

MINUTES
Planning Commission
County of Prince George, Virginia

March 23, 2023

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

CALL TO ORDER. The Regular Meeting of the Prince George County Planning Commission was called to order at 6:30 p.m. on Thursday, March 23, 2023 in the Board Room, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Mrs. Elder, Chair.

ATTENDANCE. The following members responded to Roll Call:

Mr. Simmons	Present
Ms. Elder	Present
Mr. Bresko	Present
Mr. Joyner	Absent
Ms. Anderson	Present
Ms. Canepa	Present
Mr. Brockwell	Present

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

INVOCATION. Mr. Bresko provided the Invocation.

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

ADOPTION OF THE AGENDA. Ms. Elder asked the Commissioners for a motion to approve the Agenda for the March 23, 2023 Planning Commission meeting. Ms. Anderson made a motion to approve the meeting Agenda and Mrs. Canepa seconded the motion.

Roll Call:

In favor: (6) Canepa, Elder, Anderson, Brockwell, Bresko, Simmons

Opposed: (0)

Absent: (1) Joyner

PUBLIC COMMENT PERIOD.

At 6:32 p.m., Ms. Elder 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 Public Hearings. 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 6:33 p.m.

COMMISSIONERS' COMMENTS.

Ms. Elder asked the Commissioners if they would be able to pick up their packets prior to the meetings from the Planning office. Mr. Graves stated staff could notify the Commissioners to let them know that the packets were ready for pick up. Ms. Anderson stated she would need to have her packet delivered because she works in Richmond.

ORDER OF BUSINESS.

A-1. Adoption of the Work Session Minutes – February 21, 2023.

Ms. Elder asked the Commissioners to review the minutes of the February 21, 2023 Work Session of the Planning Commission. Mr. Bresko made a motion to approve the February 21, 2023 Work Session Minutes. The motion was seconded by Mrs. Canepa.

Roll Call:

In favor: (6) Canepa, Elder, Anderson, Brockwell, Bresko, Simmons

Opposed: (0)

Absent: (1) Joyner

A-2. Adoption of Business Meeting Minutes – February 23, 2023

Ms. Elder asked the Commissioners to review the minutes of the February 23, 2023 Planning Commission meeting. Mrs. Canepa made a motion to approve the February 23, 2023 meeting minutes. The motion was seconded by Mr. Brockwell.

Roll Call:

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

Opposed: (0)

Abstain: (1) Simmons

Absent: (1) Joyner

A-3. VACATION OF PLAT S-23-01: Request of Ethel R. Krenicky for Vacation of plat before sale of lot therein, pursuant to Section 70-802. The plat which is requested to be vacated was recorded in the Circuit Court Clerk's office in Instrument # 2200001939. The property is 73.436 acres in size, located on South Crater Road, and is currently identified as Tax Map # 510(0A)00-070-0. Vacating the plat will restore five (5) tax parcels to the boundaries that existed before the plat was recorded.

Mrs. Walton presented Vacation of Plat – S-23-01 to vacate a plat that was recently recorded and is being requested to be restored back to the previous condition. She explained the requirements to vacate a recorded plat and the request from the applicant.

Background Information:

- Parcels were consolidated to meet minimum acreage requirements for a potential Solar Facility development site

- All related parcels are still owned by the original owner
- The proposed Solar Facility was found not in compliance with the County's Comprehensive Plan by the Planning Commission, and the request did not move forward
- The property owner wishes to vacate the recorded plat and return the individual parcels to their previous state
- Both County Code and State law have provisions on how to proceed with this type of request

Mrs. Walton shared a copy of the consolidation plat and the County Code sections related to vacating a plat. These codes are as follows:

- Sec. 70-802. Vacation of plat before sale of lot therein; by the owners
- Sec. 70-804. Vacation of plat before sale of lot therein; ordinance of vacation

The property owner and staff requested a plat vacation in accordance with Sec. 70-802.

Under State law there are two options:

- § 15.2-2271. Vacation of plat before sale of lot therein; ordinance of vacation. provides for two options for vacation in cases where no lots/parcels have been sold:
 1. By consent of the governing body
 2. By ordinance of the governing body

The property owner and staff are requesting a plat vacation in accordance with Option 1.

The action steps for this process are:

1. Request considered by the Planning Commission, with a recommendation forwarded to the BOS
2. BOS to review and consider the request at a future meeting
3. If approved, consent would be forwarded to the Clerk of Court for recordation

Mrs. Walton explained that the staff and the Commissioners job is to review whether the plat is in conformance with the Comprehensive Plan. The Comprehensive Plan indicates this area as a residential zoned area and this request is in line with the Comprehensive Plan and is eligible for the Commissioners' approval.

Ms. Anderson moved to forward Vacation of Plat S-23-01 to the BOS with the recommendation of approval. She stated it was consistent with Comprehensive Plan and the Future Land Use. The motion was seconded by Mr. Brockwell.

Roll Call:

In favor: (6) Canepa, Elder, Anderson, Brockwell, Bresko, Simmons

Opposed: (0)

Absent: (1) Joyner

PUBLIC HEARINGS.

P-1. REZONING AMENDMENT RZ-22-06: Request of James R. Jones Builder, Inc. to amend the proffered conditions of Rezoning Case ZM-03-004 relating to buffer requirements, minimum house size, and number of building permits permitted per year. The subject property, zoned Residential Estate (R-E) District, comprises approximately 128 acres with frontage on Bull Hill Road and Courthouse Road, and is identified as Tax Map 340(0A)00-020-C. The Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses.

Mrs. Walton presented RZ-22-06 to the Commissioners. The applicant's request is to amend the current conditions and proffers from a 2003 rezoning case (# ZM-03-004). Mrs. Walton shared the location map, the zoning map, and the aerial view of the subject property. The property was rezoned R-E, Residential Estate in 2003 by the former owner. James R. Jones, Builder Inc. purchased the property recently and is asking to amend the buffer requirements, minimum house size and number of building permits permitted per year.

Background:

The zoning case ZM-03-004 was approved by the Board of Supervisors on June 10, 2003. The request rezoned approximately 129 acres from R-A, Residential Agricultural, to R-E, Residential Estate, with proffered conditions. In the rezoning case, the applicant proffered conditions which were accepted by the Board of Supervisors and addressed buffers, public utilities, roads, house size minimum, phasing of construction, and cash proffers.

Applicant's Request:

The applicant's request is to amend three of the proffered conditions of zoning case ZM-03-004 and leave the remaining conditions in place. The requested revisions to the proffers are as follows:

Proffer #1 - Screening – Remove the construction of an earthen berm of six feet in height along the frontage of Bull Hill Road from the condition. Replace with a mixture of shrubs and trees.

Proffer #4 - House Size Minimum – Remove the condition requiring all homes to have a minimum square footage of three thousand (3,000) square feet of living space excluding garage and storage space, and replace with: All one story homes shall have a minimum of 1,800 square feet and all two story homes shall have a minimum of 2,000 square feet excluding the garage and storage space.

Proffer #5 – Phasing- Amend the condition limiting the developer to no more than 15 building permits per year, on a cumulative basis over a five-year period, to no more than 20 per year.

The conceptual plan from 2003 shows two entrances off Bull Hill Road. The new developer will use this conceptual plan as a guideline.

Planning & Zoning Staff Review Comments:

Mrs. Walton stated that if this request is approved, the zoning district will not change, only the conditions. No additional conditions were recommended. The proffered conditions are appropriate and reflect current building and zoning standards for this type of development. The issues and concerns of VDOT and Public Utilities listed in the staff report will be addressed at the time of Subdivision Plat submittal and Site Plan review and approval.

Other Staff Review Comments:

Utilities Department:

The comments are more informational and do not affect the approval of the rezoning request.

1. Based on the proposed number of lots, at least two connections to the water system will be required with adequate looping within the subdivision. Exact locations of connection will be determined during preliminary plat review.
2. The central water system currently does not have capacity for new connections. There are capital improvement projects in the final stages of design that will provide a limited amount of additional capacity and are anticipated to be complete by late spring 2025.

Mrs. Walton reviewed the Public Notice & Community Feedback for this case. Staff notified adjacent property owners by mail, ran the required legal ads, provided the applicant a copy of the report prior to the hearing, and no comments from the community were received.

Revised Proffers:

1. Buffers – A 25-foot, existing mature natural vegetation buffer shall remain along the property boundary, except for the frontage along Bull Hill Road. ~~An earthen berm of 6 feet in height shall be placed along the frontage of Bull Hill Road.~~ **A mixture of shrubs and trees shall be planted along the frontage of Bull Hill Road.**
4. House size minimum – ~~All homes shall have a minimum 3000 square feet of heated living space excluding garage and storage space.~~ **one story homes shall have a minimum of 1,800 square feet and all two story homes shall have a minimum of 2,000 square feet, excluding the garage and storage space.**
5. Phasing – Upon approval, developer shall phase the development at no more than ~~15~~ **20** building permits per year on a cumulative basis, over a five-year period.

Staff's recommendation is for approval, subject to the proffered conditions by the applicant. This recommendation is based on the following considerations:

- The applicant's request appears to be compatible with current and future surrounding land uses and will not have negative impacts
- No negative feedback was received from adjacent property owners and community prior to publishing this staff report
- The applicant has requested changes to the existing proffered conditions which staff finds appropriate for our current building/neighborhood trends

Mrs. Walton asked the Commissioners if they had any questions. Ms. Anderson asked if Proffer Condition #6 needed to be reviewed in reference to the standard proffer rate of \$2,500 per lot. Mrs. Walton explained that the standard rate that the County sets, even at the time this was proposed, was approximately \$10,000, but the Board accepted a reduced proffer offer from the developer at that time. The developer has not offered a different rate.

Mr. Simmons asked if J. R. Jones Builders were the original developers of the subject property. Mrs. Walton stated that they recently purchased the property last year. Mr. Simmons asked if the house sizes they are proposing are in the size range of neighboring subdivisions. Mrs. Walton indicated that the developer has developed Brickhouse Landing, Cedar Creek and Cedar Creek West and the houses are comparable in size.

At 6:58 p.m., Ms. Elder opened the Public Hearing to anyone wishing to speak for or against the request. Citizens were asked to state their name and address and they would have three minutes to speak.

Ms. Hogwood, 5400 Courthouse Road, inquired about the locations of the entrances to the subdivision.

Mrs. Walton stated the Conceptual Plan shows the entrances on Bull Hill Road. Mrs. Walton stated that she felt an entrance on Courthouse Road would be challenging.

Karen Vieira, 7701 Bull Hill Road, expressed concerns about the amount of traffic on Bull Hill Road and the intersection at Courthouse Road. Ms. Vieira also stated she had concerns with the buffer only being 25 feet, pollution to the creek, wildlife and effect on the capacity of the new school.

Mr. Brockwell explained to Ms. Vieira that the Planning Commissions are only voting on the revised proffered conditions.

The applicant, Jay Jones, clarified that the proposed buffer amendment would help with the maintenance and cleanliness of the property. He noted that the berm at Brickhouse Landing needs to be cut and trash collects along the road. A tree buffer would be more effective.

With no one else coming forward to speak, the Public Hearing was closed at 7:06 p.m.

Mrs. Walton asked if she could address the questions of the school population and the Blackwater Creek concerns. Erosion and sediment control concerns are reviewed during the construction process. The State and the County have regulations for any development

or structures that are built near a waterway. These items are reviewed, approved and inspected during the building process. In reference to the school population increase, the School Board was a part of this review process and did not have any issues with the project.

Ms. Elder asked the Commissioners if they had any additional questions. Mr. Bresko made a motion to forward request RZ-22-06 to the Board of Supervisors with a recommendation for approval, subject to the amended proffer conditions, and the reason for this recommendation is that it is compatible with the Comprehensive Plan and current surrounding uses. The motion was seconded by Mr. Brockwell.

Roll Call:

In favor: (6) Canepa, Elder, Anderson, Brockwell, Bresko, Simmons

Opposed: (0)

Absent: (1) Joyner

P-2. COMPREHENSIVE PLAN AMENDMENT CPA-23-01: Request of Erica Craft and Pamela Craft to amend the Comprehensive Plan Future Land Use Map designation for a specific property from “Residential” to “Commercial”, in order to support a companion rezoning request for the same property. The companion request is identified as Rezoning RZ-23-01, which is scheduled for public hearing immediately following this request. The subject property, approximately 2 acres in size, is located at 12415 James River Drive and is identified as Tax Map 15A(02)00-011-0.

Mr. Graves presented to the Commissioners the request of Erica & Pamela Craft. He shared the Location map, Zoning map, Comprehensive Plan Future Land Use map and the Aerial map. He described the subject property as being triangular in shape and currently zoned R-A, Residential Agriculture.

Background:

1. The Comprehensive Plan Future Land Use Map (FLUM) indicates this area is planned for Residential development (dating back to the 1986 Comprehensive Plan).
2. The entire FLUM is due for review and update.
3. The building on the property was formerly used as a church and has sat vacant for a number of years.
4. The applicants purchased the property in May 2022.
5. The Planning & Zoning office advised the applicants that the FLUM does not currently support a rezoning of the property to B-1 General Commercial.
6. The applicants decided to apply for a change to the FLUM.

Request Summary:

- Applicants’ Goal - Operate a bakery on property
- Applicants’ Request - Change the Comprehensive Plan Future Land Use Map designation for tax parcel 15A(02)00-011-0 from “Residential” to “Commercial”

- Rationale provided for Change - None (except that they wish to operate a bakery on the property)
- Result if this request is approved - The Comprehensive Plan designation for this property would change to “Commercial” (or “Neighborhood Commercial”), which would support the applicants’ request to rezone the property.

Planning & Zoning Comments:

Mr. Graves stated that the Future Land Use Map has not benefitted from a full-scale review in at least 15 years, so there has not been ample opportunity to consider whether the current “Residential” designation remains appropriate. It is reasonable to revisit the future land use plan for this property as well as the surrounding area and traffic corridor.

The property is situated at an important intersection for vehicular traffic. Route 10 (James River Drive) is classified by VDOT as a “Minor Arterial” which accommodates high speed traffic in both directions. Route 635 (Heritage Road) is classified as a “Minor Collector” which is meant to “collect” traffic from lower usage “local” roads and deposit the traffic onto the high-speed arterials roads. The Comprehensive Plan calls for both of these roads and their rights-of-way to be widened in the future.

Mr. Graves explained that there are no current private or public plans to expand public water and sewer service lines to the area of this subject property. The nearest lots currently served by public utilities are more than 1 mile to the west in Rivers Edge subdivision.

The Comprehensive Plan provides descriptions for the various future land use designations. Mr. Graves shared the chart below to show the three that are most relevant to this request, with staff comments:

Residential	Commercial	Neighborhood Commercial
<p><i>This category includes areas within the PGPA where small lot residential development is encouraged. Public water and/or wastewater facilities are available and required for such development.</i></p>	<p><i>This category designates areas where commercial developments have occurred and where future urban and suburban commercial developments are encouraged. Public water and wastewater facilities are generally available or planned for these areas.</i></p>	<p><i>This category designates those areas where small scale commercial uses are encouraged. Such uses provide goods and services designed to meet the needs of the surrounding residential community.</i></p>
<p>The Residential designation indicates that development should be served by public utilities, however, no public water or sewer is currently planned for this area to support higher density residential development. Therefore, <u>the Residential designation is not the only appropriate use of this property.</u></p>	<p>The Commercial designation could be considered appropriate for this property given its past history of commercial use as a church, and because there is a church on the adjacent property. However, since no public water or sewer is currently planned for this area to support larger-scale commercial uses, <u>this designation is not as suitable as “Neighborhood Commercial”.</u></p>	<p>Of the available future land use designations described in the current adopted plan, <u>this designation seems to be the most appropriate for this particular property,</u> based on the existing non-residential building, small size of the property, the existing surrounding residential uses, and the lack of available public water and sewer to serve a larger development.</p>

Mr. Graves stated that staff recommends that the future land use designation for tax parcel 15A(02)00-011-0 be changed from “Residential” to “Neighborhood Commercial” (rather than the “Commercial” designation that was requested).

Secondarily, and separate from this request, Staff recommends that the Route 10 Corridor be re-examined in greater detail during the next major update to the Comprehensive Future Land Use Map.

The Basis for the Recommendation:

“Neighborhood Commercial” appears to be the most appropriate designation for this description in the currently adopted Comprehensive Plan. The County’s Future Land Use Map is due for a complete review. No negative feedback was received from adjacent property owners and community prior to publishing this staff report.

At 7:17 p.m., Ms. Elder opened the Public Hearing to anyone wishing to speak for or against the request. Citizens were asked to state their name and address and they would have three minutes to speak.

With no one coming forward to speak, the Public Hearing was closed at 7:18 p.m.

Ms. Elder asked the Commissioners if they had any additional questions. Mrs. Canepa made a motion to forward request CPA-23-01 to the Board of Supervisors with a recommendation to change the Future Land Use Map designation for the subject property to “Neighborhood Commercial, and the reasons for this recommendation are that it is compatible with the envisioned land uses for the subject property and adjacent properties, and it is expected to benefit the general welfare of the community. The motion was seconded by Mr. Bresko.

Roll Call:

In favor: (6) Canepa, Elder, Anderson, Brockwell, Bresko, Simmons

Opposed: (0)

Absent: (1) Joyner

P-3. REZONING RZ-23-01: Request of Erica Craft and Pamela Craft to rezone approximately 2 acres from Residential Agricultural (R-A) to General Commercial (B-1). The applicants plan to operate a bakery on the property. The subject property is located at 12415 James River Drive and is identified as Tax Map 15A(02)00-011-0. The Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses; however, the applicants have requested to change the Future Land Use designation to Commercial.

Mr. Graves presented RZ-23-01 and explained that the applicants, Erica and Pamela Craft were the same as the previous case. Mr. Graves shared the Location map, Zoning map, Comprehensive Plan Future Land Use map and the Aerial map.

Background:

1. The property has been zoned R-A since the County blanket rezoned this area from A-1 to R-A in 1995.
2. The building on the property was formerly used as a church and has sat vacant for a number of years.
3. The applicants purchased the property in May 2022.
4. The applicants met separately with the Planning & Zoning office, Building Official and Health Department prior to submitting their rezoning application on January 20, 2023.
5. The Planning & Zoning office advised the applicants that the current zoning of the property (R-A) does not allow for the proposed commercial use and that they would need to rezone the property before they could legally operate their business in the building on the property.
6. The applicants were also advised that the Comprehensive Plan Future Land Use Map does not currently support a rezoning on the property, but they could also apply to change that. They applied for that change at the same time as this rezoning.

Request Summary:

Primary Goal:

- Open a commercial bakery in the existing building
- Process, bake and package the baked goods (primarily cookies) within the building and sell them at off-site retail locations (no on-site customers currently envisioned)
- No more than 5 employees envisioned

Request:

- Rezone from R-A Residential Agricultural to B-1 General Commercial
- Proffered restriction on certain commercial uses of property

If Rezoning is approved:

- Bakery would be permitted
- Other B-1 uses would be permitted on the property in the future

Planning & Zoning Staff Review Comments:

Adjacent uses:

- Single-family residential housing on approximately 1-acre lots
- A church (Crystal Ministries Cathedral) on one adjacent property

Expected Impacts on adjacent properties and roadways:

- Minimal change for initial bakery use
- Higher impacts possible for future B-1 uses

Mitigation of expected impacts:

- Applicant has proffered restriction on certain B-1 uses

Compatibility with the comprehensive plan:

- Applicants submitted request to change Future Land Use from Residential to Commercial
- Staff recommends Neighborhood Commercial
- If the Future Land Use Map is amended, then it will support this rezoning

Other Staff Review Comments:

Building Inspections Division – Charles Harrison III, Building Official

The applicants will be required to participate in the Change of Use/Classification process to be in conformance with VUSBC occupancy requirements. The structure is not to be operational until all required permit(s) have been obtained and inspection(s) have been performed. If all provisions are complied with, a new Certificate of Occupancy will be produced and the business will be granted operational status.

Virginia Department of Health - Alice Weathers, Environmental Health Specialist

The sewage disposal and well are being evaluated by a Professional Engineer to determine if the site is suitable for the proposed use as a bakery. Once the Waste Characterization information is received, it will be reviewed.

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

SR 10, James River Drive has a functional classification of minor arterial and an average annual daily traffic (AADT) of 3,900. A low volume commercial entrance will be required to provide access to the site. A low volume commercial entrance must demonstrate that stopping sight distance is available at the proposed entrance and be encumbered by an entrance maintenance agreement. It is unknown whether the existing entrance will meet these criteria. VDOT has no objection to the submitted zoning application.

Mr. Graves noted that the applicants are aware of the need to resolve the above items prior to occupancy/operations.

Proffered Conditions:

Land Uses. The use of the Property zoned B-1 shall be limited as provided for in the County Zoning Ordinance, except that the following land uses shall be prohibited:

- Funeral homes;
- Service stations with major repair facilities under cover;
- Auto sales and service;
- Auto and home appliance services;
- Lumber and building supply;
- Machinery sales and service;
- Cemeteries;
- Circuses;
- Noncommercial fairgrounds;
- Mobile home and recreational vehicle sales, service and repair.

Staff's recommendation is approval, subject to the proffered conditions and the basis are as follows:

1. The requested rezoning appears to be generally compatible with current and future surrounding land uses (with proffers and approval of CPA-23-01).
2. No negative feedback was received from adjacent property owners and community prior to publishing this staff report.
3. The applicant proffered to prohibit certain uses to address potential concerns about rezoning the property.

Mrs. Anderson asked for clarification on the request needing to be modified for "Neighborhood Commercial" for the Commission's vote. Mrs. Walton explained that the BOS would address the cases in the same order as the Planning Commission. If the first case fails, the second case is not presented.

At 7:27 p.m., Ms. Elder opened the Public Hearing to anyone wishing to speak for or against the request. Citizens were asked to state their name and address and they would have three minutes to speak.

With no one coming forward to speak, the Public Hearing was closed at 7:27 p.m.

Ms. Elder asked the Commissioners if they had any additional questions. Mrs. Canepa made a motion to forward request RZ-23-01 to the Board of Supervisors with a recommendation for approval, subject to the proffered conditions, and the reason for this recommendation is it is compatible with the Comprehensive Plan and current surrounding uses and zoning districts. The motion was seconded by Mr. Bresko.

Roll Call:

In favor: (6) Canepa, Elder, Anderson, Brockwell, Bresko, Simmons

Opposed: (0)

Absent: (1) Joyner

P-4. SPECIAL EXCEPTION SE-23-01: Request of Nicole Shenjobi & Daphne Moore to permit an adult daycare facility within a General Commercial (B-1) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-393(8). The purpose of the request is to allow an adult daycare facility to open and provide services on the property. The subject property is approximately 1.15 acres in size, located at 4821 Prince George Drive, and is identified as Tax Map 24D(01)00-00B-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Commercial uses.

Mr. Graves presented to the Commissioners Special Exception SE-23-01. The subject property is located at 4821 Prince George Drive. Mr. Graves shared the Location map, Zoning map and Aerial map.

Request Summary:

Applicants' Primary Goal:

- Open an “adult daycare facility” in an existing building

Key Details from Application:

- Participants will have opportunities to socialize and do activities
- Name of business = “Our Loved Ones”
- Applicants will Lease/rent Suites A,B, and C = 4,800 square feet
- Operational hours Monday through Friday, 7:30 a.m. to 5:00 p.m.
- Structured activities provided, including but not limited to: Arts & Crafts, Cooking Classes, Computer Work Shops, Exercise, Games, Gardening, Music Therapy, Outings, and Pet Therapy, etc.
- Participants attend two to five days a week, and for the hours that work best for their schedules
- Highly-trained Staff will be provided, with Staff to Participant ratio that exceeds state licensure requirements (at least 1 staff per 6 participants)

Planning & Zoning Staff Review Comments:

- The subject property is approximately 1.15 acres in area and is zoned B-1.
- A special exception for a commercial childcare center was approved in 2015 and Kidco Academy operated on the property for several years following that approval.
- The term “Adult daycare facility” is not listed among the permitted uses in any zoning district. In the absence of a more relevant permitted use, the described activities appear to fall within the definition of the “special care hospital” land use which is permitted by Special Exception pursuant to Section 90-393(8). The Zoning Ordinance provides a definition for this land use:
Hospital, special care, means an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.
 - Expected impacts (Traffic, Visual, Noise, etc.) and mitigation for this request:
 - N/A Similar to other possible commercial uses of the property
 - There is no apparent need for special conditions for parking, signage, hours, etc. because this property is already zoned properly for business activities and such details are addressed by existing code requirements

Other Staff Review Comment Highlights:

Building Inspections Division – Charles Harrison III, Building Official

A Change of Use/Updated Certificate of Occupancy will be required before occupancy/use of the structure(s) is granted. This process may include submission of floor plan/building layout, egress components, exits, occupant loads, and any applicable permitting requirements.

Virginia Department of Health - Alice Weathers, Environmental Health Specialist

Based on the information provided by the applicant, they will not need a food permit at this time. If the food operations plan changes, they will need to inform the Health Department for a reassessment. The facility is connected to public sewer and does not require a waste characterization study. Regarding the private well that serves the facility,

the applicant will need to contact the VDH Office of Drinking Water (ODW) so that the use can be evaluated. A permit may be required by ODW.

Virginia Department of Transportation (VDOT) - Paul Hinson, Area Land Use Engineer
An existing commercial entrance meeting VDOT standards serves the proposed facility. No objection to the submitted special exception application.

Recommended Conditions Highlights:

- For the purposes of this special exception, an adult daycare facility is defined as: A facility, licensed by the state if applicable, operated for the purpose of providing care, protection, and/or guidance to adults who do not reside in the facility, for a portion of a 24-hour day.
- Obtain any required approvals from the Health Department prior to issuance of the updated Certificate of Occupancy or Business License.
- Obtain Change of Use Permit and an updated Certificate of Occupancy prior to the use of the structure for an adult daycare facility.
- Obtain all required local and state licenses/permits for operation of an adult daycare facility.

Mr. Graves stated that staff recommends approval subject to the recommended conditions with the basis of the following:

- Compatible with current and future surrounding uses
- No more intensive use than other B-1 permitted uses
- No negative feedback from community
- Applicant agrees with staff-recommended conditions

Mr. Simmons asked for clarification on the meaning of the “special care hospital”. Mr. Graves explained that the applicant is only requesting an “adult daycare facility”. The facility would be licensed by the State, operated for the purpose of providing care protection and guidance to adults that do not reside in the facility.

One of the applicant’s, Daphne Moore, stated that she and her sister are registered nurses and they would like to open this facility to help a large range of people. Some clients may not need any additional assistance and some may need guidance and supervision.

Mrs. Elder asked Ms. Moore about the step-up into the property. Ms. Moore explained that the property does have several ramps to get into the building. Mrs. Elder asked about the clients having access to the garden area outside. Ms. Moore stated that the area will be suitable for the clients to access.

At 7:42 p.m., Ms. Elder opened the Public Hearing to anyone wishing to speak for or against the request. Citizens were asked to state their name and address and they would have three minutes to speak.

With no one coming forward to speak, the Public Hearing was closed at 7:42 p.m.

Ms. Elder asked the Commissioners if they had any additional questions. Mr. Bresko made a motion to forward request SE-23-01 to the Board of Supervisors with a recommendation for approval, subject to the recommended conditions in the Staff Report and the reason is that it is expected to benefit the general welfare of the community. The motion was seconded by Mrs. Canepa.

Roll Call:

In favor: (6) Canepa, Elder, Anderson, Brockwell, Bresko, Simmons

Opposed: (0)

Absent: (1) Joyner

COMMUNICATION.

Mr. Graves presented to the Commissioners the following updates:

- A. Actions of the Board of Zoning Appeals (BZA)
 - a. BZA scheduled to meet March 27th
 - b. One special exception case scheduled for April
- B. Actions of the Board of Supervisors (BOS)
 - a. March 14th the County Administrator presented the County Administrator's Proposed Budget, and included in the proposed budget was funding for a Planning Director and funding for updates to the Comprehensive Plan and Ordinances.
- C. Planning Commission Communications
 - a. Six to Seven Upcoming Cases in April
 - b. VDOT – Crystal Smith training - May Work Session

Mrs. Elder asked staff for a time limit on when the Commissioners needed to call the Planning office to confirm attendance for their meetings. Mr. Graves requested that the Commissioners call or email by noon the day of the meeting.

Mr. Simmons stated that he had deep regrets to announce that effective immediately he needed to resign. Mrs. Elder thanked him for his years for service.

Mr. Bresko announced that Farm Day, for all the second graders in the County, to come to his farm on Pole Run Road to learn about where their food comes from. The event will be on April 18th, from 9:30-2:00 p.m. The Extension office and Farm Bureau will be sponsoring the event.

ADJOURNMENT.

At 7:52 p.m., Ms. Elder asked the Commissioners if they had any additional questions. If not, she would entertain a motion to adjourn. Mr. Bresko made a motion to adjourn and Mr. Brockwell seconded the motion. Roll was called on the motion.

Roll Call:

In favor: (6) Canepa, Elder, Anderson, Brockwell, Bresko, Simmons

Opposed: (0)

Absent: (1) Joyner