

MINUTES
Planning Commission
County of Prince George, Virginia

September 28, 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, September 28, 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:

Brian Waymack	Present
Imogene Elder, Chair	Present
Alex Bresko	Present
Clarence Joyner	Present
Tammy Anderson, Vice-Chair	Absent
Jennifer Canepa	Present
Stephen Brockwell	Absent

Also present: Robert Baldwin, Planning Director; Tim Graves, Planner II; Madison Sobczak; Planning Technician

INVOCATION. Mrs. Elder provided the Invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG. Mrs. Canepa 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 September 28, 2023, Planning Commission meeting. Mr. Bresko made a motion to approve the Agenda and Ms. Canepa seconded the motion.

Roll Call:

In favor: (5) Canepa, Elder, Bresko, Waymack, Joyner

Opposed: (0)

Absent: (2) Brockwell, Anderson

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 6:32 p.m.

COMMISSIONERS' COMMENTS.

Ms. Elder asked the Commissioners if they had any comments they would like to share. Ms. Elder stated she would like to welcome Mrs. Madison Sobczak as the new Planning Technician.

ORDER OF BUSINESS.

A-1. Adoption of the Work Session Minutes – July 24, 2023

Ms. Elder asked the Commissioners to review the Work Session Minutes from July 24, 2023. Ms. Canepa made a motion to approve the July 24, 2023, Work Session Minutes. The motion was seconded by Mr. Joyner.

Roll Call:

In favor: (5) Canepa, Elder, Bresko, Waymack, Joyner

Abstain: (0)

Absent: (2) Brockwell, Anderson

A-2. Adoption of Business Meeting Minutes – July 27, 2023

Ms. Elder asked the Commissioners to review the Minutes of the July 27, 2023, Planning Commission meeting. Mr. Waymack made a motion to approve the July 27, 2023 Meeting Minutes as written. The motion for approval was seconded by Mr. Joyner.

Roll Call:

In favor: (5) Canepa, Elder, Bresko, Waymack, Joyner

Opposed: (0)

Abstain: (0)

Absent: (2) Brockwell, Anderson

PUBLIC HEARINGS.

P-1. ORDINANCE AMENDMENT OA-23-01: A property owner in the County has requested that the County amend its Zoning Ordinance to allow tattoo and body piercing in the General Business (B-1) Zoning District.

If the Zoning Ordinance is amended as requested, the use would be allowed by-right in the B-1 district and applicant Stephanie Winner would be able to open a tattoo and body piercing shop in the County.

Staff requested that the Planning Commission review the Staff Report, hold a public hearing, and make a recommendation to the Board of Supervisors.

Mr. Graves presented OA-23-01 to the Commissioners.

Applicant's Goals:

- Open the first tattoo and piercing parlor in The Crossings Shopping Center in Prince George County and to provide safe, quality body art to Prince George, Fort Gregg-Adams and surrounding areas.

Applicant's Request:

- Amend the County's ordinance to allow this land use in the (B-1) General Business Zoning District.

Review Comments

Planning & Zoning Staff Comments:

1. Code of Virginia § 15.2-912 defines the terms "Body-piercing salon" and "Tattoo parlor" and allows localities the option to regulate the sanitary conditions of such establishments.
2. Planning staff recommends not deviating from the State Code definitions provided for these establishments so as to avoid conflicts or confusion with State regulatory responsibility.
3. These establishments are regulated by the State Code, enforced by the Virginia Department of Professional and Occupational Regulation (DPOR) under licenses that require extensive training and compliance reviews.
4. Planning staff recommends that no additional ordinance language be included regarding regulation of sanitation and procedures of these establishments, since this type of regulation is already covered by DPOR.
5. All establishments would be required to obtain a business license, which requires a check for Zoning approval, and the Commissioner of Revenue office would be responsible for checking for the applicable DPOR license indicating that the establishment will be compliant with the Code of Virginia.
6. Given the above facts, Planning staff recommend that the requested use is appropriate as by-right land use in the B-1 Zoning District as requested.
7. A Draft Ordinance Amendment has been prepared by staff for consideration. The proposed code language would add "Tattoo parlors and body piercing salons, as defined in the Code of Virginia §15.2-912" as a use permitted by-right in the B-1 Zoning District. This is consistent with the applicant's request.

Comments were also received from the following departments:

Building Inspections:

1. I have not discovered any additional requirements to operate a tattoo/piercing business other than the normal change of use/updated tenant process that will be generated if the applicant proceeds.

Virginia Department of Health (VDH):

1. To the best of my knowledge, special requirements applicable to this type of business would need to be obtained from DPOR (Department of Professional and Occupational Regulation).

The departments below reviewed this request and had no comments:

- Economic Development - Makayla Christensen, Economic Development & Tourism Specialist
- Fire & EMS Department – Frank Vaerewyck
- Real Estate Assessor – Randall Horne, Senior Real Estate Appraiser
- Utilities Department – Rachael Lumpkin, Utility Project Engineer
- Virginia Department of Transportation (VDOT) - Paul Hinson, Area Land Use Engineer
- Environmental Division - Angela Blount, Environmental Program Coordinator

Mr. Graves stated that staff recommends approval based on the following:

- Tattoo and body piercing shops is a known and understood activity, which by state law, must be allowed somewhere in the County. The B-1 zoning district is the only business zoning district and therefore is the most appropriate zoning district.
- The use is reasonably regulated by state code and therefore is appropriate as a by-right land use.
- No negative feedback was received from the community prior to publishing this staff report.

Mr. Graves explained that the case was properly advertised in the local newspaper and no comments were received prior to finalizing the Staff Report. He stated that the applicant was present if the Commissioners had any questions.

Mrs. Elder asked who would make inspections to the business. Mr. Graves stated the state code says that if a locality includes language in the ordinance requiring inspection by the County, then there must also be language authorizing unannounced inspections, but since the County doesn't have local staff to inspect such facilities, this would not apply to Prince George County, but the applicable state department could still inspect the facilities regardless of if the County includes any language about this.

Ms. Elder asked if the ordinance was approved could a tattoo parlor or body piercing parlor be located anywhere in the B-1 District without having to come before the Planning Commission.

Mr. Graves confirmed that was correct. He also stated the applicant has to be licensed by the State for whatever services they would be providing. He further stated that the State Licensure would be checked for in the process of issuing a business license in the County of Prince George by the Commissioner of Revenue.

Mr. Bresko asked the applicant if she was currently running a tattoo parlor anywhere else.

The applicant, Stephanie Winner introduced herself and stated that she was not running a tattoo parlor anywhere else and that she wanted to start in Prince George and if this didn't work out then she would look elsewhere.

Mr. Bresko asked the applicant if they currently have all the licensing that is necessary to open the tattoo parlor. The applicant stated she was in the process of obtaining all the required licensure and wanted to confirm that the zoning would be allowed first, and she stated that any artist or piercer in the facility is also required to have an individual license.

Mr. Bresko asked how many employees the applicant was looking to have. The applicant stated she was looking to start with two tattooers with plans to bring on more employees in the future.

Mr. Joyner asked the applicant if she would be doing tattooing herself and how long she had been tattooing. The applicant stated she will be doing tattooing and that she just finished schooling and has been training for 3 years.

With no further questions or concerns from the Commissioners, Ms. Elder opened the Public Hearing at 6:46 p.m. With no one indicating they wished to speak, the Public Hearing closed at 6:46 p.m.

Mr. Waymack made a motion to forward OA-23-01 to the BOS with a recommendation of approval of the Draft Ordinance and the reason for this recommendation is that it would result in the zoning ordinance clearly addressing how and where this particular land use is permitted in the County. The motion was seconded by Ms. Canepa.

Roll Call:

In favor: (5) Elder, Joyner, Waymack, Bresko, Canepa

Opposed: (0)

Absent: (2) Brockwell, Anderson

COMMUNICATIONS.

C-1. Actions of the Board of Zoning Appeals (BZA)

- There were none. September and October meetings were canceled.

C-2. Actions of the Board of Supervisors (BOS)

- September 12
 - BOS approved the Rezoning and Special Exception for the business rezoning and the mini-storage facility
 - BOS approved a rezoning on Route 460 for a storage building sales lot
 - BOS approved the substance abuse facility Special Exception request at the former Sunflower Gardens Building
- September 26
 - BOS approved staff to submit an application for a cost sharing grant to assist in funding for the round- about program at the intersection of Middle Road and Jefferson Park
 - BOS approved funding for the Comprehensive Plan

- Bob Baldwin gave presentations on Land Use, the Comprehensive Plan and Private Roads

C-2. Upcoming Planning Commission Cases for October

- Two Special Exceptions and one Substantial Accord for a solar facility
- Comprehensive Plan Amendment request to change a Future Land Use for a specific property

ADJOURNMENT.

At 6:51 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 Ms. Canepa seconded the motion. Roll was called on the motion.

Roll Call:

In favor: (5) Waymack, Bresko, Canepa, Elder, Joyner

Opposed: (0)

Absent: (2) Brockwell, Anderson