

RESUME

September 10, 2019

PUD-19-01 BAYMONT SUITES – PUD AMENDMENT

The applicant is proposing to amend Proffered Condition 2 relative to a permitted restaurant use to permit one food truck or trailer to be utilized as an accessory to the restaurant.

Planning Commission recommended approval 6-0 at their May 23, 2019 meeting. The Planning Commission re-evaluated the PUD Amendment and reviewed the Food Truck ordinance between the June 2019 worksession and July 2019 Public Meeting.

Please find the attached staff report, application, amendment letter, PUD Approved Board of Supervisor Conditions from August 13, 2013, and draft ordinance for your consideration.

**BOARD OF SUPERVISORS
PLANNED UNIT DEVELOPMENT SUMMARY REPORT**

CASE NUMBER: PUD-19-01

APPLICANT: CI Associates LP (Proud Mama's Kitchen)

LOCATION: Intersection of Oaklawn and Crossings Boulevards

PROPOSED TAX MAP: 120(OA)00-003-D (Baymont Inn and Restaurant)

2013 CASE TAX MAPS: 120(OA)00-003-D and 120(OA)00-003-P (Vacant)

REQUESTED ACTION: Planned Unit Development Amendment

EXISTING ZONING: PUD, Planned Unit Development

PROPOSED ZONING: PUD, Planned Unit Development

EXISTING USES: Extended Stay Hotel, Restaurant and Apartments

SURROUNDING ZONING:

North, South & East: B-1 General Business (Crossings Development)

West: M-1 Light Industrial District (U-Haul Mini Storage)

UTILITIES: Virginia American Water and County Sewer

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

MEETING INFORMATION:

Community Meeting: No Community Meeting was held

Planning Commission: Thursday, May 23, 2019 at 6:30 pm
**Recommended Approval by 6-0 vote
with no public comments provided**

Board of Supervisors: Tuesday, September 11, 2019 at 7:30 pm

Planning Commission and Staff recommend Approval of this Planned Unit Development Amendment as proffered in the Applicant's Letter dated March 23, 2019 to permit one food truck or trailer on 120(OA)00-003-D.

ATTACHMENTS:

1. Rezoning / PUD Application and PUD Amendment Letter 3-23-19
2. PUD Staff Report and a GIS Map of the Surrounding Properties
3. PUD Approved Board of Supervisors Conditions from 8-13-13

PRINCE GEORGE COUNTY, VIRGINIA
BOARD OF SUPERVISORS STAFF REPORT
PLANNED UNIT DEVELOPMENT – PUD-19-01
CI ASSOCIATES L P (Proud Mama’s Kitchen)

PUBLIC HEARING: September 10, 2019

Request Summary:

The applicant rezoned this property on August 13, 2013 from B-1, General Business to PUD, Planned Unit Development, in order to re-develop a two (2) story hotel use into a multi-family residential apartment building use. Additional office and commercial uses could be developed on the rear portion of the property in the future in a similar fashion to the existing B-1, General Business zoning uses that are currently permitted by right and do exist within The Crossings.

The applicant is requesting to park a food truck or trailer on the premises in further support of their new restaurant use located inside of the hotel building known as Proud Mama’s Kitchen. They propose to park their food truck or trailer where the current concrete pad is located on the front of the property. As they are in the process now of relocating the dumpster pad enclosure area to the rear portion of their hotel property for both better site design and traffic flow on site.

Comprehensive Plan:

The Comprehensive Plan identifies this area for commercial uses. The redevelopment of the 128 hotel rooms into 64 one-bedroom apartments have provided new affordable housing units in this area of Prince George County by addressing an identified need in the Comprehensive Plan as short-term apartments. The proposed PUD Amendment to permit a food truck or trailer would support the commercial restaurant use on the subject property and it is consistent with the 2018 Comprehensive Plan.

Planned Unit Development Amendment:

The applicant has provided the following information relative to their proposed food trailer use:

At present, we are investing in the creation of a Family Style restaurant with a business model of Home Cooked Food. The proposed zoning amendment is an attempt to create an effective business plan to allow for the best chance of having a successful Restaurant, where many have failed before. We want to have a mobile food trailer to use on the site and to use for mobile purposes as well. The food trailer will act as a Kiosk when placed on the site and will be used only in concert with the newly developed Restaurant located inside the Baymont building.

We want the Restaurant to have permission to use the Trailer when it is on the site. This will allow us to effectively market our new Restaurant as well as give us flexibility to use the Trailer for mobile functions as well. The Trailer will not be used as an independent food business. The Trailer will be used solely as an extension of the Restaurant on the site. This is very important to our larger overall Hotel Business Plan currently operating as Baymont Inn & Suites. Change and innovation are needed or our market share will continue to decline impacting our continued success and ability to reinvest in our infrastructure. We do not want to become a burden to Prince George County.

We are willing to invest capital into our property which will ensure our continued success as well as add to the economic vitality of Prince George County. We feel this request will allow us the best chance to have a successful Restaurant, and larger overall business model, allowing us to stay competitive and remain successful. We have invested considerably over the past decade in our business in Prince George

County. We appreciate how Prince George has consistently worked with us to help keep our business viable in this very competitive and everchanging market. We believe this request will be a positive impact for our business as well as Prince George County – H. Daniel Salomonsky, Managing Member, CI Associates LP

Health Department:

The Petersburg Health Department (VDH) has reviewed the request and stated they have no objections to the proposed Planned Unit Development amendment request on the site. As VDH has been actively inspecting the Restaurant use and the proposed food truck or food trailer would be inspected and licensed to be utilized on the site if this PUD amendment is approved.

Transportation:

The Virginia Department of Transportation (VDOT) has reviewed the request and stated they have no objections to the proposed Planned Unit Development amendment request on the site.

Planning Analysis:

Case PUD-13-01, was approved by the Board of Supervisors on August 13, 2013, and it stated:

- 2) To keep the current Restaurant as a Restaurant / Night Club / Banquet / and Catering facility. The restaurant area will always be designated for Commercial Use currently allowed under PUD zoning.

The applicant is requesting to add to Condition 2 to state: **One Food Truck or Trailer to be permitted on the site of 120(OA)00-003-D.** Currently, it is not permitted under the PUD nor was it considered back in 2013 to accompany the existing Restaurant as another commercial use. Under B-1 zoning, Prepared Food and Beverage Vendors are not permitted in the Zoning Ordinance and this Planned Unit Development Amendment only affects this subject property.

Mobile Food Unit means a food establishment that is designed to be readily moveable. Note: This definition would include either a Food Truck or Food Trailer to be parked on the premises.

On July 22, 2014, the Prince George County Board of Supervisors approved a Temporary Vendors Zoning Ordinance Amendment that included Prepared Food and Beverage Vendors, Virginia Legal Firework Sales and Temporary Christmas Tree Sales and Holiday Items with certain restrictions. Currently, Prepared Food and Beverage Vendors as freestanding vendors without an on-site restaurant are only permitted within the M-1 and M-2 zoning districts or at Special Events in the County such as at Harbor Blast concerts and at other food festival events.

The applicant, as proffered in their letter dated March 23, 2019, would not be permitted to operate the food truck or trailer as an independent or freestanding vendor on the premises unless the on-site and approved Restaurant use in the 2013 PUD Case was in operation. The applicant would have the option of using the food truck or trailer in a mobile capacity to serve food off-premises. The applicant has indicated to State and County Staff members that the food truck or trailer would be utilized to serve pre-packaged food and beverages to on-site hotel guests, apartment residents and to customers who may visit the site along Oaklawn Boulevard.

Planning Commission and Staff Recommendation:

Planning Commission and Staff recommend Approval of this Planned Unit Development Amendment as proffered in the Applicant's Letter dated March 23, 2019 to permit one food truck or trailer on 120(OA)00-003-D.



County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

Post Office Box 68 / 6602 Courts Drive Prince George, VA 23875

MEMORANDUM

To: Dean Simmons, Building Official / Fire Official
Melva Foster – Petersburg Health Department
Paul Hinson, VDOT – Petersburg Residency

From: Douglas Miles, Planning Manager *DM*

Date: May 1, 2019

Subject: **Proud Mama's Kitchen Food Trailer – PUD Amendment Case Request**

Please find the Planned Unit Development Amendment request for a food trailer to be parked on the premises of the Baymont Inn & Suites as a part of their new restaurant use. Currently, food trucks and trailers are not permitted in the existing 2013 PUD nor are they permitted in the B-1 Zoning District. The applicant is seeking to amend the 2013 PUD case to permit the food trailer.

The Development Review Team met with Daniel Salomonsky, applicant on Thursday, March 7th to discuss the different options that were made available to him and he has chosen to Amend his PUD case. He also has chosen not to conduct a Community meeting with area business owners to describe the proposed PUD amendment to the other restaurant owners near his restaurant use.

Please review the attached information and reply back with comments and I have also provided the 2013 PUD Staff Report to assist you with any review comments to be provided **on or before Friday, May 10th** for the final case staff report or please indicate that you have no comments.



REZONING APPLICATION

Department of Community Development and Code Compliance
6602 Courts Drive / P.O. Box 68
Prince George, VA 23875-0068
Planning Division (804) 722-8678
www.princegeorgecountyva.gov

OFFICE USE ONLY

APPLICATION #:

PUD-19-01

DATE SUBMITTED:

RECEIVED
MAR 28 2019

(Please fill-in all blanks)

GENERAL PROPERTY INFORMATION

LEGAL OWNER(S) OF PROPERTY REQUESTED TO BE REZONED:

CF Associates, LP

ADDRESS:

5380 Oaklawn Blvd

TAX MAP OF SUBJECT PARCEL:

120(OA)00-003-D

CITY:

Prince George

STATE:

VA

ZIP CODE:

23875

DISTRICT:

E-MAIL ADDRESS:

DANSALO13@gmail.com

RECORDED IN THE CIRCUIT COURT CLERK'S OFFICE:

DEED BOOK _____ PAGE _____ Date _____ DEED RESTRICTIONS:

CURRENT LAND USE:

PUD, Planned Unit Dev.

ACREAGE:

4.145

COMPREHENSIVE PLAN DESIGNATION:

COMMERCIAL USES

ZONING CLASSIFICATION

PUD

PRESENT ZONING:

PUD

PROPOSED ZONING:

PUD

REASON(S) FOR REZONING REQUEST, INCLUDING DESCRIPTION OF PROPOSED USE:

Amend zoning to allow for a food trailer

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

OWNER AGENT/REP

NAME:

Daniel Salomonsky

PHONE NUMBER:

804-920-3839

ADDRESS:

5380 Oaklawn Blvd

CITY:

Prince George

STATE:

VA

ZIP CODE:

23875

E-MAIL ADDRESS:

PROVIDE A GENERAL DESCRIPTION OF THE PROJECT: (Attach a separate letter if necessary)

See Attached letter

PROJECT DESCRIPTION

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.

NAME: H. Daniel Salomonky
SIGNED: [Signature] DATE: 3/28/19
MAILING ADDRESS: 300 Wood Rd
CITY/STATE/ZIP: Henrico, VA 23229
PHONE NUMBER: 804 920 3639
E-MAIL ADDRESS: dan.salo13@gmail.com

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

NAME: Same as above
MAILING ADDRESS: _____
CITY/STATE/ZIP: _____
PHONE NUMBER: _____
E-MAIL ADDRESS: _____

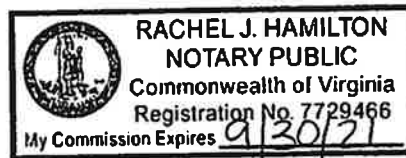
STATE OF VIRGINIA

COUNTY OF: PRINCE GEORGE

Subscribed and sworn before me this 28 day of March, 2019.

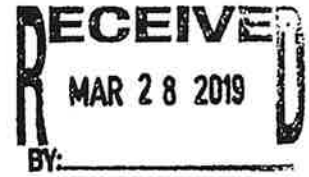
Rachel Hamilton
Notary Public

My Commission expires: 9/30, 2021



AFFIDAVIT

C. I. Associates, LP
5380 Oaklawn Blvd
Prince George, VA 23875



March 23, 2019

Mr. Doug Miles, Planning Manager & Zoning Administrator
P.O. Box 68
6602 Courts Drive
Prince George, VA 23875

Ref: Amendment request to PUD-13-01 Approved 8/13/2013
Tax Map# 120(OA)00-003-D, ~~120(OA)00-003-D~~

Dear Mr. Miles,

As per our Rezoning Application for the above referenced tax maps, we wish to add an additional use to our current PUD zoning. We had previously converted the use of this land to a Multi-Use complex under PUD zoning regulations per PUD-13-01.

The purpose of this current application is to request our current site(s) Zoning be amended to allow for the use of:


- 1) One Food Truck on the site of 120(OA)00-003D ~~120(OA)00-003-D~~ Please review the Site Map(s).

We have invested considerably over the past decade in our business in Prince George County. We appreciate how Prince George has consistently worked with us to help keep our business viable in this very competitive and ever-changing market. We believe this request will be a positive impact for our business as well as Prince George County.

At present, we are investing in the creation of a Family Style restaurant with a business model of Home Cooked Food. The proposed zoning amendment is an attempt to create an effective business plan to allow for the best chance of having a successful Restaurant, where many have failed before. We want to have a mobile food trailer to use on the site and to use for mobile purposes as well. The food trailer will act as a Kiosk when placed on the Site(s) and will be used only in concert with the newly developed Restaurant located inside the Baymont building. We want the Restaurant to have permission to use the Trailer when it is on the site. This will allow us to effectively market our new Restaurant as well as give us flexibility to use the Trailer for mobile functions as well. The Trailer will not be used for any independent food business. The Trailer will be used solely as an extension of the Restaurant on the site. This is very important to our larger overall Hotel Business Plan currently operating as Baymont Inn & Suites. Change and innovation are needed or our market share will continue to decline impacting our continued success and ability to re-invest in our infrastructure. We do not want to become a failed business and we do not want to become a burden to Prince George County. We are willing to invest capital into our property which will ensure our continued success as well as add to the economic vitality of Prince George County. We feel this request will allow us the best chance to have a successful Restaurant, and larger overall business model, allowing us to stay competitive and remain successful.

Thank you for your time and consideration. I look forward to discussing this with you and The Board of Supervisors as we go through the Zoning Amendment request process.

Respectfully yours,


H. Daniel Salomonsky
Managing Member
CI Associates, LP

dansalo13@gmail.com
804 920 3889

**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 13th day of August, 2013:

<u>Present:</u>	<u>Vote:</u>
William A. Robertson, Jr., Chairman	Aye
William F. Gandel, Vice-Chairman	Aye
Alan C. Carmichael	Aye
Henry D. Parker, Jr.	Aye
Jerry J. Skalsky,	Aye

P-1

On motion of Mr. Gandel, seconded by Mr. Carmichael which carried unanimously, the following Ordinance was adopted:

PLANNED UNIT DEVELOPMENT– PUD-13-01 Request of CI Associates L P and Anita B. Salomonsky pursuant to §90-1039 Planned Unit Developments, to permit multi-family residential, convenience retail business, neighborhood business, community business and office type uses; by rezoning from B-1, General Business to PUD, Planned Unit Development, with certain PUD exception requests, located at 5380 Oaklawn Boulevard, and is identified by Tax Maps 120(0A)00-003-D and P.

An Exception to the requirement that there be no less than twenty five (25) acres of contiguous land shall be granted along with this PUD request. As the subject property contains approximately 5.5 acres of contiguous land.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Planned Unit Development Application Identified as PUD-13-01 is granted as an amendment to the official zoning map with the following proffered conditions:

Pursuant to Section 15.2-2296 of the Code of Virginia and Article XVII of the Prince George County Zoning Ordinance, Anita B. Salomonsky and CI Associates LP does hereby voluntarily proffer, as the applicants and which is the subject of this planned unit development 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 CI Associates LP on Tax Maps 120(0A)00-003-D and P:

- 1) Tax Map 120(0A)00-003-D will be converted into 64 one bedroom apartments. These apartments are to be designed for use by military personnel, teachers and instructors for Fort Lee, and long term businessmen (Rolls Royce Plant as an example). The Prince George market has a need for long term, temporary quarters, which often exceeds the “transient” time frame currently allowed. We are not looking to create an apartment project conducive for “families”. We are specifically designing the apartments as one bedroom units.
- 2) To keep the current Restaurant as a Restaurant/Night Club/Banquet/and Catering facility. The restaurant area will always be designated for Commercial Use currently allowed under PUD zoning.
- 3) Tax Map 120(0A)00-003-P will be used for future expansion for use as additional hotel rooms, medical office facilities, one bedroom apartments, or small retail uses as listed below:

Retail Stores & Shops, Bakeries, Dry Cleaners, Laundries, Wear and Apparel Stores, Drug Stores, Barber & Beauty Shops, Office Buildings, Churches, Restaurants, Community Centers and Financial Institutions.

- 4) The site layout will remain the same with no significant structural changes. Signs will change to accommodate the new apartment name and other commercial uses.
- 5) The lobby of the main hotel will be used as the main management center for the entire complex.
- 6) The room units will only be one bedroom designs as demonstrated with attached “Floor Plan Options A-D” as prepared by SWA Architects, Inc. as dated April 23, 2013. Note: These drawings may deviate slightly from actual construction.
- 7) Parking will be ample as the hotel will be reduced by 64 rooms. The overall impact will be reduced by the new uses.
- 8) The mixed use design will allow C. I. Associates, LP to increase the quality of our facilities while meeting the new complex demands of the Prince George County marketplace.
- 9) Below is an analysis of how our “change of use” may impact Prince George and how this should be taken into consideration when calculating any applicable proffers.

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 10th day of September 2019:

Present:

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

Vote:

PLANNED UNIT DEVELOPMENT – PUD-19-01 Request of CI Associates LP pursuant to Zoning Ordinance Section 90-1039 Planned Unit Developments, to permit an additional restaurant related land use (food truck or food trailer) as a PUD amendment request of Case PUD-13-01. The request is located at 5380 Oaklawn Boulevard and is identified as Tax Map 120(0A)00-003-D. The Comprehensive Plan calls for commercial uses.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Planned Unit Development amendment identified as PUD-19-01 is granted as an amendment to the official zoning map with the following conditions:

The Owner and the Applicant in this case, pursuant to Sections 15.2-2296 and 15.2-2297 of the Code of Virginia (1950 as amended) and Article XVII of the Zoning Ordinance of Prince George County, for themselves and their respective successors or assigns, do hereby proffer that the development of the Property shall be used in strict accordance with the following conditions set forth in this submission, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicant.

An Amendment of Planned Unit Development PUD-13-01 approved August 13, 2013:

- 2) To keep the current Restaurant as a Restaurant/Night Club/Banquet and Catering facility. The restaurant area will always be designated for Commercial Use currently allowed under PUD Zoning. One Food Truck or Trailer to be permitted on the site of 120(0A)00-003-D.

Adopted on September 10, 2019 and becoming effective immediately.