

Issue Analysis Form

Date: September 25, 2018 – Board of Supervisors

Item: Living Well, LLC Special Exception Request

Lead Department: Community Development – Planning

Contact Person: Douglas Miles, AICP, Planning Manager



Description and Current Status

The applicants are proposing to operate an assembly hall use for weddings, family reunions, corporate events and similar indoor assembly hall receptions. The proposed days and hours of operation on site are Monday through Thursday 9:00 am to 9:00 pm; Fridays and Saturdays 9:00 am to 11:00 pm and on Sundays 9:00 am until 11:00 pm.

The applicants plan to operate the Barns of Kanak assembly hall site with few changes. They plan to add a larger sign at the entrance to advertise their scheduled events and to better direct traffic into the venue from Ruffin Road for their out of town event attendees.

Government Path

Does this require IDA action?

☐ Yes ☒ No

Does this require BZA action?

☐ Yes ☒ No

Does this require Planning Commission action?

☒ Yes ☐ No
August 23, 2018
Recommended for
Approval by 6-0 vote

Does this require Board of Supervisors action?

☒ Yes ☐ No
September 25, 2018

Does this require a Public Hearing?

☒ Yes ☐ No

If so, before what date?

n/a

Fiscal Impact Statement

The proposed Special Exception request will allow for this Prince George County business to add additional tax revenues and to offer up to County residents and the surrounding community assembly hall meeting space at the existing facility and site.

County Impact

The applicants will work with the Police Department to maintain proper traffic flows for the continued assembly hall events by offering up meeting space for local and regional tourism events and thus providing additional commercial tax revenue for the County.

Notes

n/a

Board of Supervisors
County of Prince George, Virginia

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 25th day of September, 2018:

Present:

Alan C. Carmichael, Chairman
Donald Hunter, Vice Chairman
Floyd M. Brown, Jr.
Marlene J. Waymack
T. J. Webb

Vote:

P-2

SPECIAL EXCEPTION SE-18-03 REQUEST OF LIVING WELL LLC, PURSUANT TO § 90-103 (9) TO PERMIT AN ASSEMBLY HALL USE. THE REQUEST IS LOCATED AT 5503 RUFFIN ROAD AND IS KNOWN AS TAX MAP 240(0A)00-115-A IN A R-A, RESIDENTIAL-AGRICULTURAL ZONING DISTRICT. THE COMPREHENSIVE PLAN CALLS FOR VILLAGE CENTER USES.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-18-03 is granted as an amendment to the official zoning map with the following conditions:

1. This Special Exception is granted for an Assembly Hall use to Living Well, LLC (Diane and Tom McCormick) dba The Barns of Kanak and is not transferable and it does not run with the land on Tax Map 240(0A)00-115-A.
2. The applicants will be required to provide staffing for private parking and proper traffic circulation purposes with event personnel clearly marked as "Event Staff" for safety reasons. The Prince George County Police Department shall be notified at least thirty (30) days prior to each Assembly Hall event expected to exceed 150 event attendees.
3. Any temporary food service carts, portable toilets and hand washing stations that may be used for events shall be approved by the State Health Department for the assembly hall events. Proper litter control measures shall be put in place at the assembly hall events with the use of both trash containers and recycling bins.
4. Assembly Hall land use days and hours of operation shall be Monday through Thursday from 9:00 am to 9:00 pm; Friday through Saturday from 9:00 am to 11:00 pm and Sundays from 9:00 am to 10:00 pm.

5. One (1) internally illuminated, freestanding sign no greater than sixty (60) square feet should be placed for directional purposes near the main entrance located outside of the VDOT right-of-way and meeting a twenty (20) foot setback. It may be of a monument type base or shall include lattice screening and plantings around it as approved by Planning during the sign permit review process. All other temporary signs shall be removed from the premises once the permanent freestanding sign has been erected on premises.
6. Portable signs, to include flashing arrow signs, shall not be permitted on the premises once the permanent freestanding signage has been approved and erected on the premises.
7. The applicants shall take the appropriate measures to ensure compliance with the County Noise Ordinance of the Code of the County of Prince George, as adopted, and as enforced by the Police Department.
8. The applicants shall have all required State permit approvals that may include a VDOT Commercial Entrance Permit, a Virginia Department of Health – Office of Drinking Water (ODW) permit and all local permits before the use of the assembly hall building and all other buildings.
9. This Special Exception shall become null and void if the use of an assembly hall is abandoned for a period of twenty-four (24) consecutive months.
10. 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 September 25, 2018 and becoming effective immediately

**SPECIAL EXCEPTION REQUEST
BOARD OF SUPERVISORS SUMMARY REPORT**

CASE NUMBER: SE-18-03

APPLICANTS: Living Well, LLC (Diane and Tom McCormick)

LOCATION: 5503 Ruffin Road Prince George, VA 23875

TAX MAP: 240(0A)00-115-A (Barns of Kanak improvements)

REQUEST: Special Exception to permit an Assembly Hall

EXISTING ZONING: R-A, Residential Agricultural Zoning District

EXISTING USE: Single family dwelling use and agricultural buildings

PROPOSED USE: Single family dwelling use and Assembly Hall use

UTILITIES: Well and Septic

REAL ESTATE TAXES: Delinquent taxes are not owed to the County

MEETING INFORMATION:

Planning Commission: Thursday, August 23, 2018 at 6:30 pm

**Planning Commission Recommended Approval 6-0 with
conditions - with no public hearing comments provided**

Board of Supervisors: Tuesday, September 25, 2018 at 7:30 p.m.

ATTACHMENTS:

1. Special Exception Application and requested conditions
2. Staff Report and GIS Map of the surrounding properties

PRINCE GEORGE COUNTY, VIRGINIA
BOARD OF SUPERVISORS STAFF REPORT
SPECIAL EXCEPTION SE-18-03 LIVING WELL LLC
PUBLIC HEARING DATE: SEPTEMBER 25, 2018

Request:

A Special Exception to permit an Assembly Hall use in a R-A, Residential – Agricultural District. A Special Exception was issued to Ambrusta Development, LLC by the Board on May 23, 2017.

Case Summary:

The applicants are proposing to purchase and to operate an Assembly Hall use for weddings, special events, corporate functions and similar indoor assembly hall receptions. The proposed days and hours of operation on site are Monday through Thursday 9:00 am to 9:00 pm; Fridays and Saturdays from 9:00 am to 11:00 pm and Sundays 9:00 am to 10:00 pm. The contract purchasers plan to operate the Assembly Hall use in a similar fashion as the current operators who are Terri and Mark Perkinson. The remaining farm acreage around the barns will remain in crop production and is not a part of this Special Exception request. All planned events to include site parking will occur on Parcel 115-A and crop production land use will be done on Parcel 115.

Comprehensive Plan:

The 2014 Comprehensive Plan identifies this area as appropriate for village center land uses. This use complies with the designation in order to make the transition to other commercial uses.

Existing Use and Surrounding Zoning:

The subject property is zoned R-A, Residential Agricultural (with R-2 corridor zoning) and it contains a single family dwelling and agricultural buildings. The properties to the north and east are zoned R-A and they contain single family dwellings or are vacant. The property to the west is also requesting a Special Exception for an Assembly Hall use for the Prince George Ruritan Club as a non-profit service use and this request will be for-profit as a commercial business use.

Building Inspections: Dean Simmons, CBO, Building Official and Fire Official:

This application has been evaluated under the provisions of the 2012 Virginia USBC, 2012 Virginia SFPC and the 2017 Special Exception conditions:

The 2017 Special Exception permits an Assembly Hall and a single-family dwelling is permitted by right and would not allow transient, overnight accommodations in any building. Any Development of property will require complying with the applicable requirements of the VUSBC and the VSFPC. Construction permits will be required to be obtained for construction or renovations and for alterations or a change of use to other structures on the property. Plans and specifications prepared by a Virginia Registered Design Professional must be submitted for review with the building permit applications. Structures that will be utilized for commercial

purposes will be required to comply with the applicable requirements of the VUSBC. The review of the stated items will be conducted during the building permit plan review process for approval

VDH – Prince George: Charles Leonard, AOSE, Environmental Health Supervisor:

The Virginia Department of Health (VDH) – Prince George Office has indicated that if the water system at this facility would serve more than 25 people for 60 days per year, then the existing well water system will fall under the jurisdiction of the VDH – Office of Drinking Water in Norfolk.

The application lists the venue may serve up to 250 persons and Health Department records indicate the on-site sewage disposal system is designed to serve a maximum of 150 persons once a week with other days serving less people. The drinking water supply is not on the non-community water supply program which it probably should be looked at again with the change of ownership and a proposed increase of use by the applicants for this Assembly Hall use request.

VDOT – Petersburg Residency: Paul Hinson, PE, LEED AP

The Virginia Department of Transportation, Southern Region Land Development Office has no further comments on this Special Exception request. As VDOT previously determined that the existing entrance meets our criteria for a commercial entrance. Paul Hinson can be contacted at 804.863.4012 or via e-mail paul.hinson@VDOT.virginia.gov with any further VDOT questions.

Planning Commission and Staff Recommendation:

The Planning Commission and Staff recommend Approval of the proposed assembly hall use provided that the impact upon the surrounding property owners is minimal. Staff has proposed recommended conditions to ensure that this use complies with all Federal, State and County Code requirements. **Bold Text indicates a change from the original 2017 Special Exception approved conditions for this use:**

1. This Special Exception is granted for an Assembly Hall use to **Living Well, LLC (Diane and Tom McCormick) dba The Barns of Kanak** and is not transferable and it does not run with the land on Tax Map 240(OA)00-115-A.
2. The applicants will be required to provide staffing for private parking and proper traffic circulation purposes with event personnel clearly marked as “Event Staff” for safety reasons. The Prince George County Police Department shall be notified at least thirty (30) days prior to each Assembly Hall event expected **to exceed 150 event attendees.**
3. Any temporary food service carts, portable toilets and hand washing stations that may be used for events shall be approved by the State Health Department for the assembly hall events. Proper litter control measures shall be put in place at the assembly hall events with the use of both trash containers and recycling bins.
4. **Assembly Hall days and hours of operation shall be Monday through Thursday from 9:00 am to 9:00 pm; Friday through Saturday from 9:00 am to 11:00 pm and Sundays from 9:00 am to 10:00 pm.**
5. **One (1) internally illuminated, freestanding sign no greater than sixty (60) square feet should be placed for directional purposes near the main entrance located outside of the VDOT right-of-way and meeting a twenty (20) foot setback. It may be of a monument type base or shall include lattice screening and plantings around it as approved by Planning during the sign permit review process. All**

other temporary signs shall be removed from the premises once the permanent freestanding sign has been erected on premises.

- 6. Portable signs, to include flashing arrow signs, shall not be permitted on the premises once the permanent freestanding signage has been approved and erected on the premises.**
7. The applicants shall take the appropriate measures to ensure compliance with the County Noise Ordinance of the Code of the County of Prince George, as adopted, and as enforced by the Police Department.
8. The applicants shall have all required State permit approvals that may include a VDOT Commercial Entrance Permit, a Virginia Department of Health – Office of Drinking Water (ODW) permit and all local permits before the use of the assembly hall building **and all other buildings.**
9. This Special Exception shall become null and void if the use of an assembly hall is abandoned for a period of twenty-four (24) consecutive months.
10. 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.



County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

September 13, 2018

BOARD OF SUPERVISORS - NOTICE OF PUBLIC HEARING

Dear owner, agent or occupant of each parcel involved that is abutting property and property immediately across the street or the road from the property affected:

This is notification that the Prince George County Board of Supervisors will hold a public hearing on **Tuesday, September 25, 2018 beginning at 7:30 pm** in the Board Room, located on the third floor of the County Administration Building, 6602 Courts Drive, Prince George, Virginia, to consider the following request that involves the Prince George County Zoning Ordinance:

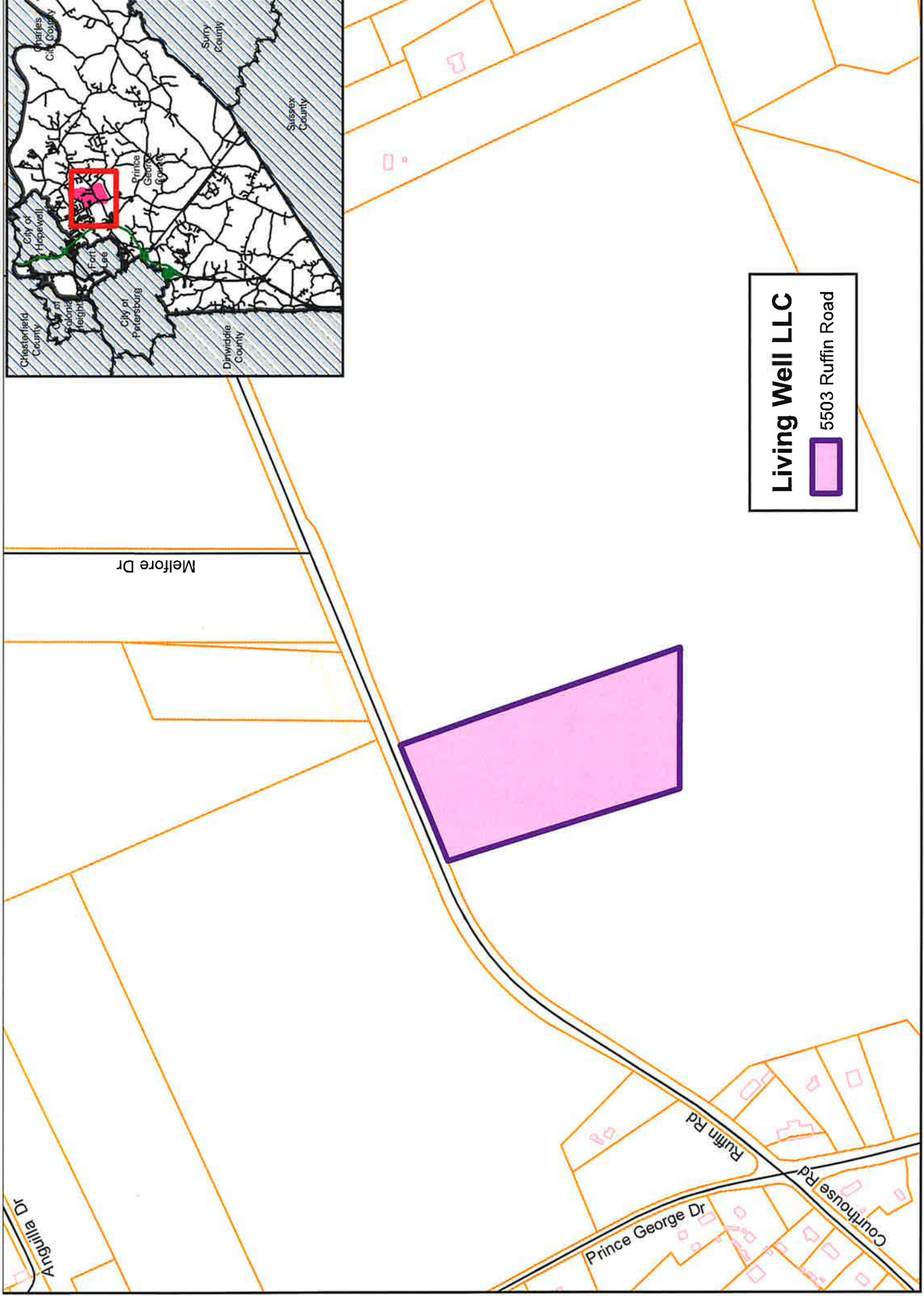
SPECIAL EXCEPTION SE-18-03 Request of Living Well LLC, pursuant to § 90-103 (9) to permit an assembly hall use located at 5503 Ruffin Road and is known as Tax Map 240(0A)00-115-A in an R-A, Residential – Agricultural District. The Comprehensive Plan calls for village center uses.

A copy of the related materials may be examined in Planning and Zoning in the County Administration Building or call 804.722.8678 and the department is open from 8:30 am to 5:00 pm Monday - Friday. All interested persons shall have the opportunity to be heard at said public hearing. We have included a GIS Map showing the general location of the request site for your use.

Sincerely,

Douglas Miles

Douglas Miles, AICP, CZA
Planning Manager / Zoning Administrator





APPLICATION FOR SPECIAL EXCEPTION - CONDITIONAL USE PERMIT

Department of Community Development and Code Compliance
6602 Courts Drive
Prince George, VA 23875
Planning Division (804) 722-8678
www.princegeorgecountyva.gov

OFFICE USE ONLY

APPLICATION #:

SE-18-03

DATE SUBMITTED:

JUL 24 2018

ZONING ORDINANCE

BY: SECTION:

(PLEASE FILL-IN ALL BLANKS)

LEGAL OWNER(S) OF PROPERTY REQUESTED FOR PERMIT:

ABRUSTA DEVELOPMENT LLC

ADDRESS:

5503 RUFFIN ROAD

CITY:

PRINCE GEORGE

STATE:

VA

ZIP CODE:

PHONE NUMBER:

E-MAIL ADDRESS:

TAX MAP OF SUBJECT PARCEL:

240(OA)00-115-A

RECORDED IN THE CIRCUIT COURT CLERK'S OFFICE:

DEED BOOK PAGE Date DEED RESTRICTIONS:

ACREAGE:

13.468

PARTIAL PARCEL:

☐ YES

☒ NO

SUBDIVISION:

PRESENT USE:

ASSEMBLY HALL

ZONING CLASSIFICATION

LAND USE CLASSIFICATION:

PRESENT ZONING:

AGENT OR REPRESENTATIVE OF PROPERTY OWNER(S), IF ANY (SPECIFY INTEREST):

NAME:

DIANE AND TOM MCCORMICK

ADDRESS:

12601 INVERNESS DR.

CITY:

CHESTER

STATE:

VA

ZIP CODE:

23836

PHONE NUMBER:

804-265-3404

E-MAIL:

MCCORMICK.TOM@COMCAST.NET

PROVIDE A GENERAL DESCRIPTION OF THE PROJECT: (ATTACH A SEPARATE LETTER IF NECESSARY)

ASSEMBLY HALL FOR WEDDINGS, SPECIAL EVENTS AND
CORPORATE FUNCTIONS.

SEE ATTACHED DATED JULY 21, 2018

31-7-32
[Illegible handwritten notes]

INTERNATIONAL
EXHIBITION - COMPTON - WHITEHEAD
TRINITY



Exhibition of Compton Whitehead
[Illegible text]

2. J. TRINITY - [Illegible]

[Extremely faint and mostly illegible body text, appearing to be a list or series of entries.]

AFFIDAVIT

A. The undersigned (1) Property Owner or (7) 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.

SIGNED: Diane McCormick DATE: 7-24-18

MAILING ADDRESS: 12601 INVERNESS DR.

CITY/STATE/ZIP: CROSTON, VA 23836

PHONE NUMBER: 804-263-3404

E-MAIL ADDRESS: MCCORMICK.TOM@CROSTON.net

STATE BELOW THE NAME, ADDRESS, AND PHONE NUMBER OF PERSON(S) TO BE CONTACTED REGARDING THIS APPLICATION IF OTHER THAN ABOVE PERSON(S):

NAME: [Signature]

MAILING ADDRESS: 12601 INVERNESS DR.

CITY/STATE/ZIP: CROSTON, VA 23836

PHONE NUMBER: 804-263-3404

E-MAIL ADDRESS: MCCORMICK.TOM@CROSTON.net

STATE OF VIRGINIA

COUNTY OF: PRINCE GEORGE

Subscribed and sworn before me this 24th day of July, 2018.

My Commission expires: May 31, 2022 Lindsay A Lane Notary Public



AFFIDAVIT

THE STATE OF ARIZONA, COUNTY OF MARICOPA, ss. I, the undersigned, a Notary Public in and for the State of Arizona, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears from the records of the County of Maricopa, Arizona.

WILLIAM J. HARRIS Notary Public
WILLIAM J. HARRIS Notary Public
WILLIAM J. HARRIS Notary Public
WILLIAM J. HARRIS Notary Public
WILLIAM J. HARRIS Notary Public

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office at the City of Phoenix, Arizona, this 1st day of January, 1911.

WILLIAM J. HARRIS Notary Public
WILLIAM J. HARRIS Notary Public
WILLIAM J. HARRIS Notary Public
WILLIAM J. HARRIS Notary Public
WILLIAM J. HARRIS Notary Public

Notary Public
Arizona

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To: Prince George County Board of Supervisors
From: Diane and Tom McCormick; Living Well LLC. DBA Barns of Kanak
Subject: Zoning/Special Exception Request; Barns of Kanak/Assembly Hall
Date: ~~June 21st~~, 2018
JULY
21.

Conditions Requested:

1. This Special Exception is granted for an Assembly Hall use to Living Well LLC; DBA The Barns of Kanak (Diane and Tom McCormick) and is not transferrable.
2. The applicants will be required to provide staffing for private parking and proper traffic circulation purposes with event personnel clearly marked as "Event Staff" for safety reasons. The Prince George County Police Department shall be notified at least thirty (30) days prior to each Assembly Hall event expected to exceed 250 attendees.
3. Any Temporary food service carts, portable toilets and hand washing stations that may be used for events shall be approved by the State Health Department for the assembly hall events. Proper litter control measures shall be put in place at the assembly hall events with the use of both trash containers and recycling bins.
4. Assembly Hall days and hours of operation shall be Monday through ~~Tuesday~~ ^{THURSDAY} from 9am to 9pm; Friday through Saturday from 9am to 11pm and Sunday from 9am to 10pm.
5. One (1) non-illuminated sign no greater than sixty (60) square feet may be placed for directional purposes near the driveway entrance and outside of the VDOT right-of-way.
6. The applicants shall take the appropriate measures to ensure compliance with the County Noise Ordinance of the Code of the County of Prince George, as adopted, and as enforced by the Police Department.
7. The applicants shall have all required State permit approvals that may include VDOT Commercial Entry Permit, a Virginia Department of Health – Office of Drinking Water (ODW) permit and all local permits before the use of the assembly hall building.
8. This Special Exception shall become null and void if the use of an assembly hall is abandoned for a period of twenty-four (24) consecutive months.
9. 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 provisions of federal, state and local regulations.

SALES RECEIPT

Prince George County

The Department of Community

Development & Code Compliance

Phone (804) 722-8659

Fax (804) 722-0702

Sold To

**TOM MCCORMICK DIANE
MCCORMICK**

12601 INVERNESS DR

CHESTER, VA 23836

Phone 8042653404

Transaction #	Payment Method	Account	Sale Date
25481	Manual Entry Personal Check	T051....3315	7/24/2018 9:59:30 AM
Trace #	Approval Code		
1400310000030559236148	3313		
Application #	Qty	Item	
AP-44125	1.00	Special Exception	\$700.00
Total			700.00

I acknowledge receipt of goods and/or services in the amount of the total shown hereon. When you provide a check as payment, you authorize us to use information from your check to process a one-time Electronic Funds Transfer (EFT) or draft drawn from your account, or process the payment as a check transaction. You also authorize us to process credit adjustments, if applicable. If your payment is returned unpaid, you authorize us to collect your payment and the Return Fee amount below by EFT(s) or draft(s) from your account. If you are presenting a corporate check, you make these representations as an authorized corporate representative. Please note that any returned check is subject to a 50.00 charge and ☐ Questions? Call 1-800-366-2425.