public hearing scheduled for September 22, 2022 was postponed to allow for additional time to review and prepare respond to community feedback.

Request Summary:

- Country club amenities using existing facilities to include swimming pool, snack bar and food, and activities to encourage health and wellness such as biking trails, pickleball courts, driving range, dog park
- No initial plans for golf course, but possibly implement a 9-hole golf course in the future
- Allow events such as weddings, receptions, etc. Other events might include: “class reunions, a pumpkin patch event, Easter egg hunt event, Halloween event with hayrides, New Years’ Eve event and possibly teaming up with some charities and hosting classic car events, etc.”
- Membership: “We will have membership dues to join. Members will have access to [the facilities]”
- Open initially from 10 AM to 10 PM - 7 days a week (subject to change over time)
- Signage: Use existing entrance signs

Mr. Graves shared the site layout and conceptual plan provided by the applicant.

Summary of Staff Reviews from departments:

Planning & Zoning – Tim Graves, Planner I

Activities described by applicant in the application materials	Matching land use in <u>R-A Residential Agricultural</u> Zoning District
“country club”	90-103(3) Lodge, hunting club, yacht club, <u>golf course</u> , <u>country club</u> .
“golf course”	
“Host events such as weddings and receptions, etc.” *	
“driving range”	90-103 (22): <u>Recreation structure and uses related to outdoor recreation</u> , commercial and noncommercial recreational vehicle park.
Activities to encourage health and wellness such as biking trails, pickleball courts, driving ranges, dog park, etc.	

*Staff considers these events generally part of the “country club” land use for this request, however, events open to the general public require a Special Event Permit.

Mr. Graves presented the Zoning Ordinance definitions for reference and clarification.

- “Country club” - Not defined in Section 90-1.
Merriam-Webster online dictionary definition: “a suburban club for social life and recreation” - Staff has recommended a definition within the conditions for approval
- “Golf course” - any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges”
- “Golf driving range” - a limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee”

West side of Jordan Point Rd:

- Zoned R-A Residential Agricultural
- Previously used as country club, golf course, golf driving range
- Proposed for same uses

East side of Jordan Point Rd:

- Zoned R-1 Limited Residential
- Previously used as golf course
- Proposed for possible future golf course uses

The proposed uses are similar to previous uses and compatible with the surrounding area, so long as recommended conditions are in place. A Special Event Permit is required for events that are open to the general public, charge admission, etc.

Staff has recommended conditions to address possible impacts including, but not limited to: stray golf balls, hours of operation, permitted activities, adequate on-site parking, signage, and limit events to the west side of property, and protection of Resource Protection Areas (RPAs).

Regarding traffic impacts:

- VDOT said the existing commercial entrance is adequate based on proposed uses
- Entrance road/driveway is long and wide to accommodate traffic in both directions
- No Chapter 527 Traffic Impact Analysis (TIA) required based on estimated traffic volumes
- No turn lane warrant analysis (TLWA) required because no physical development proposed
- Trip generation estimates provided by applicant suggest that a turn lane would not be required if/when a TLWA is provided
- A recommended condition requires a TLWA to be provided within 12 months and owner must install any required improvements at their expense within 36 months (if required)
- The recommended condition allows time to monitor and measure the actual traffic impacts to improve the accuracy of a TLWA

Staff finds the request compatible with the Comprehensive Plan based on the following:

- Future Land Use designation of “Residential” can accommodate recreational activities for residents
- Supported by Economic Development goals to encourage tourism and provide amenities for quality of life

Paul Hinson, P.E., LEED AP, VDOT Land Use Engineer - paul.hinson@vdot.virginia.gov

1. Commercial entrance required and is already in place
2. No objection to this request

Building Inspections Division – Charles Harrison III, Building Official

1. Any new structures or renovations will be reviewed for compliance with the Virginia USBC (building code)

Rachel A. Lumpkin, Utility Project Engineer - rlumpkin@princegeorgecountyva.gov

1. Since the applicant is proposing to continue the use of the existing building as a country club, the extension of public water and wastewater to serve the property would not be required. If new structures were proposed in the future or other development that would require the use of water and sewer is proposed, public water and wastewater would need to be extended to serve the property.

The majority of the public comments were received during the September 7th Community Meeting held between the applicant and the Jordan on the James Homeowners Association (HOA). The overall sentiment was supportive of the request. Some of the questions and concerns included: activities allowed, timeline for a golf course, possible traffic impacts, parking, types of events and size of events. The recommended conditions were updated based on the feedback received and staff assured all concerns in a FAQ document were included with Staff Report material.

Recommended Conditions (Highlights):

- Use of East side of property: Golf course as defined
- Use of West side of property:
 - Golf course as defined
 - Country club in existing structures. For the purposes of this special exception, the country club land use is defined as “a suburban club for social life and recreation”, and it will permit amenities consistent with this definition, including a swimming pool and snack bar, and allowing the hosting of events such as weddings and receptions.
- Recreation structures and uses related to outdoor recreation. Only the following activities shall be permitted as part of this land use:
 - Bike/multi-use trails
 - Tennis/pickleball courts
 - Driving range (limited to the existing location)
 - Dog park
 - Other recreational activities with similar impacts, as approved by Director of Planning
- Parking on-site only and no parking on Jordan Point Road
- A turn lane warrant analysis shall be provided within 12 months and owner must install any required improvements at their expense within 36 months (if required)
- Water quality protection:
 - Use porous materials for new parking areas
 - Delineate RPA areas before any development
 - Use eco-friendly fertilizer
- Signage limited to existing signage and no electronic message boards
- Obtain and comply with all required permits and licenses
- Owner must certify well and septic systems to determine capacity of buildings
- Public water/sewer connection required for future development that requires connection
- Comply with noise ordinance
- Hours and days for operations:
 - 9am to 10pm Monday through Thursday.

- 9am to midnight Friday through Sunday.
- 9am to 2am for New Year's Eve holiday.
- All music and activities on weekends and New Year's Eve shall occur indoors after 10pm.
- Conditions for all events:
 - Staffing shall be provided for parking and traffic circulation
 - Number of attendees limited by building code and health code
 - Notify the PG Police Department at least 15 days prior to any scheduled event expected to exceed 150 event attendees
 - No more than 12 special events requiring a "Special Event Permit" shall be permitted each calendar year
 - No special events permitted on the East side of Jordan Point Road

Mr. Graves explained to the Commissioners that an updated Draft Ordinance from October 27, 2022, was provided to them prior to the meeting. Staff recommended approval of the special exception based on the following:

- The applicant proffered conditions with the application materials
- Staff recommended additional conditions for this request with the intent to ensure code requirements be met and limit impacts on adjacent property owners and the community
- The applicant reviewed and generally supports Staff's recommended conditions
- The applicant's request (with the recommended conditions) appears to be compatible with current and future surrounding land uses

Mr. Graves expressed to the Commissioners that the owner/applicant requested to address the Commissioners and answer any questions they may have.

Ihab Attallah, the owner of PG Jordan Point LLC, began with sharing some of his background. He stated he was born in Egypt and came to the United States, where he lived in Virginia. He currently lives in Florida but has plans to move back to Virginia. He owns another property close by at 700 Jordan Point Road. He purchased this abandoned property to help enhance the area and provide amenities to the community.

Michael Lafayette, Attorney for Mr. Attallah, addressed the Commission in reference to the new conditions that were presented. He explained that he had a phone conversation with Mr. Attallah and Ms. Rogers that afternoon to make additional adjustments to the conditions. He reviewed the changes (marked in red) that were made to the conditions after their conversation. These changes included the following:

3. The use of the portions of the property located on the east side of Jordan Point Road, zoned R-1 Limited Residential shall be restricted to the following uses:
 - a. "Golf course" activities as defined; **and/or**
 - b. Bicycle/multi-use trails excluding gas-powered vehicle except golf carts and maintenance vehicles, in association with country club or club golf course activities on the property.**
4. The following uses and activities shall be permitted on the portions of the property located on the west side of Jordan Point Road, zoned R-A Residential-Agricultural:
 - a. Golf course as defined

- b. Country club in existing structures. For the purposes of this special exception, the country club land use is defined as “a suburban club for social life and recreation” **where membership is offered**, and it will permit amenities consistent with this definition, including a swimming pool and snack bar, and allowing the hosting of events such as weddings and receptions.
 - c. Recreation structures and uses related to outdoor recreation. Only the following activities shall be permitted as part of this land use:
 - i. **BikeBicycle**/multi-use trails
 - ii. Tennis/pickleball courts
 - iii. Driving range (limited to the existing location as depicted on the map dated 7-20-22)
 - iv. Dog park
 - v. Other recreational activities with similar impacts to the other approved activities, as approved in writing by the Director of Planning.
8. The Owner shall conduct a Turn Lane Warrant Analysis using trip generation data for the proposed uses including peak hour traffic volume as agreed upon by the Planning Office and VDOT. The analysis shall be completed within 12 months of the special exception approval date, and any opening the development for use. Any infrastructure improvements determined to be needed according to the analysis shall be installed at the owner’s expense within 36 months of the date of the County’s acceptance of the analysis. The Owner shall conduct a Turn Lane Warrant Analysis using trip generation data for the proposed uses including peak hour traffic volume as agreed upon by the Planning Office and VDOT. The analysis shall be completed within 12 months of the special exception approval date, and any opening of the development for use. Any infrastructure improvements determined to be needed according to the analysis shall be installed at the owner’s expense within 36 months of the date of the County’s acceptance of the analysis.
9. For water quality protection purposes within the Chesapeake Bay Preservation Area (CBPA), in addition to applicable requirements in the zoning ordinance:
- a. Porous materials shall be used to the greatest extent practicable for any new parking areas to be established on the property after special exception approval, as approved by the Director of Planning.
 - b. The Owner shall complete an on-site delineation of wetlands and Resource Protection Areas and submit it to the Planning & Zoning office prior to the first subsequent zoning approval involving development, including land disturbance, construction of buildings or parking areas, or boundary line changes such as subdivision. The delineation required by this condition shall at a minimum cover the areas on parcel 040(02)00-001-0 as of the date of this approval and any additional areas of the property that are likely to be affected by the development that triggers this requirement.
 - c. **If fertilizer is used, t**~~The~~ Owner shall use eco-friendly fertilizer on the property.
10. Signage for the business shall be limited to the two existing monument signs at the existing entrance. Refacing of the signs shall require a sign permit. No electronic message boards shall be permitted. Any lighting of the signs shall be limited to soft spotlighting.
11. Hours and days for operations shall be limited to:

- a. 9am to 10pm Monday through Thursday.
- b. 9am to midnight Friday through Sunday.
- c. 9am to 2am for New Year's Eve holiday.
- d. All music and activities ~~on weekends and New Year's Eve~~ shall occur indoors after 10pm.

Mr. Lafayette asked the Commissioners to review Condition 18-e. He stated that staff is recommending the following:

- e. No more than 12 special events requiring a "Special Event Permit" shall be permitted each calendar year.

He explained that his client would like the Commissioners to consider increasing the 12 special events per year to a 24 special events per year. He expressed concerns with limiting them to only one special event per month (on average). Their goal is to make this location a viable business.

Mrs. Elder asked Mr. Lafayette to clarify the idea of having memberships offered and asked if there was going to have board overseeing the country club. Mr. Lafayette said they would not need to have a board with the type of activities that are planned.

Mr. Simmons asked for a better understanding of the 143 acres if the plan does not include a full golf course. Mr. Lafayette stated that the goal is to update the existing buildings on the property to make them viable to start generating income. In the beginning, they would like to open the facility to host weddings and social events. The project will be developed over-time.

Mr. Simmons asked if the idea of increasing the special events from 12 to 24 would make the business more viable. Mr. Lafayette stated it could make the business more viable because it would open the venue up for additional events.

Mr. Bresko expressed his concern about the condition that limits gas-operated ATVs. He stated that ATVs are being built with electric power. Mr. Lafayette explained that they have no desire to have any types of ATVs on the walking trails and would have no objection to adding that to the conditions.

Mr. Graves stated that a condition change for 3-b. could be added to prohibit all ATVs. In reference to the number of special events permitted per month, Mr. Graves explained the criteria for a Special Event Permit. For example, events that have an admittance fee, outdoor music, entertainment, etc., require such a permit, but private events, such as weddings, do not. Mr. Graves stated that if the Commissioners wished to change the number in the Draft Ordinance, they could but staff recommends 12.

Mr. Simmons asked Mr. Graves if he recalled of any restrictions that had been placed on other approved event locations, like the Barns of Kanak. Mr. Graves stated that staff did not recommend such restriction on the Barns of Kanak and they had not applied for any special events.

Mrs. Elder asked if there had been any problems with the Holy Mackerel restaurant. Mr. Graves explained that there has been some issues with parking but the applicant is working with the Community Development staff separately on these issues. Mr. Graves stated that the parking issues relate primarily to building code compliance and the small size of that property.

Mr. Bresko opened the Public Hearing at 7:21 p.m. for anyone wishing to speak for or against SE-22-07. Citizen were asked to state their name and address and would be allowed three (3) minutes to speak.

Beverly Rogers, 249 Lighthouse Point, North Prince George expressed that she lives in the Jordan on the James subdivision and is President of the HOA. She stated that she was speaking on behalf of herself as a resident of the community and was not representing the HOA. She wished to clarify some of the statements made by Mr. Lafayette in reference to their conversion. Ms. Rogers expressed her enthusiasm for the positive prospects that the project will bring to the community. Her concerns are with the changes that have occurred since the golf course was built in 1954. The Clean Water Act and the Chesapeake Bay Act were not in place when the golf course was built. The increase in traffic along Jordan Point Road and water quality in nearby water areas are her concerns.

Ms. Rogers presented the Commissioners with her own revisions to the Draft Ordinance. She requested that Condition 9 be modified to address minimizing the potential adverse impact on Billy's Creek and ultimately Lake Simms. She stated that, while current State and County regulations address some of the requirements that had been outlined, those standards may change and including them in the requirements assures that every effort will be made to minimize the impact on water quality. The inclusion of the conditions is no different than other conditions that have been recommended by staff but are required under current law. In her opinion, Lake Simms should not become a Regional BMP that acts to filter runoff before it enters the James River.

Ms. Rogers added that the lack of turn lanes along the road, especially left turn lanes, is of grave concern due to the potential for rear end collisions. Although the speed limit is 55 MPH, tractor trailer and logging trucks are often travelling in excess of that limit. There have been instances of rear end collisions that have resulted in Jordan Point Road being closed for hours with the inability for emergency vehicles to get to her neighborhood from Rt. 10. The Comprehensive Plan also recommends that a traffic impact study be performed for development that is expected to generate over 250 vehicles per day. The Trip Generation numbers from the applicant indicate the potential for 273 average daily trips to be generated by the golf course alone, yet an impact analysis has not been required. As I understand from speaking with Mr. Paul Hinson, VDOT Land Use Engineer, who reviewed the zoning proposal, a turn lane analysis is not required unless there is submission of a site plan. There is the potential that uses may occur on the property that do not require a site plan. Therefore, the modification of the Condition #8 as I have recommended would assure that the traffic situation would be monitored each time a use is proposed that was not included in the original analysis.

Ms. Rogers concluded with her concerns in reference to pedestrian and bicycle connectivity. The County's Comprehensive Plan recommends that bike lanes and paths be encouraged and required with development. Condition 3 would allow such uses on the

east side of Rt. 156. Ms. Rogers would recommend that the walking and biking not be limited to occurring in association with golf course activities.

In conclusion, Ms. Rogers stated she fully support the project but only under the right set of circumstances, especially provisions that minimize the impact of pollution runoff into Billy's Creek.

Richard Grainger, 10481 Jordan Parkway, stated he is an advocate for turn lines along Jordan Point Road and that the analysis should be updated each time there is a new use. He stated he was disappointed that the focus has not been on the safety.

Torsten E. Peterson, Jr., 1712 Jordan Point Road, stated he lives adjacent to Mr. Attallah's property. In reference to the ATV discussion, he feels that adding "gas or diesel" powered vehicles to the revised Draft Ordinance would be a positive change.

Shanna Neshelaar, 811 Jordan Point Road, explained that she lives across the street from the Holy Mackerel restaurant. Her biggest concern is with the volume to traffic and with the safety of the community and her dogs.

Chet Dixon, 10420 Jordan Parkway, explained that his concern is with the water quality at Simms Lake. He also stated his concern about the traffic on Jordan Point Road.

Norwood Wilson, stated he was an adjacent property owner and spoke in favor of this project. He asked the Commissioners to consider increasing the number of special events allowed per year.

Dino Lunsford, 4017 Birchett Place, explained to the Commissioners that he is an entrepreneur and a businessman in the County. Mr. Lunsford spoke with Mr. Attallah in reference his multiple business adventures, and is highly in favor of this proposal. In regards to the limitations on special events, Mr. Lunsford stated that with his experience as a coordinator of special events, the number should be higher to generate more revenue.

Paul Dunbar, 11421 Prince George Drive, spoke in reference to his concerns as a citizen of the County. Mr. Dunbar indicated that the noise, traffic, and water quality issues need to be addressed prior to moving forward. He also suggested allowing for more signage.

Mike Wynn, former owner of the Jordan Point Yacht Haven, applauded the applicant for his efforts to take on an abandoned property and invest a substantial amount of money to improve this property. Mr. Wynn encouraged the Commission not to overload the applicant with conditions that would cause a financial hardship from the beginning.

Wilhelm Neshelarr, 811 Jordan Point Road, stated he was in support of the project and expressed his concern for the traffic and noted it should not be the applicant's responsibility alone.

Cody Cole, 101 Jordan Point Road, stated he was present to represent the Jordan Point Marina, formerly the Jordan Point Yacht Haven. Mr. Cole expressed his opinion on how the James River is underutilized and looks forward to what this project could bring to the community.

Mr. Whitten stated that the applicant could come and speak in rebuttal to the public comments before the Public Hearing closes. Mr. Bresko asked the applicant if he wished to speak.

Derrick Johnson, Timmons Group, stated that Timmons Group is the Civil Engineer firm representing the applicant. Mr. Johnson stated he wished to address the following:

1. The water quality concerns of Simms Lake
 - a. A large portion of the property drains into the lake and the other portion into the river. The golf course has always drained into the lake, even before Jordan on the James and Eagle Preserve were developed.
 - b. The applicant has agreed to use eco-friendly fertilizer.
 - c. Any land disturbance over 2,500 sq ft would require a site plan. All water quality regulations would be addressed in the site plan.
2. The traffic concerns on Jordan Point Road
 - a. The applicant would be in favor of a speed reduction.
 - b. VDOT stated there is no need for turn lanes at this time at this property.
 - c. The applicant agreed to a Traffic Warrant Analysis. He has also agreed to install turning lanes in three years, if required.
 - d. The County Code provides for multiple opportunities to update the traffic analysis over time, even without any change to conditions.
3. The Noise Ordinance concern at the location
 - a. The hours of operation are in compliance to the Noise Ordinance.
 - b. The regulations would be followed.

Mr. Lafayette, Attorney for the applicant, stated that staff did not recommend the additional revisions that Ms. Rogers submitted and the applicant is opposed to the additional restrictions presented during her presentation.

Mr. Graves clarified to the Commissioners that staff had not seen the recommended changes from Ms. Rogers prior to the meeting. He stated that staff does not have an opinion on the recommended changes at this time.

With no one else coming forward to speak, Mr. Bresko closed the Public Hearing at 8:07 p.m.

Mr. Simmons made a motion to postpone SE-22-07, until the November 17, 2022 meeting to give staff time to review the comments and concerns presented. The motion was seconded by Mrs. Elder.

Roll Call:

In favor: (3) Simmons, Elder, Brockwell

Opposed: (2) Anderson, Bresko

Absent: (2) Brown, Joyner

P-2. SPECIAL EXCEPTION SE-22-10: Request of Robert and Tonya Dempsey to permit a Home Occupation within an accessory building within a R-A (Residential Agricultural)

Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-103(53). The purpose of the request is to open a car repair shop as a home-based business on a residential property. The subject property is approximately 4.18 acres in size, located at 19725 Carson Ruritan Road and is identified as Tax Map 620(0A)00-035-E. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Agricultural uses.

Tim Graves presented the case to the Commissioners.

Request Summary:

- Run an auto maintenance shop on property
- Services include: oil changes, brakes, engine repair, tune-ups, lift kits, suspension work
- Hours of operation: 9:00am to 6:00pm Monday to Friday
- Max number of customers per day: 0 to 10
- Existing shop building is 30' x 30' = 900 square feet
- No signage
- No fence planned to be installed, however, parking will be on the left side of the shop where cars are not visible from the road
- Robert Dempsey will initially be the only person working in the shop, but he may employ one (1) helper in the future
- Max number of vehicles stored on the property for work: up to 5

Staff Review Comments:

Planning & Zoning – Tim Graves, Planner I

- Prior similar zoning cases: Approximately 20 since 1974
- Adjacent uses: Low density residential
- Expected Impacts on adjacent properties and roadways: Limited traffic, possible noise during work hours, some cars parked on-site awaiting work or retrieval by customers
- Mitigation of expected impacts: See recommended conditions limiting vehicles on property, hours of operation, customer visits per day, max 1 employee
- Compatibility with the comprehensive plan: OK – no change to primary land use, limited impact on adjacent properties

Building Inspections, Charles Harrison III, Building Official

- Change of use required for shop building
- Accessible parking space
- Fire safety compliance
- Storage and disposal of waste in compliance with code

Virginia Department of Health (VDH) – Alice Weathers, Environmental Health Specialist

- Well and septic system must be evaluated

Virginia Department of Transportation (VDOT) - Paul Hinson, Area Land Use Engineer

- Low volume commercial entrance required. Existing entrance appears to meet the criteria. No objection to request.

Police Department – Herold Shreves, Police Officer

- Request has been discussed with applicant and no concerns

Recommended Conditions (Highlights):

- No signage
- Hours and days of operation: 9:00am to 6:00pm Monday to Friday
- Adequate parking to serve customers on-site, avoid any visibility of the business activities from any public road
- One additional employee/helper may assist
- No outside storage of materials related to car-repair
- No work performed outside the shop building
- Max # of customer visits per day: 10
- Max # of vehicles being repair or awaiting pickup: 5
- Cooperate with police department to prevent storage of inoperable vehicles.
- Comply with noise ordinance

Mr. Graves stated that staff recommends approval of the case with the recommended conditions. Approval basis on the following:

- Request appears compatible with current and future surrounding land uses.
- No negative feedback was received.
- Recommended conditions provided to ensure applicable code requirements are met and limit any expected impacts on the community.
- The applicant has reviewed and supports the conditions.

Mr. Bresko asked the Commissioners if they had any questions for the applicant before opening the Public Hearing. With no one having any initial questions, Mr. Bresko opened the Public Hearing at 8:18 p.m. No one came forward to speak. Mr. Bresko closed the Public Hearing at 8:19 p.m.

Ms. Anderson made a motion to forward SE-22-10 to the Board with a recommendation for approval, subject to the recommended conditions, and the reason for this recommendation is the expected off-site impacts appear to be adequately addressed by the conditions. Mr. Brockwell seconded the motion.

Roll Call:

In favor: (5) Simmons, Elder, Brockwell, Anderson, Bresko

Opposed: (0)

Absent: (2) Brown, Joyner

P-3. COMPREHENSIVE PLAN AMENDMENT CPA-22-02: Request of Prince George County to amend the Comprehensive Plan Future Land Use Map designation for a specific property from Residential to Commercial. The subject property, approximately 2.18 acres in size, is identified as Tax Map 430(03)00-00B-0 and addressed as 11800 South Crater Road. The purpose of the amendment is to update the Future Land Use Map to be

consistent with the County's Exit 45 Strategic Plan, which calls for restaurant or retail business development on the subject property.

Julie Walton presented the amendment case to the Commissioners. She explained that the subject property was the former Continental Motel property currently zoned Residential. The County recently purchased the property and demolished the motel to be more consistent with the County's Exit 45 Strategic Plan. The Future Land Use Map shows the property Multi-Family Residential and the County is requesting it be changed to B-1 Commercial.

Staff Review Comments:

Planning & Zoning – Planning Staff

- The Zoning of the surrounding properties are as follows:
 - North - R-1, Limited Residential
 - South - B-1, General Business
 - East - B-1, General Business
 - West - R-1, Limited Residential
- The change of future land use designation would be consistent with the development pattern in the immediate vicinity, which is commercial
 - Surrounding land uses include Star Express, Dollar General and Nanny's restaurant
 - The proposed use(s) of the property for either a retail store or a restaurant would be consistent and compatible with existing commercial land uses
- The request is supported by the County's Exit 45 Strategic Plan

Mrs. Walton stated that staff notified adjacent property owners by mail prior to the public hearing and ran the required advertisements in the newspaper. The applicant has reviewed a copy of the Staff Report. She explained that no public comments were received prior to finalizing the report, but a citizen inquiry was received concerning the buffer requirements between a commercial property and residential areas. Staff spoke with the citizen and explained the requirements for buffers on a commercial property. The property has an existing tree line and would need to be maintained during construction. The citizen seemed to be satisfied with staff's response.

Staff recommends that the Future Land Use Map designation for Tax Map 430(03)00-00B-0 be amended from Residential-Multi-Family to Commercial. This recommendation is based on the following considerations:

- Historically, the site in question has been used commercially as a motel (legal nonconforming).
- The development pattern, in the vicinity of the affected location, is commercial as opposed to residential. The site is directly across South Crater Road from the Star Express Travel Center and is across Clary Road from Nanny's restaurant.
- The proposed Comprehensive Plan Amendment would facilitate achievement of the goals and objectives of the County's Exit 45 Strategic Plan.

Mr. Bresko asked if there were any potential businesses looking to purchase the property at this time. Mrs. Walton directed the questions to Mr. Jabri, Director of Economic

Development. Mr. Jabri stated that the County does not have a prospective buyer at this time but would like to have the property zoned Commercial for the future.

At 8:29 p.m., Mr. Bresko opened the public hearing to anyone wishing to speak for or against this case. With no one coming forward, the public hearing was closed at 8:30 p.m.

Mr. Simmons made a motion to forward request CPA-22-02 to the Board of Supervisors with the recommendation of approval along with the reasons given by staff. The motion was seconded by Mrs. Elder.

Roll Call:

In favor: (5) Simmons, Elder, Brockwell, Anderson, Bresko

Opposed: (0)

Absent: (2) Brown, Joyner

P-4. REZONING RZ-22-03: Request of Prince George County to rezone approximately 2.18 acres from R-1 (General Residential) District to B-1 (General Business) District. The purpose of the rezoning is to attract a restaurant or retail business in accordance with the County's Exit 45 Strategic Plan. The subject property is located on the west side of South Crater Road and was formerly occupied by the Continental Motel, addressed as 11800 S. Crater Road, before its demolition in 2022. The subject property is identified as Tax Map 430(03)00-00B-0. The Comprehensive Plan Future Land Use Map indicates the property is planned for "Residential" development; however, the County has requested to amend the future use designation for this property to "Commercial".

Mrs. Walton presented the companion case, RZ-22-03, the request of Prince George County Economic Development Department to rezone 2.18 acres from R-1 to B-1. The property had a nonconforming use because it is R-1. The applicant wishes to attract a restaurant or hotel to this location, which is in accordance with the County's Exit 45 Strategic Plan.

Staff Review Comments:

Planning & Zoning – Planning Staff

- Expected impacts of proposed uses on adjacent properties and roadways
- Compatibility with existing/surrounding land uses
- Compatibility with the Comprehensive Plan

Community Development & Code Compliance – Charles Harrison III, Building Official

- Land disturbance associated with this project, including demolition in excess of 10,000 sq. ft., will require a Land Disturbance Permit issued by Prince George County. Additionally, if the area of disturbance for demolition and new construction reaches or exceeds 1 acre, a Construction General Permit issued by the Virginia Department of Environmental Quality will also be required.

Utilities – Frank Haltom, Director

- The site is located within the Prince George County Planning Area. Connection to the public water and wastewater systems will be required.

Virginia Department of Transportation (VDOT) - Paul Hinson, Area Land Use Engineer

- Chapter 527 Traffic Impact Analysis will not be required
- VDOT will evaluate whether either of the existing entrances will be suitable for the new user at the time of site plan submittal
- VDOT has no objection to the proposed rezoning application

Mrs. Walton explained that staff notified adjacent property owners by mail and ran the required legal ads for the request in the newspaper. The applicant reviewed a copy of the report prior to the meeting. She stated that there were no comments from the community received prior to finalizing the report. One citizen inquiry was received concerning the buffer requirements between a commercial property and residential areas.

Staff recommended approval based on the following considerations:

1. The applicant's request is compatible with existing and surrounding land uses.
2. A rezoning from R-1 General Residential to B-1 General Business would be consistent with the adopted Comprehensive Plan.
3. Historically, the site in question has been used commercially as a motel.
4. A site plan will be required which will address erosion and sediment control, stormwater runoff, buffering, landscaping, and outdoor lighting concerns.
5. No negative feedback was received from adjacent property owners and community prior to publishing this staff report.
6. The proposed Rezoning would facilitate achievement of the goals and objectives of the County's Exit 45 Strategic Plan.

At 8:35 p.m., Mr. Bresko opened the public hearing to anyone wishing to speak for or against this case. With no one coming forward, the public hearing was closed at 8:35 p.m.

Ms. Anderson made a motion to forward request RZ-22-03 to the Board of Supervisors with the recommendation of approval based on the following:

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

Mr. Brockwell seconded the motion.

Roll Call:

In favor: (5) Simmons, Elder, Brockwell, Anderson, Bresko

Opposed: (0)

Absent: (2) Brown, Joyner

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

- A. Actions of the Board of Zoning Appeals
 - a. Meetings Cancelled - no scheduled cases for October and November
- B. Actions of the Board of Supervisors
 - a. BOS Recap – Oct. 11th

- i. Reappointed Carol Woodward to the BZA
 - ii. Appointed Mrs. Shanna Story to the BZA
- b. BOS Recap – Oct. 25th
 - i. Approved MAT Developments, LLC Rezoning request
 - ii. Denied Grand Slam, LLC Special Exception request
- C. Upcoming Cases for November 2022
 - a. SW-22-03 Ross Subdivision Waiver
 - b. SE-22-11 Ruffin Home Day Care
 - c. OA-22-04 Floodplain Ordinance Update
 - d. SE-22-07 PG 1100 Jordan Point LLC
 - e. Ordinance change for the number of dogs allowed on a property

ADJOURNMENT. At 8:39 p.m., Mr. Bresko asked the Commissioners if they had any additional questions. If not, he would entertain a motion to adjourn. A motion to adjourn was made by Mrs. Elder and seconded by Mr. Simmons. Roll was called on the motion.

Roll Call:

In favor: (5) Simmons, Elder, Anderson, Bresko, Brockwell

Opposed: (0)

Absent: (2) Brown, Joyner

Begin

TAB 4

SPECIAL EXCEPTION REQUEST – SE-22-07
PLANNING COMMISSION STAFF REPORT – November 17, 2022

RESUME

APPLICANT: PG 1100 Jordan Point LLC (Ihab Atallah)

PROPERTY OWNER: PG 1100 Jordan Point LLC (Ihab Atallah)

REQUEST: Special Exception for golf course, country club and recreational structures and uses on property previously operated as Jordan Point Golf and Country Club.

NOTE: This is a postponed business item. The public hearing was held and closed in October. At this stage, the PC should reconsider the request along with staff's updated recommendations.

STAFF RECOMMENDATION: Staff recommends Approval, subject to the recommended conditions that have been revised based on feedback received during the October 27 Public Hearing.

STAFF REPORT CONTENTS/

ATTACHMENTS

1. Resume
2. Sample Motions
3. Draft Ordinance for Board of Supervisors
4. Staff Report
5. Q&A summary of questions/concerns about project prior to public hearing
6. Summary of feedback from Oct 27 public hearing
7. Information about Special Events Permits
8. Copy of the Application with Attachments
9. APO letter, map, mailing list, and newspaper ad

Sample Motions

APPROVE:

"I move to forward request SE-22-07 to the Board with a recommendation for APPROVAL, subject to the recommended conditions in the Staff Report, and the reason(s) for this recommendation is/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 _____

APPROVE WITH CHANGES:

I move to forward request SE-22-07 to the Board with a recommendation for APPROVAL, subject to the following changes:

DENY:

I move to forward request SE-22-07 to the Board with a recommendation for DENIAL for the following reason(s): (SPECIFY)

POSTPONE:

I move to POSTPONE request SE-22-07 until _____ to allow time for _____
(MEETING DATE)

(ACTION/EVENT)

Board of Supervisors
County of Prince George, Virginia

DRAFT Ordinance

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this ____ day of _____, 2022:

Present:

Marlene J. Waymack, Chair
Donald R. Hunter, Vice-Chair
Floyd M. Brown, Jr.
Alan R. Carmichael
T. J. Webb

Vote:

SPECIAL EXCEPTION SE-22-07: Request of PG 1100 Jordan Point LLC to permit a country club with golf course and other recreational activities within a R-A (Residential-Agricultural) Zoning District pursuant to Prince George County Zoning Ordinance Sections 90-103(3) and 90-103(22), and in a R-1 (Limited Residential) Zoning District pursuant to Section 90-203(1). The subject property, formerly known as the Jordan Point Golf Course and Country Club, is approximately 143 acres in size, located at 1100 Jordan Point Road, and consists of Tax Parcels 040(02)00-001-0, 040(02)00-001-A, 040(0A)00-002-A, 040(0A)00-003-A, 140(08)00-00A-1. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-22-07 is granted as an amendment to the official zoning map with the following conditions:

NOTE: Revisions marked in red are recommended changes from the previous staff report.

1. This Special Exception is granted to PG 1100 Jordan Point LLC (“the Owner”) for the property delineated by Tax Maps 040(02)00-001-0, 040(02)00-001-A, 040(0A)00-002-A, 040(0A)00-003-A, 140(08)00-00A-1, as depicted by the boundary lines on the Conceptual Map dated 7-20-22.
2. This Special Exception is renewable or transferrable to future owners only by approval of the Board of Supervisors without a public hearing so long as there are no deviations from the conditions.
3. The use of the portions of the property located on the east side of Jordan Point Road, zoned R-1 Limited Residential shall be restricted to **the following uses:**
 - a. “Golf course” ~~activities~~ as defined; **and/or**
 - b. Bicycle/multi-use trails in association with country club or club golf course activities on the property. ATVs and gas-powered vehicles (other than golf carts and maintenance vehicles) are not permitted.**

4. The following uses and activities shall be permitted on the portions of the property located on the west side of Jordan Point Road, zoned R-A Residential-Agricultural:
 - a. Golf course as defined
 - b. Country club in existing structures. For the purposes of this special exception, the country club land use is defined as “a suburban club for social life and recreation” **where membership is offered**, and it will permit amenities consistent with this definition, including a swimming pool and snack bar, and allowing the hosting of events such as weddings and receptions.
 - c. Recreation structures and uses related to outdoor recreation. Only the following activities shall be permitted as part of this land use:
 - i. ~~Bike/multi-use trails~~ **Bicycle/multi-use trails in association with country club or club golf course activities on the property. ATVs and gas-powered vehicles (other than golf carts and maintenance vehicles) are not permitted.**
 - ii. Tennis/pickleball courts.
 - iii. Driving range (limited to the existing location as depicted on the map dated 7-20-22).
 - iv. Dog park.
 - v. Other recreational activities with similar impacts to the other approved activities, as approved in writing by the Director of Planning.
5. The Owner shall employ effective means to prevent golf balls from crossing onto adjacent properties.
6. Parking on the property shall be for the approved special exception uses only and shall occur within the approved property boundaries and setback provisions unless otherwise allowed by the County Code at the time of development and approved by the Director of Planning.
7. Parking within any easement or right-of-way shall be prohibited.
8. The Owner shall conduct a Turn Lane Warrant Analysis using trip generation data for the ~~proposed-approved~~ **Special Exception** uses including peak hour traffic volume as agreed upon by the Planning Office and VDOT. The analysis shall be completed within 12 months of ~~the special exception approval date, and any~~ **opening the development for use. Any** infrastructure improvements determined to be needed according to the analysis shall be installed at the Owner’s expense within 36 months of the date of the County’s acceptance of the analysis. **If the analysis determines that turn lane(s) are warranted, the Planning Director may restrict particular use(s) to a smaller scale that does not require turn lane(s) until the infrastructure improvements are completed. After initial acceptance of the analysis, if a new or expanded use is proposed at a later time that was not considered in the accepted analysis, the analysis shall be updated with revisions submitted to the Planning Office and VDOT for review and acceptance. Should a revised analysis reveal that turn lane(s) are warranted for additional or expanded use(s), the necessary turn lane(s) shall be installed prior to opening the use to the public.**
9. For water quality protection purposes within the Chesapeake Bay Preservation Area (CBPA), in addition to applicable requirements in the zoning ordinance:
 - a. Porous materials shall be used to the greatest extent practicable for any new parking areas to be established on the property after special exception approval, as approved by the Director of Planning.
 - b. The Owner shall complete an on-site delineation of wetlands and Resource Protection Areas and submit it to the Planning & Zoning office prior to the first subsequent zoning approval involving development, including land disturbance, construction of buildings or parking areas, or boundary line changes such as subdivision. The

- delineation required by this condition shall at a minimum cover the areas on parcel 040(02)00-001-0 as of the date of this approval and any additional areas of the property that are likely to be affected by the development that triggers this requirement.
- c. **If fertilizer is used, t**The Owner shall use eco-friendly fertilizer on the property.
 - d. **New impervious areas shall be located and designed to minimize runoff into the James River or any connected waterways.**
 - e. **Prior to the opening of the golf course use, a Nutrient Management Plan shall be submitted to the Virginia Department of Conservation and Recreation (DCR) for approval. Once approved, the plan shall be submitted to the Planning Department with the approval certification from DCR.**
 - f. **Any dog park shall be located and designed to minimize runoff of pet waste into the James River or any connected waterways. Measures may include, but not be limited to, readily available pet waste disposal containers, setbacks from waterways, vegetation buffers between the park and waterways, and/or other BMP methods. Plans to address this requirement shall be submitted to the County for approval prior to constructing the dog park.**
10. Signage for the business shall be limited to the two existing monument signs at the existing entrance. Refacing of the signs shall require a sign permit. No electronic message boards shall be permitted. Any lighting of the signs shall be limited to soft spotlighting.
 11. Hours and days for operations shall be limited to:
 - a. 9am to 10pm Monday through Thursday.
 - b. 9am to midnight Friday through Sunday.
 - c. 9am to 2am for New Year's Eve holiday.
 - d. All music and activities ~~on weekends and New Year's Eve~~ shall occur indoors after 10pm.
 12. The Owner shall take appropriate measures to ensure compliance with the Prince George County noise ordinance, as adopted, and enforced by the Police Department.
 13. The Owner shall possess and maintain liability insurance in an amount no less than \$1 million dollars.
 14. The Owner shall obtain all required permit(s) for any addition(s), renovation(s), or alteration(s) to existing structure(s), not meeting the exemption criteria of Section(s) 102.3 and/or 108.2 of the Virginia Uniform Statewide Building Code, prior to the commencement of any construction activities. All subsequent inspection(s) shall be performed and receive approval prior to issuance of any associated Occupancy Certificate(s) granting use of the structure(s).
 15. Existing facilities may utilize private water and sewer systems as approved by the Health Department. Future proposed facilities for uses permitted by this special exception shall connect to public systems unless alternatives are permitted by the County Code at the time of development.
 16. The Owner 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.
 17. The Owner shall obtain and hold all required permits and licensures from both state and local regulatory agencies which may include, but are not limited to, the following: well and septic permits from the Department of Health; commercial entrance permit from the Virginia Department of Transportation (VDOT); permit(s) from Virginia's Alcoholic Control Board (ABC) for any on-site consumption/sale of alcoholic beverages; change of use of permit from

the Building Official and compliance with applicable building codes; Special Event permit if required by the County Code; and local business license from the Commissioner of the Revenue.

18. The following conditions shall apply to all events:

- a. Staffing shall be provided for private parking and proper traffic circulation purposes with event personnel clearly marked as “Event Staff” for safety reasons.
- b. The number of attendees for events shall be limited as determined by applicable building code and health code regulations.
- c. The Owner shall notify the Prince George County Police Department at least fifteen (15) days prior to any scheduled event that is expected to exceed 150 event attendees.
- d. Any temporary food service carts, portable toilets and handwashing stations that may be used for events shall be approved by the Virginia Department of Health. Proper litter control measures shall be put in place at events with the use of both trash containers and recycling bins.
- e. No more than 12 special events requiring a “Special Event Permit” shall be permitted each calendar year.
- f. No Special Events shall be permitted on the portion of the property located on the east side of Jordan Point Road.

19. The Special Exception shall become null and void if the use is abandoned for a period of twenty-four 24 consecutive months.

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

Adopted on _____, 2022 and becoming effective immediately.



PLANNING COMMISSION STAFF REPORT

Postponed Business Item – November 17, 2022

SE-22-07 – New Country Club and Golf Course @ Jordan Point

Applicant: PG 1100 Jordan Point LLC (Ihab Atallah)

Case Manager: Tim Graves - (804)722-8678

I. Request Summary

The applicant recently purchased the former Jordan Point Golf and Country Club property with plans to reactivate the existing facilities to offer recreation options and host events on the property.

In order for this to be permitted, they are requesting a special exception for a country club and related activities in the R-A and R-1 zoning districts pursuant to Sections 90-103(3), 90-103(22) and 90-203(1).

II. Property

Address: 1100 Jordan Point Road

Zoning District: R-A Residential-Agricultural, R-1 Limited Residential

Tax Map: 040(02)00-001-0, 040(02)00-001-A, 040(0A)00-002-A, 040(0A)00-003-A, 140(08)00-00A-1

Current Use: Partially wooded with several existing structures from former golf course and country club use

Site Size: 143 acres total +/-

Comp Plan Land Use: Residential

Legal Owner: PG 1100 Jordan Point LLC

Planning Area: Prince George Planning Area

RE Taxes Paid?: Yes

Previous Zoning Cases: None

III. Meeting Information

Planning Commission Public Hearing:

- August 25, 2022: Staff reviewed the case during the Work Session on August 22. The public hearing was postponed until September 22 due to staff error in not sending all of the required adjacent property owner letters.
- September 22, 2022: The public hearing was not included on the September agenda because a community meeting was scheduled for September 7 and there were ongoing discussions between staff, the applicant and the public to develop a greater understanding of the proposed activities and potential impacts.
- October 27, 2022: The Planning Commission held a public hearing and voted 3-2 to postpone a decision until the November 17 meeting to allow time for staff to review the public comments from the meeting.
- November 17, 2022: The item is on the meeting agenda as a postponed business item. The Commission should consider Staff's recommendations based on the comments from the public hearing and consider forwarding the case to the BOS with a recommendation for approval or denial.

Board of Supervisors Public Hearing: December 13, 2022 (Tentative)

IV. Background

- The subject property was formerly operated as the Jordan Point Golf and Country Club and has sat unused for the past 7-10 years.
- The owner also owns and operates the Holy Mackerel VA restaurant nearby at 700 Jordan Point Road.

- Ihab Atallah (PG 1100 Jordan Point LLC) submitted the special exception application on June 6, 2022 and subsequently purchased the property on July 25, 2022, as recorded in Instrument 220002644.

V. Applicant Proposal

According to the application materials and subsequent correspondence, the applicant proposes to:

- Reactivate the facilities from the previous country club and golf course
- Offer a Country Club with amenities like swimming pool, snack bar and food, and activities to encourage health and wellness such as biking trails, pickleball courts, driving range, dog park
- Allow events such as weddings, receptions, etc. Weddings and receptions will be the main focuses but other events might include: “class reunions, a pumpkin patch event, Easter egg hunt event, Halloween event with hayrides, New Years’ Eve event and possibly teaming up with some charities and hosting classic car events, etc.”
- Regarding membership: “We will have membership dues to join. Members will have access to the swimming pool, the pickle ball courts, the driving range, bike trails, dog park, possible horseback riding if permitted, etc.” (STAFF NOTE: Horseback riding would not be permitted with this special exception)
- Open initially from 10 AM to 10 PM 7 days a week (subject to change)
- Start with a focus on the country club and driving range and later on possibly implement a 9-hole golf course. The golf course is not planned to be as big as it once was under its previous owner.
- Signage: Place the new name on the existing entrance signs (with permits)
- Traffic generation estimates were provided upon Staff request. A copy is provided with the application materials.

VI. Exhibits

Exhibit 1 – Conceptual Map 7-20-22 showing subject property



Exhibit 2 – Zoning Map

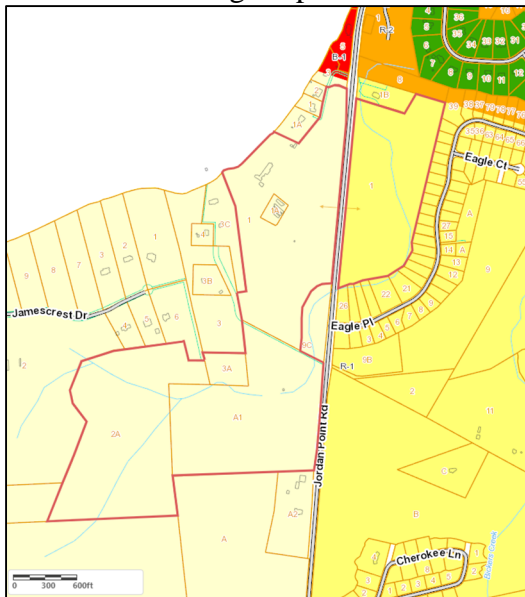


Exhibit 3 – Aerial view



VII. Planning and Zoning Review Comments

Proposed Land Uses:

Various activities are proposed for the land. Below are the specific activities mentioned in the application and the matching land use categories determined by Planning & Zoning staff:

Activities described by applicant in the application materials	Matching land use in <u>R-A Residential Agricultural</u> Zoning District
“country club”	90-103(3) Lodge, hunting club, yacht club, <u>golf course</u> , <u>country club</u> .
“golf course”	
“Host events such as weddings and receptions, etc.” *	
“driving range”	90-103 (22): <u>Recreation structure and uses related to outdoor recreation</u> , commercial and noncommercial recreational vehicle park.
Activities to encourage health and wellness such as biking trails, pickleball courts, driving ranges, dog park, etc.	

* - Staff considers these events generally part of the “country club” land use for this request, however, events open to the general public require a Special Event Permit.

Zoning Ordinance (Section 90-1) Definitions:

“Country club” - Not defined in Section 90-1.

Merriam-Webster online dictionary definition: “a suburban club for social life and recreation”

“Golf course means any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges.”

“Golf driving range means a limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.”

Review Comments:

1. In the absence of a zoning ordinance definition for “country club”, staff referred to the Merriam-Webster definition (above). According to the application materials and subsequent correspondence, certain specified recreational activities are envisioned for the property as part of the new country club business. Staff has drafted conditions which define “country club” and specify what activities would be allowed as part of the country club land use.
2. The subject property is zoned R-A on the west side of Jordan Point Road and zoned R-1 on the east side (See Exhibit 2). The former operator offered both country club and golf course activities on the R-A zoned portion of the property and only golf course activities on the R-1 zoned portion of the property. Staff has recommended conditions to limit the R-1 zoned portion of the property to golf course activities which is consistent with the previous use by the previous owner.
3. No prior rezoning or special exception cases are known to apply to the property. Staff believes the previous country club and golf course uses were established before at least 1974 and were abandoned when the former operations ceased on the property in the early 2010s. The most relevant prior zoning

case identified by Staff was when the Country Club of Petersburg obtained a Special Exception for the property on Johnson Road in 1974.

4. Other zoning approvals required if the SE is approved:
 - a. Professional Business Zoning Approval will be required as part of the application for a business license for the new business.
 - b. A Site Plan will be required if there is a proposed building addition or land disturbance that will exceed 2,500 SF. No such building addition or land disturbance is currently proposed, but could be proposed in the future.
5. The recommended conditions limit the country club activities to existing structures. Any additional structures would require a revised special exception. Temporary tents would be permitted under this proposed special exception.
6. The proposed uses, appear to be compatible with the surrounding residential and residential-agricultural zoning districts, and the surrounding residential land uses. This finding is based on the recommended conditions and the history of country club and golf course uses on the subject property.
7. The proposed uses appear to be compatible with the Comprehensive Plan Future Land Use Map designation of “Residential” since the facilities would offer recreational resources available to all county residents, and the recreational uses are supported by the County’s general tourism and quality of life goals.
8. Expected impacts of the request land uses are expected to be additional traffic and noise in comparison with the current vacant land use. The recommended conditions include means to mitigate these potential impacts on adjacent properties and roadways.
9. Regarding traffic impacts:
 - a. VDOT has confirmed the existing commercial entrance is adequate to support the expected traffic entering and exiting the property.
 - b. The facility has a long entrance road with width to accommodate traffic in two directions, which is expected to limit the queuing of cars waiting to enter or leave the property.
 - c. A Chapter 527 Traffic Impact Analysis was not automatically required (because the traffic volume would not be significant enough), nor was a “Turn Lane Warrant Analysis” (because no physical development is currently proposed).
 - d. Staff requested trip generation estimates from the applicant, which they provided (attached with application materials). Based on the proposed uses and the trip generation data provided, a turn lane is not warranted. However, to confirm this, Staff has recommended a condition to require the owner to conduct a turn lane warrant analysis within 12 months of the special exception approval, and the owner would be responsible for providing any required road/entrance improvements within 36 months. The extended time period allotted for completing analysis and installing any improvements offers the County the opportunity to monitor and measure the actual impacts of the development (which will improve the accuracy of the warrant analysis), and offers the owner flexibility in how they address the findings of the analysis.
10. Staff has recommended conditions to address possible impacts including, but not limited to: Stray golf balls, Hours of operation, Permitted activities, Adequate on-site parking, Signage, limit events to the west side of property, and Resource Protection Areas (RPAs).
11. RPA features exist on the property which have not been delineated. Prior to constructing any new buildings and any land disturbance, the recommended conditions require the applicant to delineate the RPAs in order to prove that no new construction will encroach into the required 100’-wide RPA buffers. RPA requirements exist to protect the water quality of the James River and Chesapeake Bay Watershed.
12. Staff discussed the hours of operation with the applicant at-length and has recommended reasonable hours of operation as described in the conditions.

VIII. Supplemental Staff Review Comments

Building Inspections Division – *Charles Harrison III, Building Official*

This request has been evaluated under the provision of the 2018 Virginia Uniform Statewide Building Code (VUSBC). Please note any new structures to be erected on this property, or renovation(s)/alteration(s) to existing structures not meeting the exemption criteria of Section(s) 102.3 and/or 108.2 of the 2018 VCC/VUSBC will be required to be permitted and meet all provisions of the Virginia USBC.

Virginia Department of Health - *Alice Weathers, Environmental Health Specialist*

1. The owner needs to consult with an Authorized Onsite Soil Evaluator and/or Professional Engineer to have the existing sewage disposal system and existing water supply evaluated to determine if any modifications need to be made to support the proposed usage. A Waste Characterization Letter from a PE would need to be submitted to the Health Department which would explain the waste strength and water flow for the intended use.

Virginia Department of Transportation (VDOT) - *Paul Hinson, Area Land Use Engineer*

1. A commercial entrance will be required for permanent access to the site for the proposed use in accordance with VDOT standards and specifications. The existing clubhouse building is served by a commercial entrance.
2. VDOT has no objection to the proposed special exception request.

Environmental Division - *Angela Blount, Environmental Program Coordinator*

1. Land disturbance associated with this project (if any) in excess of 2,500 sq. ft. will require a Land Disturbance Permit issued by Prince George County.
2. Land disturbance associated with this project (if any) which reaches 1 acre and above will require permitting from both Prince George County (Land Disturbance Permit) and the Virginia Department of Environmental Quality (Construction General Permit) for erosion and sediment control and stormwater management.
3. Further comments will be reserved for site plan review (if any).

Utilities Department - *Frank Haltom, Director of Engineering and Utilities*

Since the applicant is proposing to continue the use of the existing building as a country club, the extension of public water and wastewater to serve the property would not be required. If new structures were proposed in the future or other development that would require the use of water and sewer is proposed, public water and wastewater would need to be extended to serve the property.

The departments below reviewed this request and had no comments.

Economic Development – *Stacey English, Economic Development Specialist*

Real Estate Assessor - *Carol Crawford, Real Estate Operations Coordinator*

Police Department / Sheriff's Department – *Harold Shreves*

The **Fire & EMS Department** received a copy of this request and did not provide comments.

IX. Public Notice and Community Feedback

- Staff notified adjacent property owners by mailing prior to the public hearing.
- Staff ran the required legal ads for this request in the *Progress-Index* prior to the public hearing.
- Staff posted a sign on the property on August 18, 2022.

- Staff received phone calls from various members of the public asking questions about the proposed activities on the property.
- Staff met with the Jordan on the James Homeowner’s Association (JoJ HOA) on August 31 via phone call to discuss questions and concerns. Staff has provided, as an attachment to this report, a written summary of questions/concerns that were raised, with answers from staff and/or the applicant.
- The applicant met with JoJ HOA at the Hopewell Library on September 7 during a community meeting organized by the HOA. Approximately 35 community members attended the meeting. Tim Graves from the County planning staff attended the meeting to listen to the information exchange and answer clarifying questions about the special exception approval process. The sentiment from attendees was generally supportive of the request, and any concerns that were raised were similar to those discussed in the phone meeting on August 31 and are included in the written summary.
- During the public hearing at the October Planning Commission meeting, there were public comments in support of the request and public comments identifying certain remaining concerns. A written summary of the public comments from the October meeting has been included with this staff report and all concerns were considered when revising Staff’s recommended conditions.

X. Staff Recommendation

Approval, subject to the recommended conditions in the section below.

This recommendation is based on the following considerations:

1. The applicant proffered conditions with the application materials. Staff recommended additional conditions for this request which are intended to ensure applicable code requirements are met and limit any expected impacts on adjacent property owners and the surrounding community.
2. The applicant’s request (with the recommended conditions) appears to be compatible with current and future surrounding land uses.
3. Staff has revised the recommended conditions after the October public hearing based on the concerns that were expressed during the meeting. The Applicant received a copy of staff’s revised recommended conditions prior to the meeting.

XI. Recommended Conditions

NOTE: Revisions marked in red are recommended changes from the previous staff report.

1. This Special Exception is granted to PG 1100 Jordan Point LLC (“the Owner”) for the property delineated by Tax Maps 040(02)00-001-0, 040(02)00-001-A, 040(0A)00-002-A, 040(0A)00-003-A, 140(08)00-00A-1, as depicted by the boundary lines on the Conceptual Map dated 7-20-22.
2. This Special Exception is renewable or transferrable to future owners only by approval of the Board of Supervisors without a public hearing so long as there are no deviations from the conditions.
3. The use of the portions of the property located on the east side of Jordan Point Road, zoned R-1 Limited Residential shall be restricted to **the following uses:**
 - a. “Golf course” ~~activities~~ as defined; **and/or**
 - b. Bicycle/multi-use trails in association with country club or club golf course activities on the property. ATVs and gas-powered vehicles (other than golf carts and maintenance vehicles) are not permitted.**
4. The following uses and activities shall be permitted on the portions of the property located on the west side of Jordan Point Road, zoned R-A Residential-Agricultural:
 - a. Golf course as defined

- b. Country club in existing structures. For the purposes of this special exception, the country club land use is defined as “a suburban club for social life and recreation” **where membership is offered**, and it will permit amenities consistent with this definition, including a swimming pool and snack bar, and allowing the hosting of events such as weddings and receptions.
- c. Recreation structures and uses related to outdoor recreation. Only the following activities shall be permitted as part of this land use:
 - i. ~~Bike/multi-use trails~~ **Bicycle/multi-use trails in association with country club or club golf course activities on the property. ATVs and gas-powered vehicles (other than golf carts and maintenance vehicles) are not permitted.**
 - i. Tennis/pickleball courts.
 - ii. Driving range (limited to the existing location as depicted on the map dated 7-20-22).
 - iii. Dog park.
 - iv. Other recreational activities with similar impacts to the other approved activities, as approved in writing by the Director of Planning.
5. The Owner shall employ effective means to prevent golf balls from crossing onto adjacent properties.
6. Parking on the property shall be for the approved special exception uses only and shall occur within the approved property boundaries and setback provisions unless otherwise allowed by the County Code at the time of development and approved by the Director of Planning.
7. Parking within any easement or right-of-way shall be prohibited.
8. The Owner shall conduct a Turn Lane Warrant Analysis using trip generation data for the ~~proposed~~ **approved Special Exception** uses including peak hour traffic volume as agreed upon by the Planning Office and VDOT. The analysis shall be completed within 12 months of ~~the special exception approval date, and any opening the development for use.~~ **Any** infrastructure improvements determined to be needed according to the analysis shall be installed at the Owner’s expense within 36 months of the date of the County’s acceptance of the analysis. **If the analysis determines that turn lane(s) are warranted, the Planning Director may restrict particular use(s) to a smaller scale that does not require turn lane(s) until the infrastructure improvements are completed. After initial acceptance of the analysis, if a new or expanded use is proposed at a later time that was not considered in the accepted analysis, the analysis shall be updated with revisions submitted to the Planning Office and VDOT for review and acceptance. Should a revised analysis reveal that turn lane(s) are warranted for additional or expanded use(s), the necessary turn lane(s) shall be installed prior to opening the use to the public.**
9. For water quality protection purposes within the Chesapeake Bay Preservation Area (CBPA), in addition to applicable requirements in the zoning ordinance:
 - a. Porous materials shall be used to the greatest extent practicable for any new parking areas to be established on the property after special exception approval, as approved by the Director of Planning.
 - b. The Owner shall complete an on-site delineation of wetlands and Resource Protection Areas and submit it to the Planning & Zoning office prior to the first subsequent zoning approval involving development, including land disturbance, construction of buildings or parking areas, or boundary line changes such as subdivision. The delineation required by this condition shall at a minimum cover the areas on parcel 040(02)00-001-0 as of the date of this approval and any additional areas of the property that are likely to be affected by the development that triggers this requirement.
 - c. **If fertilizer is used,** ~~The~~ Owner shall use eco-friendly fertilizer on the property.
 - d. **New impervious areas shall be located and designed to minimize runoff into the James River or any connected waterways.**
 - e. **Prior to the opening of the golf course use, a Nutrient Management Plan shall be submitted to the Virginia Department of Conservation and Recreation (DCR) for approval. Once**

approved, the plan shall be submitted to the Planning Department with the approval certification from DCR.

- f. Any dog park shall be located and designed to minimize runoff of pet waste into the James River or any connected waterways. Measures may include, but not be limited to, readily available pet waste disposal containers, setbacks from waterways, vegetation buffers between the park and waterways, and/or other BMP methods. Plans to address this requirement shall be submitted to the County for approval prior to constructing the dog park.**

10. Signage for the business shall be limited to the two existing monument signs at the existing entrance. Refacing of the signs shall require a sign permit. No electronic message boards shall be permitted. Any lighting of the signs shall be limited to soft spotlighting.
11. Hours and days for operations shall be limited to:
 - a. 9am to 10pm Monday through Thursday.
 - b. 9am to midnight Friday through Sunday.
 - c. 9am to 2am for New Year's Eve holiday.
 - d. All music and activities ~~on weekends and New Year's Eve~~ shall occur indoors after 10pm.
12. The Owner shall take appropriate measures to ensure compliance with the Prince George County noise ordinance, as adopted, and enforced by the Police Department.
13. The Owner shall possess and maintain liability insurance in an amount no less than \$1 million dollars.
14. The Owner shall obtain all required permit(s) for any addition(s), renovation(s), or alteration(s) to existing structure(s), not meeting the exemption criteria of Section(s) 102.3 and/or 108.2 of the Virginia Uniform Statewide Building Code, prior to the commencement of any construction activities. All subsequent inspection(s) shall be performed and receive approval prior to issuance of any associated Occupancy Certificate(s) granting use of the structure(s).
15. Existing facilities may utilize private water and sewer systems as approved by the Health Department. Future proposed facilities for uses permitted by this special exception shall connect to public systems unless alternatives are permitted by the County Code at the time of development.
16. The Owner 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.
17. The Owner shall obtain and hold all required permits and licensures from both state and local regulatory agencies which may include, but are not limited to, the following: well and septic permits from the Department of Health; commercial entrance permit from the Virginia Department of Transportation (VDOT); permit(s) from Virginia's Alcoholic Control Board (ABC) for any on-site consumption/sale of alcoholic beverages; change of use of permit from the Building Official and compliance with applicable building codes; Special Event permit if required by the County Code; and local business license from the Commissioner of the Revenue.
18. The following conditions shall apply to all events:
 - a. Staffing shall be provided for private parking and proper traffic circulation purposes with event personnel clearly marked as "Event Staff" for safety reasons.
 - b. The number of attendees for events shall be limited as determined by applicable building code and health code regulations.
 - c. The Owner shall notify the Prince George County Police Department at least fifteen (15) days prior to any scheduled event that is expected to exceed 150 event attendees.
 - d. Any temporary food service carts, portable toilets and handwashing stations that may be used for events shall be approved by the Virginia Department of Health. Proper litter control measures shall be put in place at events with the use of both trash containers and recycling bins.
 - e. No more than 12 special events requiring a "Special Event Permit" shall be permitted each calendar year.

- f. No Special Events shall be permitted on the portion of the property located on the east side of Jordan Point Road.
- 19. The Special Exception shall become null and void if the use is abandoned for a period of twenty-four 24 consecutive months.
- 20. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the Owner to comply with any of the listed conditions or any provision of federal, state or local regulations.

Summary of concerns/questions relating to proposed Special Exception SE-22-07 for a County Club at Jordan Point (with Planning Staff Answers)

The following is a summary of concerns and questions that were discussed with Jordan on James Homeowners' Association (JoJ HOA) directors Beverly Rogers and Rich Strongin on August 31, 2022 and similar discussion items during the JoJ HOA meeting with the applicant at Hopewell Library September 7, 2022.

- 1. Public Comment/Concern:** We cannot assume with the new owner and operation that the impacts will be the same as the previous one.

Staff Answer:

The Jordan Point Golf and Country Club was indeed developed before a lot of the surrounding area was, and it did not have a special exception with specific conditions limiting its use. With the current request however, the County can place conditions on the land use to limit expected off-site impacts and ensure the land use is generally compatible to the surrounding area and a benefit to the general welfare of Prince George County. Staff has included recommended conditions to address this concern.

- 2. Public Comment/Concern:** There is already traffic congestion on Jordan Point Road during peak periods. Wouldn't this project compound the problem?

Staff Answer:

A primary cause of traffic congestion on a given road is when there is inadequate space on-site for vehicles to queue while waiting to park on the property. This can lead to vehicles stacking up on a public road while waiting to turn off the road to enter a property. Staff does not foresee this being a significant issue for the country club land use because:

1. There is a 500-foot long on-site entrance road which is wide enough for cars to cross in two directions while entering the property to park or while exiting the property.
2. The existing commercial entrance on Jordan Point Road meets VDOT's engineering requirements to accommodate incoming and outgoing traffic, based on the proposed land uses.
3. There is plenty of on-site parking and plenty of space to establish more on-site parking if it is needed.
4. Staff asked the applicant to provide trip generation numbers for the proposed use of the property and based on the numbers provided, a turn lane would not be required. However, to provide greater certainty about this, Staff has recommended a condition requiring a turn lane warrant analysis within 12 months, and any improvements required within 36 months.
5. By comparison, nearby Holy Mackerel restaurant, which is known to cause traffic congestion during peak periods, has no entrance road for cars to queue while waiting to park or to enter/exit the property. Besides temporary closures of the nearby bridge, the lack of distance between parking areas on the Holy Mackerel property and Jordan Point Road is the main cause of the periodic traffic issues around that entrance.*

* Staff believes the parking issues currently facing Holy Mackerel should be separated from the traffic discussion relating to the proposed country club because while it is also located on Jordan Point Road, the two properties and locations are not the same and Staff is working with the landowner to address Holy Mackerel's parking problems as a separate issue.

3. Public Comment/Concern: Can VDOT or the County require a traffic impact analysis or turn lane study?

Staff Answer:

Yes. These requirements are usually triggered automatically by certain requests based on expected traffic volume. In the case of this project, a Chapter 527 Traffic Impact Analysis was not automatically required (because the traffic volume would not be significant enough), nor was a "Turn Lane Warrant Analysis" (because no physical development is currently proposed).

Based on the proposed uses and the trip generation data provided, a turn lane is not warranted. However, to confirm this, Staff has recommended a condition to require the owner to conduct a turn lane warrant analysis within 12 months of the special exception approval, and the owner would be responsible for providing any required road/entrance improvements within 36 months. The extended time period allotted for completing analysis and installing any improvements offers the County the opportunity to monitor and measure the actual impacts of the development (which will improve the accuracy of the warrant analysis), and offers the owner flexibility in how they address the findings of the analysis.

4. Public Comment/Concern: JoJ HOA desires to have pedestrian / bike golf cart access to the property from their neighborhood.

Staff Answer:

The JoJ HOA said there once was deeded access to reach the golf course from the neighborhood. If this is true, the HOA would be responsible for working with the relevant property owners to confirm or obtain the necessary agreements and/or easements to cross their property(ies).

The zoning on the east side of Jordan Point Road does not allow general recreational uses and bike-multi use trails, however, this does not prevent residents from using the trail and underpass to reach the property on the west side of Jordan Point Road and using the trails there. If there is an active golf course on the east side of the property, then the trails on that part of the property could be utilized.

5. Public Comment/Concern: Could the country club property be used as a parking lot for other area businesses such as Holy Mackerel restaurant and Jordan Point Marina?

Staff Answer:

The owner has been notified that the property is not allowed to be used for parking boats from Jordan Point Marina and they will be removed. The proposed special exception would not grant any special right for the property to be used as a parking lot for off-site businesses. If certain areas of the property can be legally used for parking according to the zoning ordinance, then the property owner has the right to provide parking in those areas. Generally, parking for a business is required to be on-site or on a contiguous property, or within 600 feet of the business that requires the parking. There can also be limitations based on the underlying zoning district.

6. Public Comment/Concern: What is the nature of "events" that are planned to occur on the property?

Applicant Answer:

"There's lots of events that we would love to host on the property some of them will be able to be done and some of them will not. The biggest thing here and I think we can all agree on is that we don't want to disrupt our neighbors. Weddings are going to be one of our main focuses. Others will be class reunions, a pumpkin patch event, Easter egg hunt event, Halloween event with hayrides, New Years Eve event and possibly teaming up with some charities and hosting classic car events, etc."

Staff Answer:

The application materials state: “host events such as weddings, receptions, etc.”

The applicant has also stated their intention to host “special events” primarily focused around holidays or similar special occasions. See below about large events for more information.

- 7. Public Comment/Concern:** How often will large events be allowed to occur? Would large outdoor concerts be permitted every weekday, theoretically?

Staff Answer:

Private events such as weddings and receptions as part of the country club use could occur during the hours of operation and under the conditions approved with the special exception.

Large outdoor events open to the general public, such as an outdoor concert, require a “Special Event Permit”, which requires filing detailed plans to the County government 30+ days before the event date, and can be rejected by the County if there are ongoing issues with the events on the property.

While it would likely be impractical for the applicant to host regular large outdoor events due to the application and planning requirements that are specific to each event, it would not be impossible. In attempt to address community concerns about large events, Staff has recommended a condition to limit the number of large events on the property to 12 per calendar year, and recommended a condition to prohibit Special Events from occurring on the east side of the property (closest to the Jordan on the James subdivision).

- 8. Public Comment/Concern:** How many people can attend events? The max number of attendees is not well-defined.

Staff Answer:

The number of attendees for regular country club activities will be limited by the building code and health code. These limits have not been determined at this time, but will be determined after building renovations are completed and after the well and septic facilities have been permitted. This will occur before the business would be licensed to begin operations. Larger events could be scheduled outdoors, but the owner would still need to meet the applicable codes, including obtaining a Special Event Permit if required by the County Code. There is also a condition that requires the applicant to notify County Police at least 15 days prior to any events that are expected to exceed 150 attendees.

- 9. Public Comment/Concern:** Are “event staff” required for all events, even small ones?

Staff Answer:

Yes, there is a recommended condition requiring event staff for all events to help with traffic circulation and parking. This is purposefully meant to be a general condition without greater detail so as to allow the owner flexibility. It is implied that this means adequate staff appropriate to the size of the event. The country club will have multiple employees, which should make it possible to adhere to this condition regardless of the event size.

- 10. Public Comment/Concern:** There is potential for noise during outdoor events. Can the County limit noise audible from a certain distance?

Staff Answer:

Yes, the County’s Noise Ordinance (Section 54-23.1) already restricts noise during certain times of day based on distance, especially during nighttime hours of 10 p.m. and 6 a.m. Subsection (b) also prohibits sound amplification on this property during the daytime as follows:

It shall be unlawful for any person: To allow or permit the playing of any radio, stereo, tape player, compact disc player, loud speaker or other device used to amplify sound which is located on residential property from 6:00 a.m. to 10:00 p.m. and which is plainly audible 50 feet or more from a public road, private road or the property line where the device is located. This provision shall not apply to community activities, weddings, public functions, or security devices.

While the above daytime noise provision does not apply to weddings and Special [public] Events on the property, Staff has recommended a condition to prohibit special events from occurring on the part of the property east of Jordan Point Road, and there appears to be adequate physical separation to limit noise reaching nearby properties. As an example of physical distance, the country club facility parking lot is more than 1,800 feet from the nearest house in Jordan on the James, and over 1,100 feet from the nearest house in Eagle Preserve.

11. Public Comment/Concern: What activities would be allowed to occur on the property if this is approved?

Staff Answer:

Conditions #3 and #4 of recommended conditions limit the activities on the property.

12. Public Comment/Concern: What other activities that are currently not named could occur in the future?

Staff Answer:

Recommended condition 4(c)v states: "Other recreational activities with similar impacts to the other approved activities, as approved in writing by the Director of Planning." This condition is intended to provide flexibility for the property owner to provide new recreational activities over time that will have the same or less impacts than what is otherwise occurring on the property (e.g. volleyball) without requiring the applicant to go through another special exception process. A higher intensity use like a soccer field, or a new building would require an amendment to this special exception. There is oversight for this type of condition: An aggrieved person can file an appeal if they disagree with the Director of Planning's decision.

13. Public Comment/Concern: What type of country club membership(s) will be offered and what will members have access to?

Applicant Answer

"This will be a country club so we will have membership dues to join. Members will have access to the swimming pool the pickle ball courts the driving range, bike trails, dog park, possible horseback riding if permitted, etc."

STAFF NOTE: Horseback riding was not requested in the application and was not considered as part of the request. It would require a separate special exception for a riding school / riding stable.

14. Public Comment/Concern: What are the plans for a golf course?

Applicant Answer:

"We really have no intent to fire up the golf course... if there became a huge demand to do that we would possibly fire up a 9 hole par 3 course on the west side of the property."

15. Public Comment/Concern: There is concern about stormwater runoff, which may include fertilizers, may flow into Lake Simms and cause issues with Lake Simms.

Staff Answer:

To staff's knowledge, Lake Simms is not impacted by this request. At this time, no construction or land disturbance is proposed, therefore there is no requirement for the applicant to make any changes to the property's drainage. Additionally, the owner has stated they have no immediate plans for a golf course and if they did establish a golf course, they have provided a condition requiring the use of "eco-friendly fertilizers" on the property.

Applicant Answer:

"I have allowed the president of Jordan on the James to contact Timmons Group (Derrick Johnson) in regards to their concern about Lake Sims and from my understanding Derrick did not think that the property drained into Lake Sims but he was going to confirm that for her."

16. Public Comment/Concern: What signs are allowed?**Staff Answer:**

The recommended conditions limit the signage for the business to the existing monument signs only.

17. Public Comment/Concern: Could the owner change out the existing monument signs for bright LED electronic message boards?**Staff Answer:**

The owner would not be permitted to install electronic message boards (EMB) into the existing monument signs because this would be viewed as replacing the existing signs rather than re-facing them.

Staff has recommended a condition which affirms this and limits any lighting of the signage to soft spotlighting.

18. Public Comment/Concern: Would banners be allowed along the roadway?**Staff Answer:**

Banners along the roadway would generally not be permitted. No signs are permitted in the right-of-way. Any temporary signs are limited to 4 square feet and are only permitted on a temporary basis for a seasonal or other brief activity and have to be removed after the event.

Summary of PC Public Hearing for SE-22-07 on October 27, 2022

Discussion before and after the Public Hearing

Michael Lafayette (attorney for applicant)

- Discussed how applicant agreed to some changes to conditions earlier in the day, and discussed each change.
- Asked the PC to consider increasing the 12 special events per year to a 24 special events per year. He expressed concerns with limiting them to only one special event per month (on average). Their goal is to make this location a viable business.
- Agreed to update conditions to prohibit ATVs from using the trails on the property.
- Stated that the applicant did not agree to all the conditions suggested by Beverly Rogers in discussions before the meeting.

Tim Graves (staff contact for SE-22-07)

- Explained criteria for a Special Event Permits. For example, events that have an admittance fee, outdoor music, entertainment, etc. and do not apply to weddings, receptions, etc.
- Stated that if the Commissioners wished to change the number in the Draft Ordinance, they could, however Staff purposefully suggested 12 as a limit after considering all the factors.
- Answered a question: There was no restriction placed on the number of special events per year for Barns of Kanak (example of recent assembly hall venue elsewhere in the County) and they have not applied for any Special Events Permits.
- Answered a question: Had been any problems with the Holy Mackerel restaurant? There have been some issues with parking, primarily relating to building code compliance and the small size of the property, but the Community Development office is working with the owner separately on those issues.
- Stated that staff did not receive the suggested changes to conditions from Beverly Rogers prior to the meeting and therefore had no opinion at that time on the suggestions.

Summary of Public Hearing Comments

General Comments:

1. General support for the project with no further limitations (5 people)
2. General concern about noise from events? (1 person)

Applicant Answer:

Regarding the Noise Ordinance concern at the location:

- a. The hours of operation are in compliance to the Noise Ordinance.
- b. The regulations will be followed.

Staff Answer: Per recommended conditions (and in accordance with the County's Noise Ordinance), all outside events must end or be moved inside at 10pm.

3. Consider increasing the number of Special Events allowed per year or otherwise reducing restrictions (3 people)

Staff Answer: Staff is recommending that events that are considered Special Events by the County Code be limited to 12 a year. If Special Events occur on a regular basis on this property, that would constitute a land use above and beyond what the applicant has requested (County club). It would be more accurate to classify such as a use under a different land use category similar to an "outdoor

events venue”, which should be considered separately from a country club request. Most outdoor special events are not held during the winter months, so the 12 events would most likely be held primarily during the spring/summer timeframe. For comparison, Staff researched venues in the County that hold regular Special Events and the most used venue (Appomattox Boat Harbor) held an average of 11.6 Special Events per year (the Harbor Blast series) over the last three years. The Boat Harbor is in a commercial/business/industrial zoned area, while the subject property for this Special Exception is zoned residential and surrounded by residential uses.

Staff is recommending against allowing 24 outdoor special events a year at this time based on the following:

- This is primarily a residential area
- The current facility has an indoor banquet hall that can accommodate events inside rather than outside under Special Events
- Traffic generated by multiple Special Events a month is higher than traffic for a country club
- 24 Events each year could be concentrated in just the spring/summer months and prove disruptive to the surrounding residential areas
- The stated business goal for this application is a private County Club with recreational activities, not a public outdoor event venue.

4. Consider allowing walking and bike trails even when not associated with golf course activities. (1 person)

Staff Answer: Multi-use trails are not permitted in the R-1 zoning district unless at a public park or part of another permitted use (such as country club / golf course). Furthermore, if there was not an active main use of the property, it would be unlikely that the landowner would be interested in taking on the associated liability risk and maintenance costs to maintain the trails for visitors’ use. For these reasons, Staff considers the multi-use trails as part of the golf course and country club land use and recommends a condition that clearly states that the trails are only allowed if there is an active country club and/or golf course on the property.

5. Prohibiting ATVs would be a positive change (1 person)

Staff Answer: Staff has revised the conditions to prohibit all ATVs in accordance with the wishes of the public and the applicant.

Comments about Traffic:

1. General concerns about traffic volume, turn lanes and/or safety related to traffic (6 people)

Staff Answer: Staff is recommending a condition to require that a Turn Lane Warrant Analysis (TLWA) be completed once the business is in operation and the developer will need to install any required improvements, or otherwise exclude some uses from the property, or reduce the scale of some activities. Staff has clarified in the condition that the TLWA will need to be updated over time for any new uses that were not included in original analysis.

Applicant Answer: Regarding the traffic concerns on Jordan Point Road

- a. The applicant would be in favor of a speed reduction.
- b. VDOT stated there is no need for turn lanes at this time at this property.
- c. The applicant agreed to a Traffic Warrant Analysis. He has also agreed to install turning lanes in three years, if required.
- d. The County Code, regardless of any conditions on the special exception, already provides for multiple opportunities to revisit the traffic analysis over time.

2. The Comp Plan recommends a TIA be performed when a development is expected to generate over 250 vehicles per day. The numbers provided by applicant indicate the potential for 273 trips per day generated by the golf course alone, yet no TIA was required. (1 person)

Staff Answer: The Comprehensive Plan recommends that “traffic impact studies” be required “for all new development that is expected to generate or attract over 250 vehicles per day”. Average daily traffic (ADT) for a 9-hole golf course is expected to be 273 trips. A textbook ADT number is not available for a country club use, but based on peak traffic estimates, it could be expected to be similar to the golf course number. The applicant has stated he has no immediate plans to open or operate the golf course. Staff is recommending that a TLWA serve as the traffic impact study for this project.

3. A Turn Lane Warrant Analysis (TLWA) is not required unless there is submission of a site plan, however, there is the potential that uses may occur on the property that do not require a site plan. (1 person)

Staff Answer: Staff has recommended that a TLWA be completed for the proposed uses even though no site plan is required (because there is no physical development proposed at this time).

4. Suggestion to monitor the TLWA each time a new use is proposed that was not included in the original analysis. (1 person)

Staff Answer: This was Staff’s original intent and this has been clarified in a revised condition.

Comments about Water quality:

1. General concerns about water quality impacts from runoff into Billy’s Creek, Lake Simms and the James River. (3 people)

Applicant Answer: Regarding the water quality concerns of Simms Lake:

- a. A large portion of the property drains into the lake and the other portion into the river. The golf course has always drained into the lake, even before Jordan on the James and Eagle Preserve were developed.
- b. The applicant has agreed to use eco-friendly fertilizer.
- c. Any land disturbance over 2,500 sq ft would require a site plan. All water quality regulations would be addressed in the site plan.

Staff Answer: Any new development or any land disturbance over 2,500 sq ft would require a site plan. All water quality regulations would be enforced at the time of site plan review. Staff also has recommended a condition for the applicant to provide a Nutrient Management Plan prior to opening a golf course.

Suggested revised conditions from both the Applicant and the Public:

All suggested revisions were reviewed by staff and everything was incorporated into the revised conditions except the following condition suggested by Beverly Rogers as new Condition #9(e):

“Any golf course shall be constructed and/or retrofitted to comply with the best management practice recommendations of the Virginia Chapter of Golf Course Superintendents Association of America. Prior to opening a golf course or prior to any activity to prepare a golf course for use, water quality protection plans prepared by a certified golf course architect/engineer licensed by the State of Virginia shall be submitted to the Planning Department. Prior to opening a golf course, the architect/engineer shall provide certification that the course complies with the plans.”

Staff is not recommending inclusion of this condition. The document referenced is an Optional Design Guidance document for Virginia golf courses produced by a private entity/organization. This would be difficult for local enforcement by Planning staff, and may actually be in conflict or differ from mandated State and local regulations/ordinances concerning erosion and sediment control measures and Best Management Practices. Staff is recommending that the State and local regulations (those currently in place and as modified in the future) be used for design and enforcement for a potential future golf course.



County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

DO I NEED A PERMIT FOR MY EVENT?

A permit must be obtained prior to having a "Special Event" in Prince George County. This form is designed to assist in determining if a particular event qualifies as a Special Event. The County Code defines a Special Event as follows:

Special Event- a gathering of persons to be held in open space not within a permanently enclosed structure for the purpose of listening to or participating in music, or listening to or participating in entertainment that is open to the public or which results in revenue through donations or ticket sales. "Entertainment" includes but is not limited to fairs, carnivals, circuses, fund raisers, exhibitions, performances, rides, races, parades, marches, events, concerts, celebrations, tours, shows, outdoor dances and fireworks displays.

The following is a list of some events that are not considered Special Events and **DO NOT** require a permit:

County or School sponsored events; yard sales; flea markets; family reunions; private parties; athletic tournaments; outdoor weddings/receptions; pep rallies; business grand openings; indoor events (in buildings designed for assembly purposes)

Please answer the following questions to determine if your event qualifies as a "Special Event":

1. Is the event held in open space (outdoors; not within a permanent enclosed structure)?
☐ YES or ☐ NO (If NO, the event does not require a permit) (If YES, continue to #2)
2. Does the event include "Music or Entertainment" (See above for examples of "Entertainment")?
☐ YES or ☐ NO (If NO, the event does not require a permit) (If YES, continue to #3 and #4)
3. Is the event open to the public?
☐ YES or ☐ NO
4. Will the event result in revenue through donations or ticket sales?
☐ YES or ☐ NO

If you answered YES to question #3 OR #4, your event is a "Special Event" and will require a permit. Please complete the "Prince George County Special Event Permit Application". Submit the application and payment for the \$25.00 permit fee to the Department of Community Development and Code Compliance at least 30 days prior to the event date.

A Special Event Permit (if requested) may be issued for up to three (consecutive) years for a recurring event so long as there are no material changes in the event.



Prince George County

Special Events Ordinance

*How does this
affect you and your
organization and
what is required?*

On June 12, 2012, Prince George County adopted a Special Events Ordinance that requires anyone holding an outdoor event involving entertainment that is open to the public or when an admission charge or donation is required must obtain a permit in advance of the event. Various Prince George County departments will review applications and all applicants must comply with conditions relating to safety and protection of surrounding property.

Most localities have some variation of a special events permit ordinance requiring that a permit be obtained prior to holding outdoor events open to the public. This ordinance would not apply to County or school-sponsored events or family reunions, family weddings, etc., because those activities do not sell tickets or are not open to the public. Included in this brochure is the ordinance outlining what is required.

Article II: Special Events

Sec. 58-30. Permit required.

Any sponsor of a special event or a landowner where the special event is to occur, to be held in the County, must obtain a special events permit issued by the County Administrator or designee in accordance with this Article. Such permit shall be in a form determined by the Director of Community Development and Code Compliance, shall reference applicable conditions and shall be posted at the event.

Sec. 58-31. Definition of special event.

A special event means a gathering of persons to be held in open space not within a permanently enclosed structure for the purpose of listening to or participating in music, or listening to or participating in entertainment that is open to the public or which results in revenue through donations or ticket sales. "Entertainment" includes but is not limited to fairs, carnivals, circuses, fund raisers, exhibitions, performances, rides, races, parades, marches, fireworks, events, concerts, celebrations, tours, shows and outdoor dances.

Sec. 58-32. Application.

A completed written application for a special events permit must be filed with the County Administrator no later than 30 days prior to the event on an application form prepared by the County Administrator or designee. The County Administrator or designee may issue a continuing permit for up to three consecutive years so long as there are no material changes in the event.

Sec. 58-33. Application fee.

A special events permit fee of \$25.00 per event per year shall be paid to the County upon filing. Such fee may be waived in whole or in part by the Board of Supervisors if such event is for the purpose of raising funds to assist a Prince George charitable cause.

Sec. 58-34. Exemptions.

This article shall not apply to County or School-sponsored events.

Sec. 58-35. Contents of application.

Each application for a special events permit shall include the following:

- (a) The name and address of the applicant, the nature of the event and the applicant's interest in the event.
- (b) The name and address of each promoter of the event, each financial sponsor of the event, and every person or group who will perform at such event.
- (c) The dates and location of the event and the time of the event including set up and clean up periods.
- (d) The location where the event will be held, and the name and address of the owner of the property on which the event is to be held.
- (e) If available, a copy of the ticket or badge of admission to the event, together with the total number of tickets to be offered for sale and the applicant's best estimate of the number of persons expected to attend the event.
- (f) A plan for adequate sanitation facilities and a plan for disposal of garbage, trash and sewage generated by the persons who will attend the event. Such plan shall include provisions for removal from the special event area of garbage and trash at the end of the event and shall include the names of the persons responsible for the work.

- (g) A plan for providing food, water and lodging, where applicable, for persons who will attend the event.
- (h) A plan for medical facilities to be available for persons who will attend the event.
- (i) A plan for fire protection for the event.
- (j) A plan for adequate parking facilities, crowd control and traffic control in and adjacent to the event area. The chief of police shall review such plan and shall be the sole judge of its adequacy.
- (k) A plan for adequate security to prevent personal injury to event attendees and damage to property. Such plan shall specify the amounts and types of insurance and who will obtain insurance to insure against injury or damage. If the event will be held on public property, each insurance policy shall name the County or Schools as coinsured and certificates of insurance in an amount and form approved by the County Attorney, shall be delivered to the County Administrator at least 14 days prior to the event. The chief of police shall review such security plan and shall be the sole judge of its adequacy.
- (l) If any outdoor lights or lighting will be used, a plan for the location of such lights, and the location and types of equipment intended to shield the lights to prevent unreasonable impact beyond the property on which the event will be located.
- (m) A plan to insure that the event will comply with the County noise ordinance and to insure that the special event will not constitute a nuisance to adjacent property owners.
- (n) A statement signed by the applicant and property owner which authorizes the county and its lawful agents, employees, designees or law enforcement officers to enter the property upon which the event will be held at any time prior to or during the event for the purpose of determining compliance with the provisions of this article or any state and local statutes, ordinances and regulations.

Sec. 58-36. Deposit.

The County Administrator may require the applicant to make a deposit with the Treasurer to pay for the cost of county services to meet the requirements of the approved application. The actual cost of such services shall be paid to the county from the deposit and any difference shall be refunded to the applicant.

Sec. 58-37. Other requirements for special events.

Nothing contained in this article shall relieve the applicant or any other persons engaged in a special event from other requirements of the County Code or state law, including, but not limited to, requirements relating to licenses, amusements, zoning, building requirements for temporary structures, inspections and permitting of rides.

Sec. 58-38. Violations; penalties.

- (a) Any person who violates any provision of this article or the permit shall be guilty of a misdemeanor and, upon conviction shall be punishable by a fine not to exceed \$500.00. Each day of violation of any provision of this article shall constitute a separate offense.
- (b) The County may institute a suit to restrain, enjoin or otherwise prevent a violation of this article.



Additional information can be obtained by contacting the Office of Community Development and Code Compliance at (804) 722-8659 or the Prince George County Police Department at (804) 733-2773.



SPECIAL EXCEPTION 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-22-07

DATE SUBMITTED:

OCT 17 2022

BY: TWG

APPLICANT FILL-IN ALL BLANKS

Original Application Date:
June 7, 2022

REQUEST:

Special Exception

REQUEST PROPERTY ADDRESS / LOCATION:

1100 Jordan Point Rd PG VA 23860

REQUEST TAX MAP PIN(S): (List all)

040(02)00-001-0
040(0A)00-003-A
140-(08)00-00A-1

040(0A)00-002-A
040(02)00-001-A

AFFECTED ACREAGE
(Each parcel):

ENTIRE PARCEL (Y/N)
- Each parcel):

✓

ATTACHMENTS (Check if Attached; * = Required):

☒ APPLICANT STATEMENT* (Specify goals, details, etc.)

☐ COMMUNITY MEETING SUMMARY

☐ PROPOSED CONDITIONS

☒ ADDITIONAL ATTACHMENTS:

☒ SITE LAYOUT SKETCH OR CONCEPTUAL SITE PLAN*

(Show proposed improvements; Use GIS or Engineer Drawing)

NAME(S):

MAILING ADDRESS: (Incl. City, State, Zip):

E-MAIL:

PHONE:

NAME(S): If different than owner):

RELATION TO OWNER:

MAILING ADDRESS: (Incl. City, State, Zip):

E-MAIL:

PHONE:

OFFICE USE ONLY (Completed at the time of application)

ZONING DISTRICT(S):

R-A & R-1

LAND USE(S) CODE REFERENCE(S):

multiple - see Staff Report

FEE DUE:

Special Exception: \$700
Special Exception Home Occ: \$350

FEE PAID:

\$700

PAYMENT TYPE:

☒ CHECK / CASH / CREDIT / DEBIT

CHECK # / TRANSACTION #:

6515 / INV 2258

DATE RECEIVED:

6/24/22

RECEIVED BY:

TWG

OWNER AFFIDAVIT

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:

Thab Atallah

NAME:

SIGNED:

PG Jordan Point LLC

SIGNED:

DATE:

10-12-22

DATE:

NOTARIZATION:

STATE OF VIRGINIA

COUNTY OF:

Prince George

Subscribed and sworn before me this

17th day of October, 20 22.

Notary Public

My Commission expires:

4-30-, 20 25



AFFIDAVIT

COUNTY OF PRINCE GEORGE
COMM DEV & CODE COMPLIANCE
PO BOX 156
6602 COURTS DR
PRINCE GEORGE, VA 23875-0156
(804) 722-8750
Welcome

19997364-0001 Tim G. 06/24/2022 10:56AM

EG INVOICE

ATALLAH, IHAB

2022 Item: INV-00002258

Special Exception

Request 700.00

700.00

Subtotal 700.00

Total 700.00

CHECK 700.00

Check Number 6515

Change due 0.00

Paid by: ATALLAH, IHAB

Thank you for your payment

CUSTOMER COPY

Application by Ihab Atallah
Former Jordan Point Golf and Country Club
Prince George County, Virginia
June 7, 2022

Ihab Atallah (the “**Applicant**,”) is submitting this application for the purpose of a special exception for an existing commercial location name to be determined (the “**Project**.”) The special exception for this property is necessary and further required in order to operate this property for multiple commercial uses. The said applicant is seeking a special exception for the Project to accommodate and help facilitate the proposed uses.

The proposed property included in the zoning request consist of approximately 143 acre parcel located in District Two of Prince George County, Virginia, located on Jordan Point Road between Route 10 and Route 5 (the “**Property**,”) formally the Jordan Point Golf and Country Club. This can be seen in the attached conceptual plan date 3 May, 2022. The property tax map parcels are 040(02)00-001-0, 040(0A)00-003-A, 140(08)00-00A-1, 040(0A)00-002-A, 040(02)00-001-A. The current zoning of the Property is R-A residential- agricultural and R-1 limited residential and partially wooded with several existing structures.

Project Description

The purpose of this project is to reactivate a once thriving established Country Club. We look to revitalize this location and give families and community members a place to enjoy the beauty of Prince George and Jordan Point while offering activities to encourage health and wellness such as biking trails, pickle ball courts, driving ranges, dog park, a Country Club and an already beautiful backdrop to host events such as weddings, receptions ect.. Our goal is enhance an already wonderful area and give locals a place to create memories and build relationships while improving quality of life.

STATEMENT OF PROFFER
SPECIAL EXCEPTION

Pursuant to Article XVIII of the Prince George County Zoning Ordinance, Ihab Atallah do hereby voluntarily proffer, as the applicant and prospective owner of the property (the "Property") respectively, which is the subject of this special exception request, that the development of the Property shall be in strict accordance with the following conditions set forth in this submission:

We present the following proffers for the former Jordan Point Gold and Country Club 1100 Jordan Point Rd Prince George, Virginia on tax map parcels 040(02)00-001-0, 040(0A)00-003-A, 140(08)00-00A-1, 040(0A)00-002-A, 040(02)00-001-A:

1. The development of the property shall substantially conform to the conceptual plan entitled, "Former Jordan Point Golf and Country Club," prepared by Ihab Atallah, dated June 7, 2022.
2. Country Club utilizing existing structures
3. Driving Range existing located near main entrance of property
4. Bike trails utilizing already existing golf cart pathways
5. Weddings events and receptions to be held in already existing country club structures on property

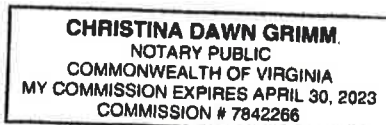
I hereby acknowledge that the Special Exception gives rise to the need for these conditions.

 Date: 6-7-22
Signature

I Christina Dawn Grimm - a Notary for the State of Virginia, do verify that the foregoing instrument was signed before me this the 7th day of June, 2022.

April 30th, 2023
My Commission Expires

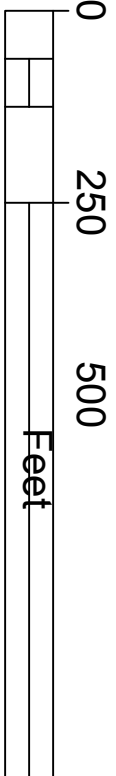
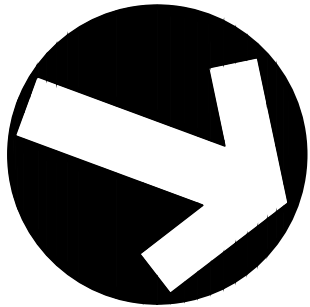
Christina Dawn Grimm





Special Exception Exhibit

1100 Jordan Point Rd - July 20, 2022



TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

Summary of Trip Generation Estimates Received from Applicant Team

The re-opening of Jordan Point Golf Club, exclusive of the golf course itself, will include the following:

1. The existing club house (~ 5,000 SF)
2. Tennis courts (4)
3. Driving range
4. Pool

Per the ITE *Trip Generation Manual, 11th Edition* the land use code that most closely aligns with the aforementioned uses is Athletic Club (ITE Code 493).

Using the data provided and the club house SF as the independent variable, the projected trip generation estimate for the site is as follows:

1. Daily Traffic (ADT) – Not provided*
2. AM Peak Traffic – 16 trips (10 enter, 6 exit)
3. PM Peak Traffic – 31 trips (19 enter, 12 exit)
4. Saturday Peak Traffic – 43 trips (21 enter, 22 exit)

For a 9-hole golf course –

- Daily traffic (ADT) – 273 trips
- AM Peak – 16 trips (13 enter, 3 exit)
- PM Peak – 26 trips (12 enter, 12 exit)

** No daily traffic estimate was provided for the Athletic Club because that information is not available through the ITE Trip Generation Manual. Even if a membership number is provided, that independent variable only allows us to calculate a PM peak volume. Basically, a daily traffic volume is not available for an Athletic Club.*

Information provided by:

Scott Dunn, AICP, PTP

TIMMONS GROUP

Office: 804.200.6955 | Mobile: 804.402.0830



County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

October 14, 2022

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, October 27, 2022 beginning at 6:30 p.m.** to consider the following request that involves the Prince George County Zoning Ordinance:

SPECIAL EXCEPTION SE-22-07: Request of PG 1100 Jordan Point LLC to permit a country club with golf course and other recreational activities within a R-A (Residential-Agricultural) Zoning District pursuant to Prince George County Zoning Ordinance Sections 90-103(3) and 90-103(22), and in a R-1 (Limited Residential) Zoning District pursuant to Section 90-203(1). The subject property, formerly known as the Jordan Point Golf Course and Country Club, is approximately 143 acres in size, located at 1100 Jordan Point Road, and consists of Tax Parcels 040(02)00-001-0, 040(02)00-001-A, 040(0A)00-002-A, 040(0A)00-003-A, 140(08)00-00A-1. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses.

The public hearing will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday–Friday. All interested persons are invited to participate in the public hearings in person. A live video stream will be available at https://www.princegeorgecountyva.gov/live_stream/. Public comments can be submitted prior to 4:30 p.m. on the public hearing date. Public Comment submittal forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountyva.gov>.

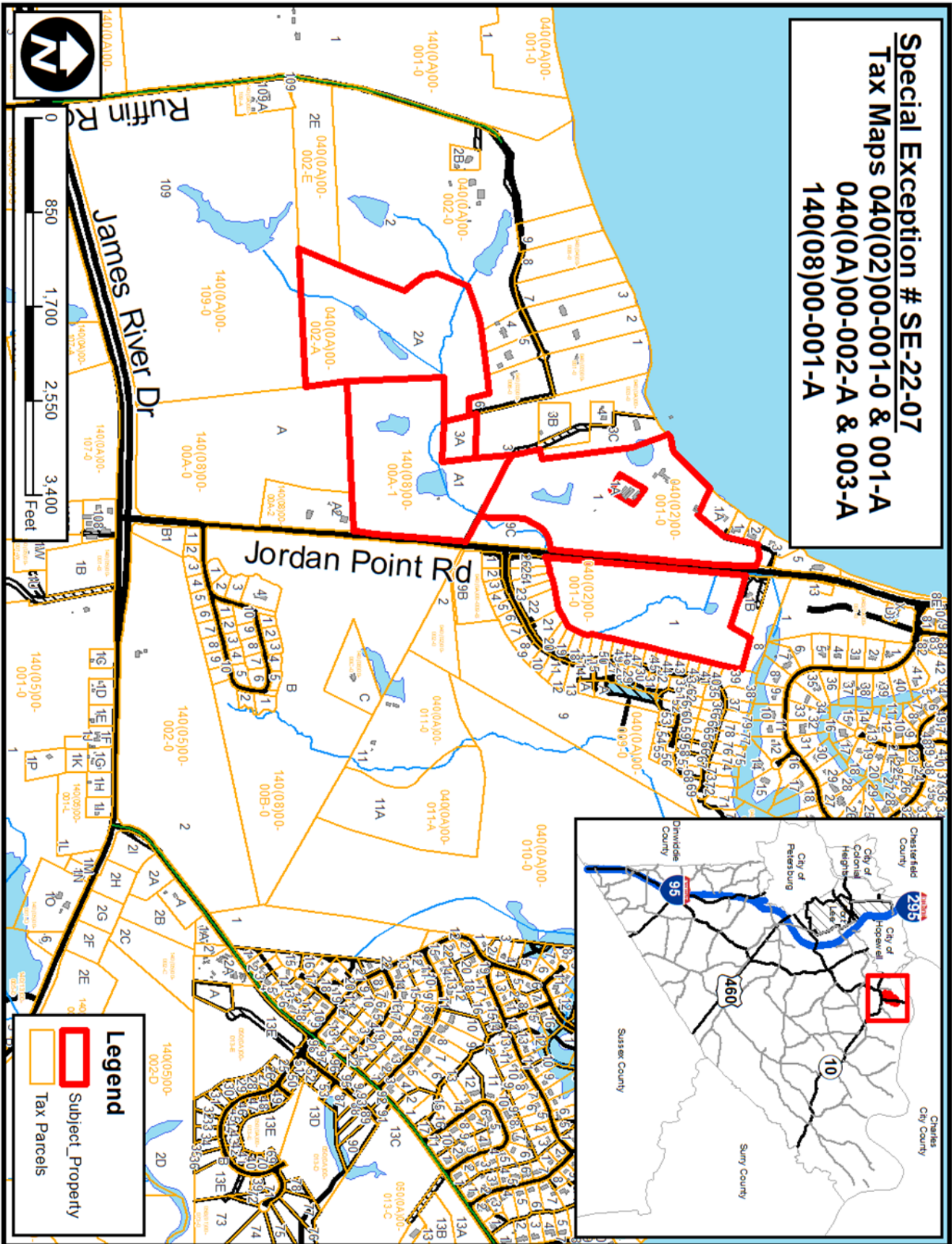
You may also contact Planning and Zoning Division at (804)722-8678 or by e-mail at planning@princegeorgecountyva.gov with any questions prior to the scheduled meeting. We have included a GIS Map showing the general location of the request.

Sincerely,

A handwritten signature in blue ink that reads "Tim Graves".

Tim Graves
Planner

Special Exception # SE-22-07
Tax Maps 040(02)00-001-0 & 001-A
040(0A)00-002-A & 003-A
140(08)00-001-A



BACCICH EDWARD R
98 ROBERT BEATY RD
JOMESTOWN, TN 38556

BALAZIK MARTIN V JR
17101 ROYALTON RD
AMELIA COURTHOUSE, VA 23002-4343

CATHRIGHT KATYCA ZYNETA
1050 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

COHEN ANTHONY A
960 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

DAVIDSON CLEMMIE
1280 EAGLE PL
NORTH PRINCE GEORGE, VA 23875

HORNE LINDSEY R
1398 JORDAN POINT RD
NORTH PRINCE GEORGE, VA 23860

PG 1100 JORDAN POINT LLC
1100 JORDAN POINT RD
HOPEWELL, VA 23860

MAYFIELD VERNON L
1090 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

MCCHESNEY JOANNE B
1402 JORDAN POINT RD
NORTH PRINCE GEORGE, VA 23860

MOLDESTAD ANGELA
1110 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

NEELY JOANN B
PO BOX 356
PRINCE GEORGE, VA 23875

PARKER BRIAN C
1200 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

PATTERSON II RAYMOND L
1380 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

PETERSON TORSTEN E JR & CAROL ET
ALS
1600 BEECHWOOD DR
NORTH PRINCE GEORGE, VA 23860

PETERSON TORSTEN E JR & CAROL H
1712 JORDAN POINT RD
NORTH PRINCE GEORGE, VA 23860

SAMS THOMAS
1310 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

SMITH TERENCE
1260 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

CURTIN KENNETH & ROBIN
9771 JAMESCREST DR
NORTH PRINCE GEORGE, VA 23860

SWILLEY STEFFOND SR
1030 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

TAYLOR SALLY R
818 JORDAN POINT RD
NORTH PRINCE GEORGE, VA 23860

ANDERSON JUANITA M
1330 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

WILSON NORWOOD W III
506 CENTRAL TER
HOPEWELL, VA 23860

BATCHELOR ARCHIE D & SHEILA D
810 JORDAN POINT RD
NORTH PRINCE GEORGE, VA 23860

VARON TODD & EVA CARMONA
12300 HUNTERS GLEN TER
GLEN ALLEN, VA 23059

BROWN DELON & RAYMOND
1240 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

BROWN ARTHUR & VERA R
1395 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

CHERRY WILLIAM T JR & ANGELA
1180 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

CUDDIHY JR JAMES E & BONNIE H
2499 CHANTILLY DR
FANCY GAP, VA 24328

DIBLER KRISTIN & MARK
1010 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

FLOWERS TORELL & SHANIKA L
1360 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

GROVER KENNETH & KASIE
1130 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

LONG WAYNE A & STACEY E
900 JORDAN POINT RD
NORTH PRINCE GEORGE, VA 23860

MAYS MICHAEL SR & KYLA J
1070 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

MCDONOUGH STEPHEN & REBECCA W
1315 RUFFIN RD
NORTH PRINCE GEORGE, VA 23860

MOSLEY DAVID A & JEANETTE B
9751 JAMESCREST DR
NORTH PRINCE GEORGE, VA 23860

NESHELAAR WILHELM & SHANNA
811 JORDAN POINT RD
NORTH PRINCE GEORGE, VA 23860

PYLE JOHN M & DEBRA B
9881 JAMESCREST DR
NORTH PRINCE GEORGE, VA 23860

TURNBULL ANGELA N & TYRONE N
980 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

WASHINGTON ANDRE L & DEMETRIA W
1340 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

WHITTLE JOSEPH P JR & MARGARET N
1122 JORDAN POINT RD
NORTH PRINCE GEORGE, VA 23860

WILKINS GILMAN D & MICHELLE D
990 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

WRIGHT KATHALEEN & SPENCER 4TH
1150 EAGLE PL
NORTH PRINCE GEORGE, VA 23860

**PUBLIC NOTICE
PRINCE GEORGE COUNTY**

Notice is hereby given to all interested parties regarding the following public meeting: The Prince George County Planning Commission will hold public hearings on Thursday, October 27, 2022 beginning at 6:30 p.m. concerning the following requests:

SPECIAL EXCEPTION SE-22-07: Request of PG 1100 Jordan Point LLC to permit a country club with golf course and other recreational activities within a R-A (Residential-Agricultural) Zoning District pursuant to Prince George County Zoning Ordinance Sections 90-103(3) and 90-103(22), and in a R-1 (Limited Residential) Zoning District pursuant to Section 90-203(1). The subject property, formerly known as the Jordan Point Golf Course and Country Club, is approximately 143 acres in size, located at 1100 Jordan Point Road, and consists of Tax Parcels 040(02)00-001-0, 040(02)00-001-A, 040(0A)00-002-A, 040(0A)00-003-A, 140(08)00-00A-1. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses.

SPECIAL EXCEPTION SE-22-10: Request of Robert and Tonya Dempsey to permit a Home occupation within an accessory building within a R-A (Residential Agricultural) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-103(53). The purpose of the request is to open a car repair shop as a home-based business on a residential property. The subject property is approximately 4.18 acres in size, located at 19725 Carson Ruritan Road and is identified as Tax Map 620(0A)00-035-E. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Agricultural uses.

REZONING RZ-22-02: Request of Jeff Oakley, Robert Forehand Jr., and Buckingham Pines, LLC to rezone a total of +/- 18.2 acres, including +/- 13.2 acres zoned M-1 (Limited Industrial) District and +/- 6 acres zoned R-2 (General Residential) District and R-A (Residential Agricultural) District, to M-2 (General Industrial) District, to accommodate existing and future industrial land uses. The subject property consists of eight (8) tax parcels located on the north and south sides of Harvest Road within an existing industrial park, presently identified as Tax Maps 240(0A)00-069-0, A, B, F, G, K, L, and M. The Comprehensive Plan Future Land Use Map indicates that the land underlying all affected tax parcels is primarily planned for Industrial uses.

COMPREHENSIVE PLAN AMENDMENT CPA-22-02: Request of Prince George County to amend the Comprehensive Plan Future Land Use Map designation for a specific property from Residential to Commercial. The subject property, approximately 2.18 acres in size, is identified as Tax Map 430(03)00-00B-0 and addressed as 11800 South Crater Road. The purpose of the amendment is to update the Future Land Use Map to be consistent with the County's Exit 45 Strategic Plan, which calls for restaurant or retail business development on the subject property.

REZONING RZ-22-03: Request of Prince George County to rezone approximately 2.18 acres from R-1 (General Residential) District to B-1 (General Business) District. The purpose of the rezoning is to attract a restaurant or retail business in accordance with the County's Exit 45 Strategic Plan. The subject property is located on the west side of South Crater Road and was

formerly occupied by the Continental Motel, addressed as 11800 S. Crater Road, before its demolition in 2022. The subject property is identified as Tax Map 430(03)00-00B-0. The Comprehensive Plan Future Land Use Map indicates the property is planned for “Residential” development; however, the County has requested to amend the future use designation for this property to “Commercial”.

The public hearings will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday–Friday. All interested persons are invited to participate in the public hearings in person. A live video stream will be available at https://www.princegeorgecountyva.gov/live_stream/. Public comments can be submitted prior to 5:00 p.m. on the public hearing date. Public Comment submittal forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountyva.gov>.

Tim Graves
Planner
(804)722-8678

Begin

TAB 5

SPECIAL EXCEPTION REQUEST – SE-22-11
PLANNING COMMISSION STAFF REPORT – November 17, 2022

RESUME

APPLICANT: Amelia & Jason Ruffin

PROPERTY OWNER: Same

REQUEST: Family day care home (large) to provide childcare services for up to 10 children in a single-family dwelling as a home occupation.

STAFF RECOMMENDATION: Staff recommends Approval, subject to the recommended conditions.

STAFF REPORT CONTENTS/

ATTACHMENTS

1. Resume
2. Sample Motions
3. Draft Ordinance for Board of Supervisors
4. Staff Report
5. Copy of the Application with Attachments
6. APO letter, map, mailing list, and newspaper ad

Sample Motions

APPROVE:

"I move to forward request SE-22-11 to the Board with a recommendation for APPROVAL, subject to the recommended conditions in the Staff Report, and the reason(s) for this recommendation is/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 _____

APPROVE WITH CHANGES:

I move to forward request SE-22-11 to the Board with a recommendation for APPROVAL, subject to the following changes:

DENY:

I move to forward request SE-22-11 to the Board with a recommendation for DENIAL for the following reason(s): (SPECIFY)

POSTPONE:

I move to POSTPONE request SE-22-11 until _____ to allow time for _____
(MEETING DATE)

(ACTION/EVENT)

Board of Supervisors
County of Prince George, Virginia

DRAFT Ordinance

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this ____ day of ____, 2022:

Present:

Marlene J. Waymack, Chair
Donald R. Hunter, Vice-Chair
Floyd M. Brown, Jr.
Alan R. Carmichael
T. J. Webb

Vote:

SPECIAL EXCEPTION SE-22-11: Request of Jason and Amelia Ruffin to permit a Family day care home (large) within a Limited Residential (R-1) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-203(3). The purpose of the request is to provide child care services for up to 10 children at a time as a home occupation within an existing single-family dwelling. The subject property is approximately 0.368 acres in size, located at 4481 Branchester Parkway, and is identified as Tax Map 13H(04)0I-011-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-22-11 is granted as an amendment to the official zoning map with the following conditions:

1. This Special Exception is granted to Jason & Amelia Ruffin for the following use on Tax Map 13H(04)0I-011-0: Family day care home (large), pursuant to Section 90-203(3), for the purpose of providing care services for up to ten (10) children as a home occupation accessory to a single-family dwelling.
2. Hours of operation shall be limited to 8am to 5pm on Monday through Friday, with up to 30 additional minutes allotted for pickup and dropoff of children at the beginning and end of each business day.
3. One (1) person may be employed for on-site assistance, in addition to the occupant(s) of the dwelling.
4. The owner(s) and any employee shall park in the on-site driveway during business hours.
5. Vehicles may use street parking for pickup and dropoff of children.
6. The business operator shall maintain all required licenses including a license from the Virginia Department of Social Services based on the number and age of children cared for.
7. No permanent signage shall be permitted for the business.
8. The applicant shall take the appropriate measures to ensure compliance with the County Noise Ordinance of the Code of the County of Prince George County, as adopted.

9. The Special Exception shall become null and void if the use is abandoned for a period of twenty-four 24 consecutive months.
10. This Special Exception is renewable or transferrable to future owners only by approval of the Board of Supervisors without a public hearing so long as there are no deviations from the conditions.
11. 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 _____, 2022 and becoming effective immediately.



PLANNING COMMISSION STAFF REPORT

Public Hearing November 17, 2022

SE-22-11 – Home childcare for up to 10 children

Applicant: Amelia and Jason Ruffin

Case Manager: Tim Graves - (804)722-8678

I. Request

Amelia Ruffin would like to provide childcare services for up to ten (10) children at her existing house in Branchester Lakes Subdivision.

A special exception is required to provide care for more than four (4) children at a home.

II. Property

Address: 4481 Branchester Parkway

Tax Map: 13H(04)0I-011-0

Site Size: 0.368 acres

Legal Owner: Amelia & Jason Ruffin

RE Taxes Paid?: Yes

Zoning District: R-1 Limited Residential

Current Use(s): Single-Family Dwelling, Home Child Care up to 4 children

Comp Plan Land Use: Residential

Planning Area: Prince George Planning Area

Previous Zoning Cases: N/A

Figure 1: Aerial view of request property (2020)

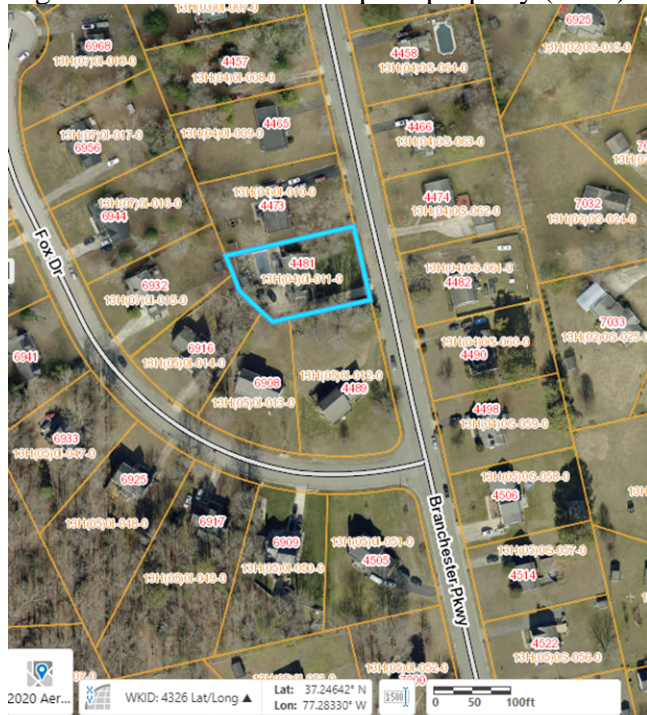


Figure 2: Photo (Google Street View 2021)



III. Meeting Information

Planning Commission Public Hearing: November 17, 2022

Board of Supervisors Public Hearing: December 13, 2022 (Tentative)

IV. Background

- Applicant currently provides care for up to 4 children under existing by-right home occupation with a business license
- Applicant submitted a preliminary application identified as # PSE-22-11 on 6-24-22 and received a comment letter from staff. On 9-12-22 they submitted the formal application for this request.

V. Applicant Proposal

- Former teacher of Prince George County Schools for 10 years
- Already provides care for up to 4 children out of the house
- 1 employee/volunteer other than Amelia Ruffin
- Ages of children: 2 to 10 with a concentration on preschool-aged children (3-5 years old)
- Hours of care: 8am to 5pm, Monday to Friday
- Owner and employee park in driveway
- Pickup and dropoff of children occurs at the street
- Activities primarily occur in attached garage
- Backyard is play area

VI. Exhibits

Exhibit 1 – Aerial view of subject property



Exhibit 2 – Zoning Map

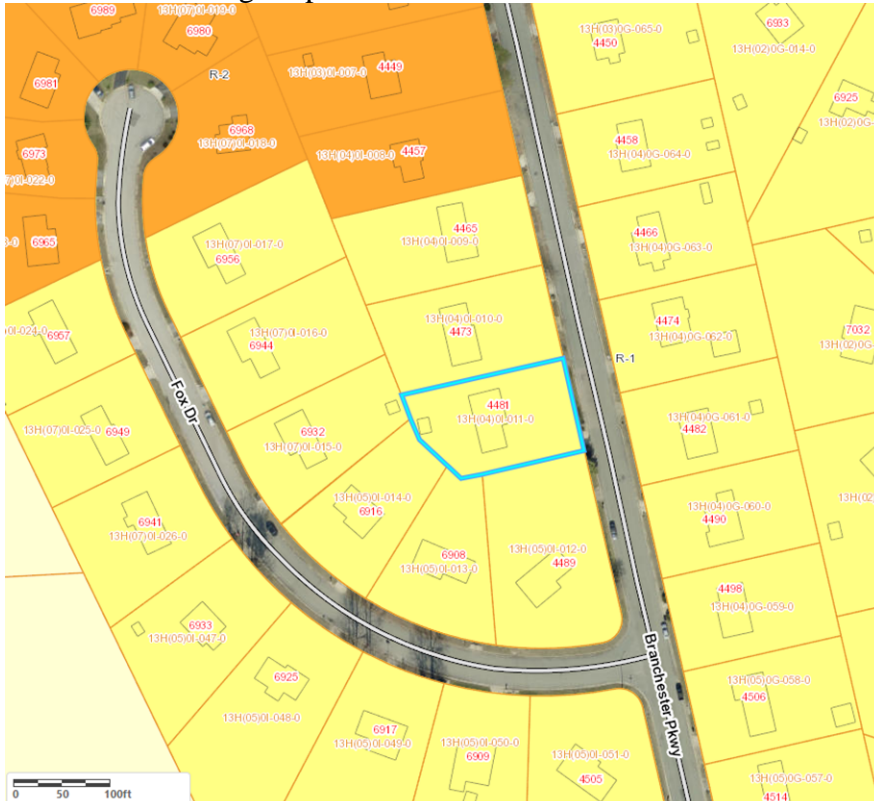


Exhibit 3 – Photo from the street (Google Street View 2021)



VII. Planning and Zoning Review Comments

1. The desired land use is classified as: “Family day care home (large)” – This land use is permitted by Special Exception pursuant to Section 90-203(3). This land use is defined as follows:
Family day care home means a dwelling unit in which the provider resides that is used to provide care, protection, and guidance to one through 12 children, exclusive of the provider's own children

and children who reside in the home, when at least one child receives care for compensation... A family day care home (large) may provide care for one to 12 individual children during any part of the 24-hour day and shall be governed by a license issued by the state department of social services, consistent with the provisions of Code of Virginia, § 15.2-229.

2. Zoning cases that currently affect the subject property: No zoning cases apply to property.
3. Other relevant zoning cases: The County approved a similar special exception in 2013 – case # SE-13-03, for up to 12 children at a house on Heritage Road.
4. Other zoning approvals required after the SE is approved: Home Occupation Zoning Approval for the expanded business
5. Compatibility with surrounding zoning districts: Compatible with residential uses
6. Compatibility with existing surrounding uses and future uses according to the Comprehensive Plan: Current and future planned surrounding uses are residential. The requested use appears to be compatible with the surrounding residential uses. The recommended conditions help ensure there is no significant change to the outside character of the property.
7. Expected impacts and mitigation for this request
 - a. Traffic (during pick-up and dropoff times) – Mitigation: Conditions limiting number of children, hours of operation, and pickup and drop off time periods.
 - b. Visual and Noise: Children playing in backyard – Mitigation: N/A assuming this is similar to a residential use.
8. Staff has recommended conditions to ensure that the activities are consistent with the statements in the application and that a license is maintained with the department of social services.

VIII. Supplemental Staff Review Comments

Building Inspections Division – Charles Harrison III, Building Official

1. The applicant must provide valid proof of VADSS licensure/registration for the requested location.
2. A new Certificate of Occupancy will be generated reflecting the occupancy amendments for this property.
3. The 2018 VUSBC allows a Family Day Home, licensed or registered by the Virginia DSS, to operate within a single family dwelling. The proposed increase in the number of children (4 children to 10) will not require an occupancy reclassification of the building and will not require a building permit. The classification of the building will remain R-5 (Single Family Dwelling) in accordance with the 2018 VUSBC.
4. The Family Day Home license and program oversight by the Virginia DSS must be maintained in order to operate this business.
5. Emergency planning and preparedness (emergency responder notification, fire safety and evacuation plans, monthly emergency evacuation drills, etc.) at this facility must comply with the current Virginia Statewide Fire Prevention Code (specifically sections 401 through 404). Annual inspections will be required and must be conducted by this Department.

Virginia Department of Transportation (VDOT) - Paul Hinson, Area Land Use Engineer

1. A low volume commercial entrance will be required for permanent access to the site for the proposed use. Low volume commercial entrances must demonstrate that stopping sight distance is provided at the proposed entrance and meet applicable standards. The existing entrance appears to meet VDOT standards for a low volume commercial entrance.
2. VDOT has no objection to the proposed special exception request.

The departments below reviewed this request and had no comments.

Environmental Division - Angela Blount, Environmental Program Coordinator

Utilities Department – *Rachael Lumpkin, Utility Project Engineer*

The departments below received a copy of this request and did not provide comments.

Fire & EMS Department – *Paul Beamon, Chief*

Economic Development – *Stacey English, Economic Development Specialist*

Real Estate Assessor – *Brian Gordineer, Real Estate Assessor*

Virginia Department of Health - *Alice Weathers, Environmental Health Specialist*

Police Department / Sheriff's Department – *Harold Shreves*

IX. Public Notice and Community Feedback

- Staff notified adjacent property owners by mailing prior to the public hearing.
- Staff ran the required legal ads for this request in the *Progress-Index* prior to the public hearing.
- No comments from the community were received prior to finalizing this report.

X. Staff Recommendation


Approval, subject to the recommended conditions in the section below.

This recommendation is based on the following considerations:

1. The applicant's request appears to be compatible with current and future surrounding land uses.
2. No negative feedback was received from adjacent property owners and community prior to publishing this staff report.
3. Staff has recommended the below conditions for this request which are intended to ensure applicable code requirements are met and limit any expected impacts on adjacent property owners and the surrounding community. The Applicant has reviewed and supports these conditions.

XI. Recommended Conditions

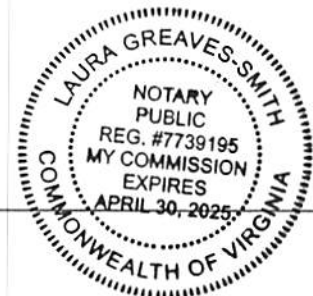
1. This Special Exception is granted to Jason & Amelia Ruffin for the following use on Tax Map 13H(04)0I-011-0: Family day care home (large), pursuant to Section 90-203(3), for the purpose of providing care services for up to ten (10) children as a home occupation accessory to a single-family dwelling.
2. Hours of operation shall be limited to 8am to 5pm on Monday through Friday, with up to 30 additional minutes allotted for pickup and dropoff of children at the beginning and end of each business day.
3. One (1) person may be employed for on-site assistance, in addition to the occupant(s) of the dwelling.
4. The owner(s) and any employee shall park in the on-site driveway during business hours.
5. Vehicles may use street parking for pickup and dropoff of children.
6. The business operator shall maintain all required licenses including a license from the Virginia Department of Social Services based on the number and age of children cared for.
7. No permanent signage shall be permitted for the business.
8. The applicant shall take the appropriate measures to ensure compliance with the County Noise Ordinance of the Code of the County of Prince George County, as adopted.
9. The Special Exception shall become null and void if the use is abandoned for a period of twenty-four 24 consecutive months.
10. This Special Exception is renewable or transferrable to future owners only by approval of the Board of Supervisors without a public hearing so long as there are no deviations from the conditions.
11. 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.

	<h2 style="margin: 0;">SPECIAL EXCEPTION APPLICATION</h2> <p style="margin: 0;">Department of Community Development and Code Compliance Planning & Zoning Division 6602 Courts Drive, Prince George, VA 23875 (804) 722-8678 www.princegeorgecountyva.gov</p>		<p>OFFICE USE ONLY</p> <p>APPLICATION #: PSE-22-11</p> <p>DATE SUBMITTED: SEP 12 2022 BY: TWG</p>			
	APPLICANT FILL-IN ALL BLANKS					
	<p>REQUEST: I am requesting to provide care and educational services to up to 10 children between the ages of 2-9 years old. Services will be provided Monday-Friday between the hours of 8am - 5pm.</p> <p>REQUEST PROPERTY ADDRESS / LOCATION: 4481 Branchester Parkway Prince George VA 23875</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"> REQUEST TAX MAP PIN(S): (List all) 13H(04)OI-011-0 </td> <td style="width: 20%;"> AFFECTED ACREAGE (Each parcel): All </td> <td style="width: 20%;"> ENTIRE PARCEL (Y / N – Each parcel): Y </td> </tr> </table> <p>ATTACHMENTS (Check if Attached; * = Required):</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> APPLICANT STATEMENT* (Specify goals, details, etc.) <input type="checkbox"/> PROPOSED CONDITIONS <input type="checkbox"/> SITE LAYOUT SKETCH OR CONCEPTUAL SITE PLAN* (Show proposed improvements; Use GIS or Engineer Drawing) </div> <div> <input type="checkbox"/> COMMUNITY MEETING SUMMARY <input type="checkbox"/> ADDITIONAL ATTACHMENTS: </div> </div>			REQUEST TAX MAP PIN(S): (List all) 13H(04)OI-011-0	AFFECTED ACREAGE (Each parcel): All	ENTIRE PARCEL (Y / N – Each parcel): Y
REQUEST TAX MAP PIN(S): (List all) 13H(04)OI-011-0	AFFECTED ACREAGE (Each parcel): All	ENTIRE PARCEL (Y / N – Each parcel): Y				
<p>NAME(S): Jason and Amelia Ruffin</p> <p>MAILING ADDRESS: (Incl. City, State, Zip): 4481 Branchester Parkway Prince George VA 23875</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"> E-MAIL: Amelia@ruffinsmuffinsprek.com </td> <td style="width: 50%;"> PHONE: 804-898-5684 </td> </tr> </table> <p>NAME(S): If different than owner):</p> <p>RELATION TO OWNER:</p> <p>MAILING ADDRESS: (Incl. City, State, Zip):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"> E-MAIL: </td> <td style="width: 50%;"> PHONE: </td> </tr> </table>			E-MAIL: Amelia@ruffinsmuffinsprek.com	PHONE: 804-898-5684	E-MAIL:	PHONE:
E-MAIL: Amelia@ruffinsmuffinsprek.com	PHONE: 804-898-5684					
E-MAIL:	PHONE:					
OFFICE USE ONLY (Completed at the time of application)						

ZONING DISTRICT(S):		LAND USE(S) CODE REFERENCE(S):	
FEE DUE: Special Exception: \$700 Special Exception Home Occ: \$350		FEE PAID:	
CHECK # / TRANSACTION #:		DATE RECEIVED:	
PAYMENT TYPE: CHECK / CASH / CREDIT / DEBIT		RECEIVED BY:	

Form Rev 8-16-21 Page 1 of 2

OWNER AFFIDAVIT	
<p>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.</p>	
NAME: <u>Amelia Buffin</u>	NAME: <u>Jason Ruffin</u>
SIGNED: <u>[Signature]</u>	SIGNED: <u>[Signature]</u>
DATE: <u>9-12-2022</u>	DATE: <u>09-12-2022</u>
NOTARIZATION: STATE OF VIRGINIA COUNTY OF: <u>Prince George</u>	
Subscribed and sworn before me this <u>12th</u> day of <u>Sept</u> , 20 <u>22</u> .	
<u>[Signature]</u> Notary Public	
My Commission expires: <u>4-30</u> , 20 <u>25</u>	



Form Rev 8-16-21 Page 2 of 2

June 24, 2022

To Whom It May Concern:

I am requesting to use a portion of my home as a large family day home to provide care to children ages 2 up to age 10 with a concentration on preschool aged children (3-5 years old). I will provide care for children from 8 am - 5 pm, Monday -Friday. I would like to provide services for 10 children at a time. I have currently been successful with up to 4 children at this residence. I am a former teacher of Prince George County Schools. I worked with Prince George for ten years. Prior to teaching here, I owned a large family day home in Petersburg. I have also spoken with several of my neighbors and they love the idea of being able to serve the community in this way.

I have an employee/ volunteer who comes regularly to assist with the children's activities. She currently parks on the side of the road in front of the house. There is space for her to park in the driveway so there is more room for parent drop-off/pick-up. I currently park in the driveway to create an open space in the backyard for the children to run, ride bikes, and play with other toys (balls, jump ropes, etc.) Right now, both pick-up and drop-off times last for less than five minutes. I wait at the top of the driveway and as parents pull up, they park and then they assist their child to meet me in the driveway. I greet each student and then we all wave "Good-bye" to the parents. At pick-up time, the parents line up on the side of the road and they are waiting at the top of the driveway for the children. At both times there is room for cars to drive past my house in both directions.

The outside play area is towards the back of the house and far from the road. There is no access to the pool for safety reasons. There is a fence and gate between the play area and the pool area. The fence is designed to make climbing difficult for small children. The main portion of the house that is used for the daycare is the attached garage which has been converted into a play/learning space for the children. The temperature is regulated with a window A/C unit to maintain a temperature between 65 and 80 degrees Fahrenheit. We only use the half bathroom that is on the first floor.

I would not need any signage. My husband and I are both on the deed and have insurance to cover any liabilities for this type of business. I look forward to continuing to work with the county.

Sincerely,

Amelia Ruffin
Ruffin's Muffins Pre-K
Owner/Director/Teacher
Amelia@ruffinsmuffinsprek.com
(804) 898-5684



County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

November 2, 2022

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, November 17, 2022 beginning at 6:30 pm** to consider the following request that involves the Prince George County Zoning Ordinance:

SPECIAL EXCEPTION SE-22-11: Request of Jason and Amelia Ruffin to permit a Family day care home (large) within a Limited Residential (R-1) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-203(3). The purpose of the request is to provide child care services for up to 10 children at a time as a home occupation within an existing single-family dwelling. The subject property is approximately 0.368 acres in size, located at 4481 Branchester Parkway, and is identified as Tax Map 13H(04)0I-011-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses.

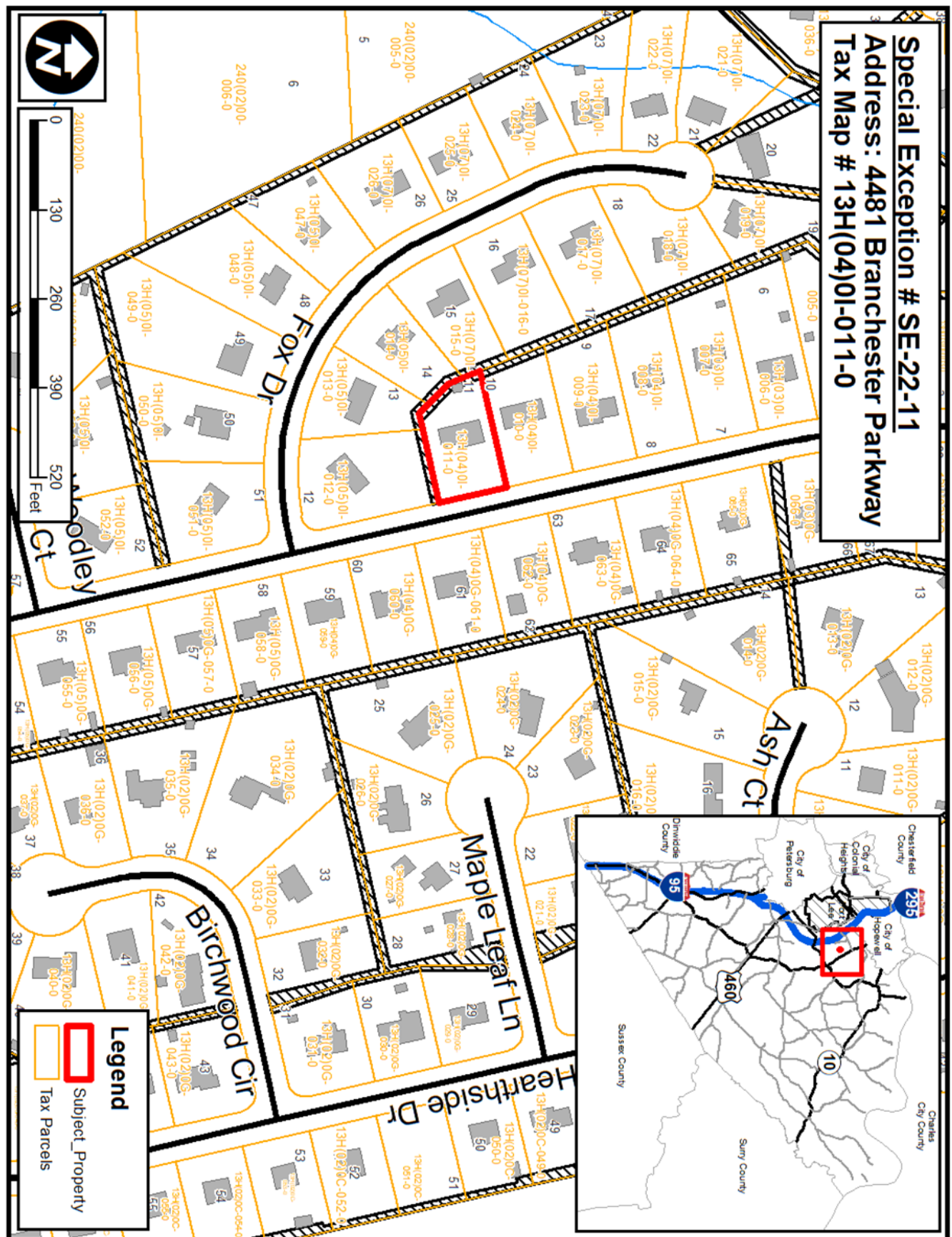
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You may also contact Planning and Zoning Division at (804)722-8678 or by e-mail at planning@princegeorgecountyva.gov with any questions prior to the scheduled meeting. We have included a GIS Map showing the general location of the request.

Sincerely,

A handwritten signature in blue ink that reads "Tim Graves".

Tim Graves
Planner



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

Phone: 804.722.8659 - Fax: 804.722.0702

www.princegeorgecountyva.gov

ALLEN JESSICA
6944 FOX DR
PRINCE GEORGE, VA 23875

ALLEN MICHAEL BRANDON
4465 BRANCHESTER PKWY
PRINCE GEORGE, VA 23875

DAVIDSON CORTLIN W & MIKEETA S
4490 BRANCHESTER PKWY
PRINCE GEORGE, VA 23875

EVANS KIM Y
6916 FOX DR
PRINCE GEORGE, VA 23875

HASKINS JEREMY D & DANA A
4489 BRANCHESTER PKWY
PRINCE GEORGE, VA 23875

JOHNSON DARYLL L SR & ANGELA F
4482 BRANCHESTER PKWY
PRINCE GEORGE, VA 23875

RUFFIN JASON M & AMELIA M
4481 BRANCHESTER PKWY
PRINCE GEORGE, VA 23875

SOURDIFF R MICHAEL
4474 BRANCHESTER PKWY
PRINCE GEORGE, VA 23875

THOMAS RICKEY & SHEILA
6932 FOX DR
PRINCE GEORGE, VA 23875

WHITELEY MICHAEL A & SHARON A
4466 BRANCHESTER PKWY
PRINCE GEORGE, VA 23875

WOOTEN WILLIAM H & BENNIE C
6908 FOX DR
PRINCE GEORGE, VA 23875

ZOLDORK ROBERT J & HYDE-ZOLDORK
VALARIE R
4473 BRANCHESTER PKWY
PRINCE GEORGE, VA 23875

**PUBLIC NOTICE
PRINCE GEORGE COUNTY**

Notice is hereby given to all interested parties regarding the following public meeting: The Prince George County Planning Commission will hold public hearings on Thursday, November 17, 2022 beginning at 6:30 p.m. concerning the following requests:

SPECIAL EXCEPTION SE-22-11: Request of Jason and Amelia Ruffin to permit a Family day care home (large) within a Limited Residential (R-1) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-203(3). The purpose of the request is to provide child care services for up to 10 children at a time as a home occupation within an existing single-family dwelling. The subject property is approximately 0.368 acres in size, located at 4481 Branchester Parkway, and is identified as Tax Map 13H(04)0I-011-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses.

ORDINANCE AMENDMENT OA-22-03: Ordinance to amend “The Code of the County of Prince George, Virginia”, 2005, as amended, by amending §§ 90-52, 90-53.1, 90-102, 90-103.1, 90-152, 90-153.1, 90-202, 90-203.1, 90-242, 90-243.1, 90-292, 90-293.1 and 90-985 to clarify the uses in the Agricultural and certain Residential zoning districts to allow by-right private animal boarding places on parcels of more than one acre and to allow by special exception from the Board of Zoning Appeals private animal boarding places on parcels of one acre or less in size.

ORDINANCE AMENDMENT OA-22-04: Ordinance to amend “The Code of the County of Prince George, Virginia”, 2005, as amended, by enacting § 90-707 and amending §§ 90-708, 90-709, 90-711, 90-712, 90-715, 90-717, 90-718, 90-719, 90-721, 90-723, 90-726, 90-727, 90-729, 90-730, and 90-731 to make changes to the Floodplain Ordinance to reflect certain changes in the Virginia Department of Conservation and Recreation Model Ordinance for Localities.

The public hearings will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday–Friday. All interested persons are invited to participate in the public hearings in person. A live video stream will be available at https://www.princegeorgecountyva.gov/live_stream/. Public comments can be submitted prior to 5:00 p.m. on the public hearing date. Public Comment submittal forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountyva.gov>.

Tim Graves
Planner
(804)722-8678

Begin

TAB 6

ORDINANCE AMENDMENT – OA-22-03
PLANNING COMMISSION STAFF REPORT – November 17, 2022

RESUME

APPLICANT: Prince George County (County Attorney Office and Planning & Zoning Division)

REQUEST: Staff is requesting to amend the Zoning Ordinance in order to clarify in which zoning districts Private Animal Boarding Places are permitted by-right vs. in which zoning districts they are permitted with a special exception from the BZA. This amendment is intended to clarify the requirements that are already in place so that all parts of the County Code work together to specify the requirements accurately.

STAFF RECOMMENDATION: Staff recommends that the draft ordinance be forwarded to the Board of Supervisors with a recommendation of approval.

STAFF REPORT CONTENTS/

ATTACHMENTS

1. Resume
2. Sample Motions
3. Draft Ordinance for Board of Supervisors approval
4. Zoning District Summary for this land use
5. Copy of the legal newspaper advertisement

Sample Motions

APPROVE:

"I move to forward request OA-22-03 to the Board with a recommendation for APPROVAL of the draft ordinance, and the reason(s) for this recommendation is/are:"

(EXAMPLES):

- "It will clarify the existing requirements in the County Code."
- Other _____

APPROVE WITH CHANGES:

I move to forward request OA-22-03 to the Board with a recommendation for APPROVAL, subject to the following changes:

DENY:

I move to forward request OA-22-03 to the Board with a recommendation for DENIAL for the following reason(s): (SPECIFY)

POSTPONE:

I move to POSTPONE request OA-22-03 until _____ to allow time for _____
(MEETING DATE)

(ACTION/EVENT)

ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA”, 2005, AS AMENDED, BY AMENDING §§ 90-52, 90-53.1, 90-102, 90-103.1, 90-152, 90-153.1, 90-202, 90-203.1, 90-242, 90-243.1, 90-292, 90-293.1 AND 90-985 TO CLARIFY THE USES IN THE AGRICULTURAL AND CERTAIN RESIDENTIAL ZONING DISTRICTS TO ALLOW BY-RIGHT PRIVATE ANIMAL BOARDING PLACES ON PARCELS OF MORE THAN ONE ACRE AND TO ALLOW BY SPECIAL EXCEPTION FROM THE BOARD OF ZONING APPEALS PRIVATE ANIMAL BOARDING PLACES ON PARCELS OF ONE ACRE OR LESS IN SIZE

BE IT ORDAINED by the Board of Supervisors of Prince George County:

(1) That §90-52 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-52. - Uses and structures permitted by right.

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

(21) Animal boarding place, private, on parcels of more than one acre in size.

(2) That §90-53.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-53.1. - Uses and structures permitted by special exception granted by the board of zoning appeals.

(1) Animal boarding place, private, **on parcels of one acre or less in size.**

(3) That §90-102 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

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

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

(20) Animal boarding place, private, on parcels of more than one acre in size.

(4) That §90-103.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-103.1. - Uses and structures permitted by special exception granted by the board of zoning appeals.

(1) Animal boarding place, private, **on parcels of one acre or less in size.**

(5) That §90-152 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-152. - Permitted uses.

The following are permitted uses in the R-E residential estate district:

(9) Animal boarding place, private, on parcels of more than one acre in size.

(6) That §90-153.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-153.1. - Uses and structures permitted by special exception granted by the board of zoning appeals.

(1) Animal boarding place, private, **on parcels of one acre or less in size.**

(7) That §90-202 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-202. - Permitted uses.

In the R-1 limited residential district, structures to be erected or land to be used shall be one or more of the following uses:

(13) Animal boarding place, private, on parcels of more than one acre in size.

(8) That §90-203.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-203.1. - Uses and structures permitted by special exception granted by the board of zoning appeals.

(1) Animal boarding place, private, **on parcels of one acre or less in size.**

(9) That §90-242 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-242. - Permitted uses.

In the R-2 limited residential district, structures to be erected or land to be used shall be for one or more of the following uses:

(14) **Animal boarding place, private, on parcels of more than one acre in size.**

(10) That §90-243.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-243.1. - Uses and structures permitted by special exception granted by the board of zoning appeals.

(1) Animal boarding place, private, **on parcels of one acre or less in size.**

(11) That §90-292 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-292. - Permitted uses.

In the R-3 general residential district, structures to be erected or land to be used shall be for one or more of the following uses:

(18) Animal boarding place, private, on parcels of more than one acre in size.

(12) That §90-293.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-293.1. - Use and structures permitted by special exception granted by the board of zoning appeals.

(1) Animal boarding place, private, **on parcels of one acre or less in size.**

(13) That §90-985 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-985. – Powers and duties generally.

The board of zoning appeals shall have the power and duty:

(8) **To hear and decide applications for special exceptions as may be authorized in the Zoning Ordinance.** ~~To grant special exceptions, upon conditions, to allow the keeping of more than three dogs on residentially zoned parcels, on business zoned parcels that allow residential uses, or any residentially used parcel, regardless of zoning, of an acre or less.~~

(14) That the Ordinance shall be effective immediately upon adoption.

Zoning Districts Summary – Private Animal Boarding Places Ordinance Amendment # **OA-22-03**

Land use	A-1	R-A	R-2	R-1	R-2	R-3	MHR	B-1	M-1	M-2	M-3	R-TH
Animal boarding place, private. (regardless of parcel size)							N/A	SE- BZA	SE- BZA	SE- BZA	SE- BZA	N/A
Animal boarding place, private, on parcels of more than one acre in size.	BR	BR	BR	BR	BR	BR						
Animal boarding place, private, on parcels of one acre or less in size.	SE- BZA	SE- BZA	SE- BZA	SE- BZA	SE- BZA	SE- BZA						

**PUBLIC NOTICE
PRINCE GEORGE COUNTY**

Notice is hereby given to all interested parties regarding the following public meeting: The Prince George County Planning Commission will hold public hearings on Thursday, November 17, 2022 beginning at 6:30 p.m. concerning the following requests:

SPECIAL EXCEPTION SE-22-11: Request of Jason and Amelia Ruffin to permit a Family day care home (large) within a Limited Residential (R-1) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-203(3). The purpose of the request is to provide child care services for up to 10 children at a time as a home occupation within an existing single-family dwelling. The subject property is approximately 0.368 acres in size, located at 4481 Branchester Parkway, and is identified as Tax Map 13H(04)0I-011-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses.

ORDINANCE AMENDMENT OA-22-03: Ordinance to amend “The Code of the County of Prince George, Virginia”, 2005, as amended, by amending §§ 90-52, 90-53.1, 90-102, 90-103.1, 90-152, 90-153.1, 90-202, 90-203.1, 90-242, 90-243.1, 90-292, 90-293.1 and 90-985 to clarify the uses in the Agricultural and certain Residential zoning districts to allow by-right private animal boarding places on parcels of more than one acre and to allow by special exception from the Board of Zoning Appeals private animal boarding places on parcels of one acre or less in size.

ORDINANCE AMENDMENT OA-22-04: Ordinance to amend “The Code of the County of Prince George, Virginia”, 2005, as amended, by enacting § 90-707 and amending §§ 90-708, 90-709, 90-711, 90-712, 90-715, 90-717, 90-718, 90-719, 90-721, 90-723, 90-726, 90-727, 90-729, 90-730, and 90-731 to make changes to the Floodplain Ordinance to reflect certain changes in the Virginia Department of Conservation and Recreation Model Ordinance for Localities.

The public hearings will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday–Friday. All interested persons are invited to participate in the public hearings in person. A live video stream will be available at https://www.princegeorgecountyva.gov/live_stream/. Public comments can be submitted prior to 5:00 p.m. on the public hearing date. Public Comment submittal forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountyva.gov>.

Tim Graves
Planner
(804)722-8678

Begin

TAB 7

ORDINANCE AMENDMENT – OA-22-04
PLANNING COMMISSION STAFF REPORT – November 17, 2022

RESUME

APPLICANT: Prince George County (County Attorney, Planning & Zoning Division Staff)

PROPERTY OWNER: N/A

REQUEST/SUMMARY: Staff is recommending that the County update the current Floodplain Ordinance to reflect the new FEMA floodplain maps for Prince George County and to add additional language recommended and/or required by the Virginia Department of Conservation and Recreation. Prince George County is required to adopt the FIRM update and requirements in order for property owners and the County to participate in the National Flood Insurance Program (NFIP).

STAFF RECOMMENDATION: Staff recommends that the draft ordinance be forwarded to the Board of Supervisors with a recommendation of approval.

STAFF REPORT CONTENTS/

ATTACHMENTS

1. Resume
2. Sample Motions
3. Draft Ordinance for Board of Supervisors approval
4. Copy of original letter from DCR and approval of draft
5. Copy of the legal newspaper advertisement

Sample Motions

APPROVE:

"I move to forward request OA-22-04 to the Board with a recommendation for APPROVAL of the draft ordinance, and the reason(s) for this recommendation is/are:"

(EXAMPLES):

- "This update is required by the Code of Virginia and will improve the administration of floodplain requirements in the County."
- Other _____

APPROVE WITH CHANGES:

I move to forward request OA-22-04 to the Board with a recommendation for APPROVAL, subject to the following changes:

DENY:

I move to forward request OA-22-04 to the Board with a recommendation for DENIAL for the following reason(s): (SPECIFY)

POSTPONE:

I move to POSTPONE request OA-22-04 until _____ to allow time for _____
(MEETING DATE)

(ACTION/EVENT)

ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA”, 2005, AS AMENDED, BY ENACTING § 90-707 AND AMENDING §§ 90-708, 90-709, 90-711, 90-712, 90-715, 90-717, 90-718, 90-719, 90-721, 90-723, 90-726, 90-727, 90-729, 90-730, AND 90-731 TO MAKE CHANGES TO THE FLOODPLAIN ORDINANCE TO REFLECT CERTAIN CHANGES IN THE VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION MODEL ORDINANCE FOR LOCALITIES

BE IT ORDAINED by the Board of Supervisors of Prince George County:

- (1) *That The Code of the County of Prince George, Virginia, 2005, as amended, is amended by enacting § 90-707 and amending §§ 90-708, 90-709, 90-711, 90-712, 90-715, 90-717, 90-718, 90-719, 90-721, 90-723, 90-726, 90-727, 90-729, 90-730, and 90-731 as follows:*

CHAPTER 90 - ZONING

ARTICLE XV. - FLOODPLAIN

DIVISION 1. - GENERAL PROVISIONS

Sec. 90-707. – Definitions.

Appurtenant or accessory structure - A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures not to exceed 600 square feet.

Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation - The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this ordinance, the base flood is the one-percent annual chance flood.

Basement - Any area of the building having its floor sub-grade or below ground level on all sides.

Board of zoning appeals - The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this ordinance.

Coastal A zone - Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and three feet.

Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling,

grading, paving, excavation or drilling operations or other land-disturbing activities or permanent or temporary storage of equipment or materials.

Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns such as posts and piers.

Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction - Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures" and "Pre-FIRM."

Flood or flooding:

(1) A general or temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; or,

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(c) Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Flood Insurance Rate Map (FIRM) - An official map of a community on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) - A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.

Flood proofing - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.

Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive.

Functionally dependent use - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure - Any structure that is:

(1) listed individually in the National Register of Historic Places, which is a listing maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for an individual listing on the National Register;

(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

(4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or,

(b) Directly by the Secretary of the Interior in states without approved programs.

Hydrologic and hydraulic engineering analysis - Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the DCR and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Letters of map change (LOMC) - A letter of map change is an official FEMA determination, by letter, that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by metes and bounds or structure is not located in a special flood hazard area.

Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study.

Lowest adjacent grade - the lowest natural elevation of the ground surface next to the walls of a structure.

Lowest floor - The lowest floor of the lowest enclosed area including the basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR § 60.3.

Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include a recreational vehicle.

Manufactured home park or subdivision - A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or for sale.

Mean Sea Level – for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.

New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after May 1, 1980 and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Post-FIRM structures - A structure for which construction or substantial improvement occurred after May 1, 1980.

Pre-FIRM structures - A structure for which construction or substantial improvement occurred before May 1, 1980.

Recreational vehicle - A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and,

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Repetitive loss structure - A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage - (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow flooding area - A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Special flood hazard area (SFHA) - The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in section 90-724 of this ordinance.

Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. - 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(3) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 90-723, section 90-727(b), section 90-728(a), sections 90-725 through 90-728 is presumed to be in violation until such time as that documentation is provided.

Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Sec. 90-708. - Statutory authorization and purpose.

Va. Code § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing

the objectives of § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens. To these ends, flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.

In accordance with these directed provisions, this ordinance is specifically adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280.

The purpose of this article is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (1) Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- (2) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- (3) Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- (4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

Sec. 90-709. - Applicability.

This article shall apply to all privately and publically owned lands within the jurisdiction of the County of Prince George and identified as areas of special flood hazard according to the flood insurance rate map (FIRM) that was provided to the County of Prince George by the Federal Emergency Management Agency (FEMA) effective on **January 12, 2023** ~~May 16, 2012, and effective June 2, 2015,~~ for these revised community panel numbers along the James River:

51149C0030C, 51149C0035C, 51149C0040C, 51149C0041C, 51149C0042C,
51149C0055C, 51149C0065C, 51149C0070C, 51149C0090C, 51149C0095C,
51149C0115C, 51149C0205C, 51149C0210C, 51149C0231C, 51149CIND0B,
51149CV00B and 51149C_A.

Sec. 90-710. - Compliance and liability.

- (a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.

- (b) The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- (c) This article shall not create liability on the part of the County of Prince George or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

Sec. 90-711. - Records.

Records of actions associated with administering this ordinance shall be kept on file and maintained by or under the direction of the floodplain administrator in perpetuity.

Sec. 90-712. - Abrogation and greater restrictions.

To the extent that the provisions are more restrictive, ~~T~~his article supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive than this article.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

Sec. 90-713. - Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Sec. 90-714. - Penalty for violations.

Any person who fails to comply with any of the requirements or provisions of this article or directions of the floodplain administrator or any authorized employee of the County of Prince George shall be guilty of the stated violation and subject to penalties as shown:

Any such violation shall be a misdemeanor punishable by a fine of not less than \$10.00 nor more than \$1,000.00. If the violation is uncorrected at the time of the conviction, the court shall order

the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10.00 nor more than \$1,000.00. Any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not less than \$10.00 nor more than \$1,500.00.

Whenever the floodplain administrator or his designee determines that there are reasonable grounds to believe that there has been a violation of any provisions of this article, or of any regulations adopted pursuant thereto, the floodplain administrator or his designee shall give notice of such alleged violation as hereafter provided. Such notice shall: (1) be in writing, (2) include a statement of the reasons for its issuance, (3) allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires, (4) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized by state code; and (5) contain an outline of remedial actions which, if taken, will affect compliance with the provisions of this article.

Sec. 90-715. - Designation of the floodplain administrator.

The **flood plain administrator** ~~director of community development and code compliance~~ is hereby appointed to administer and implement these regulations and is referred to herein as the floodplain administrator. The floodplain administrator may:

- (a) Do the work themselves. In the absence of a designated floodplain administrator, the duties may be conducted by the County of Prince George County Administrator.
- (b) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (c) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

Sec. 90-716. - Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include but are not limited to:

- (a) Review applications for permits to determine whether proposed activities will be located in the special flood hazard area (SFHA).

- (b) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- (c) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- (d) Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction, including bridges, culverts and structures, any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the state.
- (e) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation Division of Dam Safety and Floodplain Management, and other appropriate agencies such as the Virginia Department of Environmental Quality (VADEQ) and the United States Army Corps of Engineers (USACE) and have submitted copies of such notifications to FEMA.
- (f) Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
- (g) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- (h) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if noncompliance has occurred or violations have been committed.
- (i) Review elevation certificates and require incomplete or deficient certificates to be corrected.

- (j) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the County of Prince George, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- (k) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - (1) Flood insurance studies, flood insurance rate maps, including historic studies and maps and current effective studies and maps and letters of map change; and
 - (2) Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation in relation to the datum on the FIRM to which structures have been flood-proofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- (l) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- (m) Advise the board of zoning appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and a recommendation.
- (n) Administer the requirements related to proposed work on existing buildings:
 - (1) Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - (2) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- (o) Undertake, as determined appropriate by the floodplain administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing

owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for increased cost of compliance coverage under NFIP flood insurance policies.

(p) Notify the Federal Emergency Management Agency (FEMA) when the corporate boundaries of the County of Prince George have been modified and:

(1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and

(2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation Division of Dam Safety and Floodplain Management and FEMA.

(q) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and the number of variances issued for development in the SFHA.

(r) It is the duty of the floodplain administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the community, whether or not those hazards have been specifically delineated geographically either through computer mapping or field surveying.

Sec. 90-717. - Use and interpretation of FIRMS.

The floodplain administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMS and data:

(a) Where field surveyed topography indicates that adjacent ground elevations:

(1) Are below the base flood elevation **in riverine SFHAs, or below the 1% storm surge elevation in coastal SFHAs**, even in areas not delineated as a special flood

hazard area on a FIRM, the area shall be considered as a special flood hazard area and subject to the requirements of these regulations;

(2) Are above the base flood elevation **and the area is labelled as a SFHA on the FIRM**, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the SFHA.

(b) In FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used.

(c) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.

(d) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.

(e) If a preliminary flood insurance rate map and/or a preliminary flood insurance study has been provided by FEMA:

(1) Upon the issuance of a letter of final determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.

(2) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to section 90-723(a)3 and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.

(3) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or be appealed to FEMA.

Sec. 90-718. - Jurisdictional boundary changes.

The county floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of

any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, **the governing body shall** prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation Division of Dam Safety and Floodplain Management and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a)(9)(v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office (DCR) in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all flood insurance rate maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

Sec. 90-719. - District boundary changes.

The delineation of any of the floodplain districts may be revised by the County of Prince George where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or any other qualified agency, or if an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. **A completed LOMR is a record of this approval.**

Sec. 90-720. - Interpretation of district boundaries.

Initial interpretations of the boundaries of the floodplain districts shall be made by the floodplain administrator. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

Sec. 90-721. - Submitting technical data.

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. **The community may submit data via a LOMR.** Such a submission is necessary so that upon confirmation of those

physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

Sec. 90-722. - Letters of map revision.

When development in the floodplain causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a conditional letter of map revision or a letter of map revision. Examples are provided below:

- (1) Any development that causes a rise in the base flood elevations within the floodway.
- (2) Any development occurring in zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- (3) Alteration or relocation of a stream including but not limited to installing culverts and bridges. [44 Code of Federal Regulations 65.3 and 65.6(a)(12)]

Sec. 90-723. - Description of special flood hazard districts.

- (a) Basis of districts. The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for the County of Prince George as prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated January 12, 2023 ~~May 16, 2012~~, and any subsequent revisions or amendments thereto.

The County of Prince George may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "Local Flood Hazard Map" using the best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the SFHA districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the County of Prince George offices.

1. The floodway district is in an AE Zone and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in Table 3 of the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the floodway district of an AE zone:

- (a) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has

been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies with the County of Prince George's endorsement for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If section 90-723(a)1(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 90-725.

- (b) The placement of manufactured homes (mobile homes) is prohibited, except when replacing an existing manufactured home (mobile home) in an existing manufactured home park or subdivision. A replacement manufactured home (mobile home) may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation and encroachment standards are met.
- 2. The AE, or AH Zones on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has not been delineated.

The following provisions shall apply within an AE or AH zone **where FEMA has provided base flood elevations:**

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the County of Prince George.

Development activities in Zones A1-30 and AE or AH, on the County of Prince George's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies with the County of Prince George's endorsement for a conditional letter of map revision, and receives the approval of the federal emergency management agency.

3. The A zone on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply:

The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a **one percent annual chance** ~~one hundred (100)-year~~ floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted, non-detailed, technical concepts, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

The floodplain administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to at least one foot above the base flood level.

During the permitting process, the floodplain administrator shall obtain:

- (1) the elevation of the lowest floor, including the basement, of all new and substantially improved structures; and,
- (2) if the structure has been flood-proofed in accordance with the requirements of this article, the elevation in relation to mean sea level to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in an FIS for subdivision proposals and other proposed development proposals including manufactured home parks and subdivisions that exceed fifty lots or five acres, whichever is the lesser.

4. The AO zone on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply:
 - (a) All new construction and substantial improvements of residential structures shall have the lowest floor, including the basement, elevated to or above the flood depth

specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including the basement, shall be elevated no less than two feet above the highest adjacent grade.

(b) All new construction and substantial improvements of nonresidential structures shall:

(1) have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,

(2) together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

5. The coastal A zone **is labelled as AE on the FIRM; it is those areas that are seaward of the limit of moderate wave action (LiMWA) line and** shall be those areas, as defined by the VA USBC, that are subject to wave heights between 1.5 feet and three feet, ~~and identified on the FIRM as areas of Limits of Moderate Wave Action (LiMWA).~~ For these areas, the following provisions shall apply:

Buildings and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus one foot of freeboard, and must comply with the provisions in section 90-723(a)2 and sections 90-725 through 90-727.

6. The VE or V zones on FIRMs accompanying the FIS shall be those areas that are known as coastal high hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast **or other areas subject to high velocity waves.** For these areas, the following provisions shall apply:

(a) All new construction and substantial improvements in zones V and VE; **including manufactured homes,** ~~V if base flood elevation is available~~ shall be elevated on pilings or columns so that:

(1) The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns is elevated to at least one foot above the base flood level if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least one foot above the base flood level if the lowest

horizontal structural member is perpendicular to the direction of wave approach; and,

(2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year as a one-percent annual chance.

(b) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of section 90-723(a)6(a).

(c) The floodplain administrator shall obtain the elevation, in relation to mean sea level, of the bottom of the lowest horizontal structural member of the lowest floor, excluding pilings and columns of all new and substantially improved structures in zones V and VE. The floodplain administrator shall maintain a record of all such information.

(d) All new construction shall be located landward of the reach of mean high tide.

(e) All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. The use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot, either by design or when so required by local codes, may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

(2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components, both structural and nonstructural. Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.

(f) The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.

(g) The use of fill for structural support of buildings is prohibited. When non-structural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.

(h) The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.

7. The mapped floodplain includes all of the above regions and also the regions designated as having a 0.2 percent annual chance of flooding on any flood map or flood insurance study. In this area no emergency service, medical service, or governmental records storage shall be allowed except by special exception.

Sec. 90-724. - Overlay concept.

The floodplain districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

DIVISION 2. – DISTRICT PROVISIONS

Sec. 90-725. - Permit and application requirements.

- (a) Permit requirement. All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the County of Prince George Subdivision Ordinance requirements. Prior to the issuance of any such permit, the floodplain administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to ensure they are reasonably safe from flooding. Under

no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

(b) Site plans and permit applications. All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

- (1) The elevation of the base flood at the site.
- (2) The elevation of the lowest floor, including the basement or, in V zones, the lowest horizontal structural member.
- (3) For structures to be flood-proofed, nonresidential only, the elevation to which the structure will be flood-proofed.
- (4) Topographic information showing existing and proposed ground elevations.

Sec. 90-726. - General standards.

The following provisions shall apply to all permits:

- (a) New construction and substantial improvements shall be **built** according to **this article** **and** the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (e) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions (a) through (h) above, in all special flood hazard areas, the additional provisions shall apply:

(i) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission and a joint permit application is available from any of these organizations. Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation Division of Dam Safety and Floodplain Management, other required agencies, and the Federal Emergency Management Agency.

(j) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Sec. 90-727. - Elevation and construction standards.

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with section 90-723(a)3, the following provisions shall apply:

A. Residential construction. New construction or substantial improvement of any residential structure, including manufactured homes, in zones A1-30, AE, AH and A with detailed base flood elevations shall have the lowest floor, including the basement, elevated to at least one foot above the base flood level.

B. Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or nonresidential building or manufactured home shall have the lowest floor, including the basement, elevated to at least one foot above the base flood level. Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation in relation to mean sea level to which such structures are flood-proofed, shall be maintained by the floodplain administrator.

C. Space below the lowest floor. In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles such as a garage door or limited storage of maintenance equipment such as a standard exterior door, or entry to the living area such as a stairway or an elevator;
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - (a) Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - (b) The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.
 - (c) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - (d) The bottom of all required openings shall be no higher than one foot above the adjacent grade.
 - (e) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided that they permit the automatic flow of floodwaters in both directions.
 - (f) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Accessory Structures

- 1. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of 90-727(B) or, if not elevated or dry floodproofed, shall:**

- a. Not be used for human habitation;
- b. Be limited to no more than 600 square feet in total floor area;
- c. Be useable only for parking of vehicles or limited storage;
- d. Be constructed with flood damage-resistant materials below the base flood elevation;
- e. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
- f. Be anchored to prevent flotation;
- g. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
- h. Shall be provided with flood openings which shall meet the following criteria:
 - (1) There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.
 - (2) The total net area of all flood openings shall be at least 1 square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.
 - (3) The bottom of each flood opening shall be 1 foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
 - (4) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

i. A signed Declaration of Land Restriction (Non-Conversion Agreement) shall be recorded on the property deed.

E. Standards for manufactured homes and recreational vehicles.

1. **In zones A, AE, AH, and AO, all** ~~All~~ manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in sections 90-725 through 90-727.

2. All recreational vehicles placed on sites must either:

(a) be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions; or

(b) meet all the requirements for manufactured homes in section **90-725(e)(1)**. ~~90-725(d)1.~~

Sec. 90-728. - Standards for subdivision proposals.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (d) Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a flood insurance study for subdivision proposals and other proposed development proposals including manufactured home parks and subdivisions that exceed fifty lots or five acres, whichever is the lesser.

Sec. 90-729. - Existing structures in floodplain areas.

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

A. The floodplain manager has determined that:

- 1. Change is not a substantial repair or substantial improvement AND**
 - 2. No new square footage is being built in the floodplain that is not complaint AND**
 - 3. No new square footage is being built in the floodway AND**
 - 4. The change complies with this ordinance and the VA USBC AND**
 - 5. The change, when added to all the changes made during a rolling 5-year period does not constitute 50% of the structure's value.**
- B. The changes are required to comply with a citation for a health or safety violation.**
- C. The structure is a historic structure and the change required would impair the historic nature of the structure.**

~~A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:~~

- ~~(a) Existing structures in the floodway area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.~~
- ~~(b) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than 50 percent of its market value shall conform to the VA USBC.~~
- ~~(c) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.~~

Sec. 90-730. - Variances—Factors to be considered.

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the board of zoning appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the board of zoning appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the board of zoning appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway district that will cause any increase in the **one percent (1%) chance** ~~one hundred (100)-year~~ flood elevation.
- (b) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (j) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(l) The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(m) **No variance shall be granted for an accessory structure exceeding 600 square feet.**

(n) Such other factors which are relevant to the purposes of this ordinance.

The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or any other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief.

The board of zoning appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the **one percent (1%) chance** one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the federal insurance administrator.

~~Sec. 90-731. Glossary. —~~

~~*Appurtenant or accessory structure* — Accessory structures not to exceed 200 square feet.~~

~~*Base flood* — The flood having a one percent chance of being equaled or exceeded in any given year.~~

~~*Base flood elevation* — The Federal Emergency Management Agency designated one percent annual chance water surface elevation and the elevation determined per section 4.6. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this ordinance, the base flood is a one hundred (100) year flood or one percent annual chance flood.~~

~~*Basement*—Any area of the building having its floor sub-grade or below ground level on all sides.~~

~~*Board of zoning appeals*—The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this ordinance.~~

~~*Coastal A zone*—Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and three feet.~~

~~*Development*—Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.~~

~~*Elevated building*—A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns such as posts and piers.~~

~~*Encroachment*—The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.~~

~~*Existing construction*—Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".~~

~~*Flood or flooding:*~~

~~(1) A general or temporary condition of partial or complete inundation of normally dry land areas from:~~

~~(a) The overflow of inland or tidal waters; or,~~

~~(b) The unusual and rapid accumulation or runoff of surface waters from any source.~~

~~(c) Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.~~

~~(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.~~

~~*Flood Insurance Rate Map (FIRM)*—An official map of a community on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).~~

~~*Flood Insurance Study (FIS)*—A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.~~

~~*Floodplain or flood-prone area*—Any land area susceptible to being inundated by water from any source.~~

~~*Flood proofing*—Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.~~

~~*Floodway*—The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~

~~*Freeboard*—A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive.~~

~~*Highest adjacent grade*—The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.~~

~~*Historic structure*—Any structure that is:~~

- ~~(1) listed individually in the National Register of Historic Places, which is a listing maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for an individual listing on the National Register;~~
- ~~(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;~~
- ~~(3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,~~
- ~~(4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:~~

- (a) ~~By an approved state program as determined by the Secretary of the Interior; or,~~
- (b) ~~Directly by the Secretary of the Interior in states without approved programs.~~

~~*Hydrologic and hydraulic engineering analysis*—Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the DCR and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.~~

~~*Letters of map change (LOMC)*—A letter of map change is an official FEMA determination, by letter, that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:~~

~~*Letter of map amendment (LOMA)*: An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by metes and bounds or structure is not located in a special flood hazard area.~~

~~*Letter of map revision (LOMR)*: A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.~~

~~*Conditional letter of map revision (CLOMR)*: A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study.~~

~~*Lowest floor*—The lowest floor of the lowest enclosed area including the basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR § 60.3.~~

~~*Manufactured home*—A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include a recreational vehicle.——~~

Manufactured home park or subdivision—A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or for sale.

New construction—For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after May 1, 1980 and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Post FIRM structures—A structure for which construction or substantial improvement occurred after May 1, 1980.

Pre FIRM structures—A structure for which construction or substantial improvement occurred before May 1, 1980.

Recreational vehicle—A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self propelled or permanently towable by a light duty truck; and,
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Repetitive loss structure—A building covered by a contract for flood insurance that has incurred flood related damages on two occasions during a ten year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each flood event.

Shallow flooding area—A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Special flood hazard area—The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in section 90-724 of this ordinance.

Start of construction—For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the

~~pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.~~

~~*Structure*—For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.~~

~~*Substantial damage*—Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.~~

~~*Substantial improvement*—Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:~~

- ~~(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or~~
- ~~(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.~~
- ~~(3) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.~~

~~*Violation*—The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 90-~~

~~723, section 90-727(b), section 90-728(a), sections 90-725 through 90-728 is presumed to be in violation until such time as that documentation is provided.~~

~~*Watercourse*—A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.~~

2) *That the Ordinance shall be effective immediately.*

DRAFT

Tim Graves

From: Farinholt, Stacey <stacey.farinholt@dcr.virginia.gov>
Sent: Wednesday, August 24, 2022 2:05 PM
To: Jeff Stoke; Andre M. Greene; Tim Graves; Marlene Waymack; Donald Hunter; Floyd Brown; Alan Carmichael; TJ Webb
Cc: Angela Davis; Sidney Huffman
Subject: NFIP_Post LFD timeline
Attachments: fpm-mod-ordinance.docx; BLANK TEMPLATE - Region III Ordinance Review Checklist_Aug2020 (1).pdf; Prince George post-LFD timeline..docx

Follow Up Flag: Follow up
Flag Status: Completed

Hello Prince George County representatives,

Congratulations on your recent Letter of Final Determination (LFD) from FEMA. You are one giant step closer to the new FIRMs that will support your ongoing participation in the National Flood Insurance Program (NFIP) and flood resilience in your community.

The attached letter offers a timeline for Prince George to meet the December deadline to adopt a refreshed floodplain ordinance.

Please reach out with any questions. We are here to support your efforts.

Sincerely,
Stacey Farinholt, CFM
Floodplain Program Planner

Virginia Department of Conservation and Recreation
600 E. Main St
Richmond, VA 23219
cell (804) 317-4209
email: stacey.farinholt@dcr.virginia.gov
www.dcr.virginia.gov/floods



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

Darryl Glover
Deputy Director for
Dam Safety,
Floodplain Management and
Soil and Water Conservation

Laura Ellis
Interim Deputy Director for
Administration and Finance

Wednesday August 24, 2022

Good afternoon Prince George County representatives,

After years of data compilation, studies, and community meetings, the latest Flood Insurance Rate Maps (FIRM) have been finalized for your community. You received a Letter of Final Determination (LFD) from FEMA regarding the locality's FIRM update and requirements for participating in the National Flood Insurance Program (NFIP) on **July 12, 2022**.

When a community participates in the NFIP, they must ensure that their floodplain management ordinance and enforcement procedures meet NFIP requirements (44CFR 59.22), **including amending that ordinance to adopt the new maps**.

DCR must conduct a review of the updated draft ordinance to confirm it is compliant *prior* to the community scheduling public hearing(s) to adopt the amendment. Once the ordinance is adopted, the community must send the final, signed version back to DCR for a second state review. If it is compliant, DCR will forward the ordinance to FEMA for approval, generally a two week process. All of this must be completed by your new map effective date of **January 12, 2023**.

To ensure there is sufficient time to complete this process, we offer the following timeline:

Prince George submits draft ordinance to DCR by September 16.

DCR returns ordinance with comments by September 30.
Prince George makes necessary adjustments by mid-Oct.
Prince George notices first public hearing late October.
Prince George holds first public meeting in early November.
Prince George holds second public meeting in early December to adopt the ordinance.

Prince George submits final, adopted ordinance to DCR by December 16, 2022.

If your ordinance is not finalized and adopted by the FIRM's effective date, the community will be suspended from the NFIP.

For your reference, I have attached the State Model Floodplain Ordinance and a blank copy of the FEMA Region 3 Ordinance Review checklist. The language in the state model conforms to the NFIP minimum requirements, as outlined in 44CFR. In addition to the NFIP minimums, the state model includes higher standards, so please be sure any language taken from the model is applicable and suitable for your locality. *Some definitions pertaining to manufactured homes are not captured in the State Model Floodplain Ordinance. Please reference [fema.gov](https://www.fema.gov/about/glossary) for suggested language (<https://www.fema.gov/about/glossary>).*

If you have any additional questions or concerns, please contact us for assistance.

Sincerely,



Stacey Farinholt, CFM, Floodplain Program Planner
Stacey.Farinholt@dcv.virginia.gov

Angela Davis, CFM, State NFIP Coordinator
Angela.Davis@dcv.virginia.gov

Prince George County:
County Administrator: Jeffrey D. Stoke, jstoke@princegeorgecountyva.gov
Floodplain Administrator: Andre Greene, agreene@princegeorgecountyva.gov
Other Floodplain Contact: Tim Graves, tgraves@princegeorgecountyva.gov

Board of Supervisors:
Marlene J. Waymack, mwaymack@princegeorgecountyva.gov
Donald R. Hunter, dhunter@princegeorgecountyva.gov
Floyd M. Brown, Jr., fbrown@princegeorgecountyva.gov
Alan R. Carmichael, acarmichael@princegeorgecountyva.gov
T.J. Webb, tjwebb@princegeorgecountyva.gov

Tim Graves

From: Farinholt, Stacey <stacey.farinholt@dcr.virginia.gov>
Sent: Monday, November 7, 2022 12:27 PM
To: Daniel Whitten
Cc: Andre M. Greene; Julie Walton; Tim Graves; Angela Davis; Sidney Huffman
Subject: Re: NFIP_Post LFD timeline
Attachments: Region III Ordinance Review_PG 11072022b.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you, Daniel.

An updated checklist is attached.

Please send us your adopted ordinance by December 16 so that we can take a final look before forwarding to FEMA for their review.

Sincerely,

Stacey Farinholt, CFM
Floodplain Program Planner

Virginia Department of Conservation and Recreation
600 E. Main St
Richmond, VA 23219
cell (804) 317-4209
email: stacey.farinholt@dcr.virginia.gov
www.dcr.virginia.gov/floods

On Mon, Nov 7, 2022 at 11:38 AM Daniel Whitten <DWhitten@princegeorgecountyva.gov> wrote:

I added back the original definition of substantial damage.

Let me know if you see any other issues.

Thanks,

Dan

**PUBLIC NOTICE
PRINCE GEORGE COUNTY**

Notice is hereby given to all interested parties regarding the following public meeting: The Prince George County Planning Commission will hold public hearings on Thursday, November 17, 2022 beginning at 6:30 p.m. concerning the following requests:

SPECIAL EXCEPTION SE-22-11: Request of Jason and Amelia Ruffin to permit a Family day care home (large) within a Limited Residential (R-1) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-203(3). The purpose of the request is to provide child care services for up to 10 children at a time as a home occupation within an existing single-family dwelling. The subject property is approximately 0.368 acres in size, located at 4481 Branchester Parkway, and is identified as Tax Map 13H(04)0I-011-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses.

ORDINANCE AMENDMENT OA-22-03: Ordinance to amend “The Code of the County of Prince George, Virginia”, 2005, as amended, by amending §§ 90-52, 90-53.1, 90-102, 90-103.1, 90-152, 90-153.1, 90-202, 90-203.1, 90-242, 90-243.1, 90-292, 90-293.1 and 90-985 to clarify the uses in the Agricultural and certain Residential zoning districts to allow by-right private animal boarding places on parcels of more than one acre and to allow by special exception from the Board of Zoning Appeals private animal boarding places on parcels of one acre or less in size.

ORDINANCE AMENDMENT OA-22-04: Ordinance to amend “The Code of the County of Prince George, Virginia”, 2005, as amended, by enacting § 90-707 and amending §§ 90-708, 90-709, 90-711, 90-712, 90-715, 90-717, 90-718, 90-719, 90-721, 90-723, 90-726, 90-727, 90-729, 90-730, and 90-731 to make changes to the Floodplain Ordinance to reflect certain changes in the Virginia Department of Conservation and Recreation Model Ordinance for Localities.

The public hearings will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday–Friday. All interested persons are invited to participate in the public hearings in person. A live video stream will be available at https://www.princegeorgecountyva.gov/live_stream/. Public comments can be submitted prior to 5:00 p.m. on the public hearing date. Public Comment submittal forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountyva.gov>.

Tim Graves
Planner
(804)722-8678

Begin

TAB 8

October 25 Meeting Recap

Board of Supervisors Receive Report on County infrastructure Projects

At its October 25 meeting, the Prince George County Board of Supervisors received a report from Frank Haltom, P.E., Director of Engineering and Utilities on the increased activity for multiple water and sewer projects ongoing throughout the community. Several projects are in the design phase and some will be placed out for bid next month.

Capital projects in alignment with the County Strategic Goals include:

Temple Ave Tank & Booster Station - anticipate completion by April 2025

Middle Road Tank & Booster Station - anticipate completion by May 2025

24" Water Line under Appomattox River- anticipate completion by Nov. 2023

South Point Business Park Force Main Relocation - complete and in service by October 2023

Blackwater Swamp Regional Pump Station - complete and in service by October 2026

Appomattox River Water Intake Permit - The draft permit has been advertised for public comment. The comment period ends November 15, 2022. Public Hearing could be required if significant comments received.

Food Lion Booster Station Improvements - Project is nearly complete. The back-up power generator is anticipated to be delivered and installed in November 2022. Anticipate completion in February 2023.

Route 156 Water Line Extension - Project is 99% complete. Water line is in service. Minor seeding and stabilization still required.

Route 10 Water Line Extension to Jordan on the James and Beechwood Manor - Design is complete. Advertise for bids on November 1, 2022. Award of the construction contract is anticipated for January 2023.

Other matters that came before the Board at its meeting:

- Received a report and held a discussion on public safety salary.
- Approved on consent an appropriation in the amount of \$19,810.49 for State Asset Forfeiture Funds.

- Received a report on the Farmer's Market.
- Received an Administration Building boiler update.
- Received a quarterly financial report.
- Received a report on the Utilities Master Plan and utilities projects update.
- Held a discussion and elected Donald Hunter as the alternate to cast the vote(s) for Prince George County at the VACO Annual Business Meeting.
- Unanimously approved proposed revisions to the personnel policy regarding Equal Employment Opportunity/ADA Statement.
- Unanimously approved proposed revisions to the personnel policy regarding Leave.
- Unanimously authorized the Economic Development and Tourism Department to complete a grant application to the Virginia Department of Housing and Community Development for the Industrial Revitalization Fund Grant.
- Unanimously approved an award of contract for professional engineering services to complete a Preliminary Engineering Report for a Water Treatment Plant.
- Unanimously authorized Staff to apply for local assistance and Tribal Consistency Funds (\$100,000; Tranche 1 \$50,000 and Tranche 2 \$50,000).
- Unanimously approved an appropriation in the amount of \$172,561 for FY2023 Fire Program Funds.
- Unanimously authorized the advertisement of a public hearing on November 22 for an Ordinance to Amend "The Code of the County of Prince George, Virginia," as amended, by amending §74-263 to clarify the necessary documentation for the initial application and revalidation for the Special Real Estate Assessment for Land Preservation.
- Unanimously authorized the advertisement of a public hearing on November 9 for the sale of property to Wallermann, LLC.
- Unanimously postponed the approval of a County-Wide Room Rental Policy to November 9.

- Held a public hearing and unanimously approved a rezoning request of MAT Developments, LLC to conditionally rezone approximately 10 acres from M-1, Light Industrial to M-2, General Industrial to allow overflow tractor-trailer parking for e-commerce fulfillment transportation services.
- Held a public hearing and unanimously denied a special exception request of Grand Slam, LLC to permit a special care hospital within a B-1 General Business Zoning District.
- Held a public hearing and unanimously approved an Ordinance to amend “The Code of the County of Prince George, Virginia”, 2005, as amended, by amending § 74-5 relating to authorizing the Treasurer to approve refunds up to ten thousand dollars without the approval of the Board Of Supervisors in accordance with Virginia Code Section 58.1-3981(A).

Begin

TAB 9



Richmond District Traffic Engineering
Completed By: Niko Ambrose, E.I.T.
Reviewed By: David C. Cobb, P.E.
Date: 09/14/2022

Jurisdiction:

Prince George County

Location:

Intersection of Route 106/156 (Ruffin Road) & Route 646 (Sandy Ridge Road).

Figure 1. Site Location Map



Request:

The intersection safety study was requested from the Petersburg Residency, on behalf of the Prince George County, due to the recent increase of injury crashes at the subject intersection during 2022.

Existing conditions:

Speed Limit and Functional Class:

According to the 2014 VDOT Approved Functional Classification Map, Route 106/156 (Ruffin Road) is classified as a Minor Arterial. Route 106/156 (Ruffin Road) is governed by a posted, statutory speed limit of 55 MPH.

Route 646 (Sandy Ridge Road), is classified as a Major Collector. Route 646 (Sandy Ridge Road) has a posted speed limit of 45 MPH, which were established by resolution on February 19th, 1992 and February 20th, 1992 under resolution ID numbers 809634 and 808817, respectively.

Vehicle Volumes:

Volumes along each roadway were obtained from the 2019 VDOT PowerBi Traffic Monitoring System (TMS). Per the TMS, the Average Annual Daily Traffic (AADT) for each route is as follows:

- Route 106/156 (Ruffin Road): 3,931 vehicles per day;
- Route 646 (Sandy Ridge Road): 3,044 vehicles per day (west of the intersection);
- Route 646 (Sandy Ridge Road): 927 vehicles per day (east of the intersection).

Physical Roadway:

The intersection of Route 106/156 (Ruffin Road) & Route 646 (Sandy Ridge Road) is four leg, two-way, stop-controlled intersection, with stop control provided on the eastbound and westbound approaches of Route 646 (Sandy Ridge Road), as shown in **Figure 1**. The surrounding area is generally rural with some single family residential homes.

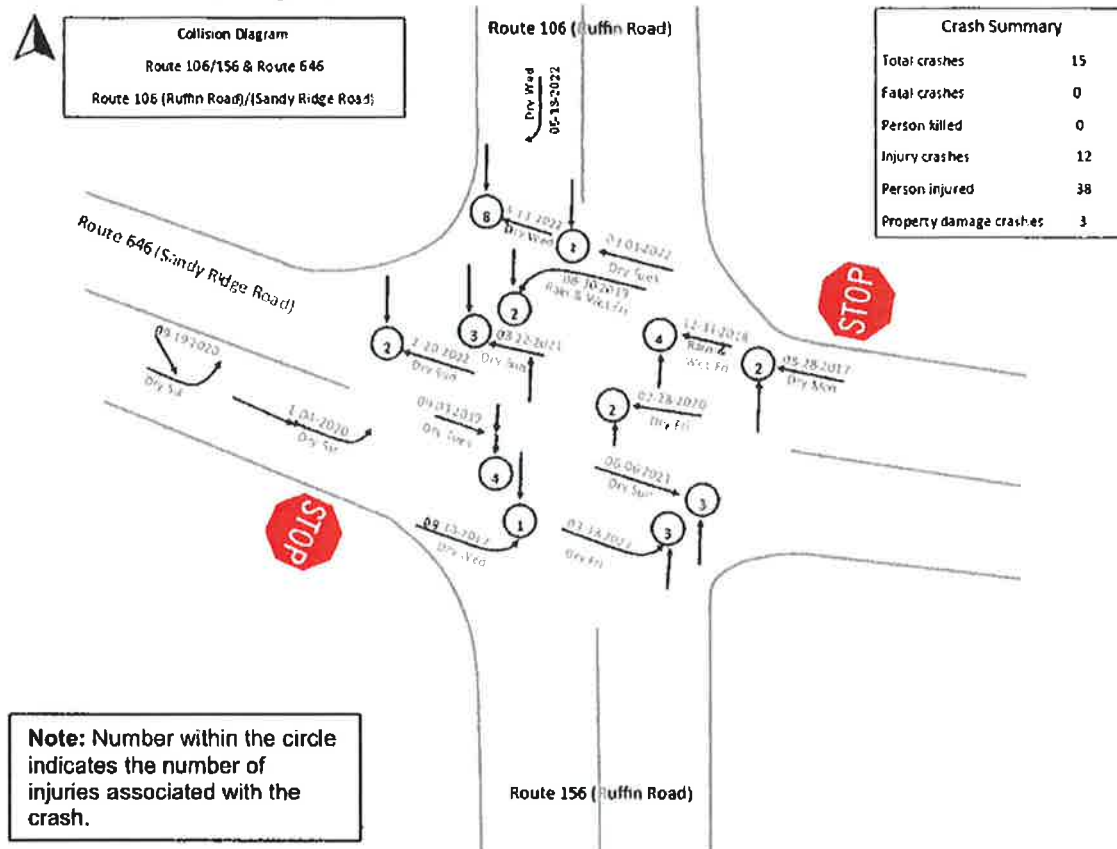
Route 106/156 (Ruffin Road), the major road, runs in a north-south orientation. The roadway is a two lane, undivided roadway with average 10 foot wide travel lanes. One (1) foot paved shoulders are provided along all outside edges of the roadway. Beyond the edge of pavement are grassy areas that generally contain signage, shallow grass stormwater ditches, and utilities. Both approaches have lane configurations which consist of one shared right/thru/left lane. The alignment of the road is generally flat and straight through the intersection, however, a horizontal curve is present south of the intersection.

Route 646 (Sandy Ridge Road), the minor stop-controlled road, runs in an east-west orientation, although the eastbound approach has a skewed angle at the intersection. The roadway is a two lane, undivided roadway with average 10 foot wide travel lanes. Beyond the edge of pavement are grassy areas that generally contain signage, shallow stormwater ditches, fences, and utilities. Both approaches have lane configurations which consist of one shared right/thru/left lane. The alignment of the each approach is generally flat with gentle horizontal curves east and west of the intersection.

Traffic Control Devices:

Regular pavement markings (centerlines, edgelines, and stop bars) and signing (regulatory, guide, and warning) for travel lanes are present at the study intersection. The pavement markings and signings were deemed to be in fair condition during the field visit on July 6th, 2022,

Figure 2. Collision Diagram



Safety Review:

A field review was conducted on July 6th, 2022 to evaluate existing conditions, operations, and conduct various safety evaluations.

Intersection Sight Distance Evaluation:

An intersection sight distance evaluation was conducted for the eastbound and westbound approaches of the intersection. This evaluation was based on guidance from the Virginia Road Design Manual (RDM), and based on the existing roadway characteristics (speed limit and lane configuration) of Route 106/156 (Ruffin Road). Based on the roadway characteristics, left and right sight distances (SDL and SDR) for the 55 MPH roadway requires a minimum of 610 feet.

Based on the evaluation, intersection sight distances for the westbound approach were measured at 400 feet and 500 feet for SDL and SDR respectively due primarily to the horizontal alignment on Route 106 (Ruffin Road) and overgrown vegetation. A stopping sight distance evaluation was also conducted along Route 646 (Ruffin Road) which is 495 feet for 55 MPH, per the RDM. Based on the results, stopping sight distance was sufficient along the southbound approach, however was about 450 feet along the northbound approach due to the same constraints that limit the intersection sight distance. It should be noted that a Cross Road Intersection (W2-1) signs with 45 MPH plaques are present on both approaches to the intersection, however are located approximately 130 feet prior to the intersection, which is

however, pavement marking and signage improvements are being recommended as part of the study.

Five-Year Crash Analysis:

Crash data for a period of five years, from June 1, 2017 to May 31, 2022 was evaluated. A summary of the five-year crash data is shown in **Table 1**. A total of 15 crashes occurred at or within 250 feet of the intersection during the study period (2017-2022).

Table 1. Summary of Five-Year Crash Data

June 1, 2017 – May 31, 2022		Severity			Lighting			Pavement	
Crash Type	Quantity	Injury	PDO	Fatal	Day	Night	Dusk	Dry	Wet
Angle	12	12	0	0	11	0	1	11	1
Rear End	1	0	1	0	1	0	0	1	0
Sideswipe Same Direction	1	0	1	0	1	0	0	1	0
Fixed Object Off – Road	1	0	1	0	1	0	0	1	0

Table 2. Crashes Per Year

Crash Year	2017	2018	2019	2020	2021	2022
Number of Crashes	2	1	2	3	2	5

It should be noted that crashes listed are from VDOT's Roadway Network System (RNS) crash module, based on the Department of Motor Vehicle's official record of reportable crashes (those involving an injury or fatality or property damage exceeding \$1,500).

As shown in **Table 1**, **Table 2**, and **Figure 2**, a total of 15 crashes occurred at or within 250 feet of the intersection over the past 5 years. Of the 15 crashes, 12 (80%) were angle crashes, 8 of which involved a westbound vehicle and 4 with an eastbound vehicle on Route 646 (Sandy Ridge Road). It is a pretty evenly split of northbound and southbound vehicle involvement in those 8 westbound angle crashes. Injuries occurred in all of the angle crashes. Upon further review of the crash reports, the primary reason for the angle crashes was due to vehicles from Route 646 (Sandy Ridge Road) failing to yield right-of-way. It is worth noting that the at-fault drivers of seven (7) crashes were less than 21 years old and two (2) were over 80 years old. Additionally out of these nine (9) crashes, five (5) occurred during 2022.

closer than recommended distances per the MUTCD. Vegetation trimming is also being recommended as part of the study.

Although stopping sight distances are sufficient, the eastbound and westbound approaches currently present "STOP AHEAD" warning signage. A review and measurement of these signage locations indicated they are located approximately 610 feet and 740 feet from the intersection, which is further than the recommended distances per the MUTCD. Warning signage is being recommended for relocation as part of this study.

Other Considerations:

- I. Currently, the eastbound approach is positioned at a skewed angle to the intersection. Although sight distance was deemed sufficient, the skewed angle could be difficult for eastbound vehicles at the intersection. Crash history indicates that six (6) crashes involved eastbound vehicles. Currently, the pavement width of the eastbound approach is approximately 110 feet at the intersection. Given the ample space, realigning the double yellow centerlines and stop bar to be more orthogonal to the intersection is recommended to improve vehicles position at the eastbound approach.
- II. Currently, there are quite a few signs located within a short distance to each other along Route 646 (Ruffin Road) in both directions approaching the intersection. Recommendations on these signs are being made to deliver more clear messages to motorists.

Recommendations:

To address the safety concerns at the study intersection, Traffic Engineering is recommending the following:

Signage & Pavement Markings:

- Eradicate 40 feet of existing double yellow centerlines and stop bar and realign double yellow centerlines and stop bar as shown. Stop bar shall be approximately 5 feet from the edge of Route 106/156, as shown in **Figure 2**.
- Refurbish existing 24" stop bars on both the eastbound approach, as shown in **Figure 2**.
- Remove existing southbound modified 30"x30" Curve warning (W1-2), as shown in **Figure 3**.
- Relocate eastbound 30"x30" Stop Ahead (W3-1) sign approximately 175 feet west of the intersection, as shown in **Figure 3**.
- Relocate existing southbound 30"x30" Cross Road Intersection (W2-1) sign and 18"x18" 45 MPH advisory speed (W13-1P) plaque approximately 200 feet north of the current location, as shown in **Figure 3**.
- Relocate existing westbound 30"x30" Stop Ahead (W3-1) sign to approximately 175 feet east of the intersection, as shown in **Figure 3**.
- Relocate existing northbound 30"x30" Cross Road Intersection (W2-1) sign and 18"x18" 45 MPH advisory speed (W13-1P) plaque approximately 200 feet south of the current location, as shown in **Figure 3**.
- Replace existing custom curve with intersecting roadways sign with 30"x30" right curve with intersecting roadway (W10-1R) sign, as shown in **Figure 4**.

Figure 2.



Figure 3.

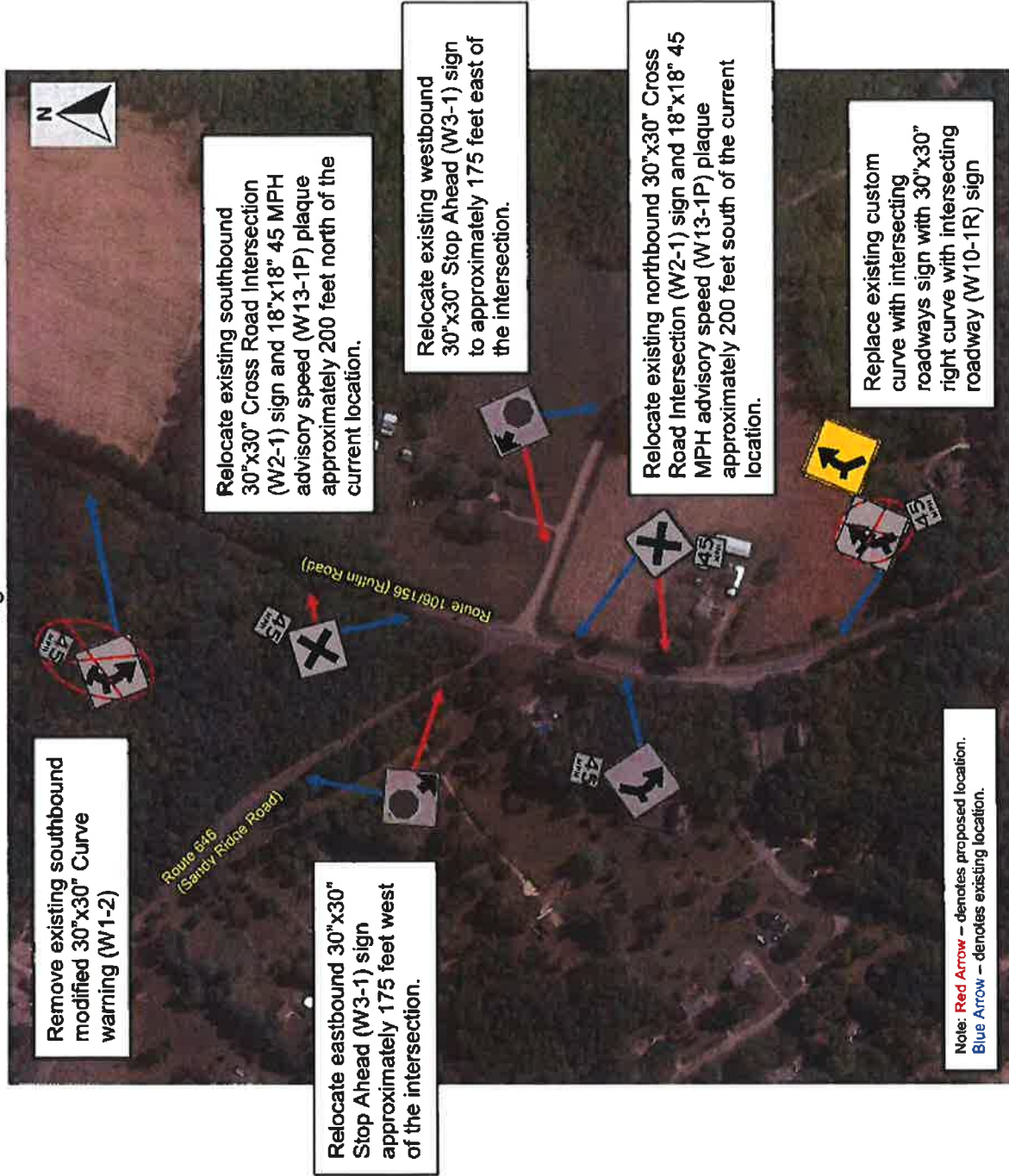


Figure 4.

