

**PLANNING COMMISSION
CONDITIONAL REZONING REPORT SUMMARY**

CASE NUMBER: RZ-11-05
APPLICANT: Gateway Cogeneration 1 (Contract Purchaser)
PROJECT NAME: Smart Water Power Plant
LOCATION OF PROPERTY: South of Chudoba Parkway, west of Quality Drive
PARCEL ID #: 340(OA)00-028-B (a 9.33 +/- acre portion)
PLANNING DISTRICT: Prince George Planning Area
REQUESTED ACTION: Conditional Rezoning
EXISTING ZONING: M-1 (Limited Industrial)
PROPOSED ZONING: M-3 (Heavy Industrial with conditions)
EXISTING USE: Vacant
SURROUNDING ZONING:
 North, East and West: M-1 (Limited Industrial)
 South: M-2 (General Industrial)
UTILITIES: County Water and County Sewer
REAL ESTATE TAXES: No delinquent taxes are owed by Roslyn Farms
MEETING INFORMATION:
 Planning Commission: Thursday, September 22, 2011 at 7:30 p.m.
 Board of Supervisors: Tuesday, October 11, 2011 at 7:30 p.m.
RECOMMENDATION: Staff recommends approval with the Applicant's proffer statement letter dated September 12, 2011.

ATTACHMENTS:

1. Rezoning Application
2. GIS Map showing area
3. Staff Report
4. Schematic Plans
5. Textual Statement
6. Statement of Proffers

PLANNING COMMISSION STAFF REPORT

CONDITIONAL REZONING AMENDMENT – CASE RZ-11-05
GATEWAY COGENERATION 1 (Contract Purchaser)
PUBLIC HEARING: September 22, 2011

Request:

The applicant proposes to conditionally rezone 9.33 +/- acres of Tax Parcel 340(0A) 00-028-B from M-1, General Business to M-3, Heavy Industrial, in order to construct and to operate a new cogeneration plant with an associated petroleum fuel farm use. The applicant has proffered that the subject property will be limited to the following uses in accordance with §90-542 (10 & 14) of the Zoning Ordinance:

- (10) Petroleum refining including byproducts
- (14) Cogeneration plants

Cogeneration is defined as the use of a heat engine or a power station to simultaneously generate both electricity and useful heat. All power plants emit a certain amount of heat during electricity generation. Cogeneration is a thermodynamically efficient use of natural gas as a fuel source. In the production of electricity some energy must be released as waste heat. Yet, through cogeneration thermal energy is put to good use in the process.

Project Summary:

The project will consist of two newly constructed Rolls-Royce combustion turbines and steam turbines with a total installed capacity of 168 MW (megawatts). Gateway Cogeneration 1 (contract purchaser) intends to operate the natural gas fired combined-cycle combustion turbine (CCCT) electric generating plant and they will be fired on natural gas, a blend of natural gas and landfill gas or ultra low sulfur diesel fuel. The project is scheduled to become operational by April 2014 within Prince George County. Please see the applicant's attached textual statement dated September 9, 2011 for more detailed information on the proposed cogeneration plant site.

Existing Uses and Zoning:

The subject parcel is zoned M-1, Limited Industrial and is vacant. The property to the north is zoned M-1 and is vacant. The properties to the east is zoned M-1 and contains warehousing uses located in Southpoint Business Park. The property to the west is zoned M-1 and contains a chicken processing plant. The property to the south is zoned M-2, General Industrial and is vacant and it contains a large pond. In general, the surrounding properties are zoned industrial and would support light and medium industrial park uses. The proposed use will need to be screened properly and maintain proper noise attenuation to be in compliance with County Code.

Comprehensive Plan:

The Comprehensive Plan identifies this area for "Industrial" uses. Staff is of the opinion that the proposed conditional rezoning request is in keeping with the 2007 Comprehensive Plan provided that the proper lighting, site screening and noise abatement actions are taken by the applicant in the operation of the proposed cogeneration plant located on the subject property.

Economic Development:

The Economic Development Department has indicated that the subject property is located in the Enterprise Zone. The Prince George County Enterprise Zone impacts would be as follows:

1. Machinery & Tools Tax Grant – a 100% grant for five (5) years for machinery and tools tax paid to the County. \$1.50 per \$100 assessed value. The company has not provided a breakdown of anticipated machinery and tools values. An estimate could be provided once these figures are supplied by the company. The Commissioner of the Revenue sets these values once the facility is constructed.
2. Business License Fee Grant – If this facility is designated as Wholesale, Distribution, Manufacturing, there will be no business license fee.
3. Water and Sewer Availability Fee Discount – Once the company supplies the usage rates to the County Engineer, a discount calculation can be performed for the facility.
4. Rezoning Fee Waived: The fee for this application was \$ 2356.20 and it has been waived.

Fire, EMS and Emergency Management:

The Fire, EMS and Emergency Management Department provided the following comments:

1. Notify the Office of Fire and EMS when VDOT is notified about the delivery of the gas turbines and any other equipment that needs to be coordinated to reduce the potential impact on public safety response routes.
2. The Textual Statement references that the workers will be trained to provide firefighting capabilities. What level of capabilities are being considered i.e. offensive, defensive, or Level A Haz-Mat Entry? Who will be conducting the training?
3. Ensure that the firefighting equipment is compatible with local fire response agencies.
4. The Textual Statement references Chemical Storage. Please provide the maximum quantities of each chemical that will be stored on site.

Inspections and Code Compliance:

The Inspections and Code Compliance Department has reviewed the request with respect to the Virginia Uniform Statewide Building Code. All new structures or code-regulated work at the site will require applications, permits and inspections.

Police Department:

The Police Department reviewed the request and did not provide any comments on the project.

Utilities Department:

The County Engineer has divided his comments into two categories in analyzing this request:

Water Service: The applicant is indicating the use of reuse water from the South Central Waste Water Authority (SCWWA) as a water supply to the proposed development. Potable water, which will be minimal, will be supplied through the County System.

Wastewater Service: The applicant needs to realize that wastewater capacity in the Route 460 Corridor is limited because of existing contracts with the City of Petersburg and the County obligations to Rolls-Royce Crosspointe Centre and to Diamond Park which is located at the intersection of Route 460 and Courthouse Road behind the McDonalds Restaurant. This project is now being located outside of the Rolls-Royce Property; therefore a commitment of sewer capacity is no longer implied. The proposed development will use approximately 40,000 gallons per day of the capacity along the Route 460 Corridor. Other proposed developments in this area are being requested to provide an alternative to wastewater discharge into the City of Petersburg's collection system. The alternative would be to pump the wastewater to the City of Hopewell's collection system.

In the case of this particular user they could incorporate the wastewater into the make up water for the electrical generation system. The domestic wastewater from bathrooms could be either pumped into the collection system at a drastically reduced rate or discharged into a septic tank / drainfield disposal system. The limited number of workers for this facility probably would not generate any more sewage than a normal household. Depending on the design for the ultimate disposal of the wastewater the Utilities Department may require that the wastewater be metered before it connects to the existing sanitary sewer.

Transportation:

The Virginia Department of Transportation (VDOT) has reviewed the request and stated they have no objection to the proposed conditional rezoning. The proposed access location(s) to this site will be subject to VDOT review and comment and those locations may have to be modified in accordance with the latest VDOT Access Management Standards at the time of site plan review in conjunction with Prince George County.

The applicant has provided some additional information within the Textual Statement dated September 9, 2011 which stated: "Access to the project site will be from US Route 460 onto Bull Hill Road that accesses Chudoba Parkway. The plant's entrance gate is proposed to be on the south side of Chudoba Parkway. During construction these roads will be utilized by between 120 to 200 (peak) workers and will taper off as the construction progresses. The estimated construction time period is 12-18 months. During normal operations the plant will generate less than 50 vehicle trips per day divided by three (3) shifts of employees. The plant will require about 18-25 full-time employees (FTEs) during normal operations." VDOT will take this information into consideration during the site plan review process for the cogeneration plant use.

Other State Agencies:

The applicant has stated that they will obtain an air quality permit from the Virginia Department of Environmental Quality (DEQ) prior to the start of construction of the project. The plant will need to demonstrate that the emissions will comply fully with all of the stringent standards as established by DEQ and the Environmental Protection Agency (EPA) at the federal level as well.

The Zoning Ordinance prescribes under § 90-549 in the M-3 District that the plan of operation shall meet all state and local health, sanitation and environmental codes. Where applicable, a permit shall be issued from the appropriate state regulatory agency prior to local approval of the plan of operation and the issuance of a building permit.

Public Input:

As of the writing of this report, County staff has not received any letters, phone calls, social media postings or e-mails in support of or in opposition to this conditional rezoning request.

Staff Analysis:

This conditional rezoning request is situated in a portion of Prince George County that is currently experiencing increased truck traffic near the interchange of US 460 and Interstate 295. The intersection of Bull Hill Road and County Drive (US 460) was recently upgraded by VDOT to accommodate the anticipated rise in local, regional and interstate truck traffic into this industrial park area. Staff has worked with the applicant and their local civil engineering firm to identify the expected construction and plan of operation traffic patterns in order to determine the impact upon the existing road network. Chudoba Parkway will be the most impacted road and the applicant has proffered that they will perform repairs on the affected roads if needed prior to final occupancy of the plant, in conjunction with VDOT, to include the intersection of Bull Hill Road and Chudoba Parkway.

This request is consistent with the 2007 Comprehensive Plan recommendation of industrial uses for this area of Prince George County. While the subject parcel in question is small at 9.33 +/- acres and the rezoning of small parcels are typically discouraged; the rezoning of this parcel to M-3 General Industrial for a cogeneration plant and ancillary uses would be in relative harmony with the surrounding industrial development in this portion of Prince George County.

Recommendation:

Staff recommends approval of this conditional rezoning request along with the applicant's proffers dated September 12, 2011 for a cogeneration plant and ancillary uses provided that the proposed use remains in compliance with all local, state and federal laws. The applicant has proffered that should the use of the premises be abandoned for a period of twenty-four (24) months the M-3 Zoning shall be null and void.