

Issue Analysis Form

Date: July 14, 2020

Item: Rezoning RZ-20-02 Prince George 105 LLC

Lead Department: Community Development

Contact Person: Horace Wade, Planner



Description and Current Status

The applicant is requesting to rezone a 1.452 acre parcel from R-A, Residential-Agricultural to B-1, General Business, with proffered conditions located at 4521 County Drive. The property is at the northwest quadrant of the intersection of County Drive and Bull Hill Road and is known as Tax Map Parcel 340(08)00-00A-0.

Staff and the Planning Commission recommend approval to the Board of Supervisors as the request is consistent with the Comprehensive Plan and the applicant has addressed traffic, aesthetics, function, and impacts of the proposed development.

Government Path

- | | | |
|--|---|---|
| Does this require IDA action? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does this require BZA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require Planning Commission action? | <input checked="" type="checkbox"/> Yes | June 25, 2020
Recommended for
Approval by 7-0 vote. |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does this require a Public Hearing? | <input checked="" type="checkbox"/> Yes | July 14, 2020 |
| If so, before what date? | n/a | |

Fiscal Impact Statement

The proposed Rezoning request will allow for Prince George County to continue to add additional tax revenue as a business locates on the 1.452 acre parcel.

County Impact

The applicant has proffered several conditions that will minimize impacts due to the development, which will include reduction of permitted uses in B-1 and a proposed schematic layout in compliance with VDOT traffic management.

Notes

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 14th day of July 2020:

Present:

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

Vote:

REZONING CASE RZ-20-02 Request of Prince George 105 LLC to conditionally rezone 1.452 acres from R-A, Residential Agricultural to B-1, General Business. The subject parcel is located at 4521 County Drive at the northwest intersection of County Drive and Bull Hill Road and is identified as Tax Map 340(08)00-00A-0. The Comprehensive Plan indicates the property is suitable for industrial or commercial uses.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Conditional Rezoning Application identified as RZ-20-02 is granted as an amendment to the official zoning map with the following conditions:

Pursuant to Section 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, Melvin L. Davis, of Prince George 105 LLC, 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:

1. The following permitted land uses shall be excluded from the property under Section 90-392:
 13. Funeral Homes
 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
 16. Motor freight terminal, transshipment facility
 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 and purchase of off-site nutrient credits.
 3. All storm water easements and basins shall be maintained by the property owner.
 4. All utilities to serve this development will be provided underground to include, but not limited to, power, telephone, gas and cable television.
 5. Prior to site plan approval, a written graphic description of exterior materials, color, architectural style and building scale shall be submitted for approval to the Director of Community Development and Code Compliance.
 6. Exterior wall material shall be clad in fiber-cement siding, brick, stone, cultured stone, stucco, or materials having the appearance of such materials. Alternative siding materials including vinyl accents may be permitted if approved by the Director of Community Development and Code Compliance, however, full vinyl siding shall not be permitted.
 7. Compatibility must be achieved through the use of similar building massing, materials, scale, colors and other architectural features.
 8. All roof-mounted mechanical equipment must be screened by a parapet wall or other material as may be approved by the Director of Community Development and Code Compliance, or designee, as part of the site plan process.
 9. All ground mounted mechanical and electrical equipment must be screened by fences or vegetation and approved by the Director of Community Development and Code Compliance, or designee, as part of the site plan process.
 10. All junction and accessory boxes must be integrated in the architectural treatment of the building or view minimized by landscaping.

11. A VDOT handicap curb ramp (CG-12) will be installed on the north side of the proposed entrance to Bull Hill Road prior to Certificate of Occupancy.
12. A five (5) foot wide sidewalk will be installed within the Bull Hill Road right-of way from the north side of the proposed entrance on Bull Hill Road to the adjacent common property line north along Bull Hill Road. This sidewalk will be installed upon the development of the northern adjacent property.
13. The development of the subject property of this application shall be in strict accordance with the conditions set forth as proffers and as generally depicted on the schematic plan dated March 9, 2020 with respect to access and developable area. These proffers shall run with the land and shall, in the event of transfer of the Property to other parties, be enforceable against such other parties.

Adopted on July 14, 2020 and becoming effective immediately.

REZONING CASE RZ-20-02
BOARD OF SUPERVISORS
PUBLIC HEARING: JULY 14, 2020

RESUME

APPLICANT: Prince George 105, LLC

REQUEST:

The applicant is requesting to rezone 1.452 acres that are currently zoned R-A, Residential-Agricultural to B-1, General Business, with conditions, in order to allow general business uses on the property.

PROPOSED ZONING: B-1 General Business with conditions

RECOMMENDATION:

Planning Commission recommends Approval of this request subject to proffers dated May 18, 2020.

Staff recommends Approval of this request subject to proffers dated May 18, 2020.

REZONING RZ-20-02 -- STAFF REPORT

**BOARD OF SUPERVISORS
PUBLIC HEARING: July 14, 2020**

REZONING CASE RZ-20-02: Request of Prince George 105 LLC to conditionally rezone 1.452 acres from R-A, Residential Agricultural to B-1, General Business. The subject parcel is located at 4521 County Drive at the northwest intersection of County Drive and Bull Hill Road and is known as Tax Map 340(08)00-00A-0. The Comprehensive Plan indicates the property is suitable for industrial or commercial uses.

Applicant: Prince George 105, LLC
Owner: Prince George 105, LLC
Address: 4521 County Drive
Tax Map ID: 340(08)00-00A-0
Location: Northwest Intersection of County Drive and Bull Hill Road
Parcel Acreage: 1.452 acres
Magisterial District: Rives
Planning Area: Prince George Planning Area
Utilities: Private
Real Estate Taxes: Current as of April 21, 2020
Current Use: Vacant
Proposed Use(s): Restaurant
Comprehensive Plan Future Use: Industrial / Commercial
Zoning District: R-A Residential Agricultural
Surrounding Zoning:
North, South: B-1 General Business
West: B-1 General Business / M-1 Limited Industrial
East: B-1 General Business / R-A Residential Agricultural
Meeting Information:
Planning Commission: Thursday, May 28, 2020 (postponed)
Thursday, June 25, 2020 at 6:30pm
Board of Supervisors: Tuesday, July 14, 2020

Recommendation:

Planning Commission recommended Approval, subject to the May 18, 2020 proffer statement. Staff recommends Approval, subject to the May 18, 2020 proffer statement.

Attachments:

1. Rezoning Case Staff Report
2. Application/Project Description
3. Proffer Statement
4. Schematic Layout
5. Parcel Map
6. Zoning Map
7. Future Land Use Map
8. Adjacent Property List/Letter

REZONING RZ-20-02 -- STAFF REPORT

Request:

The applicant is requesting to rezone 1.452 acres that is currently zoned R-A, Residential-Agricultural to B-1, General Business with conditions.

Request Details:

The requested rezoning for B-1, General Business is being sought to allow General Business uses that include, but are not limited to, an approximately 3,000 square foot fast food restaurant building with associated parking spaces and sidewalks. The site will be accessed at two locations: (1) a connection to US Route 460 [County Drive] by a right-in and right-out entrance; and (2) a connection to State Route 630 [Bull Hill Road] by a full entrance. The applicant states that a sprinkled fire suppression system for each building will be provided as well as fire hydrants throughout the development.

The applicant submitted a textual statement signed May 18, 2020 in which the applicant proposes to exclude certain uses:

funeral homes; lumber and building supply with storage facilities under cover; waterfront business activities; general advertising signs; cemeteries; circuses, carnivals or similar activities; noncommercial fairgrounds; and mobile home and recreational vehicle sales, service repair.

The applicant also proposes to exclude certain special exception uses:

outdoor theater, outdoor motion picture theater; dancehall; motor freight terminal, transshipment facility; commercial amusement park, turkey shoot theater; circuses, carnivals or similar temporary activities when organized or sponsored by commercial enterprise; tree stump landfills; outdoor flea markets; family day care (large) in existing dwelling; and vehicle impound facility.

In addition to excluding several permitted or future special exception uses, the applicant also proffers Site Development and Design requirements as follows:

Site Development Requirements:

1. Storm water quantity and quality shall be provided for this site through development of on-site best management practices and purchase of off-site nutrient credits.
2. All stormwater easements and basins shall be maintained by the property owner.
3. All utilities to serve this development will be provided underground to include, but not to be limited to: power, telephone, gas and cable television.

Site Design Requirements:

1. Prior to site plan approval, a written graphic description of exterior materials, colors, architectural style and building scale shall be submitted for approval to the Director of Community Development and Code Compliance.

REZONING RZ-20-02 -- STAFF REPORT

2. Exterior wall material shall be clad in fiber-cement siding, brick, stone, cultured stone, stucco, or materials having the appearance of such materials. Alternative siding materials including vinyl accents maybe permitted if approved by the Director of Community Development and Code Compliance, however, fully vinyl siding shall not be permitted.
3. Architectural compatibility, in regards to surrounding properties, must be achieved through the use of similar building massing, materials, scale, colors and other architectural features.
4. All roof-mounted mechanical equipment must be screened by a parapet wall or other material as may be approved by the Director of Community Development and Code Compliance, or designee, as part of the site plan process.
5. All ground mounted mechanical and electrical equipment must be screened by fences, walls or vegetation and approved by the Director of Community Development and Code Compliance, or designee, as part of the site plan process.
6. All junction and accessory boxes must be integrated in the architectural treatment of the building or view minimized by landscaping.

Comprehensive Plan:

Future Land Use

The Planning Commission and Board of Supervisors should use the future land use map as a general guide for determining the desired location of development.

The Comprehensive Plan identifies this area as appropriate for industrial and/or commercial use. Industrial designates those areas where major industrial activities exist and/or are planned, and Commercial designates those areas where commercial developments have occurred and where future urban and suburban commercial developments are encouraged. Public and wastewater facilities are generally available or planned for these areas.

Staff finds the proposal of B-1, General Business rezoning compatible with the future land use designation for commercial uses.

Transportation

The Transportation Plan requires applicants with development projects seeking rezoning or special exceptions that generate over 250 trips per day to submit a traffic impact study to evaluate any expected needs relative to transportation. This transportation requirement was coordinated with the Virginia Department of Transportation (VDOT).

The applicant, along with the request for rezoning, has submitted a Traffic Impact Analysis. VDOT has assisted the County in reviewing the submitted turn lane warranty analysis and is in agreement with the trip generation data, traffic volumes, and trip distributions included in the analysis. Further, VDOT is in agreement that the proposed use will not warrant right or left turn lanes or tapers.

Prince George Planning Area (PGPA)

New Development within the PGPA is required to be connected to utility services, which ensures that new development does not run the risk of septic or well failure, and bears the financial cost of extending services to the development site to the developer.

REZONING RZ-20-02 -- STAFF REPORT

Staff Comments:

Planning & Zoning:

1. The surrounding Tax Map parcels at the intersection of County Drive [US 460] and Bull Hill Road, and Rives Road are zoned B-1, General Business with compatible uses expected. There is an approved site plan for Hardee's at the northeast intersection of County Drive and Bull Hill Road, and there is also a site plan under review for a 7-Eleven at the southwest intersection of County Drive and Rives Road.
2. The Tax Map parcel to the north along Bull Hill Road is zoned B-1 and includes the use of a travel plaza, a full service restaurant, and a hotel.
3. While the applicant has proffered various site design requirements, several additional requirements, such as perimeter and interior landscaping, dumpster enclosures, parking spaces and lighting are details specified within the Prince George County Zoning Ordinance.
4. Setback requirements for the B-1 zoning will require 25 ft setbacks from Bull Hill Road and County Drive.
5. Proffer statement does not include a conceptual plan.
6. The Comprehensive Plan requires "pedestrian and vehicular interconnectivity between neighborhoods and activity centers such as shopping areas, schools, libraries and community centers." Based on the guidance in the Comprehensive Plan and the presence of uses of a similar intensity nearby, staff recommends a proffered condition for a sidewalk along the Bull Hill Road portion of the property.
7. VTRANS Mid-Term Needs indicate that there is a regional need for bicycle access along Bull Hill Road.

Contact: Horace Wade III, Planner

Building Official:

This property is known as Tax Map 340(08)00-00A-0. It has been reviewed for compliance with the 2015 Uniform Statewide Building Code, with information provided.

Contact: Dean Simmons, Building Official

Utilities Department:

1. The sewer system that serves this property is near full capacity. The applicant must perform an analysis to determine if improvements to the existing county facilities are required to serve the needs of the property. Any improvements required will be at the applicant's expense. At a minimum, the analysis must include all existing County facilities that may be affected up to the point of discharge at the pump station located at the intersection of Route 460 and Courthouse Road.
2. Connection to the sewer system must be made on Route 460 to gravity sewer system.
3. Connection to the water can be made to either of the 12" water lines located on Route 460 and Bull Hill Road.

Contact: Frank Haltom, Director of Engineering and Utilities

Transportation (VDOT):

The Virginia Department of Transportation, Southern Region Land Development Office has reviewed the zoning application and traffic impact analysis (TIA) received at the Petersburg Residency on 3-24-20 and is providing the following information for the County's use:

1. Sr 630 Bull Hill Road has a functional classification of Major Collector and a speed limit of 45 MPH. US 460 County Drive has a functional classification of Principal Arterial and a speed limit of 45 MPH. VDOT's Access Management Regulations will apply to any entrances proposed on either of these roads. The proposed site access from SR630 Bull Hill Road meets

REZONING RZ-20-02 -- STAFF REPORT

VDOT's access management spacing stands for a full access entrance and appears to be acceptable as shown. The proposed right-in/right-out entrance from County Drive meets VDOT's access spacing standards and appears to be acceptable.

2. The easement shown within the proposed BMP is a VDOT drainage easement. No work will be allowed within this easement until it has been abandoned and a replacement easement recorded. VDOT easements must be abandoned by the Commonwealth Transportation Board (CTB) and can be a lengthy process. Contact Vicky Pinchbeck in VDOT's surplus property division to obtain additional information on the cost, process, and time frames needed to abandon a VDOT drainage easement.

Contact: Paul Hinson, Area Land Use Engineer, VDOT

Economic Development Department:

This parcel is located in the Enterprise Zone. The local incentives are as follows:

Machinery & Tools Tax Credit (5 years):

New industry: qualifies with \$250,000 total investment in building & equipment

Existing industry: qualifies with \$50,000 total investments in building & equipment. Credit is equal to the amount of Machinery & Tools Tax paid annually for a 5-year period...as follows:

Year 1...\$1.50/\$100 value x 60%

Year 2...\$1.50/\$100 value x 50%

Year 3...\$1.50/\$100 value x 40%

Year 4...\$1.50/\$100 value x 30%

Year 5...\$1.50/\$100 value x 20%

Process: Business pays annual Machinery & Tools Tax; business provides Economic Development Director with copy of check and letter requesting reimbursement of annual M&T tax; County reimburses business amount of M&T tax which qualifies. This process is repeated each year for 5 years.

Business License Fee Credit (5 years):

Retail \$0.15/\$100 gross receipts

Mail order \$0.15/\$100 gross receipts

Wholesale/Distribution/Mfg None

Financial Services \$0.20/\$100 gross receipts

Business Services \$0.20/\$100 gross receipts

Process: Business pays annual Business License Tax; business provides Economic Development Director with copy of check and letter requesting reimbursement of annual Business License tax; County reimburses business total annual amount of Business License tax. This process is repeated each year for 5 years.

Water/Sewer Connection Fee Discount (50%):

One time incentive for new commercial or industrial entity with \$250,000 total investment of building & equipment. Equal to one half of the connection fees above \$10,000, but less than \$200,000.

Process: County Engineer meets with business to determine cost to connect water and sewer; County Engineer assesses cost for each and if in compliance with the above, business is invoiced for 50% of the actual connection fee cost.

REZONING RZ-20-02 -- STAFF REPORT

Rezoning Fees Waived:

One time incentive for new business with \$250,000 investment or existing business with \$50,000 expansion investment.

Process: Director of Planning meets with applicant to determine eligibility.

Contact: Yoti Jabri, Economic Development Specialist

Health Department (VDH):

According to the submission, this project will be served by public water and public sewer services. Any food facilities will need to make an application to the Health Department.

Environmental, Fire and EMS, Police: Stated "No comment".

Public Notice:

Planning Commission Public Hearing:

This Staff Report was reviewed with the applicant on 5/12/2020

Adjacent property owners were notified by mailing on 5/18/2020.

A legal ad was run for the request in the Progress-Index on 5/13/2020 and 5/20/2020.

Adjacent property owners were notified by mailing on 6/15/2020.

A legal ad was run for the request in the Progress-Index on 6/11/2020 and 6/17/2020.

Board of Supervisors Public Hearing

Adjacent property owners were notified by mailing on 7/2/2020.

A legal ad was run for the request in the Progress-Index on 7/2/2020 and 7/9/2020.

Community Feedback:

Staff received inquiries from two adjacent property owners about the rezoning request after receiving the initial adjacent property notification was sent on May 18, 2020.

Staff Recommendation:

Staff recommends approval of this B-1, General Business conditional rezoning request along with the proffers dated May 18, 2020 for the development of the property for fast food restaurant use. The Comprehensive Plan supports the commercial use of the property subject to the following conditions.

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

13. Funeral Homes
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

REZONING RZ-20-02 -- STAFF REPORT

10. Dancehall
 16. Motor freight terminal, transshipment facility
 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 and purchase of off-site nutrient credits.
 3. All storm water easements and basins shall be maintained by the property owner.
 4. All utilities to serve this development will be provided underground to include, but not limited to, power, telephone, gas and cable television.
 5. Prior to site plan approval, a written graphic description of exterior materials, color, architectural style and building scale shall be submitted for approval to the Director of Community Development and Code Compliance.
 6. Exterior wall material shall be clad in fiber-cement siding, brick, stone, cultured stone, stucco, or materials having the appearance of such materials. Alternative siding materials including vinyl accents may be permitted if approved by the Director of Community Development and Code Compliance, however, full vinyl siding shall not be permitted.
 7. Compatibility must be achieved through the use of similar building massing, materials, scale, colors and other architectural features.
 8. All roof-mounted mechanical equipment must be screened by a parapet wall or other material as may be approved by the Director of Community Development and Code Compliance, or designee, as part of the site plan process.
 9. All ground mounted mechanical and electrical equipment must be screened by fences or vegetation and approved by the Director of Community Development and Code Compliance, or designee, as part of the site plan process.
 10. All junction and accessory boxes must be integrated in the architectural treatment of the building or view minimized by landscaping.
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 12. A five (5) foot wide sidewalk will be installed within the Bull Hill Road right-of way from the north side of the proposed entrance on Bull Hill Road to the adjacent common property line north along Bull Hill Road. This sidewalk will be installed upon the development of the northern adjacent property.

REZONING RZ-20-02 -- STAFF REPORT

13. The development of the subject property of this application shall be in strict accordance with the conditions set forth as proffers and as generally depicted on the schematic plan dated March 9, 2020 with respect to access and developable area. These proffers shall run with the land and shall, in the event of transfer of the Property to other parties, be enforceable against such other parties.

Planning Commission June 25, 2020:

During the public hearing following the presentation of the Staff Report, no one except for the applicant's representative provided any comments regarding the rezoning request. The applicant's representative answered clarification questions of the Commission.

After the closure of the public hearing, the Planning Commission recommended Approval of the rezoning request 7-0, subject to the May 18, 2020 proffered conditions.



REZONING APPLICATION

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 #:

RZ-20-02

DATE SUBMITTED:

RECEIVED
MAR 10 2020

(Please fill-in all blanks)

BY: _____

GENERAL PROPERTY INFORMATION

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

Prince George 105 LLC

ADDRESS:

PO Box C, Stony Creek, VA 23882

TAX MAP OF SUBJECT PARCEL:

340(08)00-00A-0

CITY:

Prince George

STATE:

VA

ZIP CODE:

23875

DISTRICT:

Rives

E-MAIL ADDRESS:

RRook@dtc33.com, RDavis@dtc33.com, MDavis@dtc33.com

RECORDED IN THE CIRCUIT COURT CLERK'S OFFICE:

PB. 218, PG. 740

DEED BOOK 15 PAGE 2350 Date 8/14/15 DEED RESTRICTIONS:

CURRENT LAND USE:

Vacant

ACREAGE:

1.452 AC

COMPREHENSIVE PLAN DESIGNATION:

Industrial

ZONING CLASSIFICATION

PRESENT ZONING :

R-A

PROPOSED ZONING:

B-1

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

Wants to build fast food

OWNER AGENT/REP

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

Timmons Group

NAME:

John Wall

PHONE NUMBER:

(804)541-6606

ADDRESS:

4701 Owens Way, Suite 900

CITY:

Prince George

STATE:

VA

ZIP CODE:

23875

E-MAIL ADDRESS: John.Wall@Timmons.com

PROJECT DESCRIPTION

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

Fast food that fits growing development around area

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: J. Rex Davis
SIGNED: [Signature] DATE: 3-9-2020
MAILING ADDRESS: 11042 Blue Star Hwy
CITY/STATE/ZIP: Stony Creek, VA 23882
PHONE NUMBER: (434) 246-2600
E-MAIL ADDRESS: R.Davis@d+c33.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: John Wall
MAILING ADDRESS: 4701 Owens Way, Suite 900
CITY/STATE/ZIP: Prince George, VA 23875
PHONE NUMBER: (804) 541-6606
E-MAIL ADDRESS: John.Wall@Timmons.com

STATE OF VIRGINIA

COUNTY OF: PRINCE GEORGE

Subscribed and sworn before me this _____ day of _____, 20____.

My Commission expires: _____, 20____

Notary Public

AFFIDAVIT

**Application by Prince George 105 LLC
Davis Bull Hill Rd.
Prince George County, Virginia
February 4, 2020**

Prince George 105 LLC (the “**Applicant**”) submits this application for a rezoning. The reason for this rezoning is to allow for development of a fast food restaurant.

The proposed zoning request consists of a 1.452 acre parcel known as Tax Map Parcel 340-(08)00-00A-0 located in the Rives District of Prince George County, Virginia, along US Route 460 just east of Interstate 295 (the “**Property**”) as shown on the rezoning plan dated January 28, 2020.

The current zoning of the Property is R-A, Residential Agriculture. We are seeking rezoning of 1.452 acre from R-A to B-1, General Business for this development.

The properties adjacent to this site include business zoned property to the northwest (B-1), which is owned by Dakshay J. Patel, Bull Hill Road right of way and B-1 business zoned property to the east, and Highway 460 and B-1 business zoned property to the south and west.

Project Description

The Project will consist of, general business uses including but not limited to, an approximately 3,000 square foot fast food restaurant building with associated parking spaces and sidewalks.

The site will be accessed by a connection to US Route 460 by a right-in and right-out entrance. The site will also be accessed by a connection to State Route 630 – Bull Hill Road by a full entrance.

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, sanitary sewer, water, power, telephone, gas and cable television.

Storm Water Management

Water quality and water quantity runoff from this developed site will be handled using 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 the public sewer system along US Route 460.

This site will be served by the public water system along US Route 460.

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, Melvin L. Davis, of Prince George 105 LLC, 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 Davis Bull Hill Road on Tax Map Parcel #340-(08)00-00A-0:

1. The following permitted land uses shall be excluded from the property under Section 90-392:
 13. Funeral Homes
 17. Lumber and building supply with storage facilities under cover
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The following land uses shall be excluded from the property under Section 90-393:

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8. All roof-mounted mechanical equipment must be screened by a parapet wall or other material as may be approved by the Director of Community Development and Code Compliance, or designee, as part of the site plan process.
9. All ground mounted mechanical and electrical equipment must be screened by fences, walls or vegetation and approved by the Director of Community Development and Code Compliance, or designee, as part of the site plan process.
10. All junction and accessory boxes must be integrated in the architectural treatment of the building or view minimized by landscaping.
11. A VDOT handicap curb ramp (CG-12) will be installed on the north side of the proposed entrance to Bull Hill Road prior to Certificate of Occupancy.
12. A five (5) foot wide sidewalk will be installed within the Bull Hill Road right of way from the north side of the proposed entrance on Bull Hill Road to the adjacent common property line north along Bull Hill Road. This sidewalk will be installed upon the development of the northern adjacent property.
13. The development of the subject property of this application shall be in strict accordance with the conditions set forth as proffers and as generally depicted on the schematic plan dated March 9, 2020 with respect to access and developable area. These proffers shall run with the land and shall, in the event of transfer of the Property to other parties, be enforceable against such other parties.

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

J. Rex Davis
Owner- Signature

Date: 5-18-2020

J. Rex Davis
Type or print name

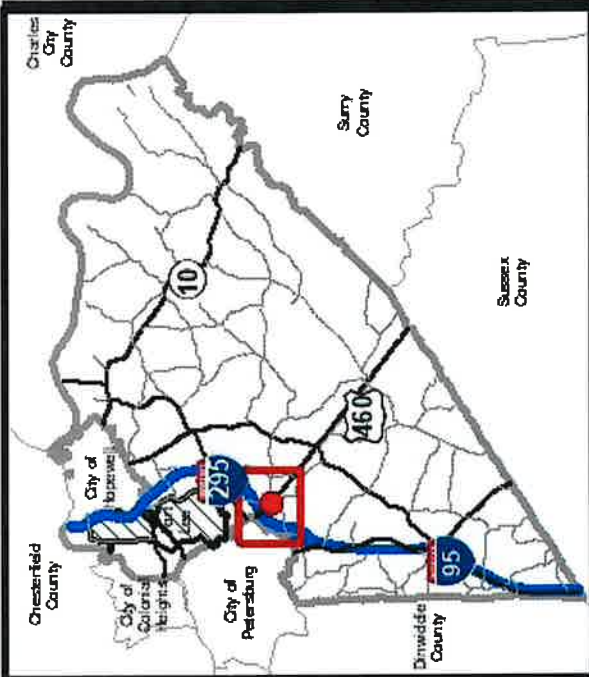
I Shannon Leigh Stanley - a Notary for the State of Virginia, Prince George County do verify that the foregoing instrument was signed before me this the 18 day of May, 2020.

Shannon Leigh Stanley

11-30-2020
My Commission Expires



**Rezoning:
RZ-20-02**



Bull Hill Rd

Rivers Rd

County Dr

Community Ln

Mountain Drive

340:04:00-014-0

340:04:00-005-0

340:04:00-014-4

340:04:00-052-0

340:04:00-038-A

9300 FOUNTAIN DR

340:04:00-014-G

14G

9811 COMMUNITY LN

9300 COMMUNITY LN

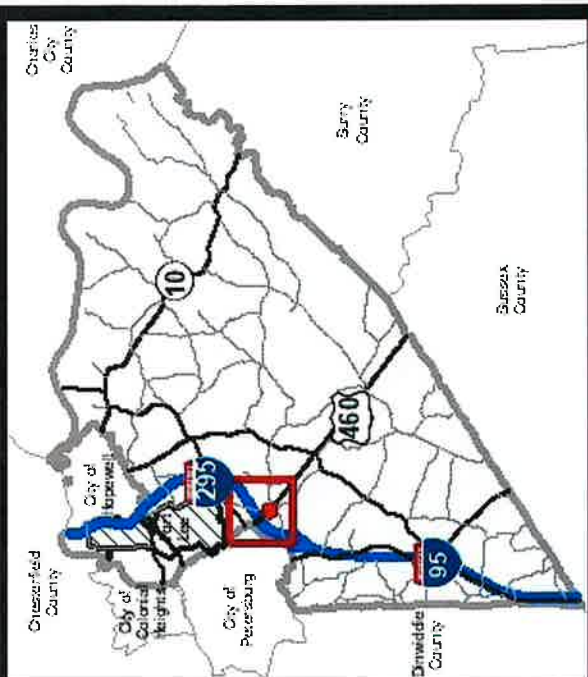
9291 COMMUNITY LN

340:04:00-034-0

F4

Subject Property
Prince George 105 LLC

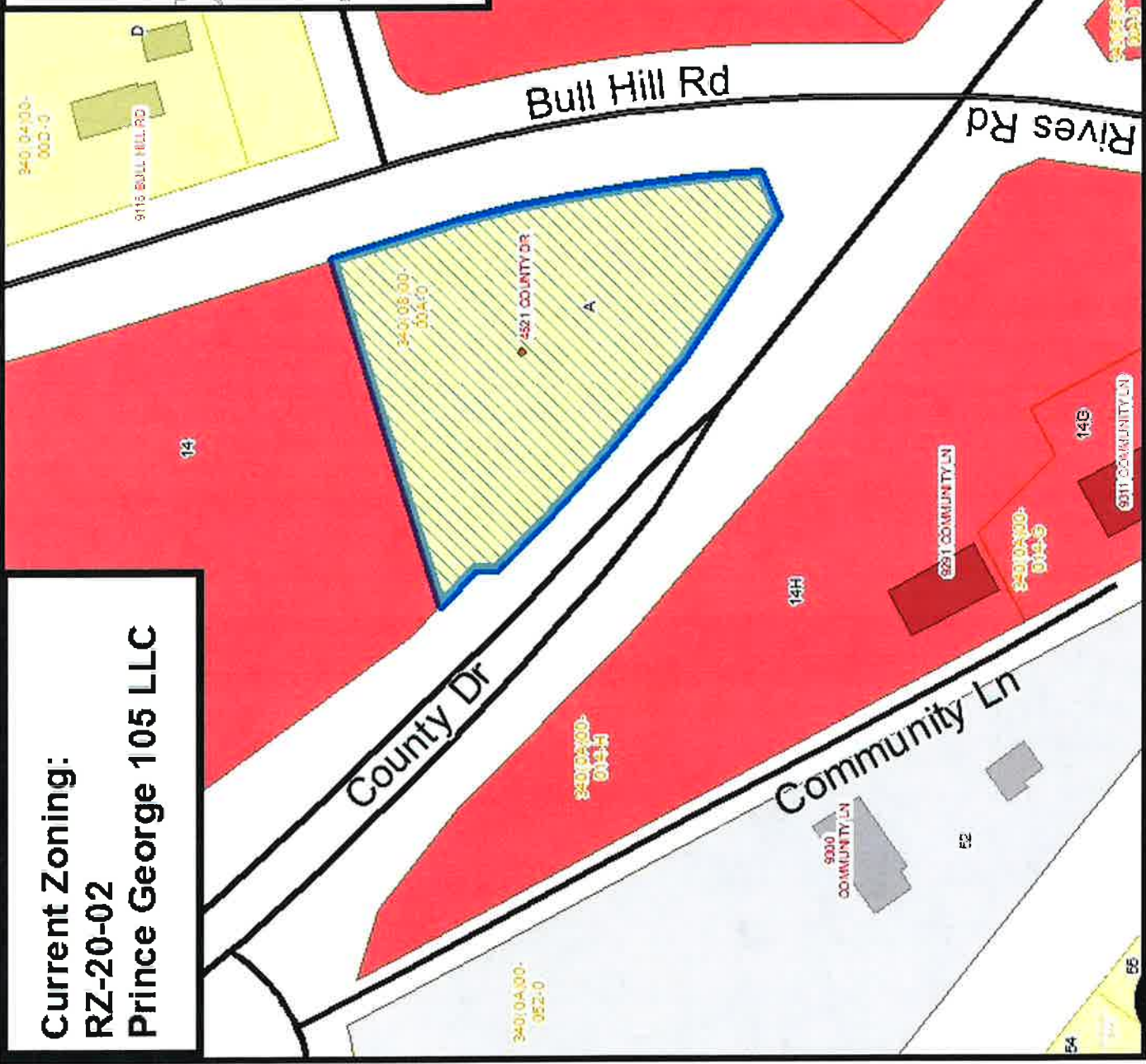




RZ-20-02

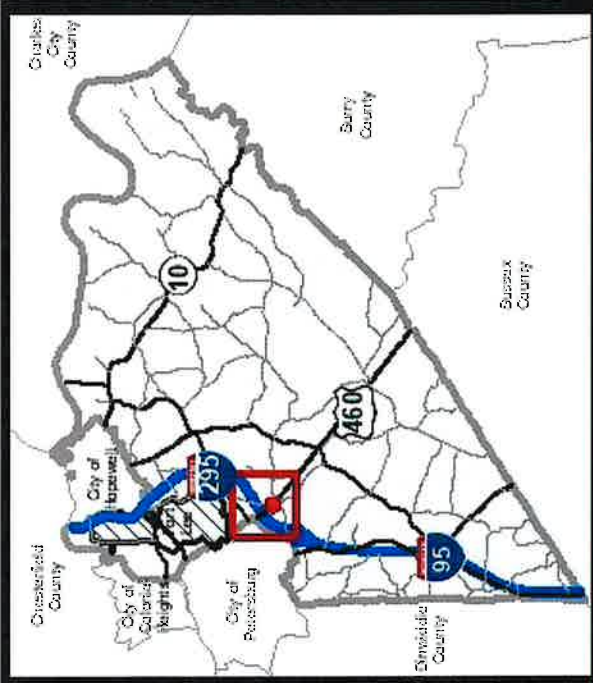
Zoning

	A-1
	B-1
	M-1
	M-2
	M-3
	PUD
	R-1
	R-2
	R-3
	R-A
	R-E



**Current Zoning:
RZ-20-02
Prince George 105 LLC**

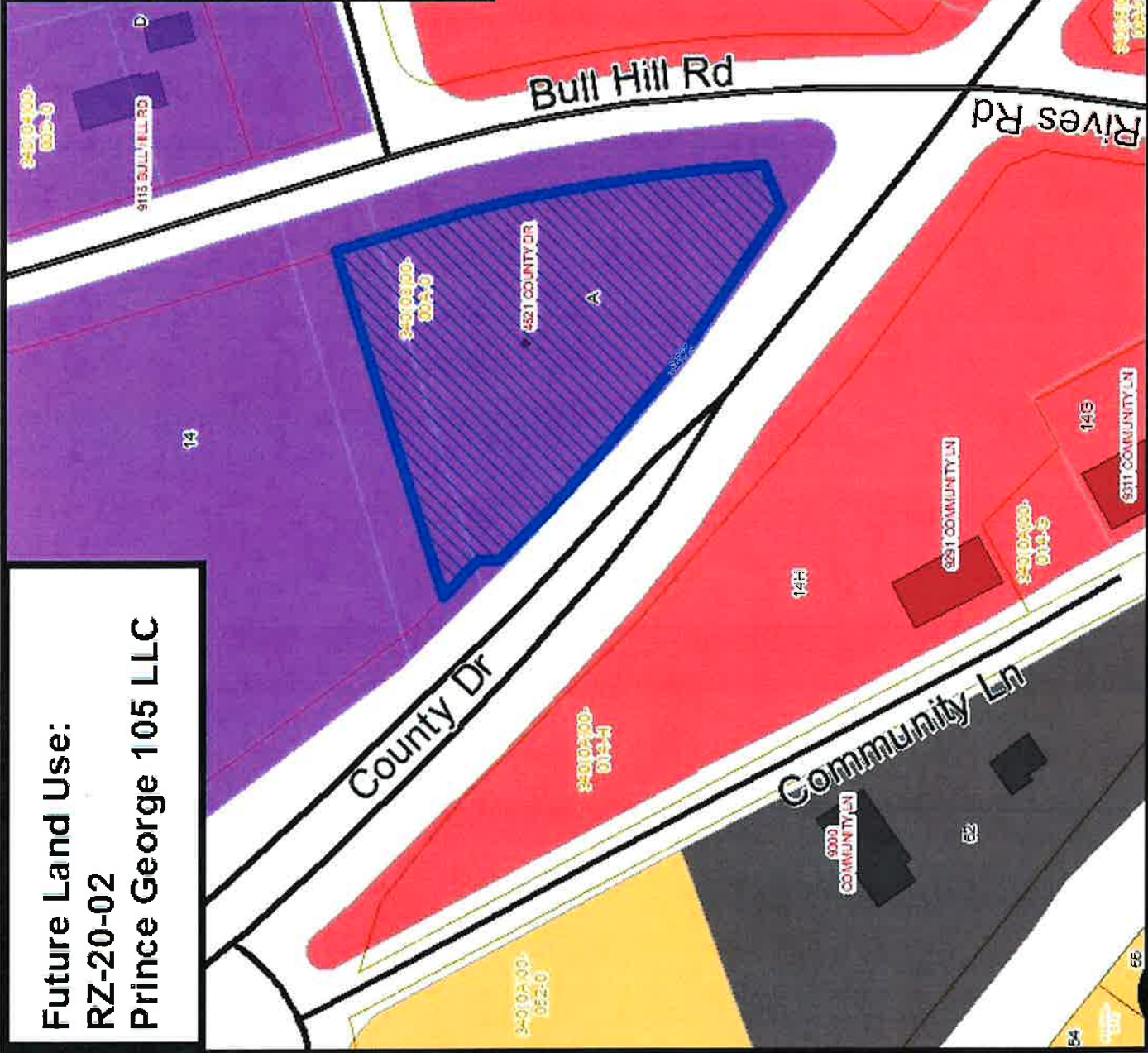




RZ-20-02

Future Land Use

	Agriculture
	Commercial
	Commercial / Industrial
	Industrial
	Neighborhood Commercial
	Public / Semi-Public
	Residential
	Residential - Multi-Family
	Village Center



**Future Land Use:
RZ-20-02
Prince George 105 LLC**



County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

July 2, 2020

BOARD OF SUPERVISORS - NOTICE OF PUBLIC HEARING

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

This is notification that the Prince George County Board of Supervisors will hold a public hearing on **Tuesday, July 14, 2020 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:

REZONING CASE RZ-20-02: Request of Prince George 105 LLC to conditionally rezone 1.452 acres from R-A, Residential Agricultural to B-1, General Business. The subject parcel is located at 4521 County Drive at the northwest intersection of County Drive and Bull Hill Road and is identified as Tax Map 340(08)00-00A-0. The Comprehensive Plan indicates the property is suitable for industrial or commercial uses.

Due to the COVID-19 pandemic, Prince George County's July 14 Board of Supervisors meeting will be held electronically and in person. The changes are designed to accommodate public input while encouraging the public to practice social distancing as recommended by health officials. If you wish to make comments prior to meeting, you are encouraged do so via the Public Comment Form on the County website at https://www.princegeorgecountyva.gov/departments/board_of_supervisors/public_comment_form.php.

The meeting will be also be accessible by Zoom or YouTube. Information on accessing this meeting electronically is available at <https://www.princegeorgecountyva.gov/>.

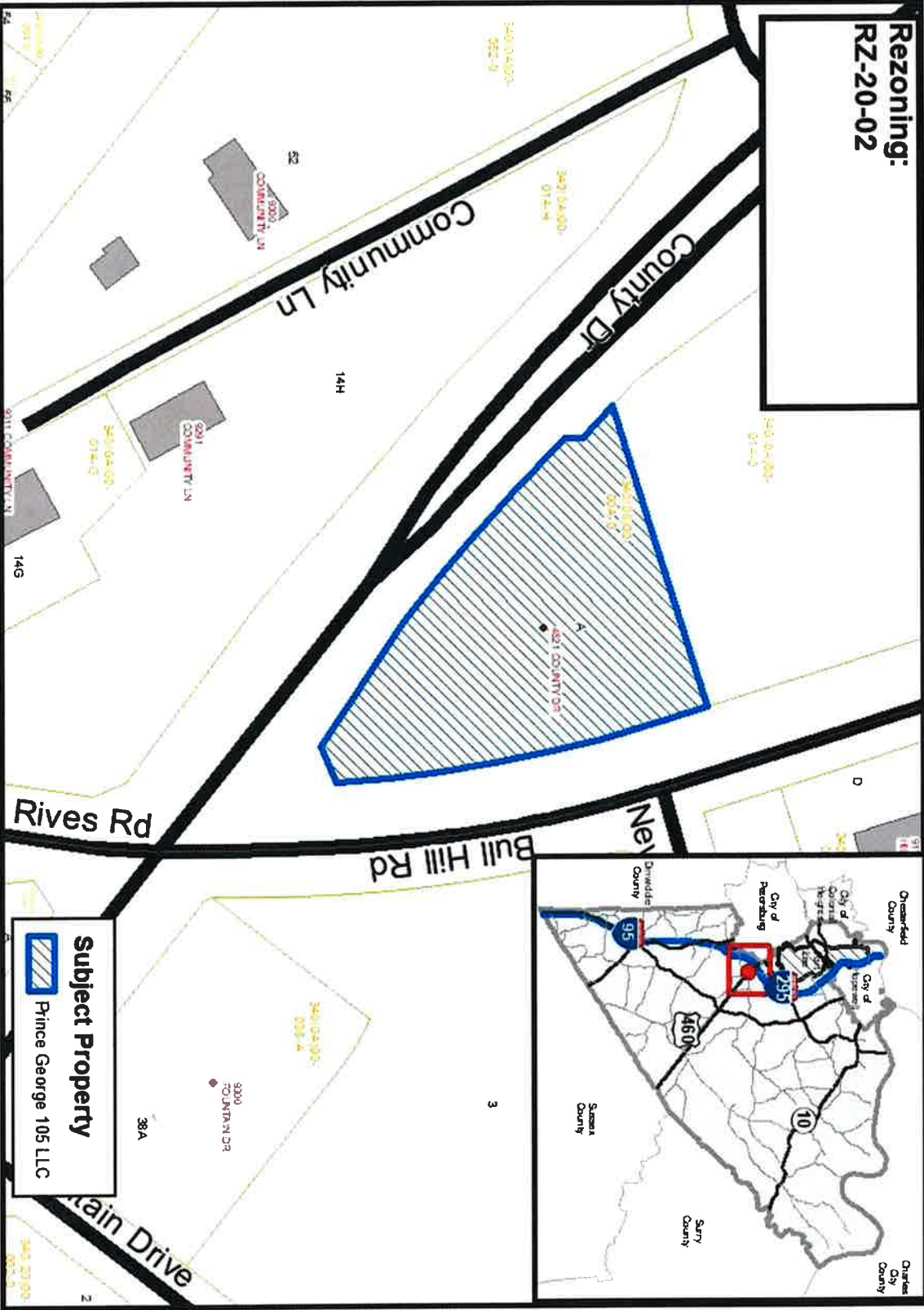
You may also contact Planning and Zoning Division at (804)722-8678 or by e-mail at planning@princegeorgecountyva.gov with any questions prior to the scheduled meeting. We have included a GIS Map showing the general location of the request.

Sincerely,

A handwritten signature in blue ink that reads "H. H. Wade III".

Horace H. Wade III, CFM
Planner

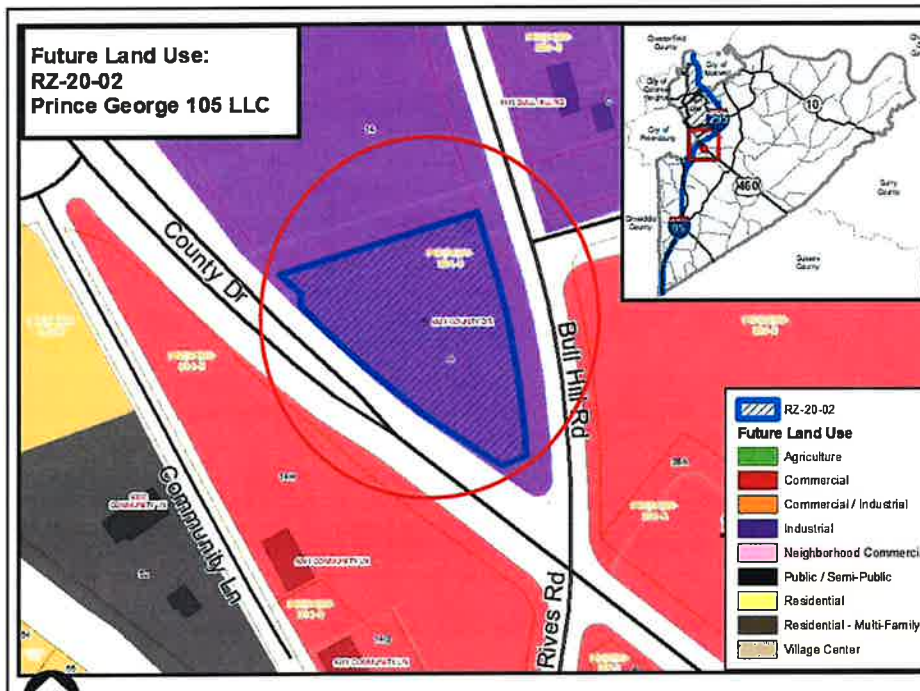
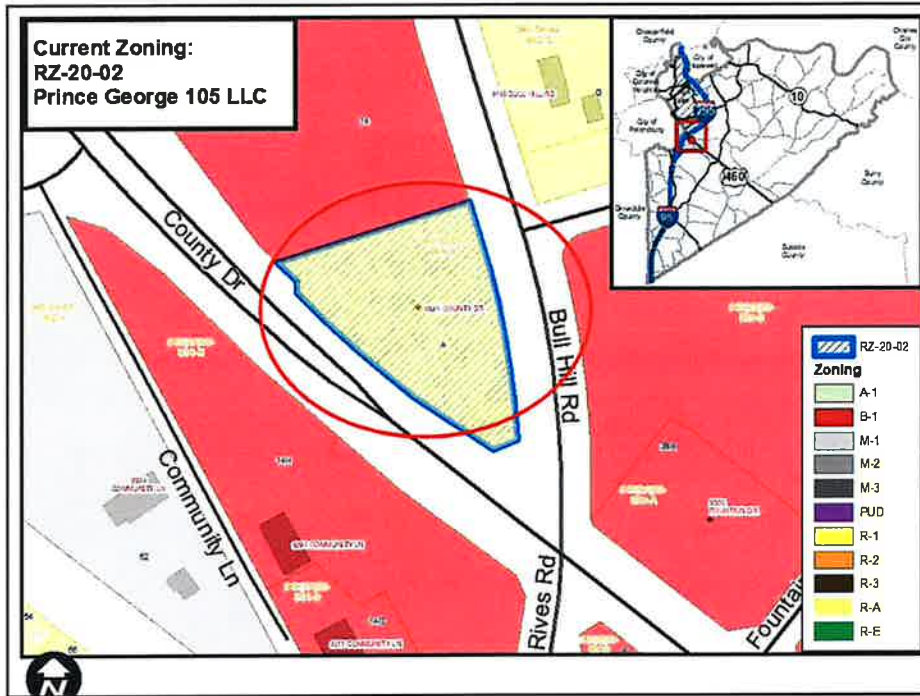
**Rezoning:
RZ-20-02**



Subject Property
Prince George 105 LLC

**Adjacent Property Owners Mailing List for
RZ-20-02**

TAX MAP	Local Address	Mailing Address	Mailing City	Mailing State	Mailing Zip
340(05)00-00A-0	4601 COUNTY DRIVE	P O BOX 1956	PETERSBURG	VA	23805
340(08)00-00A-0	4521 COUNTY DRIVE	P O BOX C	STONY CREEK	VA	23882
340(0A)00-014-H	9291 COMMUNITY LN	8350 BULL HILL RD	PRINCE GEORGE	VA	23875
340(0A)00-037-A	N/A	4595 SANDESARA DR	PRINCE GEORGE	VA	23875
340(20)00-003-0	N/A	8901 BROOK RD	GLEN ALLEN	VA	23060
340(0A)00-014-0	4200 COUNTY DR	4595 SANDESARA DR	PRINCE GEORGE	VA	23875



RZ-20-02 PRINCE GEORGE 105, LLC

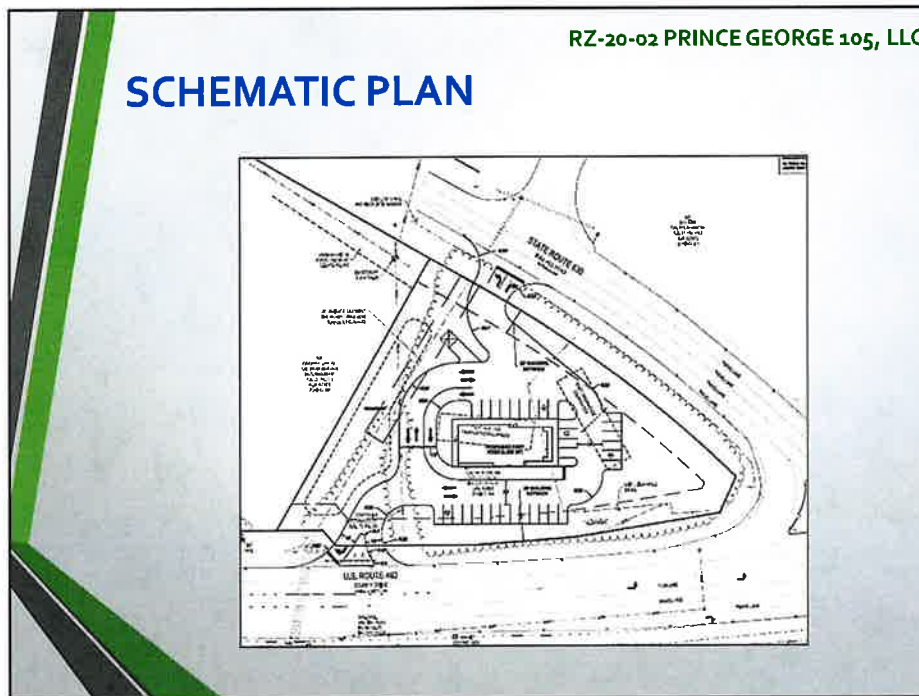
CASE SUMMARY

- Intended use for a 3,000 SF fast food restaurant
- To be developed in accordance with proffered statement and schematic plan
- Excludes certain uses permitted by right and by special exception
- Addresses Site Development Requirements
- Increases Site and Building Design Requirements
- Provides sidewalk along Bull Hill Road

RZ-20-02 PRINCE GEORGE 105, LLC

LOCATION





RZ-20-02 PRINCE GEORGE 105, LLC

STAFF COMMENTS SUMMARY

Planning & Zoning Division:

1. Surrounding Tax Map parcels are zoned General Business (B-1)
2. Additional site design requirements required by the Zoning Ordinance
3. Sidewalk connection along Bull Hill Road to provide pedestrian connectivity per Comprehensive Plan
4. VTRANS Mid-Term needs indicate there is a regional need for bicycle access along Bull Hill Road

Building Official:

1. Property has been reviewed for compliance with Building Code

Economic Development:

1. Property is located in the Enterprise Zone

RZ-20-02 PRINCE GEORGE 105, LLC

STAFF COMMENTS SUMMARY

Utilities:

1. Sewer system serving this property is near capacity
2. Connection to sewer system must be made on Route 460 to gravity sewer system
3. Connection to the County's water can be made to either of the 12" water lines located on Route 460 and Bull Hill Road

Transportation:

1. Proposed accesses along Bull Hill Road and County Drive are acceptable
2. The easement shown within the proposed BMP is a VDOT drainage easement. VDOT easements must be abandoned by the Commonwealth Transportation Board.

RZ-20-02 PRINCE GEORGE 105, LLC

COMPREHENSIVE PLAN

Future Land Use

- **Commercial:** designates areas where commercial developments are encouraged. Public water and wastewater facilities are generally available or planned for these areas.
- **Industrial:** designates those areas where major industrial activities exist and/or are planned.

Transportation

- Requires Traffic Impact Analysis to evaluate expected needs

Prince George Planning Area

- Requires new development to be connected to utility services

RZ-20-02 PRINCE GEORGE 105, LLC

RECOMMENDED CONDITIONS

- Exclusion of certain permitted uses and uses requiring special exception
- Site development requirements
- Building and design requirements
- Five (5) foot wide sidewalk installed along Bull Hill Road connecting to the property north of subject property
- Development in strict accordance with conditions and as generally depicted on the schematic plan dated March 9, 2020

All conditions have been reviewed by the Applicant ✓

RZ-20-02 PRINCE GEORGE 105, LLC

RECOMMENDATION

Planning Commission: Recommended Approval 7-0, subject to May 18, 2020 proffered conditions.

Staff: Recommends Approval, subject to May 18, 2020 proffered conditions.

Basis:

- Compatible with Comprehensive Plan recommendations
- Schematic Plan acceptable for traffic access management
- Diversifying tax base

RZ-20-02 PRINCE GEORGE 105, LLC

QUESTIONS?

