

# Issue Analysis Form

**Date:** December 11, 2018

**Item:** Breez-In Associates LC Conditional Rezoning

**Department:** Community Development - Planning

**Contact Person:** Douglas Miles, Planning Manager



## Description and Current Status

Breez-In Associates, LC (David Bogese) is conditionally rezoning the front portion of the property to permit his corporate office building for Breez-In C-Stores, Car Wash City and other commercial properties that his company owns throughout the Tri-Cities region.

## Government Path

**Does this require IDA action?**

Yes  No

**Does this require BZA action?**

Yes  No

**Does this require Planning Commission action?**

Yes

October 25, 2018  
Recommended for  
Approval by 7-0 vote.

**Does this require Board of Supervisors action?**

Yes

December 11, 2018

**Does this require a Public Hearing?**

Yes

No

**If so, before what date?**

n/a

## Fiscal Impact Statement

The proposed professional office building land use and other related commercial uses will positively impact Prince George County by providing for an increased tax base and allow for a County resident to provide for additional jobs to be relocated to the County.

## County Impact

The proposed conditional rezoning will allow for the property owner to positively add to his commercial development located along Route 10 at the Jordan Point Road traffic light and to consolidate the Breez-In / Bogese professional business uses in one place.

## 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 11th day of December 2018:

---

Present:

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

Vote:

---

REZONING CASE RZ-18-03 Request of Breez-In Associates LC to conditionally rezone one (1) acre from R-A, Residential-Agricultural to B-1, General Business Zoning District to permit certain uses. The Comprehensive Plan indicates that the subject property is appropriate for residential uses. The subject property is part of Tax Map 140(05)00-001-B and it is located east of the Miller Mart at 10101 James River Drive that is currently zoned B-1, General Business.

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

Pursuant to section 15.2-2296 of the Code of Virginia, 1950, as amended, and Article XVII of the Prince George County Zoning Ordinance, Breez In Associates LC, by and through agent, Timmons Group, does hereby voluntarily proffer, as the applicant and contract purchaser of the property, respectively, which is the subject of this rezoning request, that the development of the property shall be in strict accordance with the following conditions set forth in the submission and I represent the following proffers for the development of tax parcel 140(05)00-001-B:

1. The following permitted land uses shall be excluded from the property under B-1, Section 90-392:
  13. Funeral Homes
  14. Service Stations with major repair facilities under cover
  17. Lumber and building supply with storage facilities under cover
  20. Waterfront business activities

24. General Advertising signs
37. Cemeteries
38. Circuses, carnivals or similar temporary activities
39. Noncommercial fairgrounds
45. Mobile home and recreational vehicle sales, service and repair

The following land uses shall be excluded from the property under B-1, Section 90-393:

6. Outdoor theatre, outdoor motion picture theatre
  10. Dancehall
  11. Auto repair garage, wrecking service
  16. Motor freight terminal, transshipment facility
  17. Automotive service station with major repair under cover
  18. Bulk gasoline and petroleum storage
  19. Commercial amusement park
  21. Turkey shoot
  25. Circuses, carnivals or similar temporary activities when organized or sponsored by commercial enterprise.
  29. Tree stump landfills
  31. Outdoor flea markets
  33. Family day care (large) in existing dwelling
  36. Vehicle impound facility
- 
2. Storm water quantity and quality shall be provided for this site through development of on-site best management practices.
  3. All storm water easements and basins shall be maintained by the property owner.

The development of the property shall be in strict accordance with the conditions set forth as proffered. These proffers shall be enforceable in the event of transfer of the property to other parties.

---

Adopted on December 11, 2018 and becoming effective immediately.

**BOARD OF SUPERVISORS  
CONDITIONAL REZONING REPORT SUMMARY**

**CASE NUMBER:** RZ-18-03

**APPLICANT:** Breez-In Associates, LC

**LOCATION OF PROPERTY:** East of Miller Mart C-Store and South of Route 10

**PARCEL ID #:** Part of Tax Map 140(05)00-001-B (1 acre)

**PLANNING DISTRICT:** Prince George Planning Area

**REQUESTED ACTION:** Conditional Rezoning Request

**EXISTING ZONING:** R-A, Residential - Agricultural

**PROPOSED ZONING:** B-1, General Business with Proffered Conditions

**EXISTING USE:** Vacant

**PROPOSED USE:** Professional Office Building and other B-1 uses

**SURROUNDING ZONING:**

**North:** R-1, Limited Residential; SFD use or vacant

**South and East:** R-A, Residential – Agricultural; SFD use or vacant

**West:** B-1, General Business; retail commercial uses, car wash and laundry facility and mini-storage complex

**UTILITIES:** Commercial well and Private sewer system

**REAL ESTATE TAXES:** No delinquent taxes are owed to the County

**MEETING INFORMATION:**

**Planning Commission:** Thursday, October 25, 2018 at 6:30 pm

**Recommended Approval 7-0, with proffered conditions and in support of utilizing existing ingress/egress point at Route 10 traffic light, and there were no public comments provided.**

**Board of Supervisors:** Tuesday, December 11, 2018 at 7:30 pm

**RECOMMENDATION:** Planning Commission and Staff both recommend Approval with the B-1 proffered conditions relative to uses; underground utilities; and with stormwater easement and basin requirements for development.

**ATTACHMENTS:**

1. Rezoning Application
2. GIS Map showing area
3. Staff Report

**BOARD OF SUPERVISORS STAFF REPORT  
REZONING REQUEST – CASE RZ-18-03**

**APPLICANT: BREEZ-IN ASSOCIATES, LC  
PUBLIC HEARING: DECEMBER 11, 2018**

**Request:**

The applicant proposes to conditionally rezone 1.0 +/- acre from R-A, Residential – Agricultural to B-1, General Business to permit certain B-1 uses to include a professional office building use.

**Project Description:**

The applicant is requesting to allow for the construction of a 3,000 square foot office building for the applicant's corporate headquarters. The one (1) acre site will be accessed by a connection to the adjacent commercial properties owned by the applicant with no access to State Route 10.

**Comprehensive Plan:**

The 2018 Comprehensive Plan identifies this general area for residential land uses. The Future Land Use Map serves as a general guide for the future development of the county. The current Comprehensive Plan is under review for potential changes and this portion of Route 10 is more suitable for commercial office, retail and service land uses. The applicant owns the adjoining commercial uses and would like to locate his corporate office building next to his business uses.

**VDH Health Department Comments:**

VDH has reviewed this request and this site will be served by a private, commercial water system that requires a health department permit. It is proposed to connect to the adjacent water system which is owned by the applicant and that serves the adjacent commercial B-1 land uses.

The site will be served by a private sewer system to serve the professional office building use. It will consist of either an individual drainfield on the property serving less than 6,000 gallons per day (gpd) or by a connection to the existing sewer system on the adjacent commercial property.

**VDOT Transportation Comments:**

VDOT has reviewed this request and the proposed office building use will require a commercial entrance. The application indicates that access to the proposed use will be from the adjacent site. The adjacent commercial property owned by the applicant contains three full access entrances that meet VDOT's requirements for a commercial entrance. No modifications to the existing commercial entrances are anticipated to be required to serve the proposed B-1 uses.

If an additional entrance is proposed for the office building to SR 10, the entrance spacing would be required to meet VDOT's Access Management spacing standards. There is not sufficient road frontage along SR 10 to meet VDOT Access Management spacing standards from the existing commercial entrance to the west. If an entrance is proposed to connect to SR 10, an Access Management Exception would be needed.

**Applicant's Proffered Conditions:**

The applicant, David M. Bogese of Breez-In Associates, LC, has proffered that certain B-1, General Business by Right and Special Exception land uses not be permitted on the property:

Section 90-392 – Uses and structures by Right: (13) Funeral Homes; (14) Service stations with major repair facilities under cover; (17) Lumber and building supply with storage facilities under cover; (20) Waterfront business activities; (24) General advertising signs (billboards); (37) Cemeteries; (38) Circuses, carnivals, or similar temporary activities when organized or sponsored by non-profit organizations; (39) Noncommercial fairgrounds and (45) Mobile home and recreational vehicle sales, service and repair.

Section 90-393 – Uses and structures permitted by Special Exception: (6) Outdoor theatre or outdoor motion picture theater; (10) Dancehall (nightclub); (11) Automotive repair garage with wrecking service; (16) Motor freight terminal transshipment facility; (17) Automotive service station with major repair under cover; (18) Bulk gasoline and petroleum storage; (19) Commercial amusement park; (21) Turkey shoot; (25) Circuses, carnivals, or similar activities when organized or sponsored by commercial enterprise; (29) Tree stump landfills; (31) Outdoor flea markets; (33) Family day care (large) in existing dwelling and (36) Vehicle impound facility.

**Stormwater Management:**

Water quality and water quantity runoff from this one (1) acre developed site will be handled by the use of Best Management Practices (BMP) design features. The BMPs will provide compliance with County and State regulations and will include structural measures to control runoff from the site. All stormwater easements and basins shall be maintained by the property owner. All utilities will be provided underground for this development to include, but not limited to, power, telephone, gas and cable television.

**Site Design Requirements:**

The materials for exterior walls will be constructed with finish materials, including but not limited to, brick, stone, wood, metal, architectural block and pre-cast panels and no full vinyl siding will be used in the development. Lights will be provided within the parking area of the development and maintained at the developer's cost and the exact location of the lights will be reviewed and approved through the site plan review process.

**Planning Commission and Staff Recommendation:**

The Planning Commission and Planning Manager recommend Approval of this conditional rezoning case request along with the applicant's textual statement and proffered conditions that are dated September 26, 2018 along with further compliance with the Subdivision and Zoning Ordinance requirements for site development.



## ***County of Prince George, Virginia***

*"A global community where families thrive and businesses prosper"*

**November 30, 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, December 11, 2018 beginning at 7:00 pm** in the Board Room, located on the third floor of the County Administration Building, 6602 Courts Drive, Prince George, Virginia, 23875 to consider the following request that involves the Prince George County Zoning Ordinance:

**REZONING CASE RZ-18-03** Request of Breez-In Associates LC to conditionally rezone one (1) acre from R-A, Residential-Agricultural to B-1, General Business Zoning District to permit certain uses. The Comprehensive Plan indicates that the subject property is appropriate for residential uses. The subject property is part of Tax Map 140(05)00-001-B and is located east of the Miller Mart at 10101 James River Drive that is currently zoned B-1, General Business.

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 copy of the general location of the request site for your use.

Sincerely,

*Douglas Miles*

Douglas Miles, AICP, CZA  
Planning Manager / Zoning Administrator



Application by Breeze Inn Associates, LLC  
Bogese Office Building  
Prince George County, Virginia  
September 26, 2018

Breeze Inn Associates, LLC (the “**Applicant**”) submits this application for a rezoning. The reason for this rezoning is to allow for development of a 3,000 square foot office building for the applicant’s corporate headquarters.

The proposed zoning request consists of a 5.942 acre parcel known as Tax Map Parcel 140-(05)00-001-B located in the Bland District of Prince George County, Virginia, along Route 10 just east of the James River Drive and Jordan Point Road intersection (the “**Property**”) as shown on the rezoning plan dated September 25, 2018.

The current zoning of the Property is R-A, Residential Agriculture. We are seeking rezoning of 1.0 acre from R-A to B-1, General Business for this development.

The properties adjacent to this site include commercially zoned property to the west, which is owned by the Applicant; James River Drive right of way and undeveloped property to the north; single family homes are large parcels to the east and south.

### **Project Description**

The Project will consist of an approximately 3,000 square foot office building with associated parking spaces and sidewalks.

The site will be accessed by a connection to the adjacent existing commercial property parking lot area and no new access to a public road is intended for this project.

Materials for the building’s exterior walls will be constructed with finish materials, including but not limited to, brick, stone, wood, metal, architectural block and pre-cast panels. No full vinyl siding will be used in this development.

Lights will be provided within the parking area on the site and maintained by the developers cost. Exact location of lights will be reviewed and approved through the site plan review process with county staff. Any utilities will be provided underground for this development to include, but not limited to, power, telephone, gas and cable television.

### **Storm Water Management**

Water quality and water quantity runoff from this developed site will be handled by the use of Best Management Practices (BMP). These BMPs will provide compliance with County and State regulations and will include structural measures to control runoff from the site.

### **Utilities**

This site will be served by a private sewer system. This service will consist of either an individual drain field on the property serving less than 6,000 gpd or connection to the existing sewer system on the adjacent commercial property. Determination of which method of serving this site will be finalized and approved through the site plan approval process and in consultation with the County Engineer.

This site will be served by a private water system. It is proposed to connect to the adjacent private commercial property water system, which is also owned by this applicant.

### **Community Impacts**

The impacts from the project will be specifically designed to have as minimal an impact as possible on the surrounding community and environment. Maintenance of all landscaping, signage, lighting, internal drives, storm water basins and other common areas of the project will be the responsibility of the owner.

**Application by Breez In Associates, LC  
Bogese Office Building  
Prince George County, Virginia  
September 26, 2018**

Breez In Associates, LC (the “**Applicant**”) submits this application for a rezoning. The reason for this rezoning is to allow for development of a 3,000 square foot office building for the applicant’s corporate headquarters.

The proposed zoning request consists of a 5.942 acre parcel known as Tax Map Parcel 140-(05)00-001-B located in the Bland District of Prince George County, Virginia, along Route 10 just east of the James River Drive and Jordan Point Road intersection (the “**Property**”) as shown on the rezoning plan dated September 25, 2018.

The current zoning of the Property is R-A, Residential Agriculture. We are seeking rezoning of 1.0 acre from R-A to B-1, General Business for this development.

The properties adjacent to this site include commercially zoned property to the west, which is owned by the Applicant; James River Drive right of way and undeveloped property to the north; single family homes are large parcels to the east and south.

**Project Description**

The Project will consist of an approximately 3,000 square foot office building with associated parking spaces and sidewalks.

The site will be accessed by a connection to the adjacent existing commercial property parking lot area and no new access to a public road is intended for this project.

Materials for the building’s exterior walls will be constructed with finish materials, including but not limited to, brick, stone, wood, metal, architectural block and pre-cast panels. No full vinyl siding will be used in this development.

Lights will be provided within the parking area on the site and maintained at the developers cost. Exact location of lights will be reviewed and approved through the site plan review process with county staff. Any utilities will be provided underground for this development to include, but not limited to, power, telephone, gas and cable television.

**Storm Water Management**

Water quality and water quantity runoff from this developed site will be handled by the use of Best Management Practices (BMP). These BMPs will provide compliance with County and State regulations and will include structural measures to control runoff from the site.

**Utilities**

**This site will be served by a private sewer system. This service will consist of either an individual drain field on the property serving less than 6,000 gpd or connection to the existing sewer system on the adjacent commercial property. Determination of which method of serving this site will be finalized and approved through the site plan approval process and in consultation with the County Engineer.**

**This site will be served by a private water system. It is proposed to connect to the adjacent private commercial property water system, which is also owned by this applicant.**

### **Community Impacts**

**The impacts from the project will be specifically designed to have as minimal an impact as possible on the surrounding community and environment. Maintenance of all landscaping, signage, lighting, internal drives, storm water basins and other common areas of the project will be the responsibility of the owner.**

## STATEMENT OF PROFFER

Pursuant to Section 15.2-2296 of the Code of Virginia and Article XVII of the Prince George County Zoning Ordinance, David M. Bogese, of Breez In Associates, LC, does hereby voluntarily proffer, as the owner of record of the property (the "Property") respectively, which is the subject of this rezoning 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 Bogese Office Building on Tax Map Parcel #140-(05)00-001-B:

1. The following permitted land uses shall be excluded from the property under Section 90-392:

13. Funeral Homes
14. Service Stations with major repair facilities under cover
17. Lumber and building supply with storage facilities under cover
20. Waterfront business activities
24. General Advertising signs
37. Cemeteries
38. Circuses, carnivals or similar temporary activities
39. Noncommercial fairgrounds
45. Mobile home and recreational vehicle sales, service repair

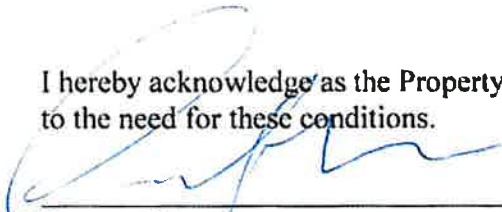
The following land uses shall be excluded from the property under Section 90-393:

6. Outdoor theater, outdoor motion picture theater
10. Dancehall
11. Auto repair garage, wrecking service
16. Motor freight terminal, transshipment facility
17. Automotive service station with major repair under cover
18. Bulk gasoline and petroleum storage
19. Commercial amusement park
21. Turkey shoot theater
25. Circuses, carnivals or similar temporary activities when organized or sponsored by commercial enterprise
29. Tree stump landfills
31. Outdoor flea markets
33. Family day care (large) in existing dwelling
36. Vehicle impound facility

2. Storm water quantity and quality shall be provided for this site through development of on-site best management practices.
3. All storm water easements and basins shall be maintained by the property owner.

4. All utilities will be provided underground for this development to include, but not limited to, power, telephone, gas and cable television.

I hereby acknowledge as the Property Owner that the Rezoning of the Subject Property gives rise to the need for these conditions.

  
\_\_\_\_\_  
Owner- Signature

Date: 10/15/18

David R. Boggs  
Type or print name

I Shannon Leigh Stanley - a Notary for the State of Virginia, Prince George County do verify that the foregoing instrument was signed before me this the 15 day of October, 2018.

  
\_\_\_\_\_  
Shannon Leigh Stanley

11-30-19  
My Commission Expires



**PUBLIC NOTICE  
COUNTY OF PRINCE  
GEORGE**

Public Notice is hereby given to all interested persons regarding the following public meeting: The Prince George County Board of Supervisors will hold public hearings on **Tuesday, December 11, 2018 beginning at 7:30 p.m. concerning the following public hearing requests:**

**REZONING CASE RZ-18-03** Request of Breez-In Associates LC to conditionally rezone one (1) acre from R-A, Residential-Agricultural to B-1, General Business Zoning District to permit certain uses. The Comprehensive Plan indicates that the subject property is appropriate for residential uses. The subject property is part of Tax Map 140(05)00-001-B and is located east of the Miller Mart at 10101 James River Drive that is currently zoned B-1, General Business. **REZONING CASE RZ-18-04** Request of Mitchell Homes Inc. to rezone 21+/- acres from R-E, Residential Estate to R-2, Limited Residential Zoning District. This request will permit the reduction of the front yard setbacks on twelve (12) existing lots from (R-E) 75 feet to (R-2) 35 feet. The R-E front yard setback creates a hardship for buildable lots due to steep slopes and environmental features. The Comprehensive Plan indicates that the subject properties are appropriate for residential uses. The subject properties are known as lots 27-32 and 35-40 of

The Meadows Section 2 subdivision and are known as Tax Maps 13J(02)00-027-0,028-0,029-0,030-0,031-0,032-0,035-0,036-0,037-0,038-0,039-0 and 040-0.

The meeting will be held within the Board Room, third floor, County Administration Building, pursuant to §15.2-2204, §15.2-2225 and §15.2-2285, The Code of Virginia (1950, as amended). A copy of the related material may be examined in Planning and Zoning in the County Administration Building and is open from 8:30 a.m. to 5:00 p.m., Monday – Friday, (804) 722-8678. All interested persons shall have the opportunity to be heard at said public hearings.

Percy C. Ashcraft  
County Administrator