

THE KING GEORGE COUNTY PLANNING COMMISSION
May 14, 2019

The regular meeting of the King George County Planning Commission (KGPC) was called to order at 7:00 PM by Chairman Kristofer Parker in the Board Room of the Revercomb Building, located at 10459 Courthouse Drive, King George County Virginia 22485.

Staff Present: Heather Hall, Zoning Administrator
Bradley Hudson, Director of Community Development
Louis Pancotti, Planner
Angela Foroughi, Planner
Brett Cox, Planner (via telephone)
Jaci Fish, Recording Secretary

Members Present: Chairman, Kristofer Parker
Josh Colwell
Ross Devries
Joseph Gaborow
Gary Kendrick
Donald Watkins Jr.
Jason Williams

Members Absent: Vice Chairman, Andrew Westling
Kevin Myers
Tara Patteson

Quorum:
Chairman Parker called the meeting to order at 7:00 PM and noted there was a quorum. Following the pledge of allegiance, Mr. Williams led an invocation.

Commendation for Mr. Doily Fulcher:
Mr. Fulcher was not present; therefore, he will be presented a commendation for services at a future time.

Approval of Minutes:
Approval of King George County Planning Commission meeting minutes included: April 09, 2019.
There being no revisions, Chairman Parker called for a motion. A motion from Mr. Devries to approve the April 09, 2019 meeting minutes was made, seconded by Mr. Kendrick, and carried by a vote of 5-0-2. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Abstain; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Watkins, Abstain, and Mr. Williams, Aye.

Public Comment: Chairman Parker opened the floor for the public forum. Chairman Parker called for the public to comment. No public comments noted.

**Report of the Community Planning Liaison Officer, Naval Support Activity South
Potomac, Dahlgren:**

- Ms. Gail Kenson, Regional Community Planning Liaison Officer, Naval District Washington addressed the King George County (KGC) 2019 Comprehensive (Comp) Plan.
- Ms. Kenson stated information and language was provided to King George County Department of Community Development (KGCD) staff for the 2019 Comp Plan.
 - Information and language provided, supported compatible development. Compatible development language complies with Commonwealth of Virginia (VA) State Statutes (§) requirements for coordination and compatible development around military installations.
- Ms. Kenson also discussed development of Military Overlay District (MOD).
 - MOD is briefly mentioned in the 2019 Comp Plan and will be implemented in the KGC Zoning Ordinances; boundaries have yet to be determined (TBD).
 - MOD helps sustain compatible development around military installations which allows economic growth and sustains the military mission.
- Ms. Kenson also discussed the purpose of the Naval Support Facility (NSF) Dahlgren Joint Land Use Study (JLUS). The purpose of JLUS is compatible development and sustaining the military mission.
- Ms. Kenson stated as required by VA State Statutes, KGCD staff has reached out to the installation early & often and has been a pleasure to work with.

Public Hearing:

a. Rezoning Application Case Number: 19-02-Z01, request by Sawmill, LLC to rezone portions of Tax Map 23 (1), Parcels 15, 16, and 17 from One-Family Dwelling District (R-1) to General Trade District (C-2)

- Mr. Louis Pancotti, Planner with KGCD presented the rezoning application. Mr. Pancotti stated Sawmill, LLC has requested to rezone portions of Tax Map 23 (1), Parcels 15, 16, and 17 from One-Family Dwelling District (R-1) to General Trade District (C-2). Mr. Pancotti presented on (including but not limited to): background of parcels, summary of information, and KGC geographic information system (GIS) maps of Tax Map 23 (1), Parcels 15, 16, and 17.
- Mr. Pancotti stated Tax Map 23 (1), Parcels 15, 16, and 17 are currently vacant, and contain a total of 7.38 acres. The parcels are located along Barbara's Way, near the intersection of Kings Highway. The properties are split zoned. The western portions of the properties are zoned General Trade (C-2), while the eastern portions are zoned One-Family Dwelling (R-1). Sawmill, LLC would like to rezone the One-Family Dwelling (R-1) portions, a total of 1.947 acres, to General Trade (C-2). This would eliminate the split zoning of these properties. The neighboring properties to the West and South are all zoned General Trade (C-2), while the properties to the North and East are all zoned One-Family (R-1). Future development will have at least a 25-foot rear yard setback from properties in the One-Family Dwelling District (R-1).

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- Wetlands have been located on all three properties, however, there are no proposed impacts to Wetlands at this time.
- Properties will have access via Route 1143.
- Storm water management will be completed as each lot is developed; public water and sewer connection is available.
- Mr. Pancotti stated it is the recommendation of KGCD CD staff that KG CPC forward Rezoning Application Case Number: 19-02-Z01, request by Sawmill, LLC to rezone portions of Tax Map 23 (1), Parcels 15, 16, and 17 from One-Family Dwelling District (R-1) to General Trade District (C-2) to King George County Board of Supervisors (KGC BOS) with the recommendation of approval.
- Mr. Kendrick inquired why Rezoning Application Case Number 19-02-Z01 is going before KG CPC without an attached development or a subsequent development application.
 - Mr. Pancotti stated, as of now, a development application has not been submitted to the KGCD CD, however, rezoning of parcels 15, 16, and 17 will make the parcels more marketable to commercial developers.
- Mr. Devries inquired about existing natural buffers between the R-1 properties behind the proposed parcels (15, 16, 17).
 - Mr. Pancotti reviewed the KGC GIS maps, to show existing natural buffers.

Chairman Parker opened the floor for public comments.

- Mr. John Judge, KGC resident, with Eagle's Nest Animal Hospital (7955 Kings Hwy King George, VA 22485) would like KG CPC to approve Rezoning Application Case Number: 19-02-Z01, request by Sawmill, LLC to rezone portions of Tax Map 23 (1), Parcels 15, 16, and 17 from One-Family Dwelling District (R-1) to General Trade District (C-2).
- Mr. Judge stated, currently, to abide by KGC Zoning Ordinances Section 4.8. (Veterinary Clinic. 4.8.1. Location and fencing. 4.8.1.1.) their veterinary clinic must be at least 300 feet from any lot in any residential district (for sound). Mr. Judge stated it has been difficult to find another C-2 property, within KGC, that meets these zoning regulations and is desirable for a veterinary hospital & clinic.
 - Mr. Judge stated to his knowledge, parcels 13 and 14 have been re-zoned C-2, and parcel 18 has been dissolved (bought by Sawmill, LLC in 2006 and designated for stormwater management). Rezoning Application Case Number 19-02-Z01 is the third application for rezoning parcels to C-2. Parcels 15, 16, and 17 are the only parcels within the area that are not zoned C-2.

Chairman Parker closed the floor to public comments.

Chairman Parker opened the floor to Board members.

- Mr. Kendrick stated he approves the rationale behind the rezoning application, however, in the past KG CPC has not been in the habit of changing zoning to make properties more marketable for commercial development or developers. Having a proposed project attached to a rezoning application gives KG CPC more oversight to potential development.

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After review, Chairman Parker called for a motion. A motion from Mr. Colwell to forward Rezoning Application Case Number: 19-02-Z01, request by Sawmill, LLC to rezone portions of Tax Map 23 (1), Parcels 15, 16, and 17 from One-Family Dwelling District (R-1) to General Trade District (C-2) to KGCBOS with recommendation for approval was made, seconded by Mr. Devries, and carried by a vote of 6-1-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Nay; Mr. Watkins, Aye, and Mr. Williams, Aye.

Plan Review: No new plan review.

Old Business:

a. Comprehensive Plan Updates – Angela Foroughi, P.E. – BFG, PLLC

Mrs. Angela Foroughi and Mr. Brett Cox, P.E. with BFG, PLLC representing KGCDCCD presented on Comprehensive Plan Updates.

Mrs. Foroughi presented a situation report that covered tasks completed in the past 30 days:

- Reviewed 2019 Comp Plan Draft with Community Development Staff; Presented 2019 Comp Plan to KGCPD; Revised Draft based on feedback received from PC and Staff; Met with Ms. Gail Kenson (NSF Dahlgren) to discuss Comp Plan language for Military Overlay District; Completed all maps.

Mrs. Foroughi also covered tasks to be completed in the next 30 days:

- Present Draft to KGCPD – prepare for recommendation to KGCBOS.

i. 2019 Comp Plan Draft

- Mrs. Foroughi stated a comp plan is a detailed document designed to guide the future actions of a community. A comp plan presents a vision for the community's future with long range goals and objectives for all activities that affect local government. It further expresses and regulates public policy on transportation, utilities, land use, recreation, and housing.
- Mrs. Foroughi reviewed Code of Virginia, Title 15.2. Counties, Cities and Towns » Chapter 22. Planning, Subdivision of Land and Zoning » Article 3. The Comprehensive Plan (including but not limited to):
 - § 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.
 - § 15.2-2230. Plan to be reviewed at least once every five years.
- Mrs. Foroughi reviewed a historical timeline of what BFG, PLLC (representing KGCDCCD) and KGCDCCD have completed to update the 2019 Comp Plan (August 2018 – current).
 - Contacted & coordinated with multiple KGC Departments, KGC School System, NSF Dahlgren, Public, VDOT, and other agencies for information & feedback; Gathered information & prepared GIS maps; Performed demographic data research; Developed and finalized proposed settlement areas within KGC; Held public meetings and joint meetings; Held two open houses and collected & compiled data; Completed appendix; Finalized draft goals for the 2019 Comp Plan, Researched and analyzed data, Incorporated revisions & feedback, etc....
- Mrs. Foroughi addressed major changes to the 2019 Comp Plan.

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- Modified original primary settlement areas to include: (1) Courthouse West, (2) Route 3 & 301, and (3) Dahlgren Primary Settlement Area. Settlement areas were distributed to concentrate and encourage growth within settlement areas.
- Worked and coordinated with Ms. Gail Kenson, NSF Dahlgren, Regional Community Planning Liaison Officer, Naval District Washington, to include JLUS goals & language, MIA, MOD, etc....
 - JLUS goals include, to promote compatible land use approximate to NSF Dahlgren through the establishment of a Military Installation Area Overlay Zoning District (MIAOZD).
 - Establishment of MIAOZD will be completed when the KGC Zoning Ordinances are updated within the next year.
- Coordinated with KGC Economic Development Authority (EDA).
 - EDA goals were added to the Comp Plan: (1) To incorporate the newly developed Economic Development Strategic Plan with initiatives, (2) To develop special incentive zones and assessment districts to encourage industrial, commercial, recreational, and business growth.
- Mr. Kendrick referenced VA § 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose. A. The local planning commission shall prepare and recommend a comprehensive plan **for the physical development of the territory within its jurisdiction** and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.
 - Mr. Kendrick would like the 2019 Comp Plan Draft to be reviewed for wording based on § 15.2-2223 “... for the physical development of the territory within its jurisdiction...”.
 - For example, Mr. Kendrick stated wording on Page 58, under Public Safety, Number 2. “**Ensure** the availability of adequate emergency services to meet the needs of all County residents” is beyond the influence of KGCPC and outside § 15.2-2223 “physical environment”.
 - Mr. Kendrick stated if the Comp Plan is an overall guidance document, then wording like **encourage** should be used on a more regulatory basis throughout the Comp Plan. Wording throughout the Comp Plan should show good faith and not be a directive or a policy, Board members are unable to follow through with. For example: Page 41, Number 6, b. **Encourage** a “business-friendly” environment to attract business and employees for the public and private sectors.
 - Mr. Colwell and Mr. Devries concurred with Mr. Kendrick.
 - Mrs. Foroughi stated comprehensive planning is a process that determines community goals and aspirations in terms of community development and not just the physical environment. Mrs. Foroughi stated the comp plan is a guidance document, not a regulatory document.

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- Mrs. Foroughi stated it is the recommendation of the KGCD CD staff that KG CPC forward the 2019 Comp Plan to KG CBOS and request to schedule a KG CPC public hearing for the proposed 2019 Comp Plan draft.
 - After the request is approved, KGCD CD will advertise for a KG CPC public hearing.
- It was the consensus of the Board members that they would motion to forward the 2019 Comp Plan to KG CBOS if KG CPC Board members comments, feedback, and revisions are considered and incorporated into the Comp Plan (on an as-received basis).
 - KGCD CD staff concurred.

After review, Chairman Parker called for a motion. Mr. Colwell motioned to forward the 2019 Comprehensive Plan draft to KG CBOS with a request to schedule a public hearing, seconded by Mr. Devries and carried by a unanimous vote of 7-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Watkins, Aye, and Mr. Williams, Aye.

b. Standards of Conduct – Kris Parker, Chairman

- The proposed 2019 Standards of Conduct (SOC) from KG CBOS was passed out to the KG CPC Board members at the January 15, 2019 KG CPC meeting for the Board members review. After reviewing the proposed 2019 Standards of Conduct, it was the consensus of the KG CPC that the Board members would like a King George County Legal Representative to provide the guidelines for incorporating best practices for King George County (KGC) Boards and guidance for KG CPC Board members.
- Mr. Eric Gregory, King George County Attorney, with King George County Administrative Office attended the April 09, 2019 KG CPC meeting to answer Board members questions and concerns.
- Chairman Parker stated, essentially, the SOC is a self-governance tool for the Planning Commission to follow and impose over itself.
 - There is no legal recourse, except for what is stated in Number 14 of the Standards of Conduct.
 - Number 14: To abide by the King George County Code of Ethics and Standards of Conduct and further provide appropriate mechanisms for disciplining members who violate the Code of Ethics and/or Standards of Conduct through the adoption of resolutions of disapproval citing the provisions of the Code of Ethics or Standards of Conduct of which the governing body determines a member has violated.
- Chairman Parker requested the Board members to review the SOC and provide feedback by May 28, 2019.
 - The 2019 Standards of Conduct will be further reviewed by Board members. Feedback, from Board members, will be forwarded to Chairman Parker, which will be vetted accordingly.
- The 2019 Standards of Conduct will be further reviewed by KG CPC Board members and will be reexamined at a future KG CPC meeting.

New Business:

a. Case Number 19-01-Z01 Zoning Ordinance Text Amendment to Section 1.9 Definition of Terms, Section 2.9.3 and Section 2.10.3 Commercial uses permitted by Special Exception and Section 2.12.2 Industrial Uses by Right to include Data Centers. Amendment to add Section 4.17 Data Centers.

- Mrs. Hall, Zoning Administrator/Senior Planner, with KGCD CD stated, currently, Data Centers are not listed or defined in the KGC Zoning Ordinance.
- Mrs. Hall stated KGCD CD staff recommends the following changes to be made to Section 1.9 Definition of Terms, Section 2.9.3 and Section 2.10.3 Commercial uses permitted by Special Exception and Section 2.12.2 Industrial Uses by Right to include Data Centers.
- Section 1.9 Definitions shall be amended to include – Data Centers: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations. Such facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a Data Center.
- After research, KGCD CD staff determined that Data Centers are best suited in the Industrial Zoning Districts; Section 2.12.2; Uses permitted by right. Data Centers require Industrial infrastructure; such as public water, noise allotment, high electricity usage, etc....
- However, some Commercial Zoning Districts might also be suitable for Data Centers as well, therefore, it was determined Commercial Zoning Districts (C-1 and C-2) would be permitted by Special Exception. Section 2.9.3 and Section 2.10.3 Commercial uses permitted by Special Exception. Having this use permitted by Special Exception allows for special consideration on a case by case basis. The Special Exception permit also allows for additional conditions of the permit that may be site specific.
- Mrs. Hall stated Data Centers should have supplemental regulations, therefore, Section 4.17 require Data Centers shall meet the following standards:
 - Shall be connected to public water system if a water-based cooling system is utilized.
 - Power generators, water cooling systems, storage facilities and other mechanical infrastructure shall not be visible from any adjacent street, use or building.
 - Generator testing shall be limited to weekdays between 8:00am and 5:00 pm.
 - Due to the high demand on electricity approval from the Electric purveyor shall be obtained prior to permitting.
- Mrs. Hall stated within KGC; the Industrial Park meets the environmental & physical standards. Mrs. Hall stated connecting to the public water system is acceptable.
- Mrs. Hall stated KGC would like to be a contender for incorporating a Data Center, though there is not a current application at this time.
- Mr. Ryan Gandy, Director, with EDA stated KGC would need a combined 300 acres to acquire a Data Center.

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- Mr. Gandy stated EDA received a Request for Information (RFI) from a major Data Center company for the region. KGC is not the only region that would compete for the potential Data Center.
- Mr. Gandy stated Fredericksburg Regional Alliance (FRA) and local counties met to create a way to compete for the Data Center. Mr. Gandy stated to compete with Northern Virginia (NOVA) and Warrenton, VA, Commissioner of the Revenue Association of Virginia (CRAV) came up with a flat data tax rate for Data Centers. CRAV stated they would sign the memorandum of understanding (MoU) establishing a flat data tax rate for Data Centers.
- Mr. Gandy stated Bradley Hudson, Director of Community Development was involved with the meetings, streamlining the building, planning, and zoning. Mr. Gandy stated currently, Data Centers are not listed or defined in the KGC Zoning Ordinance that would allow KGC to have a Data Center. Mr. Gandy stated if the proposed project (three Data Centers) would come to the region, KGC would have to forgo said project.
- Mr. Gandy discussed with Mrs. Hall to bring forth Case Number 19-01-Z01 Zoning Ordinance Text Amendment to Section 1.9 Definition of Terms, Section 2.9.3 and Section 2.10.3 Commercial uses permitted by Special Exception and Section 2.12.2 Industrial Uses by Right to include Data Centers. Amendment to add Section 4.17 Data Centers.
- Mr. Gandy stated the EDA has been contacted in the past, however, due to Data Centers not being listed or defined in the KGC Zoning Ordinance, KGC had to pass on the opportunity.
- Mr. Gandy stated there is a proposed Data Center project for KGC.
 - The proposed project would add, at least, 125 jobs per site (for skilled labor).
 - Mr. Gandy stated the proposed project company would not disclose the potential sight within the region. Mr. Gandy stated the only property that physically fits a Data Center description, is the Taylor Property, Industrial Park (170 acres). The proposed project is only requesting 60 acres.

After review, Chairman Parker called for a motion. Mr. Devries motioned to schedule a public hearing on June 11, 2019, for Case Number 19-01-Z01 Zoning Ordinance Text Amendment to Section 1.9 Definition of Terms, Section 2.9.3 and Section 2.10.3 Commercial uses permitted by Special Exception and Section 2.12.2 Industrial Uses by Right to include Data Centers. Amendment to add Section 4.17 Data Centers, seconded by Mr. Gaborow and carried by a unanimous vote of 7-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Watkins, Aye, and Mr. Williams, Aye.

b. Capital Improvement Program (CIP) FY 2020-2024

- Mrs. Hall stated, every year, multiple KGC Department Heads discuss potential & needed project considerations for their department. Department Heads also review and request funding for requested projects.

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- Mrs. Hall stated KGCD CD staff is requesting KGCP C to schedule a public hearing on June 11, 2019 to address the KGC CIP FY 2020-2024.

Chairman Parker called for a motion. Mr. Colwell motioned to schedule a public hearing on June 11, 2019, to address the KGC CIP FY 2020-2024, seconded by Mr. Kendrick and carried by a unanimous vote of 7-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Watkins, Aye, and Mr. Williams, Aye.

Director's Report:

- a. Mrs. Hall stated KGCBOS is not going to hold a public hearing for July 2019. Mrs. Hall stated since KGCBOS is not meeting in July 2019, renovations will be made to the Board Room of the Revercomb Building, located at 10459 Courthouse Drive, King George County Virginia 22485. Therefore, the July 09, 2019 KGCP C meeting will be held at another location (TBD).

- o Renovations will include sound system & acoustics.

Other Business: No other business to report.

Adjournment:

Having completed their agenda, Chairman Parker called for a motion to adjourn. Mr. Devries motioned to adjourn, seconded by Mr. Williams and carried by a unanimous vote of 7-0-0. Each member voting as follows: Chairman Parker, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Watkins, Aye, and Mr. Williams, Aye. The King George Planning Commission adjourned their meeting at 08:22 PM.