



I.-C.

Agenda Item

County of Hanover

Board Meeting: August 27, 2014

Subject: Approval of Minutes –
June 25, 2014
July 23, 2014

**Summary of
Agenda Item:** The minutes of June 25, 2014 and July 23, 2014 are included in the packet to be approved.

**County
Administrator's
Recommended
Board Motion:** A motion to approve the Board of Supervisors meeting minutes of June 25, 2014 and July 23, 2014.

HANOVER COUNTY BOARD OF SUPERVISORS

MINUTES

Hanover County Administration Building Board Room

June 25, 2014

VIRGINIA: At a regular meeting of the Board of Supervisors for Hanover County held in the Board Room of the Hanover County Administration Building on the 25th day of June, 2014, at 6:00 p.m.

Present: Mr. Sean M. Davis, Chairman
Mr. Wayne T. Hazzard, Vice-Chairman
Mrs. Angela Kelly-Wiecek
Mr. W. Canova Peterson
Mr. Aubrey M. Stanley
Mr. G.E. “Ed” Via, III
Mr. Elton J. Wade, Sr.
Mr. Cecil R. Harris, Jr., County Administrator
Mr. Sterling E. Rives, III, County Attorney

I. Call to Order

The Chairman called the meeting to order at 6:00 p.m. Six Board members were present at the start of the meeting. Mrs. Kelly-Wiecek arrived at 6:11 p.m.

- A. The invocation was given by Mr. Hazzard.
- B. The Pledge of Allegiance was led by Mr. Via.

II. Consideration of Agenda Amendments

The Chairman asked if there were any agenda amendments. Hearing none, moved to citizens’ time.

III. Citizens’ Time

The Chairman opened citizens’ time and offered to anyone who wanted to address the Board of Supervisors for up to five minutes on any matter within the scope of the Board’s authority that is not on the agenda for that meeting to come forward.

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Mr. Rick Ryan with from the Cold Harbor District came forward and spoke on changes in zoning and the need for gradual increases in density rather than drastic changes.

Seeing no others come forward, the Chairman closed citizens’ time.

IV. Consent Agenda

Mr. Via made a motion to approve the consent agenda, seconded by Mr. Hazzard.

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Absent for vote
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion approved.

IV-A. Committee Appointments

COMMITTEE NAME	DISTRICT	FIRST NAME	LAST NAME	CURRENT TERM START	CURRENT TERM END	TERM LENGTH	ACTION
Bell Creek CDA	N/A	Robert	Bluford	07/01/10	06/30/14	4 years	Reappoint to 6/30/2018
Bell Creek CDA	N/A	Roger	Burcham	07/01/10	06/30/14	4 years	Reappoint to 6/30/2018
Bell Creek CDA	N/A	Charles	Harrell			4 years	Appoint to 6/30/2018
Bell Creek CDA	N/A	John	Wash, Sr.	07/01/10	06/30/14	4 years	Reappoint to 6/30/2018
Historic Courthouse Area Advisory Committee	Hanover Tavern	James	Rice	04/24/13	04/30/14	1 Year	Reappoint to 6/30/2015

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COMMITTEE NAME	DISTRICT	FIRST NAME	LAST NAME	CURRENT TERM START	CURRENT TERM END	TERM LENGTH	ACTION
Historic Courthouse Area Advisory Committee	Historical Commission	Judy	Lowry	04/24/13	04/30/14	1 Year	Reappoint to 6/30/2015
Historic Courthouse Area Advisory Committee	Historical Commission	Brenda	Pennington	04/24/13	04/30/14	1 Year	Reappoint to 6/30/2015
Historical Commission	ARB	Alison	Ross	08/22/12	08/31/14	2 years	Reappoint to 8/31/2016
Historical Commission	Beaverdam Depot	Nancy	Jett	09/01/12	08/31/14	2 years	Reappoint to 8/31/2016
Historical Commission	Hanover Tavern Foundation	Brenda	Pennington	09/01/12	08/31/14	2 years	Reappoint to 8/31/2016
Historical Commission	Hanover Civic Association	Donald	Pleasants	04/01/12	03/31/14	2 years	Reappoint to 6/30/2016
Historical Commission	Hanover Branch - Preservation VA	Lyn	Hodnett	07/01/12	06/30/14	2 years	Reappoint to 6/30/2016
Historical Commission	Historical Society Representative	Faye	Wade	04/01/12	03/31/14	2 years	Reappoint to 6/30/2016
Historical Commission	Montpelier Center Representative	Gary	Henley	07/01/12	06/30/14	2 years	Reappoint to 6/30/2016
Historical Commission	Page Library	Judith	Lowry	09/01/12	08/31/14	2 years	Reappoint to 8/31/2016
Historical Commission	Scotchtown DAR	Marla	Coleman			2 years	Appoint to 6/30/2016
J. Sargeant Reynolds Community College Board of Directors	N/A	Anna Marie	Lauranzon	07/01/10	06/30/14	4 years	Reappoint to 6/30/2018

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COMMITTEE NAME	DISTRICT	FIRST NAME	LAST NAME	CURRENT TERM START	CURRENT TERM END	TERM LENGTH	ACTION
Richmond Area Metropolitan Planning Organization Board-Citizens Transportation Advisory Committee	Citizen Representative	Robert	Morris	09/01/13	08/31/14	1 year	Reappoint to 8/31/2015
Roads Committee	Planning Commission Representative	Edmonia	Iverson	05/01/13	04/30/14	1 Year	Reappoint to 6/30/2015
Maymont Board of Directors	Board Member	Angela	Kelly-Wiecek			2 Years	Appoint to 12/31/15
Middle Peninsula Juvenile Detention Center	Staff	Jim	Taylor	07/01/10	06/30/14	4 years	Reappoint to 6/30/2018
Hanover County Council on Aging	Chickahominy	Miriam	Chambliss	07/01/13	06/30/14	1 year	Reappoint to 6/30/2015
Historical Commission	Chickahominy	Charles	Nunn, Jr.	07/25/12	06/30/14	2 years	Reappoint to 6/30/2016
Roads Committee	Chickahominy	Portia	Bagby			1 Year	Appoint to 6/30/2015
Historical Commission	Mechanicsville	Patricia	Rudolph			2 years	Appoint to 6/30/2016
Cannery Advisory Committee	South Anna	Connie	Alexander	09/01/13	08/31/14	1 year	Reappoint to 8/31/2015
Hanover County Council on Aging	South Anna	Ester	Davis	07/01/13	06/30/14	1 year	Reappoint to 6/30/2015
Roads Committee	South Anna	Calvin	Stanley	07/24/13	07/31/14	1 year	Reappoint to 7/31/2015

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IV-B. Adoption of Proclamation – Eagle Scout – Cary James Bevan - Chickahominy Magisterial District

PROCLAMATION

WHEREAS the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS Cary James Bevan is a resident of the Chickahominy Magisterial District in Hanover County, Virginia, and a sophomore at Atlee High School; and

WHEREAS on the 14th day of January, 2014, Cary James Bevan attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor Cary James Bevan carried out a community project in the overflow parking lot at the Church of the Redeemer in Mechanicsville, Virginia, by removing old railroad ties and installing post and rope dividers; and

WHEREAS Cary James Bevan of Boy Scout Troop 503 which meets at the Church of the Redeemer has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout; and

WHEREAS the Hanover County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important service they provide to the youth of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors hereby extends its congratulations to Cary James Bevan and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

On motion of Mr. Via, seconded by Mr. Hazzard, members of the Board of Supervisors voted to adopt this Proclamation as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Absent for vote
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

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IV-C. Approval of Resolution to Refund Water and Sewer System Revenue Bonds, Series 2006

Board Sheet Background:

On April 25, 2006 The Board of Supervisors approved a resolution authorizing the issuance of Water and Sewer System Revenue Bonds in the principal amount of \$9,000,000 through the Virginia Resources Authority (VRA) pooled financing program. Since 2006 tax exempt interest rates have declined affording an opportunity to refund a portion of the Series 2006 debt structure and reduce debt service. Based on current market interest rates, the County’s financial advisor has identified a possible refunding opportunity for the Series 2006 bonds maturing between 2017 and 2031. The bonds will be refunded if the issuance generates a minimum net present value savings of 4% in accordance with the County financial regulations. Current market conditions indicate the opportunity for total net present value savings of up to 5%. The attached resolution outlines the parameters for issuance of the refunding bonds, including a maximum interest rate of 4.5%.

Recommended Action:

Motion to approve the attached Resolution to refund Water and Sewer System revenue bonds, Series 2006 through the 2014 VRA pooled financing program, and authorize the County administrator to take all actions necessary to proceed with the issue of the refunding bonds and administration of all matters related to the bonds, including execution of all necessary documents.

**RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND
AWARD OF A WATER AND SEWER REVENUE REFUNDING
BOND, SERIES 2014, OF THE COUNTY OF HANOVER,
VIRGINIA, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO
EXCEED \$8,000,000, PROVIDING FOR THE FORM, DETAILS
AND PAYMENT THEREOF AND PROVIDING FOR THE
REFUNDING OF CERTAIN OUTSTANDING BONDS**

WHEREAS, on June 8, 2006, the County of Hanover, Virginia (the “County”), issued its \$9,000,000 Water and Sewer System Revenue Bond, Series 2006 (the “2006 Bond”);

WHEREAS, the Virginia Resources Authority (“VRA”) has advised the County that it may achieve debt service savings by refunding all or a portion of the outstanding principal amount of the 2006 Bond;

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WHEREAS, the County desires to issue a refunding bond (the “Bond” as further described in Section 4 herein) to refund all or a portion of the 2006 Bond, subject to the terms and conditions herein, including a condition that the refunding achieve an aggregate net present value debt service savings of not less than 4.00% of the refunded par amount of the 2006 Bond (the “Targeted Savings”);

WHEREAS, the County and U.S. Bank National Association (the “Trustee”), as successor trustee to SunTrust Bank, have entered into an Agreement of Trust dated as of January 1, 1996, as previously supplemented and amended (the “Master Trust Agreement”);

WHEREAS, in compliance with the Master Trust Agreement, the County is authorized to issue additional bonds (“Additional Bonds”) secured on a parity with outstanding bonds issued thereunder to pay, among other things, the cost of refunding indebtedness;

WHEREAS, the County has applied to VRA for the purchase of the Bond, and VRA has indicated its willingness to purchase the Bond from the proceeds of one or more series of its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program) (collectively, the “VRA Bonds”), in accordance with the terms of (a) a Local Bond Sale and Financing Agreement (the “Financing Agreement”), between VRA and the County, and (b) a Tenth Supplemental Agreement of Trust (the “Tenth Supplemental Agreement” and, together with the Master Trust Agreement, the “Trust Agreement”), between the County and the Trustee, the forms of which have been made available in the papers for this meeting of the County Board of Supervisors (the “Board”);

WHEREAS, VRA has advised the County that VRA’s objective is to pay the County a purchase price for the Bond (the “Purchase Price Objective”) that, in VRA’s judgment, reflects its market value taking into consideration such factors as the Targeted Savings, the purchase price received by VRA for the VRA Bonds, the issuance costs of the VRA Bonds (consisting of the underwriters’ discount and other costs incurred by VRA) and other market conditions relating to the sale of the VRA Bonds; and

WHEREAS, the Financing Agreement will provide that the terms of the Bond may not exceed the parameters set forth below in Section 4;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF HANOVER, VIRGINIA:

1. Issuance and Sale of Bond and Use of Proceeds. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, the Board provides for the sale to VRA of a water and sewer system revenue refunding bond of the County (the

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“Bond”) to provide funds to refund all or a portion of the 2006 Bond and to pay issuance and financing costs incurred in issuing the Bond. The Bond shall be delivered to or upon the order of VRA upon VRA’s payment of the purchase price set forth in the Financing Agreement. Subject to the County Administrator’s determination of what will be in the County’s best interests, the Bond may be sold to VRA in connection with any sale date of the VRA Bonds occurring prior to January 1, 2015.

2. Authorization of Tenth Supplemental Agreement. The form of the Tenth Supplemental Agreement submitted to this meeting is hereby approved. The County Administrator (the “County Administrator,” which term as used herein shall include any Deputy County Administrator and the Director of Finance and Management Services) is authorized to execute and deliver the Tenth Supplemental Agreement to the Trustee in substantially such form, with such completions, omissions, insertions and changes not inconsistent with this resolution as may be approved by the County Administrator, whose approval shall be evidenced conclusively by the execution and delivery thereof.

3. Authorization of Financing Agreement. The form of the Financing Agreement submitted to this meeting is hereby approved. The County Administrator is authorized to execute and deliver the Financing Agreement in substantially such form, with such completions, omissions, insertions and changes not inconsistent with this resolution as may be approved by the County Administrator, whose approval shall be evidenced conclusively by the execution and delivery thereof. The issuance and sale of the Bond to VRA shall be upon the terms and conditions set forth in the Trust Agreement and the Financing Agreement. The proceeds of the Bond shall be applied in the manner set forth in the Financing Agreement. All capitalized terms used but not otherwise defined herein shall have the same meanings as set forth in the Financing Agreement or the Trust Agreement, as applicable.

4. Bond Details. The Bond shall be issued as a single, registered bond, shall be designated “Water and Sewer System Revenue Refunding Bond, Series 2014,” shall be numbered R-1 and shall be dated the date that is 30 days prior to the closing date of the VRA Bonds. The Board authorizes the issuance and sale of the Bond to VRA on terms as shall be determined by VRA subject to VRA’s Purchase Price Objective and market conditions described in the Recitals hereof; provided, however, that the Bond shall be issued in an aggregate principal amount not to exceed \$8,000,000, shall have a “true” interest cost not to exceed 4.50% (exclusive of “Supplemental Interest” as provided in the Financing Agreement), shall be payable in principal installments ending not later than December 31, 2031, and shall be sold to VRA at a price not less than 98.0% of the aggregate principal amount of

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the Bond and that the refunding shall achieve at least the Targeted Savings. Subject to the preceding terms, the Board further authorizes the County Administrator to accept the final terms presented by VRA, including (a) the final principal amount of the Bond, (b) the amortization schedule (including the principal installment dates and amounts) for the Bond, (c) the optional and extraordinary redemption provisions, if any, of the Bond and (d) the portions of the 2006 Bond to be refunded, all in such manner as the County Administrator shall determine to be in the best interests of the County.

As set forth in the Financing Agreement, the County agrees to pay such “Supplemental Interest” and other charges as provided therein, including such amounts as may be necessary to maintain or replenish the Capital Reserve Fund. The principal of and premium, if any, and interest on the Bond shall be payable in lawful money of the United States of America.

The actions of the County Administrator in accepting the final terms of the Bond shall be conclusive, and no further action shall be necessary on the part of the Board.

5. Payment and Redemption Provisions of Bond. The principal of and premium, if any, and interest on the Bond shall be payable as set forth in the Bond and the Financing Agreement. The County may, at its option, redeem, prepay or refund the Bond upon the terms set forth in the Financing Agreement.

6. Pledge of Net Revenues; Parity. The principal of and premium, if any, and interest on the Bond and any other amounts due under the Financing Agreement shall be payable solely from Net Revenues pledged thereto upon the terms and conditions set forth in the Trust Agreement. Nothing in the Trust Agreement, the Financing Agreement, the Bond or in this resolution shall be deemed to create or constitute an indebtedness of or a pledge of the faith and credit of the Commonwealth of Virginia or of any county, city, town or other political subdivision of the Commonwealth, including the County. The Bond shall be issued as an Additional Bond and shall be secured on a parity as to the pledge of Net Revenues with the outstanding principal balance of the County’s \$920,400 Water and Sewer System Revenue Bond, Series 2002A, its \$14,065,000 Water and Sewer System Revenue Refunding Bond, Series 2005, the unrefunded portion, if any, of its 2006 Bond, and its \$616,206 Water and Sewer System Revenue Bond, Series 2007 (collectively, the “Outstanding Parity Bonds”). Additional bonds secured on a parity with the Bond and the Outstanding Parity Bonds as to the pledge of Net Revenues may be issued under the terms of the Trust Agreement.

7. Preparation and Delivery of Bond. The County Administrator is authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms

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and the Trust Agreement and to deliver the Bond to VRA as the purchaser thereof upon receipt of the Purchase Price from VRA as set forth in the Financing Agreement.

8. Arbitrage Covenants. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the VRA Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the “Code”), or otherwise cause interest on the VRA Bonds to be includable in the gross income of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of the Tax Compliance Agreement (as hereinafter defined) that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the VRA Bonds from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from legally available funds.

9. Tax Compliance Agreement. Such officers of the County as may be requested are authorized and directed to execute and deliver a nonarbitrage certificate and tax compliance agreement (the “Tax Compliance Agreement”) in a form not inconsistent with this resolution as may be approved by the officers of the County executing such document, whose approval shall be evidenced conclusively by the execution and delivery thereof.

10. Private Activity Bond Covenant. The County covenants that it shall not permit the proceeds of the Bond to be used in any manner that would result in (a) 5% or more of such proceeds or facilities refinanced therewith being used in any trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or facilities refinanced therewith being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141 (b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any person other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that compliance with any such covenant is not required to prevent the interest on the VRA Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenant.

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11. Official Statement. The County authorizes and consents to the inclusion of information with respect to the County contained in VRA’s Preliminary Official Statement and VRA’s Official Statement in final form, both prepared in connection with the sale of the VRA Bonds. The County Administrator is authorized and directed to take whatever actions are necessary or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

12. Redemption of 2006 Bond. The County Administrator is authorized and directed to take all proper steps to call for redemption such portion(s) of the 2006 Bond as shall be refunded on the date the Bond is issued and to prepare and deliver any such notices and correspondence necessary therefor. The County Administrator is authorized to approve changes to the 2006 Bond and related financing documents, including the execution and delivery of an allonge to the 2006 Bond and an amendment to the Financing Agreement dated as of June 1, 2006, between VRA and the County, as may be necessary to provide for the unrefunded portion, if any, of the 2006 Bond. The County Administrator is authorized to affix the County’s seal on any such documents and attest the same.

13. SNAP Investment Authorization. The Board has heretofore received and reviewed the Information Statement (the “Information Statement”) describing the State Non-Arbitrage Program of the Commonwealth of Virginia (“SNAP”) and the Contract Creating the State Non-Arbitrage Program Pool I (the “Contract”), and the Board has determined to authorize the County Treasurer to utilize SNAP in connection with the investment of the proceeds of the Bond, if the County Administrator, in consultation with the County Treasurer, determine that the utilization of SNAP is in the best interest of the County. The Board acknowledges the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the Contract.

14. Other Actions. All other actions of officers of the County in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Bond are ratified, approved and confirmed. The officers of the County are authorized and directed to execute and deliver all certificates and other instruments considered necessary or desirable in connection with the issuance, sale and delivery of the Bond pursuant to this resolution and the Financing Agreement.

15. Effective Date. This Resolution shall become effective immediately.

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On a motion by Mr. Via, seconded by Mr. Hazzard, the Board of Supervisors voted to approve the resolution as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Absent for vote
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

IV-D. Emergency Communications Department – Georgetown Tower – Second Amendment to Lease with New Cingular Wireless PCS, LLC

Board Sheet Background:

The County entered into a lease on August 26, 2009 with New Cingular Wireless PCS, LLC for use of the Georgetown Tower. New Cingular Wireless PCS, LLC agreed to pay an annual rent of \$27,500 with escalation of 15% after the initial 5 year base rental period. This second lease amendment provides for the additional microwave dishes at 165 feet and 200 feet to provide intrasite connectivity with other communications towers. New rental terms reflect that the base rental fee due under the Lease Agreement will increase by \$12,000 per year (the “Rent Increase”).

The Emergency Communications Department recommends approval of the attached second lease amendment and requests authorization for the County Administrator to finalize the lease amendment and administer the lease.

Recommended Action:

Motion to approve the attached second lease amendment between Hanover County and New Cingular Wireless PCS, LLC to 1) allow for additional microwave equipment on the tower at 165 feet and 200 feet; 2) to increase the Base Rent by \$12,000; and 3) authorize the County Administrator to take all actions necessary to enter into and administer the lease as amended.

Note: A full copy of the lease amendment is on file with the Board’s papers.

IV-E. Request by Commissioner of the Revenue to consolidate two part-time positions into one full-time position

Board Sheet Background:

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A request to combine an existing part-time account clerk position (0.49 FTE, Non-benefitted) and a FY15 funded part-time customer service agent position (0.50 FTE, Benefitted) into one full-time customer service agent position, effective July 1, 2014. Funding is available to cover the additional costs of full-time benefits. If approved, this will increase the department's approved FTE count from 17.5 to 18.0.

The departments of Human Resources and Finance & Management Services concur with this request.

Recommended Action:

Motion to approve Commissioner of the Revenue's request to consolidate two part-time positions into one full-time position, effective July 1, 2014.

IV-F. Adoption of Resolution – Acceptance of Streets into the Secondary System of Highways – Providence Subdivision, Section 1 (Beaverdam Magisterial District)

Board Sheet Background:

Providence, Section 1 is a 49 lot subdivision recorded on April 18, 2013. The Virginia Department of Transportation – Ashland and the Departments of Planning and Public Works recommend processing for acceptance of streets in the attached resolution into the State Secondary System.

Recommended Action:

Adopt the attached resolution requesting the Virginia Department of Transportation to accept Providence Green Drive, Folly Trail Place, Providence Run Road, Abrams Court, Spencer Trail Place, and Winston Trail Circle in Providence, Section 1 Subdivision into the Secondary System of State Highways.

RESOLUTION

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Hanover County, and

WHEREAS, the representative for the Virginia Department of Transportation has advised this Board that the street(s) in **Providence – Section 1** meets the requirements established by the Virginia Department of Transportation's Subdivision Street Requirements, and

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NOW, THEREFORE, BE IT RESOLVED, the Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer, whichever occurs last in time, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Area Land Use Engineer for the Virginia Department of Transportation.

On a motion by Mr. Stanley, seconded by Mr. Via, the Board of Supervisors voted to approve the resolution as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Absent for vote
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

IV-G. Adoption of Resolution – Acceptance of Streets into the Secondary System of Highways – Rutland Subdivision, Section 3B (Chickahominy Magisterial District)

Board Sheet Background:

Rutland, Section 3B is a 21 lot subdivision recorded on June 12, 2013. The Virginia Department of Transportation – Ashland and the Departments of Planning and Public Works recommend processing for acceptance of streets in the attached resolution into the State Secondary System.

Recommended Action:

Adopt the attached resolution requesting the Virginia Department of Transportation to accept Rushbrooke Lane in Rutland, Section 3B Subdivision into the Secondary System of State Highways.

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RESOLUTION

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Hanover County, and

WHEREAS, the representative for the Virginia Department of Transportation has advised this Board that the street(s) in **Rutland – Section 3B** meets the requirements established by the Virginia Department of Transportation's Subdivision Street Requirements, and

NOW, THEREFORE, BE IT RESOLVED, the Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer, whichever occurs last in time, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Area Land Use Engineer for the Virginia Department of Transportation.

On a motion by Mr. Via, seconded by Mr. Hazzard, the Board of Supervisors voted to approve the resolution as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Absent for vote
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

IV-H. Director of Real Estate Assessment Appointment

Board Sheet Background:

At the direction of the Board of Supervisors Finance Committee, staff posted the Director of Real Estate Assessment (formerly Chief Assessor) position. After a competitive recruitment and with concurrence of the Board Finance Committee Mr. Richard Paul is recommended to fill the position

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which is an appointee of the Board of Supervisors with day to day supervision provided by County Administration.

Mr. Paul has served Hanover County for over 18 years, of which, 17 were in the capacity Of Chief Deputy Director Assessor. Most recently he has serves as the Acting Chief Assessor for almost two years. He has an additional 10 years of related service in the public sector. He exceeds all required credentials and educational requirements.

Recommended Action:

Appointment of Director of Real Estate Assessment – Richard W. Paul

V. Presentations

Eagle Scout Sobel – Troop 706 – South Anna Magisterial District

Mr. Hazzard called Eagle Scout Elliot Michael Sobel and his family forward and presented him with the proclamation recognizing his achievement.

Eagle Scout Hope – Troop 706 – South Anna Magisterial District

Mr. Hazzard called Eagle Scout William Jacob Hope and his family forward and presented him with the proclamation recognizing his achievement.

Mrs. Angela Kelly-Wiecek joined the meeting at 6:11 p.m.

VI. Closed Session - Section 2.2-3711(A)(7) of the Code of Virginia – Consultation with legal counsel and staff regarding Claim against the County by EMAC, LLC (“McGeorge Rolling Hills RV SuperCenter”) and Section 2.2-3711(A)(1) of the Code of Virginia - Performance Review of County Administrator and County Attorney

Mr. Hazzard moved that the Board of Supervisors go into Closed Session pursuant to the following: Section 2.2-3711(A)(7) of the Code of Virginia – Consultation with legal counsel and staff regarding Claim against the County by EMAC, LLC (“McGeorge Rolling Hills RV SuperCenter”) and Section 2.2-3711(A)(1) of the Code of Virginia - Performance Review of County Administrator and County Attorney. The motion was seconded by Mr. Stanley.

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye

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Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion Approved.

Board members entered Closed Session at 6:11 p.m. At the conclusion of the Closed Session, all Board members returned to the Board room, and the Chairman called the regular meeting back to order at 7:12 p.m.

Certification of Closed Session

Mr. Hazzard moved that the Board of Supervisors certify that during the Closed Session only public business matters lawfully exempted from the open meeting requirement of the Freedom of Information Act and only such public business matters as were identified in the motion for the Closed Session were discussed. The motion was seconded by Mr. Stanley.

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion Approved.

The Chairman announced a recess at 7:13 p.m.

The meeting was reconvened at 7:17 p.m.

VII. Planning Public Hearings

CUP-2-02 AM. 1-14 BEAVERDAM BAPTIST CHURCH, Requests an amendment to a Conditional Use Permit in accordance with Section 26.20.21 of the Hanover County Zoning Ordinance to permit expansion of church activities to include a private church school on GPIN 7826-62-2888, consisting of approximately 55 acres, currently zoned A-1, Agricultural District, located on the east side of Beaver Dam Road (State Route 715) approximately 1,025 feet north of Tyler Station Road

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(State Route 658) in the Beaverdam Magisterial District. The site of the requested Conditional Use Permit is designated on the General Land Use Plan Map as Agricultural.

Planning Analysis:

- This request is to amend the approved CUP for the church to allow the operation of a private school.
 - Approx. 15 to 20 students for the 1st school year and eventually grow to approx. 120 students.
- The church facilities can accommodate the school without additional improvements.

Staff Recommendation:

The Planning Commission and staff recommend approval subject to the amended conditions outlined in the staff report.

Mr. Maloney presented the details of this case to the Board.

Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

RESOLUTION

WHEREAS after a public hearing held on this 25th day of June, 2014, as advertised in the Herald-Progress once a week for two successive weeks as required by Virginia Code, Section 15.2-2204 and the Hanover County Code.

NOW, THEREFORE, BE IT RESOLVED that Beaverdam Baptist Church, is granted a Conditional Use Permit to permit expansion of church activities to include a private church school on GPIN 7826-62-2888, consisting of 55 acres, zoned A-1, Agricultural District, subject to the following conditions:

1. The Property which is the subject of the application shall be used only for a church, a private educational church school, and their accessory uses.
2. The church sign shall be a monument sign and shall be constructed according to the guidelines specified in Section 26-274.5. Before such sign is erected, a sign permit application must be made and approved by the County. The location of such sign will be determined at that time.
3. All lighting shall comply with the requirements of Division 6, Lighting Regulations.

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4. All requirements of the Virginia Department of Transportation with regard to the site entrance shall be met.
5. At such time as the construction of any of the future facilities shown on the sketch plan are planned, the applicant shall have the project reviewed by the County for traffic impacts to the area. If it is found that those facilities will produce traffic impacts, the applicant shall comply with County recommendations to relieve those impacts.
6. Upon request of the County, the owner shall dedicate thirty feet (30') of right-of-way from the centerline of State Route 715 to the property for future widening. Such dedication shall be made free of cost and free of encumbrances interfering with the use for road purposes.
7. The educational church school shall be limited to no more than 120 students. Any expansion beyond that enrollment shall require an amendment to the Conditional Use Permit.
8. All requirements of the Public Works Department, Public Utilities Department, County Health Department, and the Building Inspectors Office shall be met.
9. All development and use of the property shall comply with all federal, State and local statutes, ordinances and regulations.

On a motion by Mr. Stanley, seconded by Mr. Hazzard, the Board voted to approve request CUP-2-02 AM. 1-14 as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

C-38-98(c) - AM. 1-14 AMAR AND HARVINDER SINGH, ET AL. (WALTON TAVERN ESTATES), Request an amendment to the proffers approved with rezoning request C-38-98(c), W. Pettus Gilman and William B. Gilman, on GPIN 7831-02-6166, zoned AR-6(c), Agricultural Residential District with conditions, and located on the east line of Sir Walker Drive (private road)

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approximately 500 feet north of its intersection with Mountain Road (U.S. Route 33) in the South Anna Magisterial District. The proposed zoning amendment would amend the cash proffer.

Planning Analysis:

➤ The request is to amend the following:

- Reduce Proffer No. 1 from \$5,185.00 (capital & road improvements) to \$1,259.00 (road improvements).

Recommendation:

The Planning Commission and staff recommend approval subject to the submitted proffers.

Mr. Maloney presented the Board with the details of the request. Following his presentation, Mr. Maloney answered questions from Board members.

Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against these matters come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

ORDINANCE C-38-98(c), AM. 1-14

OWNER OF RECORD: AMAR AND HARVINDER SINGH, ET AL.

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of approval of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 25th day of June, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by amending the proffers approved with rezoning request C-38-98(c), W. Pettus Gilman and William B. Gilman, of the property described as GPIN 7831-02-6166, located on the east line of Sir Walker Drive (private road) approximately 500 feet north of its intersection with Mountain Road (U.S. Route 33) (a detailed description is filed with the Board's

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papers), zoned AR-6(c), Agricultural Residential District with conditions, subject to the following conditions which were proffered by the Applicant on March 31, 2014, and revised May 22, 2014, and accepted by the Board:

1. The Property Owner, for himself, his successors and assigns, agree to pay Hanover County prior to issuance of a Certificate of Occupancy for the Property, the amount of One Thousand Two Hundred Fifty-Nine and 00/100 (\$1,259.00) per single family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.
2. Applicants have provided to the Director of Planning a conceptual site plan (the “Conceptual Plan”) showing proposed development of the Property which is the subject of this rezoning. The Property will be developed in substantial conformity with the Conceptual Plan, but Owners reserve the right to adjust road and lot lines, subject to the approval of the Planning Commission, to effectively design the subdivision following detailed engineering. In particular, the number of lots shall not exceed nine. The access road shall end at a cul-de-sac at the approximate location shown upon the conceptual plan and shall not be extended to serve additional land.
3. Each residence erected upon any lot shall have not less than 1600 square feet of living floor space for a one story building, not less than 1800 square feet for any one and one-half building, and not less than 2000 square feet for a two story building.
4. All exterior foundations shall be of brick or stone, or synthetic stucco for a dwelling constructed of that material.
5. Except as hereinafter provided, the required front yard area, and the required side yard area of each lot from the building line to the rear line, shall only be selectively cut leaving all trees of five inch or greater caliper. This shall not preclude the removal of diseased or deformed trees or prohibit the removal of trees where necessary in conjunction with the placement of fill on any lot or the placement of drainage or other utility features where necessary or appropriate for the development of the subdivision.

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6. The owner agrees to dedicate sixty (60) feet of right-of-way from the centerline of U.S. Route 33 to the property for future road widening in accordance with the Major Thoroughfare Plan when requested by the County, free of cost and free of encumbrances restricting use for the road purposed.

BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

On motion of Mr. Hazzard, seconded by Mr. Stanley, the members of the Board of Supervisors voted to approve Ordinance C-38-98(c), Am. 1-14, Amar and Harvinder Singh, et al., as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

C-15-00(c) AM. 1-13 ANN BROOKE W. AND JAMES S. DAVIS, JR., ET AL. (BAYLOR SPRINGS SUBDIVISION), Request an amendment to the proffers approved with rezoning request C-15-00(c), Helen and Matthew Blackwood, on GPINs 8764-57-5208 and 8764-77-1930, zoned RC(c), Rural Conservation District with conditions, and located on the east line of Flannigan Mill Road (State Route 693) at its intersection with Babbling Brooke Lane (State Route 1014) in the Cold Harbor Magisterial District. The proposed zoning amendment would amend the cash proffer.

Planning Analysis:

- The request is to amend the following: Reduce Proffer No. 1 from \$6,310.00 (capital & road improvements) to \$2,126.00 (road improvements).

Staff Recommendation:

The Planning Commission and staff recommend approval subject to the submitted proffers.

Mr. Maloney presented the Board with the details of this request. Following his presentation, Mr. Maloney answered questions from Board members.

Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

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ORDINANCE C-15-00(c), AM. 1-13

OWNER OF RECORD: ANN BROOKE W. AND JAMES S. DAVIS, JR., ET AL.

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of approval of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 25th day of June, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by amending the proffers approved with rezoning request C-15-00(c), Helen and Matthew Blackwood, of the property described as GPINs 8764-57-5208 and 8764-77-1930, located on the east line of Flannigan Mill Road (State Route 693) at its intersection with Babbling Brooke Lane (State Route 1014) (a detailed description is filed with the Board's papers), zoned RC(c), Rural Conservation District with conditions, subject to the following conditions which were proffered by the Applicant on June 4, 2014, and accepted by the Board:

1. The Property Owner, for himself, his successors and assigns, agrees to pay Hanover County, prior to issuance of a Certificate of Occupancy for the Property, the amount of Two Thousand One Hundred Twenty-Six and 00/100 (\$2,126.00) per single family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.
2. Exterior foundation of houses shall be of brick or stone construction unless the house is constructed of synthetic stucco in which case the foundation may be of like material.

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3. Minimum house sizes shall be as follows: 2000 square feet for a one-story building and 2200 square feet for a one and one-half or two-story building. Minimum floor area shall not include garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure. All attached garages shall open to the side or rear of the dwelling. No cinder block, cement block, solite block, or asbestos shingle shall be permitted for the finished exterior of any structure.
4. The road as shown on the plan conceptual, titled “Baylor Springs,” dated 9-25-00, submitted and prepared by Engineering Design Associates, Consulting Engineers and Surveyors, shall be constructed to the state secondary road standards.
5. In the event the United States Postal Service elects not to deliver mail to mail boxes located in front of each lot along Babbling Brooke Lane, a “pull off” area will be constructed along Babbling Brooke Lane, not closer than 50 feet to Flannigan Mill Road, in order to provide a location for the placement of mail boxes for subdivision residents.
6. All wells to be constructed on each lot in the subdivision shall, at a minimum, comply with the requirements for a Class 111C well, also known as a bored deep well.
7. The Open Space Easement, as required by the Hanover County RC Rural Conservation District Zoning Ordinance, as it applies to Lot 18 (the Preservation Lot), shall contain a provision stating that such Open Space Easement shall not be vacated or modified without the written consent of all lot owners in the subdivision.
8. There shall be no removal of trees of five inch (5”) or larger caliper in the required rear and side yard area of each building lot, as defined by the Zoning Ordinance, with the exception of dead or diseased trees. This, however, shall not prevent the removal of trees necessary for the construction of improvements, driveways, utility easements, drain fields, drainage facilities, wells, swimming pools or basketball or tennis areas. In addition, this shall not prevent the removal of trees for pastures, ponds, or for agricultural uses on preservation lots or for open areas within the walking trails and recreation areas in the Common Open Space areas as shown on the Conceptual Plan. No trees five inches (5”) in caliper or greater may be cleared in the remaining area of the Common Open Space with the exception of clearing necessary for the installation of utilities.

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BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

On motion of Mr. Wade, seconded by Mr. Hazzard, the members of the Board of Supervisors voted to approve Ordinance C-15-00(c), Am. 1-13, Ann Brooke W. and James S. Davis, Jr., et al., as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

C-2-14(c) JOYCE Y. MORRIS, Requests to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions, on GPIN 7822-83-8301, consisting of approximately 6.18 acres, and located at the terminus of Bradley’s Country Lane (private road) approximately 950 feet southeast of its intersection with W. Patrick Henry Road (State Route 54) in the South Anna Magisterial District. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit the creation of one additional building lot for a gross density of one (1) dwelling unit per 3.09 acres.

Planning Analysis:

- The conceptual plan shows the 6.1 acre parcel divided into a 2.1 acre lot and 4.0 acre lot.
 - The proposed lots have an irregular configuration but both comply with the AR-6 provisions.

Recommendation:

The Planning Commission and staff recommend approval subject to the submitted proffers.

Mr. Maloney came forward to present the details of this rezoning request.

Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

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ORDINANCE C-2-14(c)

OWNER OF RECORD: JOYCE Y. MORRIS

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of approval of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 25th day of June, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by the rezoning of the property described as GPIN 7822-83-8301 consisting of 6.18± acres located at the terminus of Bradley’s Country Lane (private road) approximately 950 feet southeast of its intersection with W. Patrick Henry Road (State Route 54), (a detailed description is filed with the Board’s papers) from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, subject to the following conditions which were proffered by the Applicant on June 4, 2014, and accepted by the Board:

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled “Conceptual Plan,” dated April 2, 2014, and prepared by Gardy & Associates.
2. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, drainfields, or drainage facilities.
3. Wetlands Certification. The Owner agrees to submit a wetlands certification for the property to the Hanover County Department of Public Works for its review and approval prior to or concurrent with the submission of an application for a Family Division. The

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Family Division shall not be approved unless the Department of Public Works approves the wetlands certification.

4. Perenniality Study. The Owner agrees to submit a perenniality study for the property to the Hanover County Department of Public Works for its review and approval prior to or concurrent with the submission of an application for a Subdivision Ordinance Exception. The Family Division shall not be approved unless the Department of Public Works approves the perenniality study.
5. Family Division. The property shall only be divided for family, in accordance with Title II, Section 7-1(2) of the Hanover County Code. Title to the newly created lot shall be held by the family member to whom the property was sold or given for at least three (3) years following the issuance of a Certificate of Occupancy, unless the lot is the subject of an involuntary transfer caused by foreclosure, death, judicial sale, condemnation, or bankruptcy.

BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

On motion of Mr. Hazzard, seconded by Mr. Peterson, the members of the Board of Supervisors voted to approve Ordinance C-2-14(c), Joyce Y. Morris, as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

C-9-13(c) HANOVER LAND INVESTORS, L.L.C., Request to rezone from A-1, Agricultural District to RM(c), Multi-Family Residential District with conditions and B-1(c), Neighborhood Business District with conditions, on GPINs 8715-45-2556, 8715-45-5685, 8715-45-4972 and 8715-45-8101, consisting of approximately 25.45 acres, and located in the southeast quadrant of the intersection of Pole Green Road (State Route 627) and Bell Creek Road (State Route 642) in the Mechanicsville Magisterial District. The subject property is designated on the General Land Use Plan

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Map as Commercial and Suburban High (4-8 dwelling units per acre). The proposed zoning amendment would permit the creation of 121 building lots for a gross density of 5.52 dwelling units per acre.

Planning Analysis

- The applicant requests to rezone:
 - 22.11 acres to RM(c), Multi-Family Residential District with conditions
 - 121 dwelling units for a density of 5.52 units per acre
 - 48 Single-family units
 - 73 Townhouse units
 - 3.33 acres to B-1(c), Neighborhood Business District with conditions
 - B-1 site is speculative
- The conceptual plan and elevations meet RM District and subdivision preliminary plat requirements:

Recreation areas include: Playground, Multi-use fields, Walking trails and Exercise stations.

 - Sidewalks align both sides of the internal roads, which connect to walking trails in the common areas.
- Tree plantings are shown along all streets and grouped in common areas.
- A 50' landscaped thoroughfare buffer and entrance lighting are provided along Bell Creek Road.
- There are 2 entrances proposed on Bell Creek Road:
 - Northernmost entrance being right-in/right-out only
 - Southernmost entrance providing full movement
- The Pole Green Road entrance shall be right-in/right-out only.
- **Revisions of the conceptual plan since the packet was distributed include:**
 - 10' of common open space added behind Lots 45-48.
 - 10' landscape area added along the eastern property line in the common open space area. Plantings to be approved by Planning Director
 - 6' opaque fence added along the townhouse section in the northeastern portion of the property.

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Staff Recommendation:

The Planning Commission and staff recommend approval subject to the submitted proffers and conceptual plan.

Mr. Maloney presented the Board with the details of this request. He explained the changes to the conceptual plan that have been made since the Board packet was distributed.

Following his presentation, Mr. Maloney answered questions from Board members. Mr. Maloney clarified issues concerning gross density calculations, optimizing signal times for existing stoplights to reduce queuing during peak traffic hours, other traffic engineering standards and the numerous studies that have been done regarding traffic.

Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Mr. Andy Condlin came forward and spoke on behalf of Hanover Land Development on the density being consistent with the Comprehensive Plan and the need for growth in the County. He described the traffic, density and environmental issues that have been addressed.

Following his comments, Mr. Condlin answered questions from Board members. There was a discussion concerning the traffic measurements.

Mr. Mark Beasley, resident of Hanover Grove subdivision, came forward and spoke in opposition of the development, specifically in regard to the four existing single family homes to the east of the development being on an overflow spillway as well as the increased traffic that will be created in an area already experiencing heavy traffic.

Mr. Rick Ryan of the Cold Harbor Magisterial District came forward and spoke in opposition of the development, specifically in regard to the lack of commitment for the commercial part of the development and the lack of harmonious transition in density from the surrounding properties.

Mr. Scott Courtney with Resource International and a resident of the Cold Harbor Magisterial District came forward and spoke concerning the efforts that have been made to address the potential environmental issues, such as the overflow spillway.

The efforts made by Mr. Peterson to research the project, inspect the property to be developed as well as the surrounding properties and the stormwater basin were detailed. Mr. Courtney offered clarification on how the stormwater basin works and there was a detailed discussion on the specifics of the issue.

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There was further discussion by Board members on right-of-way issues with respect to planning for future traffic and the commercial aspect of the development.

Seeing no others come forward, Mr. Davis closed the public hearing.

ORDINANCE C-9-13(c)

OWNER OF RECORD: HANOVER LAND INVESTORS, L.L.C.

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of approval of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 25th day of June, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by the rezoning of the property described as GPINs 8715-45-2556, 8715-45-5685, 8715-45-4972 and 8715-45-8101, consisting of 25.45± acres located on the southeast quadrant of the intersection of Pole Green Road (State Route 627) and Bell Creek Road (State Route 642), (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to RM(c), Multi-Family Residential District with conditions and B-1(c), Neighborhood Business District with conditions, subject to the following conditions which were proffered by the Applicant on June 4, 2014, and accepted by the Board:

PROFFERS APPLICABLE TO THE RM PROPERTY:

Cash Proffers. The Property Owner, for itself, and its successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy, the amount of Two Thousand Three Hundred Six and 00/100 (\$2,306.00) per single family unit built on the RM zoned Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the

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Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.

2. House Size. Minimum house sizes shall be 1,800 square feet for the single family detached and 1,200 square feet for the single family attached dwelling units. The calculation of minimum floor area shall not include floor area devoted to garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure.
3. Foundations. The exterior of all foundations of homes shall have an exterior of brick or stone.
4. Landscaping and Guardrail. The Owner shall install landscaping and a guardrail on GPIN 8715-35-8261 as depicted on a plan entitled “PLANTING PLAN FOR GPIN 8715-35-8261,” prepared by Resource International, Ltd., and dated May 27, 2014. Installation shall be subject to written approval from the owner of 8715-35-8261. Written authorization shall be obtained by sending the owner of 8715-35-8261 a certified letter with a return receipt requested seeking authorization. Should the owner of 8715-35-8261 not respond in writing granting the Owner authorization to install the improvements within 30 days of the date the letter seeking authorization, the Owner shall no longer be obligated to install the guardrail and landscaping. If authorization from the owner is granted, the landscaping and guardrail shall be bonded as a subdivision improvement with the first section.

PROFFERS APPLICABLE TO THE B-1 PROPERTY:

5. Use Restrictions. No use on the B-1 Property shall generate more than 1,881 daily trips and 185 PM peak hour trips, as determined by the most recent edition of International Traffic Engineers (ITE) Trip Generation report.
6. Conceptual Plan. The entrances to the B-1 area shall be developed in substantial conformity with the conceptual plan, titled “Hanover Land Investors – The Meadows at Bell Creek Rezoning,” dated September 3, 2013, revised April 29, 2014, and prepared by Resource International.

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7. Architectural Treatment. The exterior wall surfaces (front, rear and sides) of any building on the B-1 Property shall be similar in architectural treatment and materials. The building constructed on the property shall have exposed walls (above finished grade) of face brick, natural stone, glass stucco, drivit, exposed aggregate concrete or an equivalent permanent architecturally finished material. No portion of an exterior wall surface visible from any adjoining property shall contain painted or untreated concrete masonry units, sheet or corrugated aluminum or metal, except that metal and/or aluminum may be incorporated for window and decorative treatments. All elevations shall be approved by the Director of Planning prior to Site Plan approval.
8. HVAC Units. Any mechanical units on the B-1 Property shall be screened, and if on the roof, screened by architectural features which are compatible with the building façade architecture. Screening shall be designed so as to block such units from view by persons on any public streets immediately adjoining the B-1 Property, or from adjacent residential uses. The method of screening shall be submitted at the time of site plan review.
9. Monument Signs. All freestanding multi-use signs on the B-1 Property shall be monument type, and shall include materials and designs that are compatible with the proposed materials and architectural theme of the proposed structure.
10. Dumpsters. Dumpsters on the B-1 Property shall be screened with an opaque fence or screening wall so as not to be visible by persons on any public streets immediately adjoining the Property, or from adjacent residential uses.
11. Parking Lot Lighting. Light poles in the parking lot located on the B-1 Property shall be no taller than twenty-five (25) feet.

PROFFERS APPLICABLE TO THE RM and B-1 PROPERTY:

12. Road Improvements – The Owners agree to construct the following:
 - A. RM Property. The following road improvements shall be bonded as a subdivision improvement with the first section:
 - a. The existing split-phased operations shall be re-phased to standard NEMA phasing (i.e., protected left-turns with concurrent through movements), which shall include replacing existing four-section and five-section signal heads with 3-three-section signal heads

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(one for the left-turn movement signal phase and two for the through movement signal phase).

- b. The traffic signal timings at the Bell Creek/Pole Green Road intersection shall be optimized.
 - c. The northbound approach along Bell Creek Road shall be restriped to consist of one exclusive left-turn lane and one shared through/right-turn lane. The right-turn overlap phase shall be removed.
 - d. On westbound Pole Green Road, the u-turn restriction for the exclusive left turn lane shall be removed.
 - e. A southbound turn lane on Bell Creek Road shall be constructed at the full-movement entrance.
- B. B-1 Property. The following road improvement shall be shown on the site plan and constructed prior to the issuance of a Certificate of Occupancy:
- a. An exclusive right-turn lane shall be constructed on Pole Green Road at the proposed commercial entrance. The proposed turn lane and taper should be constructed to maximize available storage while limiting impacts to the Pole Green Road/Bell Creek Road intersection.

All such improvements noted above shall be designed and constructed in accordance with VDOT standards and specifications.

- 13. Right-of-Way Dedication. The Property Owner agrees to dedicate fifty (50) feet of right-of-way from the centerline of Bell Creek Road (State Route 642) to the Property for future road widening, free of cost to the County, upon request of the County or VDOT.
- 14. Stormwater Facilities. Stormwater quality design for this development shall be compliant with 9VAC25-870-65, Water Quality Compliance, of the Virginia Stormwater Management Program (VSMP) Regulations, which will be effective July 1, 2014.

BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

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On motion of Mr. Peterson, seconded by Mr. Via, the members of the Board of Supervisors voted to approve Ordinance C-9-13(c), Hanover Land Investors, L.L.C., as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

VIII. Public Hearing – Ordinance No. 14-07 – Consideration of a Proposed Ordinance Amending the Special Assessment for Lewistown Commerce Center Community Development Authority and Approving an Amended and Restated Special Assessment Agreement

Board Sheet Background:

The proposed ordinance will authorize an Amended and Restated Special Assessment Agreement amending the special assessment (the "Special Assessment") levied on property within the Lewistown Commerce Center Community Development Authority (the "CDA") district pursuant to ordinances enacted by the Board of Supervisors of the County of Hanover, Virginia (the "County") on May 9, 2007 and March 23, 2011. The proposed Amended and Restated Special Assessment Agreement will also (i) provide for the issuance of bonds by the CDA in exchange for bonds issued by the CDA in 2007 to finance certain infrastructure improvements benefiting property within the CDA district and furthering the County's economic development interests and (ii) extend the agreement by the County to pay to the CDA certain increased County tax revenues attributable to development in the CDA district. The restructured bonds to be issued by the CDA will not constitute a debt of the County and will be payable from the Special Assessment and specified percentages of increased tax revenues generated by development within the CDA. The Special Assessment is a special levy on property within the CDA district and is not a general tax on County taxpayers.

Recommended Action:

Motion to Approve Ordinance No. 14-07 Amending the Special Assessment for Lewistown Commerce Center Community Development Authority and Approving an Amended and Restated Special Assessment Agreement.

Mrs. Kelly-Wiecek left the room at 8:54. p.m.

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Mr. Edwin Gaskin, Director of Economic Development came forward to present this proposed ordinance to the Board.

Mrs. Kelly-Wiecek returned at 8:58 p.m.

Mr. Gaskin gave a detailed explanation on the history of the matter and the reasons the restructuring of the bonds is being proposed.

Timeline - Lewistown Commerce Center Community Development Authority \$37,675,000 Revenue Bonds, Series 2007

- CDA created October 2006
- Bonds issued September 2007
- Bond-financed improvements built (roads, water, sewer, etc.)
- Improvements help attract Bass Pro
- Recession begins 2008
- Bond Default in March 2014
- Holders: USAA (\$ 17,175,000), Wells Fargo (\$13,000,000), Oppenheimer Funds (\$5,000,000), PIMCO (\$1,250,000), Others (\$1,250,000)... Total : \$37,675,000

Restructuring Goals:

- Reduce complexity of CDA for marketing
- Spur development by reducing CDA assessment debt to \$100,000/acre (average)
- Enable full repayment of Bonds
- Increase Tax Revenues to County

Proposed Restructuring:

- 37,575,000 Old Bonds exchanged for \$37,575,000 New Bonds
 - \$ 12,300,000 Series A Assessment Bonds Secured by Land
 - \$ 25,275,000 Tax Increment Revenue Bonds
 - \$6,045,000 Series B (1st Lien)
 - \$19,230,000 Series C (2nd Lien)
- County Pledge of Tax Increment from CDA to Bonds
 - Payment towards Series C is capped at \$59.0 million

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- Pledge %: 2015-31: 75%, 2032-36: 70%, 2037-41: 65%, 2042-46: 60%, 2047-51: 55%, 2052-54: 50%
- County pledge ends 2054 at latest (unlike current pledge)

COMPARISON	CURRENT BONDS	RESTRUCTURED
Total Bonds	\$37,675,000	\$37,675,000 In 3 series
Bonds Secured Only By Land	\$0	\$12,300,000
Bonds Secured By Increm. Tax Revenues	\$37,675,000	\$25,275,000
% of Pledged Tax Revenues (Increm.)	75% declining to 50% in 2022, pledged until fully paid off	75% declining to 50% in 5% increments until 2054
Limit of County Pledge	Perpetual – however long until all P & I are paid	Earlier of (a) Bond payoff, (b) 40 years, (c) \$59M paid in

Restructuring:

- Heads off further default issues
- Reduces cost of site investment
- Reduces complexity that has clouded marketing efforts
- Reduces CDA burden per acre from \$300K to \$100K
- More commercial development increases tax revenues

Mr. Gaskin answered questions from Board members and provided clarification on technical details of the issue.

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Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Ms. Virginia Housum, Senior Vice-President with UMB Bank, came forward as the indenture trustee of the bonds. She spoke in support of the restructuring of the bonds on behalf of the creditor community and the investors.

Mr. Dan Johnson, South Anna Magisterial District, came forward and spoke in support of the restructuring of the CDA bond and noted several positive outcomes he feels will result from the development.

Ms. Loretta Cataldi, resident of Atlee Ridge subdivision and a real estate estate broker, came forward and spoke in support of the restructuring. She feels it will make it possible for the future development to occur.

Mr. John Beckner, resident of the South Anna Magisterial District and a commercial real estate broker representing a destination commerce developer, came forward and spoke in support of the restructuring as a necessary step toward getting the development off the ground.

Mr. Mark Williams, resident of the Beaverdam Magisterial District and owner of an engineering firm located in Hanover County, came forward to speak in support of the restructuring. He has participated in the design of some of the developments and feels that future developments will rely on approval of the restructuring.

Seeing no others come forward, the Chairman closed the public hearing.

On motion of Mr. Hazzard, seconded by Mr. Peterson, the members of the Board of Supervisors voted to approve Ordinance No. 14-07, as follows:

ORDINANCE NO. 14-07

**ORDINANCE AMENDING THE SPECIAL ASSESSMENT FOR
THE LEWISTOWN COMMERCE CENTER COMMUNITY
DEVELOPMENT AUTHORITY AND AUTHORIZING AN
AMENDED AND RESTATED SPECIAL ASSESSMENT
AGREEMENT WITH THE COMMUNITY DEVELOPMENT
AUTHORITY**

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WHEREAS the Board of Supervisors (the "Board") of the County of Hanover, Virginia (the "County") established a special assessment (the "Special Assessment") on property within the Lewistown Commerce Center Community Development Authority (the "CDA") district by Ordinances enacted on May 9, 2007 and March 23, 2011; and

WHEREAS the County entered into a Special Assessment Agreement, dated as of September 1, 2007 and a First Amendment to Special Assessment Agreement, dated as of March 29, 2011 (collectively, the "Special Assessment Agreement") each among the County, the CDA, Lewistown Commerce Center, LLC (the "Developer"), and the owners of land within the CDA district at the time of execution of such agreements; and

WHEREAS the Developer and CB Lewistown LLC, as owner of a portion of the land within the CDA have requested that the CDA and the County amend the Special Assessment and the Special Assessment Agreement and enter into an Amended and Restated Special Assessment Agreement;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF HANOVER, VIRGINIA:

1. Approval of Amended and Restated Special Assessment Agreement. The Amended and Restated Special Assessment Agreement is approved in substantially the form presented to the Board at this meeting, with such changes and corrections (including, without limitation, changes in the date thereof) that do not materially adversely affect the County's interests as may be approved by the County Administrator, whose approval shall be evidenced conclusively by the execution and delivery of the Amended and Restated Special Assessment Agreement. The County Administrator is authorized and directed to execute and deliver the Amended and Restated Special Assessment Agreement provided that the Amended and Restated Special Assessment Agreement will not be executed and delivered until consent has been obtained from (i) 100% of the beneficial owners of the CDA's outstanding Revenue Bonds, Series 2007 and (ii) all of the landowners in the CDA district.

2. Amended Special Assessments. Pursuant to the Amended and Restated Special Assessment Agreement, amended special assessments (the "Amended Special Assessments") within the CDA district are hereby established in the maximum aggregate amount of \$31,719,243, to be apportioned by the CDA in accordance with the Revised Rate and Method of Apportionment of Special Assessments (the "Amended RMA") in substantially the form on file with the County

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Administrator with such changes and corrections that do not materially adversely affect the County's interests as the CDA may approve. The CDA shall cause notice of the Amended Special Assessments to be reported to the County's Treasurer or other County official responsible for the collection of taxes and the County's Treasurer is requested to bill and collect the Special Assessment based on the Amended Special Assessments. The Amended Special Assessments shall be liens on the taxable real property in the CDA District in accordance with the provisions of Virginia Code Sections 15.2-2404 et. seq.

3. Subsequent Resolution. The Board may make such additional changes or amendments to the Amended and Restated Special Assessment Agreement by subsequent resolution as it determines to be necessary or appropriate; provided that approval of any change to the Amended Special Assessments shall be by ordinance.

4. Foreclosure Election. In accordance with Virginia Code Section 58.1-3965.2 foreclosure proceedings will be commenced on the first anniversary date of any delinquency with respect to any parcel (other than owner-occupied residential property) for which payments of the Special Assessment or the special ad valorem tax levied pursuant to Virginia Code Section 15.2-5158A.3 are delinquent.

5. Term of CDA. In accordance with paragraph 1 Virginia Code Section 15.2-5114 the Board of Supervisors hereby resolves that the term of existence of the CDA shall be extended until December 31, 2054 to provide for the payment of the CDA's bonds to be issued pursuant to the Amended and Restated Special Assessment Agreement.

6. Further Actions. The County Administrator and such officers and agents of the County as he may designate are authorized to execute and deliver such certificates, documents and agreements and take such action as they deem necessary or appropriate to carry out the transactions authorized by this Ordinance or contemplated by the Amended and Restated Special Assessment Agreement and any such actions previously taken are ratified and confirmed.

7. Severability. If any part, section, clause or phrase of this Ordinance, or any individual assessment levied hereby, is declared to be unconstitutional or invalid for any reason, such decision shall not affect the validity of any other portion hereof or assessment hereunder.

8. Effective Date. This Ordinance shall be effective immediately.

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	Vote:
Sean M. Davis	No
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

Note: Prior to the vote, Sterling Rives, County Attorney, made note that the approval of the special assessment agreement may be subject to final revisions that do not affect the county’s rights and obligations under the agreement and are subject to approval by the County Administrator or County Attorney.

Motion approved.

IX. Authorize Staff to Evaluate Setback and Yard Requirements within Residential and Industrial Districts

Board Sheet Background:

Planning has received a number of inquiries recently regarding setbacks in the A-1, Agricultural, AR-6, Agricultural Residential Zoning Districts, and the Industrial Zoning Districts. Although the recent update to the Zoning Ordinance added several definitions related to yards and property lines, there is still some confusion regarding the methodology involved in calculating a yard measurement.

Additionally the staff has received inquiries regarding setback requirements in the Industrial Zoning Districts, specifically the requirements for the M-1, Limited Industrial District. The M-1 District is a more restrictive district than M-2 and M-3 with regard to permitted uses. Yet the M-1 District contains requirements for yards and setbacks that are more extensive than the requirements in the M-2 and M-3 Districts. As such, there is a need to review existing yard and setback regulations within the Industrial Districts to ensure that the County’s standards remain viable and responsive to promote current industrial land use practices while also maintaining adequate and appropriate protections for adjacent non-industrial properties.

It should be noted that the yard and setback requirements within the RS, Residential Suburban and RM, Residential Multi-Family Districts underwent extensive review at the time the district

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regulations were developed, and those districts provide greater flexibility than what is otherwise required in the A-1 and AR-6 Districts.

Staff brought this issue to the attention of the Planning Commission during the Commission’s May 15, 2014, meeting and the consensus of the Commission was to support the staff request to undertake the review. Should the board authorize the staff begin a review process as requested, staff will bring a final recommendation to the Board’s Community Development Committee for its review.

Staff Recommendation:

Move to authorize staff to undertake a review of yard and setback requirements within the A-1, Agricultural and AR-6, Agricultural Residential Zoning Districts, and review yard and setback requirements in the M-1, Limited Industrial District.

Mr. Maloney presented the details of the request.

On a motion by Mr. Hazzard, seconded by Mr. Wade, the Board voted to authorize staff to undertake a review of yard and setback requirements within the A-1, Agricultural and AR-6, Agricultural Residential Zoning Districts, and review yard and setback requirements in the M-1, Limited Industrial District.

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

X. Request for Conditional Use Permit Extension – CUP-6-07, Mechanicsville Storage, L.L.C. (formerly Budget Development Virginia) (Henry Magisterial District)

Note: This item was withdrawn by the property owner so it was not brought before the Board.

The Chairman announced one final item of business: that the annual performance review of the County Administrator and the County Attorney has been completed by the Board members.

Mr. Hazzard made a motion that pursuant to the annual performance review, the salaries of the County Administrator and the County Attorney be increased by 2% and the deferred compensation of

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each be increased by 1% of current salary effective July 1, 2014. The motion was seconded by Mr. Stanley.

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion approved.

XX. Announcements

None.

XXI. Adjournment

At 9:38 p.m. the Chairman adjourned the meeting to July 23, 2014 – Hanover County Administration Building – 2:00 p.m.

HANOVER COUNTY BOARD OF SUPERVISORS
MINUTES

Hanover County Administration Building
Board Room

July 23, 2014

VIRGINIA: At a regular meeting of the Board of Supervisors for Hanover County held in the Board Room of the Hanover County Administration Building on the 23rd day of July, 2014, at 2:00 p.m.

Present: Mr. Sean M. Davis, Chairman
Mr. Wayne T. Hazzard, Vice-Chairman
Mrs. Angela Kelly-Wiecek
Mr. W. Canova Peterson
Mr. Aubrey M. Stanley
Mr. G.E. “Ed” Via, III
Mr. Elton J. Wade, Sr.
Mr. Cecil R. Harris, Jr., County Administrator
Mr. Sterling E. Rives, III, County Attorney

I. Call to Order

The Chairman called the meeting to order at 2:00 p.m. All Board members were present.

- A. The invocation was given by Mr. Davis.
- B. The Pledge of Allegiance was led by Mr. Peterson.
- C. Approval of Minutes:

Upon a motion by Mr. Stanley, seconded by Mr. Hazzard, the minutes from the May 14, 2014, May 28, 2014 and June 11, 2014 Board of Supervisors meetings were approved as presented.

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye

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W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

II. Consideration of Agenda Amendments

The Chairman asked if there were any agenda amendments. Hearing none, moved to citizens’ time.

III. Citizens’ Time

The Chairman opened citizens’ time and offered to anyone who wanted to address the Board of Supervisors for up to five minutes on any matter within the scope of the Board’s authority that is not on the agenda for that meeting to come forward.

Scott Courtney with Resource International and resident of the Cold Harbor Magisterial District came forward and complemented the County’s site plan review team for their plan approval and stormwater management efforts. He expressed his appreciation to the Planning, Public Utilities, Public Works and Building Inspection Departments.

Seeing no others come forward, the Chairman closed citizens’ time.

IV. Consent Agenda

Mr. Stanley requested item *IV.- D - Recommendation of Norman Donnan Ward to Board of Zoning Appeals* be removed from the consent agenda. Mrs. Kelly-Wiecek made a motion to approve the consent agenda with item *IV.- D* removed, seconded by Mr. Peterson.

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion approved.

IV-A. Adoption of Proclamations:

1. New Eagle Scout John Barrett White– Troop 555 - **Henry Magisterial District**

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PROCLAMATION

WHEREAS the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS John Barrett White is a resident of the Henry Magisterial District in Hanover County, Virginia, and a junior at Hanover High School; and

WHEREAS on the 15th day of April, 2014, John Barrett White attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor John Barrett White carried out a community project by designing and constructing a prayer garden at New Highland Baptist Church in Mechanicsville, Virginia; and

WHEREAS John Barrett White of Boy Scout Troop 555 which meets at New Hanover Presbyterian Church has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout; and

WHEREAS the Hanover County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important service they provide to the youth of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors hereby extends its congratulations to John Barrett White and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

On motion of Mr. Davis, seconded by Mrs. Kelly-Wiecek, members of the Board of Supervisors voted to adopt the proclamation as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

2. New Eagle Scout Michael Joseph Lenzi, Jr.– Troop 500 - **Henry Magisterial District**

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PROCLAMATION

WHEREAS the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS Michael Joseph Lenzi, Jr., is a resident of the Henry Magisterial District in Hanover County, Virginia, and a rising freshman at Hanover High School; and

WHEREAS on the 11th day of June, 2014, Michael Joseph Lenzi, Jr., attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor Michael Joseph Lenzi, Jr., carried out a community project for the Hanover Humane Society by building a separate, new, grassy play area for dogs who have to be kept apart from others and adding a waste disposal system; and

WHEREAS Michael Joseph Lenzi, Jr., of Boy Scout Troop 500 which meets at Chamberlayne Heights United Methodist Church has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout; and

WHEREAS the Hanover County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important service they provide to the youth of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors hereby extends its congratulations to Michael Joseph Lenzi, Jr., and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

On motion of Mr. Davis, seconded by Mrs. Kelly-Wiecek, members of the Board of Supervisors voted to adopt the proclamation as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

IV-B. Adoption of Proclamation – “The Soul Seekers of Mechanicsville”

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PROCLAMATION

WHEREAS in March, 1963, “The Soul Seekers of Mechanicsville” began a music ministry as a group of teenage boys singing in a youth program at the First Union Baptist Church in Hanover County, Virginia; and

WHEREAS the Hanover County Board of Supervisors desires to recognize “The Soul Seekers of Mechanicsville” who in March, 2013, reached a significant milestone of fifty (50) years of music ministry; and

WHEREAS the members of “The Soul Seekers of Mechanicsville” grew up in their Church, learned gospel singing and were inspired by the nurturing, training and encouragement of their parents, pastor, teachers, church members and the local community; and

WHEREAS “The Soul Seekers of Mechanicsville” began their music ministry by singing to the citizens in their community of Hanover County which soon spread to sharing with surrounding areas in concert, recordings and the production of an inspirational play; and

WHEREAS the members of “The Soul Seekers of Mechanicsville” minister to the community by holding fund raisers for local needs, spreading cheer to those dealing with illness and loss, and work with the Organization for Sickle Cell Anemia Relief (OSCAR) and the American Cancer Society to help raise awareness for health issues which have touched their lives; and

WHEREAS “The Soul Seekers of Mechanicsville” have faithfully served the residents of their community and beyond.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors does hereby recognize and commend “The Soul Seekers of Mechanicsville” for their fifty (50) years of music ministry and extends their best wishes for the future in their music ministry.

On motion of Mrs. Kelly-Wiecek, seconded by Mr. Peterson, members of the Board of Supervisors voted to adopt the proclamation as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

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IV-C. Adoption of Proclamation – Sympathy to the Family of William T. “Pat” Patrick

PROCLAMATION

WHEREAS William T. “Pat” Patrick was a citizen and business owner in Hanover County, Virginia, and a resident of the Chickahominy Magisterial District; and

WHEREAS in 1961, William T. “Pat” Patrick graduated from the Medical College of Virginia School of Pharmacy in Richmond, Virginia; and

WHEREAS William T. “Pat” Patrick was the founder of the Patrick Family of Auto Dealerships and Time Magazine’s Quality Dealer of the Year in Virginia in 2004; and

WHEREAS for many years William T. “Pat” Patrick was a leader in the community participating on many boards including the Richmond Automobile Dealers’ Association, Virginia Automobile Dealers’ Association, Good Neighbor Village, Richmond Metro Project, Richmond Pharmaceutical Company, Hanover Education Foundation, Richmond Memorial Foundation, and Better Business Bureau; and

WHEREAS William T. “Pat” Patrick was named the Distinguished Retailer of the Year in 2007 by the Retail Merchants’ Association, received the Innsbrook Rotary Business Leadership Award and was a lifetime member of the Virginia Jaycees; and

WHEREAS William T. “Pat” Patrick was a loving husband to his wife, Phyllis, of forty-eight years and a devoted father and grandfather; and

WHEREAS the death of William T. “Pat” Patrick will leave a void in our community where he will be missed by all who knew him.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors does hereby express its sincere sympathy at the loss of William T. “Pat” Patrick and further wishes to express its sincere sympathy to his family.

On motion of Mrs. Kelly-Wiecek, seconded by Mr. Peterson, members of the Board of Supervisors voted to adopt the proclamation as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye

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Elton J. Wade, Sr. Aye

IV-E. Approval of a non-standard Utility Service Agreement between Hanover County and Four West Company – Department of Public Utilities (Chickahominy Magisterial District)

Board Sheet Background:

Four West Company intends to develop the Cool Spring West subdivision. As designed, this development will connect to an existing sewer that discharges to the sewage pump station behind Atlee High School (Pump Station #5). The existing sewer was not designed to serve this property as the development is downstream from it. To accommodate the development, approximately 161 feet of existing 8” sewer must be increased in size to 12”. As this sewer is inside the fenced area of the pump station, it is difficult and sensitive construction. Pump Station #5 is a major critical facility with many buried improvements within the fenced area. Anytime construction occurs within the fenced area, extra care and precautions must be utilized.

Public Utilities 5-year CIP shows major upgrades to Pump Station #5 planned in FY19. Rather than undertake improving this sewer at this time for the Cool Spring West Development and Public Utilities undertaking a second major project in the near future, Four West Company has agreed to pay Public Utilities \$19,862.52, the estimated cost of increasing the size of this sewer. The County would increase the size of the sewer when it undertakes its planned rehabilitation project. As Cool Spring West will develop over several years, issues with the timing of the improvements are not anticipated. A non-standard Utility Service Agreement is required to address this payment.

Public Utilities recommends that the non-standard USA be entered into by the County. The County Attorney’s office has reviewed and approved the non-standard USA as to form.

Recommended Action:

Approval of the Utility Service Agreement for construction of Cool Spring West, Section 1.

IV-F. Approval of Agreement – Virginia Department of Game and Inland Fisheries Route 54 South Anna River Boating & Fishing Landing, GPIN 7851-65-9130 - Department of Parks and Recreation (South Anna Magisterial District)

Board Sheet Background:

This agreement between the Virginia Department of Game and Inland Fisheries (DGIF) and Hanover County is to establish the terms for the joint operation of the Route 54 South Anna River

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Boating & Fishing Landing, also known as the Patrick Henry Landing. The original 20-year joint operation agreement, entered into in September 1993, was between DGIF and the Town of Ashland, which owned the property at that time. Hanover County acquired the property in 1996 and has assumed the Town's obligations under the original agreement since that time. While the County's other DGIF boating and fishing access agreements may continue to roll over on an annual basis, this agreement must be redrawn to recognize the change in property ownership.

Provisions of this agreement include the County being responsible for creating and monitoring operating standards, rules and regulations for the site, as well as grounds maintenance and other daily operations necessary at the facility. DGIF responsibilities include patrolling the landing to enforce appropriate regulations, maintaining signage, and making necessary improvements, as needed to the ramps, pier and parking area.

The Parks and Recreation Department supports the adoption of this new agreement. A copy of the agreement has been reviewed by the County Attorney's office.

Recommended Action:

Approval of the agreement with DGIF for the continued joint operation of the Route 54 North Anna River boating and fishing access facility.

IV-G. Request for Authorization to Advertise Public Hearing – Lease of County Property – Between Hanover County and Zynnovation LLC for a location to pilot a new recycling technology. (Beaverdam Magisterial District)

Board Sheet Background:

Zynnovation, located in the Hanover County Clean Technology Innovation Center, proposes to evaluate the feasibility of recovering polymers from soiled disposable diapers. The recovered polymers would be utilized to manufacture irrigation tree mats. The Department of Public Works proposes to lease a 40' by 20' area at the Solid Waste Transfer Station site for the purposes of locating a 100 square foot processing building. Zynnovation will be responsible for all operating costs including diaper collection from local day cares, electricity, water, sewage (discharge approved by Hanover County DPU) and residue disposal costs. The lease would be for one year beginning October 1, 2015 and ending September 30, 2016. The Virginia Department of Environmental Quality has approved this project that is dependent on Zynnovation receiving a grant from the National Science Foundation. The lease amount will be \$1 per year.

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The Department of Public Works will amend its Site Plan and Operations Plan to incorporate the pilot project upon Zynnovation receiving its grant approval from the National Science Foundation. This is anticipated to require a nominal amount of staff time.

The County Attorney's Office has approved the attached form of the agreement (in Board packet).

Recommended Action:

Authorize the advertisement of a public hearing for August 27, 2014 at 7:00 p.m. to consider the lease of County property between Hanover County and Zynnovation LLC for a location to pilot a new recycling technology.

IV-H. Emergency Communications Department – Beaverdam Tower – Second Amendment to Lease with New Cingular Wireless PCS, LLC

Board Sheet Background:

The County entered into a lease on August 26, 2009 with New Cingular Wireless PCS, LLC for use of the Beaverdam Tower. New Cingular Wireless PCS, LLC agreed to pay an annual rent of \$27,500 with escalation of 15% after the initial 5 year base rental period. This second lease amendment provides for the additional microwave dish at 250 feet to provide intrasite connectivity with other communications towers. New rental terms reflect that the base rental fee due under the Lease Agreement will increase by \$6,000 per year (the "Rent Increase").

The Emergency Communications Department recommends approval of the attached second lease amendment and requests authorization for the County Administrator to finalize the lease amendment and administer the lease.

Recommended Action:

Motion to approve the attached second lease amendment between Hanover County and New Cingular Wireless PCS, LLC to 1) allow for additional microwave equipment on the tower at 250 feet; 2) to increase the Base Rent by \$6,000; and 3) authorize the County Administrator to take all actions necessary to enter into and administer the lease as amended.

V. Update on Reynolds Community College Activities

Dr. Gary Rhodes, President, Reynolds Community College, came forward to address the Board. He thanked the Board for the appointment of the two Hanover citizens that serve on the College

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Board of Directors, Mark Creery and Anna Marie Lauranzon, and complemented them on their dedication.

Dr. Rhodes gave a detailed update on the current college statistics as well as current and future activities.

Reynolds Facts:

- 19,352 students served annually
- 322,529 students served since 1972
- 89 degree and certificate programs
- 1,367 employees
- 1 in 4 workers in the Greater Richmond region has attended Reynolds!
- 1 in 3 healthcare workers in the Greater Richmond region has attended Reynolds

Hanover Quick Facts:

- 2,502 Hanover County residents attended Reynolds during the 2013-2014 academic year.
- 42.4% of these students took at least one distance learning class.
- 251 Hanover County residents graduated from Reynolds with a degree or certificate during the most recent academic year.
- 1,277 recent Hanover County high school graduates enrolled at Reynolds during the 2013-2014 academic year.
- Reynolds awarded scholarships totaling \$73,350 to 57 Hanover County residents during the most recent academic year.

Dual Enrollment

- The Virginia Plan for Dual Enrollment allows all eligible high school students to participate in college credit courses offered at Hanover County Public Schools or Reynolds.
- Reynolds offers dual enrollment allied health programs at Hanover High School such as Dental Laboratory, Medical Laboratory and Opticianry.
- 240 Hanover County students took dual enrollment classes during the 2013-2014 academic year. 1,706 students have taken advantage of dual enrollment over the past five academic years.

Community Relations

- Reynolds partners with Hanover County Fire/EMS and Hanover County Public Schools to offer the High School Firefighter/EMS program.

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Ms. Anna Marie Lauranzon came forward and described the work done by the College Advisory Boards.

Mr. Mark Creery came forward and described the capabilities of the Community College Workforce Alliance (CCWA) and the Advance College Academy.

VI. Presentation - Hanover Design + Wayfinding Plan, VCU MURP Graduate Program Project for the Hanover Tourism Supporters

Mr. David Fuller, Chair of the Hanover Tourism Supporters, came forward to introduce Ms. Kaila McClead, recent graduate of the Master of Urban and Regional Planning Program, Douglas Wilder School of Government and Public Affairs, Virginia Commonwealth University. Ms. McClead presented the board with the results of her project on recommended strategies for increasing the visible tourism presence for historic destinations in Hanover County and improving the communication between tourism stakeholders.

Purpose

- Establish open and consistent communication between tourism stakeholders.
- Enhance the connectivity and wayfinding presence of heritage sites.
- Attract more people to the heritage sites.

Questions Asked of Focus Group Participants

- Hanover's cultural heritage
- Type of visitor to attract
- Feelings evoked during a tourism experience in Hanover
- Opportunities for collaboration among stakeholders

Goals

- Goal 1: Establish physical connections between heritage sites and the region to increase the quality of the visitor experience
- Goal 2: Enhance the organizational capacity and collaboration between tourism stakeholders
- Goal 3: Increase visibility of heritage assets by establishing a sense of place.

Following her presentation, Ms. McClead answered questions from Board members.

Mr. Stanley left the meeting at 3:07 p.m.

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Mr. Stanley returned to the meeting at 3:10 p.m.

VII. Presentation – Review of the North Anna Battlefield Park Dedication and 150th Commemoration, and the 2014 Hanover Tomato Festival

Mr. Greg Sager, Director of Parks and Recreation, came forward to provide the Board with a Review of the North Anna Battlefield Park Expansion Dedication and 150th Commemoration held on Saturday May 24, 2014. The park expansion consists of:

- 92 additional acres conveyed by Martin Marietta Materials
- 3 new miles of trails
- 2 new viewing platforms
- 13 new interpretive markers

Partners of the expansion include:

- Martin Marietta Materials
- Dominion Virginia Power
- Blue and Gray Education Society
- Hanover Sesquicentennial Committee
- Trane Commercial Systems
- Hanover County Parks and Recreation

Marcy Durrer, Recreation Program Director, came forward to give a review of the 36th annual Hanover Tomato Festival, which was held Saturday July 12, 2014 at Pole Green Park. She reported that there were approximately 35,500 attendees.

Event Presented By:

- Black Creek Volunteer Fire Department
- Herald Progress
- The Mechanicsville Local
- Hanover County Parks & Recreation

Event Partners:

- Hanover Fire/EMS
- Hanover Sheriff's Department
- East Hanover Volunteer Rescue Squad

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- Virginia Department of Emergency Management
- Virginia Department of Transportation

Vendor Details

- 267 vendor spaces filled
 - 16 food vendors
 - 207 vendors
 - 26 community partners
- Field Access policy change
 - Friday check in/set up
 - No vehicular access to event field
 - Loading and Unloading zone use only

VIII. Acceptance of Grant – Crisis Assessment Center – Community Services Board - \$231,398

Board Sheet Background:

The Hanover Community Services Board has been awarded a Crisis Assessment Site Grant by the Virginia Department of Behavioral Health and Developmental Services. This two-year grant, totaling \$451,777, provides funding for: Sheriff's deputies with advanced mental health/crisis training to provide security and transfer of custody for citizens who come to the assessment site under emergency custody orders; a part time peer support specialist to provide support services 20 hours per week (existing vacant position); taxi transportation as necessary; and necessary site modifications. The grant period is July 1, 2014 to June 30, 2016. This Board action addresses the first year of funding; the second year will be included in the proposed FY16 budget.

The Crisis Assessment Site is an assessment center that will be housed in the emergency room of Memorial Regional Medical Center, and in partnership with Hanover CSB, Hanover Sheriff's Office, Bon Secours Health System, and Ashland Police Department. The Assessment Center provides a safe, secure environment where citizens experiencing a mental health or substance abuse emergency can be assessed for hospitalization. This program is a best practice model and is in conjunction with the Crisis Intervention Team (CIT). The objective is to place an off-duty Hanover Sheriff's deputy with advanced mental health/crisis training on site 10 hours per day, 7 days per week with a crisis clinician on site or on call to be accessible to the site for emergencies. The value of the Assessment Center includes the ability to transfer custody to the on-site officer, allowing the road deputy to return

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to his/her regular duties, easier access to medical clearance, access to necessary medication, the ability to be medically admitted if necessary, and a calm, safe environment for crisis assessment and screening. The CSB will serve as the fiscal agent for this grant.

This request has been developed in conjunction with the Hanover Sheriff's Office. The Finance and Management Services Department concurs with the requested action. This grant does not require a local match.

Recommended Action:

Accept grant and approve the budget transfer and appropriation of \$231,398 to the Community Services Board for the Crisis Assessment Site Grant.

Mrs. Ivy Sager, Executive Director, Hanover Community Services Board, came forward to present the Board with information on a grant to develop a Crisis Assessment Center in Hanover. Mrs. Sager provided background on the grant and the proposed project. She recognized those present with the Sheriff's Office to support the initiative: Colonel Hines, Major Davidson, Captain Vermeer and Captain Flagg; those present with the Community Services Board: Lisa Beitz, Scott Ward and Kelley Brown; and CSB Board of Directors members: Jeannie Edwards and Sean Davis.

Mrs. Sager spoke on CSB collaboration with law enforcement and the partnership with Memorial Regional Medical Center. She described the current process and detailed the benefits of the future center.

Following her presentation, Mrs. Sager answered questions from Board members, including the ability to sustain the operation of the center after state funding as well as County budget impacts.

Colonel Hines came forward and clarified that the deputy at the center will be working overtime. He described the process deputies currently follow to handle these types of calls and the benefits that will be brought about by the Center.

On motion of Mr. Hazzard, seconded by Mr. Via, the members of the Board of Supervisors voted to accept the grant and approve the budget transfer and appropriation of \$231,398 to the Community Services Board for the Crisis Assessment Site Grant.

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye

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G. E. “Ed” Via, III Aye
Elton J. Wade, Sr. Aye

The Chairman announced a brief break at 4:01 p.m.

The meeting was reconvened at 4:08 p.m.

IX. Transportation Update

A. Highway Matters – VDOT

Mr. Bruce McNabb, Residency Administrator, Ashland Residency, VDOT came forward to introduce himself to the Board and detail his background and experience.

Mr. Marshall Winn came forward to give the Board a brief maintenance report on the status of VDOT work in Hanover County for the past quarter. He detailed activity that has occurred since the Board was last updated in May, 2014 and gave the status of upcoming projects.

Mr. Winn answered questions from Board members concerning the following:

- Result of the speed study for the intersection at Studley and Rural Point Roads
- Sliding Hill/Air Park Road project
- Stop sign at Barnette Avenue and Hillview Drive in Mechanicsville (has been knocked down)
- Potential increase in speed limit in village of Beaverdam
- Accidents at Green Bay Road and Beaverdam Road intersection and the possible need for four-way stop sign
- Status of Parsons Bridge repair and the possible impact for school buses
- Road edging on Crown Hill Road to Parsleys Mill Road and Valley Creek Drive as well wedge completion in the area of Ellerson’s Garage
- Developing a uniform speed limit for Atlee Road between Mechanicsville Turnpike and Rutland

B. Road Project Status Report

Mr. Mike Flagg, Director of Public Works, came forward and gave the Board members an update on the status of the following County road projects:

- 1 – U.S. Rt. 360 (Bridge Replacement)
- 2 – Georgetown Road Bridge Replacement & Realignment

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- 3 – Sliding Hill Road/Air Park Road Turn Lanes
- 4 – Pole Green Road/Rural Point Road (Turn Lanes)
- 5 – Cedar Lane (Trench Widen & Overlay)
- 6 – Ashland Road (Trench Widen & Overlay)
- 7 – Taylorsville Road (Replace Bridge & Approaches)
- 8 – U.S. Rt. 360 & Elm Drive (Traffic Signal Upgrade)
- 9, 10, 22, 27 – U.S. Rt. 360 Corridor (Widening)
- 11 – I-95/Lewistown Road (Bridge & Approaches)
- 12 – Pole Green Road/Walnut Grove Road (Turn Lanes)
- 13 – Atlee Road/U.S. Rt. 301 (Widening)
- 14 – Greenwood Road (Bridge & Approaches)
- 15 – Cool Spring Road (Trench Widen & Overlay)
- 16 – E. Patrick Henry Road/Woodside Ln (Turn Lanes)
- 17 – Atlee Road (Extension)
- 18 – Studley Road/Rural Point Road (Roundabout)
- 19 – U.S. Rt. 33/Ashland Road (Turn Lanes)
- 20 – Creighton Road/Cold Harbor Road (Widening & Turn Lanes)
- 21 – Cedar Lane/U.S. Rt. 1 (Realignment)
- 24 – Sliding Hill Road (Widening)

Mr. Flagg answered questions from Board members concerning the projects on Cool Spring Road, the Atlee Road extension and the Sliding Hill Road/Air Park Road turn lanes.

X. Closed Session - Section 2.2-3711(A)(7) of the Code of Virginia – Consultation with legal counsel and staff regarding Claim against the County by EMAC, LLC (“McGeorge Rolling Hills RV SuperCenter”)

Mr. Hazzard moved that the Board of Supervisors go into Closed Session pursuant to the following: Section 2.2-3711(A)(7) of the Code of Virginia – Consultation with legal counsel and staff regarding Claim against the County by EMAC, LLC (“McGeorge Rolling Hills RV SuperCenter”). The motion was seconded by Mr. Stanley.

Sean M. Davis

Vote:
Aye

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Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion Approved.

Board members entered Closed Session at 4:44 p.m. At the conclusion of the Closed Session, all Board members returned to the Board room, and the Chairman called the regular meeting back to order at 5:03 p.m.

Certification of Closed Session

Mr. Hazzard moved that the Board of Supervisors certify that during the Closed Session only public business matters lawfully exempted from the open meeting requirement of the Freedom of Information Act and only such public business matters as were identified in the motion for the Closed Session were discussed. The motion was seconded by Mr. Stanley.

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion Approved.

XI. Recess to Fifty Mile Meal at St. Paul’s Episcopal Church

The Chairman recessed the meeting at 5:04 p.m.

The Vice-Chairman reconvened the meeting at 7:00 p.m.

Chairman Davis was not present.

XII. Citizens’ Time

The Vice-Chairman opened citizens’ time and offered to anyone who wanted to address the Board of Supervisors for up to five minutes on any matter within the scope of the Board’s authority that is not on the agenda for that meeting to come forward.

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Ms. Carol Lee Stuckey from the Mechanicsville District came forward and spoke on the dangerous conditions at the crosswalks at Lee-Davis High School.

Seeing no others come forward, the Vice-Chairman closed citizens' time.

XIII. Presentations

Eagle Scout Dalton T. Luffey – Troop 521 - Beaverdam Magisterial District

Mr. Stanley called Dalton T. Luffey forward and presented him with a proclamation recognizing his achievement.

Eagle Scout Thomas E. Darby – Troop 544 – Chickahominy Magisterial District

Mrs. Kelly-Wiecek called Thomas E. Darby forward and presented him with a proclamation recognizing his achievement.

Eagle Scout Hayden M. Hudson – Troop 521 - Chickahominy Magisterial District

Mrs. Kelly-Wiecek called Hayden M. Hudson forward and presented him with a proclamation recognizing his achievement.

Eagle Scout David R. Pettyjohn – Troop 521 - Chickahominy Magisterial District

Mrs. Kelly-Wiecek called David R. Pettyjohn forward and presented him with a proclamation recognizing his achievement.

Eagle Scout Zachary Mantlo – Troop 521 - formerly a resident of Chickahominy Magisterial District

Mrs. Kelly-Wiecek called Zachary Mantlo forward and presented him with a proclamation recognizing his achievement.

Eagle Scout Philip W. Stuckey – Troop 521 - Mechanicsville Magisterial District

Mr. Peterson called Philip W. Stuckey forward and presented him with a proclamation recognizing his achievement. He also presented the Stuckey family with a proclamation for Robert W. Stuckey, who was not able to be present.

Eagle Scout Joseph Andrew Davis – Troop 706 – South Anna Magisterial District

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Mr. Hazzard called Joseph Andrew Davis forward and presented him with a proclamation recognizing his achievement.

XIV. Planning Public Hearings

C-30-05(c) AM. 1-14 - RURAL POINT, L.L.C., ET AL. (LINDSAY MEADOWS, SECTION 2), Request an amendment to the proffers approved with rezoning request C-30-05(c), Rural Point, L.L.C., on GPINs 8717-91-0134, 8717-91-3017, 8717-90-3853, 8717-90-5844, 8717-90-7921, 8717-91-1491, 8717-81-8412, 8717-82-7669, 8717-82-8882, 8717-93-1058 and 8717-92-5084, zoned RC(c), Rural Conservation District with conditions. The subject parcels are located on Constance Hill Lane (State Route pending) and Sunny Meadows Lane (State Route pending), which are accessed from Lindsay Meadows Drive (State Route 1751) approximately 300 feet north of Rural Point Road (State Route 643) in the Henry Magisterial District. The proposed zoning amendment would amend the cash proffer.

Planning Analysis:

- The request is to amend the following:
 - Reduce Proffer No. 1 from \$9,741.00 (capital & road improvements) to \$2,306.00 (road improvements)
 - The amended proffer is in accordance with the Business and Residential Development Road Improvements Transportation Policy

Recommendation:

The Planning Commission and staff recommend approval subject to the submitted proffers

Mr. David Maloney, Director of Planning, presented the Board with this request.

Mr. Hazzard asked if Board members had any questions. Hearing none, Mr. Hazzard opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Seeing none, Mr. Hazzard closed the public hearing.

ORDINANCE C-30-05(c), AM. 1-14

OWNER OF RECORD: RURAL POINT, L.L.C., ET AL.

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of **APPROVAL**

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of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 23rd day of July, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by amending the proffers approved with rezoning request C-30-05(c), Rural Point, L.L.C., of the property described as GPINs 8717-91-0134, 8717-91-3017, 8717-90-3853, 8717-90-5844, 8717-90-7921, 8717-91-1491, 8717-81-8412, 8717-82-7669, 8717-82-8882, 8717-93-1058 and 8717-92-5084, located on Constance Hill Lane (State Route pending) and Sunny Meadows Lane (State Route pending), which are accessed from Lindsay Meadows Drive (State Route 1751) approximately 300 feet north of Rural Point Road (State Route 643) (a detailed description is filed with the Board's papers), zoned RC(c), Rural Conservation District with conditions, subject to the following conditions which were proffered by the Applicant on May 29, 2014, and accepted by the Board:

1. The Property Owner, for themselves, their successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy for the Property, the amount of Two Thousand Three Hundred Six and 00/100 (\$2,306.00) per single family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.
2. Exterior foundation of houses shall be brick or stone construction unless the house is constructed of synthetic stucco, in which case the foundation may be of like material.
3. Minimum house sizes shall be 3000 square feet of finished floor area. Minimum floor area shall not include garages or breezeways in any category. Floor area shall be

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measured along the exterior walls of the structure. All attached garages shall open to the side or rear of the dwelling. No cinder block, cement block, solite block, or asbestos shingle shall be permitted for the finished exterior of any structure. A minimum of fifty percent (50%) of the exteriors of each house shall be brick or stone unless the house is constructed of stucco.

4. The owner agrees to dedicate fifty (50') feet of right-of-way from the centerline of Rural Point Road (State Route 643) to the property and thirty (30') feet of right-of-way from the centerline of Studley Road (State Route 606) for future road widening when requested by the County, free of cost, and free of encumbrances interfering with the use for road improvements.
5. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, utility easements, drainfields, drainage facilities, wells, swimming pools, basketball, or tennis areas.
6. The Owner, his successors or assigns shall develop the project in substantial conformity with the Conceptual Plan titled "Lindsay Meadows, Section 2" by Bay Design Group, dated January 31, 2006, last revised August 23, 2006.
7. All lots in the proposed subdivision will have direct access to the common open areas of the project, either by sidewalks or pedestrian paths. The applicant reserves the right to determine where sidewalks will be used. All pedestrian paths will be constructed with subsurface landscape fabric and a 2 inch crushed stone surface.
8. Constance Hill Lane shall be located no closer than seventy-five (75') feet to the property lines of the adjacent property owners to the south side of Constance Hill Lane.

BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

On motion of Mrs. Kelly-Wiecek, seconded by Mr. Peterson, the members of the Board of Supervisors voted to approve Ordinance C-30-05(c), Am. 1-14, Rural Point, L.L.C., et al. as follows:

	Vote:
Sean M. Davis	Absent for vote
Wayne T. Hazzard	Aye

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Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

C-18-07(c) AM. 1-14 - SHANNON PRITCHARD, Requests an amendment to the proffers approved with rezoning request C-18-07(c), Shannon Pritchard, on GPINs 8764-33-2275 and 8764-23-3147, zoned AR-6(c), Agricultural Residential District with conditions, and located on the south line of Westwood Road (State Route 619) approximately 2,000 feet east of its intersection with Cattail Run Drive (private road) in the Cold Harbor Magisterial District. The proposed zoning amendment would amend the cash proffer.

Planning Analysis:

- The request is to amend the following:
 - Reduce Proffer No. 8 from \$14,250.00 (capital & road improvements) to \$2,306.00 (road improvements)
 - The amended proffer is in accordance with the Business and Residential Development Road Improvements Transportation Policy

Recommendation:

The Planning Commission and staff recommend approval subject to the submitted proffers

Mr. Maloney presented the Board with this request.

Mr. Hazzard asked if Board members had any questions. Hearing none, Mr. Hazzard opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Seeing none, Mr. Hazzard closed the public hearing.

ORDINANCE C-18-07(c), AM. 1-14

OWNER OF RECORD: SHANNON PRITCHARD

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of **APPROVAL** of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

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WHEREAS the Board of Supervisors has held public hearings on the 23rd day of July, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by amending the proffers approved with rezoning request C-18-07(c), Shannon Pritchard, of the property described as GPINs 8764-33-2275 and 8764-23-3147, located on the south line of Westwood Road (State Route 619) approximately 2,000 feet east of its intersection with Cattail Run Drive (private road) (a detailed description is filed with the Board’s papers), zoned AR-6(c), Agricultural Residential District with conditions, subject to the following conditions which were proffered by the Applicant on May 27, 2014, and accepted by the Board:

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled “Pritchard Rezoning Prospect Trace Subdivision,” dated May 7, 2007, last revised November 6, 2007, and prepared by Balzer and Associates, Inc.
2. Dedication of Right-of-way. The Owner agrees to dedicate thirty feet (30’) of right-of-way from the centerline of Westwood Road (State Route 619) to the property for future road widening, free of cost to the County, upon request of the County or VDOT.
3. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, drainfields, or drainage facilities.
4. House Size. All homes shall have a 2,200 square foot minimum house size.
5. Foundations. All homes shall have brick foundations.
6. Access. Owner will record a no-access easement along the entire extension of the rear property line.
7. Entrance Road. Owner will construct a private road per County regulations.
8. Contribution to Road Improvements. The Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy for the Property, the amount of Two Thousand Three Hundred Six and 00/00 (\$2,306.00) per single family unit built on the

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Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted, March 13, 2013. In the event funds are paid and are not used for such capital improvements, the County shall return the funds paid to the Owner or his successors in title.

9. Owners Association. Prior to or contemporaneous with final subdivision approval, the Owner shall record documents which (1) create an owners’ association for the Property and (2) establish a restrictive covenant creating a 75-foot preservation strip along the rear property line (adjacent to GPINs 8764-23-3147 and 8764-33-2275) as shown on the conceptual plan. The preservation strip shall remain in a natural state and no structures shall be erected and no improvements shall be made within the buffer; however, the provisions of this proffer shall not prevent the removal of dead or diseased trees or other vegetation, or parts thereof. The owners’ association shall be responsible for the enforcement of the restrictive covenant and shall have the authority to access fees and impose liens on those properties adjoining GPINs 8764-23-3147 and 8764-33-2275 for the cost of maintenance of the preservation strip and its restoration, if necessary.

BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

On motion of Mr. Wade, seconded by Mr. Stanley, the members of the Board of Supervisors voted to approve Ordinance C-18-07(c), Am. 1-14, Shannon Pritchard, as follows:

	Vote:
Sean M. Davis	Absent for vote
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

C-6-14 - SAME ENGLISH FAMILY TRUST, Requests to rezone from B-1, Neighborhood Business District to M-2, Light Industrial District on GPIN 7795-78-0941, consisting of approximately 0.89 acres, and located on the east line of Old Richfood Road (State Route 1200) approximately 230 feet north of its intersection with Barricade Lane (Private Road) in the Chickahominy Magisterial

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District. The subject property is designated on the General Land Use Plan Map as Industrial. The proposed zoning amendment would permit manufacturing uses on the property.

Planning Analysis:

- The applicant is requesting M-2 zoning for manufacturing metal products in an existing building
- The property was zoned B-1 during a 1974 comprehensive rezoning prior to construction of I-295 and the U.S. Route 301 interchange
- Subsequent to the interstate construction, the vicinity of Richfood Road has developed as an industrial area; B-1 zoning is no longer consistent with the industrial uses surrounding the property or the current Industrial Land Use designation
- The site currently has 1 warehouse building and parking
 - No additional improvements are proposed
- Proffers were not submitted since there are no additional land use implications to be addressed
 - Any future site modifications would be addressed during site plan review

Recommendation:

The Planning Commission and staff recommend approval of this request

Mr. Maloney presented the Board with this request.

Mr. Hazzard asked if Board members had any questions. Hearing none, Mr. Hazzard opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Seeing none, Mr. Hazzard closed the public hearing.

ORDINANCE C-6-14

OWNER OF RECORD: SAM E. ENGLISH FAMILY TRUST

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of **APPROVAL** of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 23rd day of July, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

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WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended by the rezoning of the property described as GPIN 7795-78-0941, consisting of 0.89± acres located on the east line of Old Richfood Road (State Route 1200) approximately 230 feet north of its intersection with Barricade Lane (Private Road), (a detailed description is filed with the Board’s papers) from B-1, Neighborhood Business District, to M-2, Light Industrial District.

BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

On motion of Mrs. Kelly-Wiecek, seconded by Mr. Via, the members of the Board of Supervisors voted to approve Ordinance C-6-14, Sam English Family Trust as follows:

	Vote:
Sean M. Davis	Absent for vote
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

CUP-3-14 - CALVARY CHAPEL MECHANICSVILLE, Requests a Conditional Use Permit in accordance with Section 26-130.1 of the Hanover County Zoning Ordinance to permit a church within a portion of an existing retail shopping center, Cold Harbor Village Center, on GPIN 8714-03-1895, consisting of approximately 11.42 acres. The area of the Conditional Use Permit will be limited to approximately 8,910 square feet. The property is zoned B-3, General Business District, and is located on the east line of Stonewall Parkway (State Route 1131) approximately 1,000 feet south of its intersection with Cold Harbor Road (State Route 156) in the Mechanicsville Magisterial District. The subject property is designated on the General Land Use Plan Map as Mixed Use (Low Commercial/High Residential).

Planning Analysis:

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- The Church has utilized space in the Cold Harbor Village Center since March, 2005 with an approved Conditional Use Permit (CUP)
 - The CUP was limited to a term of 5 years; the term was extended until July 1, 2014, through action by the General Assembly
- This request is for a new CUP to use the shopping center space until completion of a permanent church site on AMF Drive
 - The applicant requests another 5 year term to coincide with development of the Church's AMF site
- Staff has recommended a condition that the CUP will expire should the church vacate the site prior to 5 years, which will allow the leased space in the shopping center to be utilized as permitted without the CUP being rescinded

Recommendation:

The Planning Commission and staff recommend approval subject to the conditions outlined in the staff report

Mr. Maloney presented the Board with this request.

Mr. Hazzard asked if Board members had any questions. Hearing none, Mr. Hazzard opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Seeing none, Mr. Hazzard closed the public hearing.

RESOLUTION

WHEREAS after a public hearing held on this 23rd day of July, 2014, as advertised in the Herald-Progress once a week for two successive weeks as required by Virginia Code, Section 15.2-2204 and the Hanover County Code.

NOW, THEREFORE, BE IT RESOLVED that Calvary Chapel Mechanicsville is granted a Conditional Use Permit in accordance with Section 26-130.1 of the Hanover County Zoning Ordinance to permit a church within a portion of an existing retail shopping center, Cold Harbor Village Center on GPIN 8714-03-1895, consisting of 11.42 acres (the area of the Conditional Use Permit will be limited to 8,910 square feet), zoned B-3, General Business District, subject to the following conditions:

1. For as long as the subject Property is used by Calvary Chapel Mechanicsville as a Church and its accessory uses, it shall be limited to those uses.
2. The Conditional Use Permit shall be valid for a period of five (5) years from the date of

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approval or until Calvary Chapel Mechanicsville vacates the Property, whichever occurs first.

3. Day care use of this site is not permitted, unless the use is approved pursuant to a separate special exception permit.
4. No additional signage shall be added to the site with the exception of a wall sign as allowed under the Property's B-3 zoning.
5. All requirements of the Public Utilities Department, the County Health Department and the Building Inspector's Office shall be met.
6. All development and use of the Property shall comply with all Federal, state and local statutes, ordinances and regulations.

The Conditional Use Permit shall lapse after the expiration of one (1) year if no substantial construction or change of use has taken place in accordance with the plans for which the Conditional Use was approved.

On motion of Mr. Peterson, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve CUP 3-14 – Calvary Chapel Mechanicsville, as follows:

	Vote:
Sean M. Davis	Absent for vote
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

CUP-4-14 - CRAIG REALTY GROUP, RICHMOND LLC., Requests a Conditional Use Permit in accordance with Section 26-277(e), of the Hanover County Zoning Ordinance to permit one (1) freestanding destination commerce sign on GPIN 7788-68-3202, consisting of approximately 27.52 acres. The area of the Conditional Use Permit will be limited to approximately 0.04 acres. The property is zoned M-2(c), Light Industrial District with conditions, and is generally located on the northwest quadrant of the Interstate 95/Lewistown Road (State Route 802) interchange. The sign will be located on the west line of Interstate 95 approximately 950 feet north of Lewistown Road in the Ashland Magisterial District. The subject property is designated on the General Land Use Plan Map as Destination Commerce.

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Planning Analysis:

- This is a request for a freestanding destination commerce sign within the Northlake Industrial Park
- The proposed sign will be 82.5' high and include LED displays
- This would be the 2nd destination commerce sign approved for the Northlake development
- Prior to site plan approval, a master sketch plan must be submitted that demonstrates at least 100 acres will be developed as a unified destination commerce development in accordance with the sign ordinance requirements
- The proposed sketch plan and elevations meet the requirements of the sign ordinance
 - Sign content can only relate to businesses within the area to be served by the sign
 - Images must remain for less than 10 seconds
 - Transitions between messages must be immediate
 - No special effects used on the signs

Recommendation:

The Planning Commission and staff recommend approval subject to the conditions outlined in the staff report

Mr. Maloney presented the Board with this request.

Mr. Hazzard asked if Board members had any questions. Hearing none, Mr. Hazzard opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Mr. Jim Theobald, Attorney with Hirschler Fleischer, came forward to speak on behalf of Craig Realty Group, Richmond, LLC. He explained why they feel it is important for the CUP to be approved.

Mr. Gibson Wright with Northlake and Dominion Land Development, came forward to speak in favor of the CUP and asked for the Board's approval.

Mr. William Shumack, attorney with McClare Ryan, came forward to speak on behalf of the owner of the adjacent property, EMAC, LLC, and spoke against the approval of the CUP. He stated that the sign should be placed on the property owned by EMAC, LLC.

Mr. Austin Haynes, Senior Vice President of Holladay Properties Midwest, came forward and spoke in favor of approval of the CUP.

Mr. Wright returned to the podium and spoke in rebuttal of the statements made by Mr. Shumack.

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Mr. Theobald returned to the podium and spoke in rebuttal of the statements made by Mr. Shumack.

Seeing no others come forward, Mr. Hazzard closed the public hearing.

Mr. Davis returned to the meeting at 7:53 p.m.

Mr. Rives, Mr. Harris and Mr. Maloney answered questions from Board members. There was discussion and clarification on the fact that the County does not benefit more financially by a sign being placed on one parcel rather than another. The Board members also had a discussion regarding the concept of vested rights by property owners.

RESOLUTION

WHEREAS after a public hearing held on this 23rd day of July, 2014, as advertised in the Herald-Progress once a week for two successive weeks as required by Virginia Code, Section 15.2-2204 and the Hanover County Code.

NOW, THEREFORE, BE IT RESOLVED that Craig Realty Group, Richmond, LLC is granted a Conditional Use Permit in accordance with Section 26-277(e), of the Hanover County Zoning Ordinance to permit one (1) freestanding destination commerce sign on GPIN 7788-68-3202, consisting of 27.52 acres (the area of the Conditional Use Permit will be limited to 0.04 acres), zoned M-2(c), Light Industrial District with conditions, subject to the following conditions:

1. Prior to issuance of a sign permit, the owner shall provide evidence to Hanover County that the sign will serve no less than 100 acres of a master planned project developed for the purpose of promoting destination commerce. Specifically, the owner shall submit:
 - a. A map of the area to be served by the destination commerce sign showing verifiable acreage information for each parcel within the area;
 - b. Evidence that property owners and/or businesses within the destination commerce development have been notified that they are entitled to place messages on the sign; such notice shall contain the lease terms and draft lease document for utilization of the sign.
2. The Conditional Use Permit shall be valid for a period of three (3) years beginning August 1, 2014. No extension as provided for in Section 26-327(b)(1) of the Hanover

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County zoning ordinance may be requested by the applicant. For purposes of Section 26-327 “substantial construction or use” shall mean:

- a. A site plan for a retail outlet shopping center located on the property is submitted;
 - b. A building permit application and a request for the first framing inspection of the “outlets” structure has been submitted to the County; and
 - c. A building permit application for the “Outlets at Richmond” sign shall be submitted to the County.
3. The Conditional Use Permit shall expire at such time as the property identified in accordance with Condition #1 ceases to be used for destination commerce purposes.
 4. Prior to issuance of building permits for the sign, the owners shall submit evidence to the Planning Department that the sign is exempt from or is in compliance with the Virginia Department of Transportation’s outdoor advertising permit regulations.
 5. Within 5 days of issuance of the Certificate of Occupancy for the sign, the Owner shall file Form 7460-2, Part II, with the Federal Aviation Administration, and provide a copy of the form and all supporting documentation to the Hanover County Department of Public Works.
 6. At the time a building permit application is submitted for the sign, the Owner shall submit to the Planning Department a maintenance plan, which shall include the schedule required to keep the signs in general conformity with the approved elevations.
 7. All development and use of the Property shall comply with all federal, State and local statutes, ordinances and regulations.

The Conditional Use Permit shall lapse after the expiration of one (1) year if no substantial construction or change of use has taken place in accordance with the plans for which the Conditional Use was approved.

On motion of Mr. Via, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve CUP 4-14 - Craig Realty Group, Richmond, LLC, as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye

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W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

CUP-5-14 - ANCHOR BAPTIST CHURCH, Requests a Conditional Use Permit in accordance with Section 26-130.1 of the Hanover County Zoning Ordinance to permit a church on GPIN 8704-95-3598, consisting of approximately 1.05 acres, currently zoned B-3, General Business District, and located on the west line of Atlee Road (State Route 638) approximately 100 feet north of its intersection with Mechanicsville Turnpike (U.S. Route 360) in the Mechanicsville Magisterial District. The subject property is designated on the General Land Use Plan Map as Mixed Use (Low Commercial/High Residential).

SE-8-14 - ANCHOR BAPTIST CHURCH, Requests a Special Exception Permit in accordance with Section 26-337 of the Hanover County Zoning Ordinance to allow multiple entrances on GPIN 8704-95-3598, consisting of approximately 1.05 acres, zoned B-3, General Business District, located on the west line of Atlee Road (State Route 638) approximately 100 feet north of its intersection with Mechanicsville Turnpike (U.S. Route 360) in the Mechanicsville Magisterial District. The request would permit continued use of three (3) entrances on Atlee Road.

Planning Analysis:

- Since November 2006, the Church has utilized space in a commercial structure in the Village of Mechanicsville as its temporary church site with an approved Conditional Use Permit (CUP) & Special Exception (SE)
 - The CUP & SE were limited to a term of 3 years; the term was extended until July 1, 2011 through action by the General Assembly
- In 2011 the CUP & SE were amended for an additional 3 years, but no extensions beyond that were permitted
- The CUP is for the church use, and the concurrent SE is to request that the existing entrances on Atlee Road be allowed to remain open
- The temporary site has 3 entrances from Atlee Road, which do not meet spacing requirements
 - The entrances serve this parcel and adjacent parcels
- The Church also has an approved CUP for a future location on Walnut Grove Road

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- That site has begun development, but the church expects it will take approx. 2 years to complete it
- Therefore, the subject requests are for a new CUP & SE for the temporary site for a term of 3 years, which will coincide with development of its future site

Recommendations:

CUP-5-14

- The Planning Commission and staff recommend approval subject to the conditions outlined in the staff report

SE-8-14

- Staff recommends approval subject to the conditions outlined in the staff report

Mr. Peterson recused himself from the discussion and hearing on these matters and left the meeting at 7:57 p.m.

Mr. Maloney presented the Board with these requests.

Mr. Davis asked if Board members had any questions. Mr. Maloney answered questions from Board members, including clarification on reduced space requirements and condition 1 of the CUP.

Hearing no other questions, Mr. Davis opened the public hearing for both Anchor Baptist Church requests and asked that anyone wishing to speak for or against the matters come forward.

Seeing none, Mr. Davis closed the public hearing.

Mr. Wade made a motion to approve both CUP-5-14 and SE-8-14 for Anchor Baptist Church.

Mr. Hazzard asked for an amendment of the motion to remove condition 1 of the CUP, which states: For as long as the subject property is used by Anchor Baptist Church as a church and its accessory uses, it shall be limited to these uses. Mr. Wade amended his motion as follows:

Motion to approve CUP-5-14 with Condition 1 removed and to approve SE-8-14 for Anchor Baptist Church. The motion was seconded by Mr. Hazzard.

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Absent for vote
Aubrey M. Stanley	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

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Motion approved.

RESOLUTION

WHEREAS after a public hearing held on this 23rd day of July, 2014, as advertised in the Herald-Progress once a week for two successive weeks as required by Virginia Code, Section 15.2-2204 and the Hanover County Code.

NOW, THEREFORE, BE IT RESOLVED that Anchor Baptist Church is granted a Conditional Use Permit in accordance with Section 26-130.1 of the Hanover County Zoning Ordinance to permit a church on GPIN 8704-95-3598, consisting of 1.05 acres, zoned B-3, General Business District, subject to the following conditions:

1. The Conditional Use Permit shall be valid for a period of three (3) years from the date of approval or until Anchor Baptist Church vacates the Property, whichever occurs first.
2. Day care use of this site is not permitted, unless the use is approved pursuant to a separate Special Exception Permit.
3. The applicant shall provide a barrier at the western property line to prohibit access to Atlee Road from adjacent parcels. This barrier shall be shown on the site plan.
4. All lighting shall comply with the requirements of Division 6, Lighting Regulations, of the Hanover County Zoning Ordinance.
5. All requirements of the Public Utilities, the County Health Department, and the Building Inspector's Office shall be met.
6. All development and use of the Property shall comply with all Federal, state, and local statutes, ordinances, and regulations.

The Conditional Use Permit shall lapse after the expiration of one (1) year if no substantial construction or change of use has taken place in accordance with the plans for which the Conditional Use was approved.

RESOLUTION

WHEREAS the Board finds that, in its opinion, as a matter of fact, such exception will not substantially affect adversely the uses of adjacent and neighboring property.

NOW, THEREFORE, BE IT RESOLVED that Anchor Baptist Church is granted a Special Exception Permit in accordance with Section 26-337 of the Hanover County Zoning Ordinance to

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allow multiple entrances on GPIN 8704-95-3598, consisting of 1.05 acres, zoned B-3, General Business District, subject to the following conditions:

1. The Special Exception Permit shall be valid for a period of three (3) years from the date of approval or until Anchor Baptist Church vacates the Property, whichever occurs first.
2. All development and use of the property shall comply with all federal, state and local statutes, ordinances and regulations.

The Special Exception Permit shall lapse after the expiration of one (1) year if no substantial construction or change of use has taken place in accordance with the plans for which the Exception was approved.

Mr. Peterson returned to the meeting at 8:03 p.m.

SE-10-14 - HOLLADAY PROPERTIES-MIDWEST, Requests a Special Exception Permit in accordance with Section 26-175.1 of the Hanover County Zoning Ordinance to allow an indoor rifle and pistol range on GPIN 7788-64-3135 (part), consisting of approximately 3.0 acres, zoned M-2(c), Light Industrial District with conditions, and located on the west line of Lakeridge Parkway (State Route 782) approximately 0.6 mile south of its intersection with Lewistown Road (State Route 802) in the South Anna Magisterial District.

Planning Analysis:

- The proposed 22,800 sq. ft. structure will include:
 - 24 firing ranges
 - 2 classrooms
 - Retail area
 - Offices
- Elevations have been submitted that comply with proffered conditions for Winding Brook
- The sketch plan shows that the subject parcel contains 4.86 acres:
 - 3.0 acres is designated for the indoor firing range
 - The residual 1.86 acres is designated for future development and will not be subject to this SE
- The layout shows inter-parcel connections for access to the residual lot

Recommendation:

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Approval with the conditions outlined in the staff report

Mr. Maloney presented the Board with this request.

Mr. Davis asked if Board members had any questions. Hearing none, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Mr. Robert Alvarez with KMS Contracting, Inc. came forward as the developer to speak in behalf of the project.

Seeing no others come forward, Mr. Davis closed the public hearing.

RESOLUTION

WHEREAS the Board finds that, in its opinion, as a matter of fact, such exception will not substantially affect adversely the uses of adjacent and neighboring property.

NOW, THEREFORE, BE IT RESOLVED that Holladay Properties Midwest is granted a Special Exception Permit in accordance with Section 26-175.1 of the Hanover County Zoning Ordinance to permit an indoor rifle and pistol range on GPIN 7788-64-3135(part), consisting of 3.0 acres, zoned M-2(c), Light Industrial District with conditions, subject to the following conditions:

1. The structure shall only be used as a firing range, retail uses and uses accessory to those uses as shown on the interior layout provided with the elevations.
2. The building shall be engineered to incorporate design methods and materials that attenuate sound to reduce unreasonable noise disturbance to surrounding properties.
3. The entrance improvements shall be designed and constructed in accordance with the VDOT standards and specifications as determined at site plan review.
4. All development and use of the Property shall comply with all federal, state and local statutes, ordinances and regulations.

The Special Exception Permit shall lapse after the expiration of one (1) year if no substantial construction or change of use has taken place in accordance with the plans for which the Exception was approved.

On motion of Mr. Hazzard, seconded by Mrs. Kelly-Wiecek, the Board of Supervisors voted to approve SE-10-14 – Holladay Properties Midwest as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye

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Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

C-16-00(c) AM. 1-14 - WILHOOK, LLC, Requests an amendment to the proffers and conceptual plan approved with rezoning request C-16-00(c), Am. 1-04, Wilhook, L.L.C., et al., on GPINs 7787-97-8603, 7797-07-0915, 7797-07-0815 and 7797-07-0729, consisting of approximately 6.78 acres, zoned B-3(c), General Business District with conditions, and located on the southwest quadrant of the intersection of Sliding Hill Road (State Route 656) and Charter Hill Court (State Route 2035) in the Ashland Magisterial District. The subject property is designated on the General Land Use Plan Map for Commercial. The proposed zoning amendment would permit a grocery store with a pharmacy and fuel sales.

Planning Analysis:

- The applicant would like to amend the conceptual plan to show the following:
 - 41,839 sq ft grocery store
 - Drive through pharmacy
 - 12 fueling stations
 - Related parking and access
- The current proffers limit access to the B-3 parcels from Charter Hill Court
 - The proposed conceptual plan shows a right-in/right-out driveway at the on Sliding Hill Road at the southern end of the property
- The applicant submitted a traffic impact analysis that was reviewed by VDOT and the County’s traffic consultant
- Sliding Hill Road is currently identified as a priority roadway improvement project
 - Preliminary design is currently underway for the planned roadway improvements
- The improvements agreed upon by the applicant are intended to support the ultimate improvements to this section of Sliding Hill Road

Proffered Conditions:

- The applicant has submitted proffers which includes conformity with the sketch plan as well as significant transportation improvements including:

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- Installation of a Traffic Signal at the intersection of Sliding Hill Rd./Charter Hill Ct./Kings Charter Dr. and associate pavement striping
 - Two additional travel lanes along the frontage with the outside lane serving as a right turn lane into the project
 - Installation of a raised median extending from Charter Hill Court south to a point beyond the southern entrance
 - Pavement striping to serve as a median until the future raised median between the subject property and the raised median at the intersection of Sliding Hill Road and Atlee Station Road is constructed
 - Construction of 5-foot sidewalk along property frontage on west side of Sliding Hill Road
 - Installation of a northbound left turn lane at Charter Hill Court
 - Dedication of right-of-way accordance with the Major Thoroughfare Plan
- Architectural Treatment/Elevations
 - Monument style freestanding multi-use signage
 - HVAC Screening
 - Trash Receptacle Screening
 - Time limitations on trash pick-Up & parking lot cleaning

Recommendation:

The Planning Commission and staff recommend approval subject to the submitted elevations and proffers

Mr. Maloney presented the Board with this request.

Following the presentation, Mr. Maloney answered questions from Board members including matters of traffic service levels and ingress/egress for Totopotomy Subdivision. Mr. Maloney noted that the applicant's traffic engineer was present to answer questions.

Hearing no other questions, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Mr. H. McNeish with MVG Development came forward to speak in support of the project on behalf of the developer and announced that Mr. Chris Schust with Balzer and Associates, Inc. and Mr.

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Carl Hultgren with Ramey Kemp and Associates, Inc. were also present to answer any questions Board members might have.

Mr. Web Stokes, Ashland Magisterial District, came forward to speak in opposition of the development. He asked for deferral of the project and stated that Kings Charter residents have initiated an online petition opposing the development.

Mr. Mike Valacer, Ashland Magisterial District, came forward and spoke in opposition of the project, citing traffic and environmental impacts.

Ms. Julie Rosco Eckstein, Chickahominy Magisterial District, came forward to speak in opposition of the development, stating there are already numerous similar business in the immediate area.

Ms. Julie Whitlock, Chickahominy Magisterial District, came forward to speak in opposition of the development, stating it will negatively change the entrance to the Kings Charter subdivision. She asked for deferral to allow time for citizen input and the addition of bike lanes and screening.

Ms. Laura Wright, Chickahominy Magisterial District, came forward to speak in opposition of the development due to traffic congestion.

Mr. Chris Valeski, Kings Charter subdivision resident, came forward to speak in opposition of the development, stating it will worsen the traffic problems in the area. He asked if VDOT has done an analysis on the traffic impacts and if a thorough analysis has been done relevant to Native American historical needs.

Mr. Robert French, Ashland Magisterial District, came forward to speak in opposition of the development. He asked for deferral so the public can become further engaged in the matter and asked that if approved, additional road improvements be required.

Mr. Johnathan Brindle, Ashland Magisterial District, came forward to speak in opposition of the development due to the changes it will bring to the community and the lack of need for the project.

Ms. Linda Wilkinson, Chickahominy Magisterial District, came forward to speak in opposition of the development, citing a lack of need for this type retail development in the area as well as the economic and environmental impacts.

Ms. Jennifer Grieschaber Strahan, Ashland Magisterial District, came forward to speak in opposition of the development, stating it will change the family-friendly, semi-rural feel of the community.

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Ms. Darya Suleske, Ashland Magisterial District, came forward to speak in opposition of the development, stating she has the same concerns as the previous speaker and would like to have more time for consideration of such a project.

Mr. John Gayle with J&J Gayle, LLC, owner of the Kings Charter Shopping Center, came forward to speak in opposition of the development, citing potential negative impacts on the existing shopping center.

Mr. McNeish returned to the podium to rebut the comments that had been made and stated that the development is appropriate for the parcel and the road improvements will be significant.

Mr. Maloney returned to podium to address some of the concerns expressed. He noted that the issue is the appropriateness of use and what the impacts will be. He detailed the additional elements that have been added to the proposed development through the discussions between the applicant, County staff and the Planning Commission.

Mr. Kenneth Wene, Kings Charter subdivision resident, came forward to speak in opposition of the development, stating it will negatively impact traffic.

Seeing no others come forward, Mr. Davis closed the public hearing.

There were questions from the Board regarding screening, landscaping, lighting, traffic and the 24-hour a day operation. Mr. Maloney and Mr. McNeish clarified the issues raised. Mr. Carl Hultgren came forward as the traffic engineer to address further questions regarding traffic.

There was further discussion by the Board about traffic service level ratings, historical impact, the road improvement investments to be made by the developer, and whether or not there is a need for a 24-hour a day operation. It was noted that Board members have visited the site, the parcel is currently zoned for business and there will be job creation from the project.

ORDINANCE C-16-00(c), AM. 1-14

OWNER OF RECORD: WILHOOK, L.L.C.

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of **APPROVAL** of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

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WHEREAS the Board of Supervisors has held public hearings on the 23rd day of July, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by amending the proffers and conceptual plan approved with rezoning request C-16-00(c), Am.1-04, Wilhook, L.L.C., et al., of the property described as GPINs 7787-97-8603, 7797-07-0915, 7797-07-0815 and 7797-07-0729, consisting of 6.78± acres located on the southwest quadrant of the intersection of Sliding Hill Road (State Route 656) and Charter Hill Court (State Route 2035), (a detailed description is filed with the Board's papers) zoned B-3(c), General Business District with conditions, subject to the following conditions which were proffered by the Applicant on July 1, 2014, and accepted by the Board:

1. Conceptual Plan: The Property shall be developed in substantial conformity with the conceptual plan titled, "Charter Hill Investments, LLC Grocery Store Tenant #3380, Conceptual Plan," prepared by Balzer and Associates, dated February 28, 2014, and most recently revised June 16, 2014.
2. Dedication of Right-of-Way: The owner agrees to dedicate right-of-way measured from the centerline of Sliding Hill Road (State Route 656) to the Property sufficient to accommodate half of the 100' right-of-way for a minor arterial/urban section in accordance with the adopted Major Thoroughfare Plan for future road widening when requested by the County. Such dedication shall be free of cost and free of encumbrances interfering with use of the right-of-way for public road purposes.
3. Future Road Improvements. The Owner agrees to provide the following for Sliding Hill Road improvements (as generally shown on the conceptual plan reference in item #1 above):
 - A. Construction of a traffic signal at the intersection of Sliding Hill Road/Charter Hill Court/Kings Charter Drive. Improvements shall include re-striping of the Charter Hill Court and Kings Charter Drive approaches and modification of the existing median on Charter Hill Court, as needed.

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- B. Construction of a new commercial entrance from Sliding Hill Road to the proposed development. The commercial entrance will generally be located at the southern end of the property frontage along Sliding Hill Road. The entrance will be constructed with one (1) inbound lane and one (1) outbound lane to permit the following turn movements: right-in and right-out.
 - C. Construction of a two (2) - full travel lanes from Charter Hill Court to the proposed site entrance. One of the new lanes shall be paint striped to provide a 200-ft. stacking / 200-ft. taper right turn lane from southbound Sliding Hill Road in to the proposed site entrance.
 - D. Construction of a 5-ft. concrete sidewalk along the west side of Sliding Hill Road along the length of the property frontage.
 - E. Provide a left turn lane from Sliding Hill Road to Charter Hill Court with a minimum of 100-ft. of stacking.
 - F. Provide a variable width raised concrete median from the south property line of the parcel to the Charter Hill Court / Kings Charter Drive intersection.
 - G. All improvements listed above are subject to adequate existing right-of-way.
4. Architectural Treatment /Elevations: The grocery store structure shall be developed in substantial conformity with the conceptual elevation titled, “Charter Hill Investments, LLC, Grocery Tenant Elevations – Hanover County, VA” dated May 21, 2014, revised June 5, 2014, and prepared by Rosemann & Associates, P.C. The property shall be developed with a unified and complementary color and architectural theme. The proposed fueling station canopy and kiosk structures, and signage shall be constructed of compatible materials and architecture similar to the depicted elevation. Elevations of those structures shall be submitted to the Planning Director for his review and approval or disapproval, at his sole discretion, prior to site plan approval.
5. Signage: There shall be a single freestanding multi-use sign for the property which shall be monument in style.
6. Noise: Amplified sound or any kind of exterior communication systems built and installed or utilized on the Property shall only be permitted at the fuel center. The purpose of such device shall

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be for communication from each MPD (multi-purpose dispenser) to the fuel kiosk and/or main grocery store.

7. HVAC Screening: All heating, ventilation and air conditioning equipment shall be screened from public view in a manner approved at the time of site plan approval.
8. Trash Receptacles: All trash receptacles shall be screened from view in a manner approved at the time of site plan approval.
9. Trash Pick-up & Parking Lot Cleaning: Trash Pick-up and Parking Lot cleaning shall be limited to Monday through Sunday, 7:00 a.m. to 7:00 p.m.

BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

On motion of Mr. Via, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve Ordinance C-16-00(c), Am. 1-14, Wilhook, LLC as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	No
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

ORDINANCE 13 – 05 PROMOTIONAL EVENTS - AN ORDINANCE to amend the Hanover County Code, Zoning Ordinance, Sections 26-6, 26-99, 26-109, 26-119, 26-129, 26-139, 26-164, 26-173 and 26-182, to amend the definition of “Promotional Event” and to provide that Promotional Events are a permitted accessory use in the B-O, Business Office District, B-1, Neighborhood Business District, B-2, Community Business District, B-3, General Business District, OS, Office/Service District, M-1, Limited Industrial District, M-2, Light Industrial District, and M-3, Heavy Industrial District under certain listed criteria.

- Proposed Ordinance to amend the definition of “Promotional Event” and provide that Promotional Events are a permitted accessory use, under certain listed criteria, in the following districts:
 - B-O, Business Office District

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- B-1, Neighborhood Business District
 - B-2, Community Business District
 - B-3, General Business District
 - OS, Office/Service District
 - M-1, Limited Industrial District
 - M-2, Light Industrial District
 - M-3, Heavy Industrial District
- The comprehensive update to the Business Districts included provisions for relaxing the promotional event regulatory requirements
- The intent was to allow businesses to undertake promotional activities with an administrative application (no fee), review, and approval without the requirement of obtaining a Special Exception (SE) permit
 - Among the requirements and limitations, the administrative event permit could be issued for a period not to exceed 3 days, and could not be issued to the same applicant or property more than 3 times in any calendar year
- The current Ordinance defines a Promotional Event as follows:
- *An event held by a single retail or service establishment in connection with a specific occasion (such as the opening of a business, the anniversary of the opening of a business, or the closing of a business) or in connection with a community or charitable event or national or local holiday or celebration*
- During the course of implementing the relaxed provisions, staff recognized that the current regulations remain more restrictive than initially intended
- The following changes to the definition and regulation of promotional events have been included in the draft ordinance:
- The definition has been amended to clarify the event is to promote the sale of goods and merchandise or services offered by the business;
 - The limit of four events per year has been eliminated;
 - The requirement that the event may not utilize required parking spaces or restrict ingress and egress to the site has been clarified; and,
 - A provision has been added that requires the event to occur only within normally advertised business hours

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- The draft Ordinance amendment incorporates comments made by the Community Development Committee which reviewed the draft Ordinance on June 24, 2013.

Recommendations:

The Planning Commission and staff recommend adoption of the Ordinance Amendment 13-05, Promotional Events

Mr. Maloney presented this proposed ordinance to the Board.

Mr. Davis asked if Board members had any questions. Hearing none, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matters come forward.

Seeing none, Mr. Davis closed the public hearing.

ORDINANCE 13 - 05

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, ZONING ORDINANCE, SECTIONS 26-6, 26-99, 26-109, 26-119, 26-129, 26-139, 26-164, 26-173 AND 26-182, TO AMEND THE DEFINITION OF “PROMOTIONAL EVENT” AND TO PROVIDE THAT PROMOTIONAL EVENTS ARE A PERMITTED ACCESSORY USE IN THE B-O BUSINESS OFFICE DISTRICT, B-1 NEIGHBORHOOD BUSINESS DISTRICT, B-2 COMMUNITY BUSINESS DISTRICT, B-3 GENERAL BUSINESS DISTRICT, OS OFFICE/SERVICE DISTRICT, M-1 LIMITED INDUSTRIAL DISTRICT, M-2 LIGHT INDUSTRIAL DISTRICT, AND M-3 HEAVY INDUSTRIAL DISTRICT UNDER CERTAIN LISTED CRITERIA.

WHEREAS in February 2012, the Board of Supervisors completed a comprehensive review of the business zoning districts and included provisions permitting “promotional events” as a permitted accessory use under certain conditions; and

WHEREAS these provisions have provided for greater opportunities for business owners in the County to market their business in a way that is consistent with the public good; and

WHEREAS modifications can be made to clarify the regulations applicable to promotional events for business owners and members of the public; and

WHEREAS the regulations applicable to promotional events should also be included in the County’s industrial zoning districts, to give the owners of companies operating in those districts a similar opportunity to hold promotional events; and

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WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulations;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Sections 26-6, Definitions, shall be amended to read in its entirety as follows:

Section 26-6. Definitions.

For the purpose of this Ordinance, certain terms and words are hereby defined:

Promotional event: An event held by a single retail or service establishment for the purpose of marketing and promoting the sale of goods and merchandise or the provision of services offered by the establishment or in connection with a community or charitable event or national or local holiday or celebration.

2. That the Hanover County Code, Sections 26-99, Permitted Accessory Uses in the B-O Business Office District, shall be amended to read in its entirety as follows:

Section 26-99. Permitted accessory uses.

1. The location of office or construction trailers, which shall be removed within thirty (30) days of completion of construction.
2. Parking lot, garage, or deck, accessory to permitted uses.
3. Promotional events, in accordance with the following:
 - a. A permit is issued by the Director. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
 - c. Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.

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- d. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
- e. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
- f. Promotional events may only occur during the normal business hours of operation on the property.
- g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered “promotional activities.”

- 4. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-262, unless visually obstructed by existing vegetation or other structures on site.
 - e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.

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5. Wetland banks, facilities used for stormwater management, and conservation projects.
3. That the Hanover County Code, Sections 26-109, Permitted Accessory Uses in the B-1 Neighborhood Business District, shall be amended to read in its entirety as follows:

Section 26-109. Permitted accessory uses.

1. The location of office and construction trailers, which shall be removed within thirty (30) days of completion of construction.
2. Parking lot, garage, or deck, accessory to permitted uses.
3. Promotional events that meet the following criteria:
 - a. A permit must be issued by the Director before the promotional event occurs. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
 - c. Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.
 - d. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
 - e. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
 - f. Promotional events may only occur during the normal business hours of operation on the property.
 - g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered “promotional activities.”

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4. Wetland banks, facilities used for stormwater management, and conservation projects.
5. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-262, unless visually obstructed by existing vegetation or other structures on site.
 - e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.
4. That the Hanover County Code, Sections 26-119, Permitted Accessory Uses in the B-2 Community Business District, shall be amended to read in its entirety as follows:

Section 26-119. Permitted accessory uses.

1. The location of office or construction trailers, which shall be removed within thirty (30) days of completion of construction.
2. Material storage yards, in connection with a permitted use where storage is incidental to the approved occupancy of the building, provided all products and materials used or stored are in completely enclosed buildings or otherwise screened in accordance with the requirements of section 26-263. Storage of all materials and equipment shall not exceed the height of the screen. Storage of cars and trucks used in connection with the

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permitted trade or business is permitted behind the screen. Storage of heavy equipment, such as road-building or excavating equipment, is not permitted.

3. Parking lot, garage, or deck, accessory to permitted uses.
4. Promotional events that meet the following criteria:
 - a. A permit must be issued by the Director before the promotional event occurs. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
 - c. Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.
 - d. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
 - e. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
 - f. Promotional events may only occur during the normal business hours of operation on the property.
 - g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.
All other promotional events shall be considered “promotional activities.”
5. Storage of office supplies and goods used in conjunction with a permitted business use. When stored outside, these supplies and goods shall be screened in accordance with the requirements of section 26-263.
6. Wetland banks, facilities used for stormwater management, and conservation projects.

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7. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-262, unless visually obstructed by existing vegetation or other structures on site.
 - e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.

5. That the Hanover County Code, Sections 26-129, Permitted Accessory Uses in the B-3 General Business District, shall be amended to read in its entirety as follows:

Section 26-129. Permitted accessory uses.

1. The location of office or construction trailers, which shall be removed within thirty (30) days of completion of construction.
2. Material storage yards, in connection with a permitted use where storage is incidental to the approved occupancy of the building, provided all products and materials used or stored are in completely enclosed buildings or otherwise screened in accordance with the requirements of section 26-263. Storage of all materials and equipment shall not exceed the height of the screen. Storage of cars and trucks used in connection with the

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permitted trade or business is permitted within the screen, but not including storage of heavy equipment, such as road-building or excavating equipment.

3. Parking lot, garage, or deck, accessory to permitted uses.
4. Promotional events that meet the following criteria:
 - a. A permit must be issued by the Director before the promotional event occurs. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
 - c. Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.
 - d. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
 - e. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
 - f. Promotional events may only occur during the normal business hours of operation on the property.
 - g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.
All other promotional events shall be considered “promotional activities.”
5. Storage of office supplies and goods used in conjunction with a permitted business use.
6. Wetland banks, facilities used for stormwater management, and conservation projects.
7. Telecommunications arrays, located on an existing structure, provided the following requirements are met:

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- a. The existing structure shall be in compliance with all currently applicable regulations.
- b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
- c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
- d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-262, unless visually obstructed by existing vegetation or other structures on site.
- e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.

6. That the Hanover County Code, Sections 26-139, Permitted Accessory Uses in the OS Office/Service District, shall be amended to read in its entirety as follows:

Section 26-139. Permitted accessory uses.

1. For those B-1 Neighborhood Business District uses permitted above, any permitted accessory use that is permitted under the B-1 Neighborhood Business District regulations is allowed.
2. The location of office or construction trailers for a period not to exceed one (1) year.
3. Residence, when located within a permitted principal structure, for a person employed on the premises as a resident manager, caretaker, or security guard. There shall be only one (1) such residence per structure.
4. Parking garages, accessory to permitted uses.
5. Promotional events, in accordance with the following:

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- a. A permit is issued by the Director. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
- b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
- c. Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.
- d. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
- e. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
- f. Promotional events may only occur during the normal business hours of operation on the property.
- g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered “promotional activities.”

6. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a

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proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.

- c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
- d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.
- e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency..

7. That the Hanover County Code, Sections 26-164, Permitted Accessory Uses in the M-1 Limited Industrial District, shall be amended to read in its entirety as follows:

Section 26-164. Permitted accessory uses.

- 1. For those B-1 Neighborhood Business District uses permitted above, any permitted accessory use that is permitted under the B-1 Neighborhood Business District regulations is allowed.
- 2. Accessory uses as follows, on a farm of ten (10) acres or more:
 - (a) Accessory structures for sale or processing of farm products raised on the premises.
 - (b) Accessory open or enclosed storage of farm materials, products, or equipment.
 - (c) Accessory farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks, and silos.
 - (d) Dwellings for persons permanently employed on the premises.
- 3. The location of office or construction trailers for a period not to exceed one (1) year.
- 4. Promotional events, in accordance with the following:
 - a. A permit is issued by the Director. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing

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structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.

- b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
- c. Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.
- d. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
- e. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
- f. Promotional events may only occur during the normal business hours of operation on the property.
- g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered “promotional activities.”

- 5. Parking garages, accessory to permitted uses.
- 6. Storage of goods used in or produced by permitted commercial and industrial uses or related activities, subject to applicable district regulations.
- 7. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the

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Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.

- c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
- d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.
- e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.

8. That the Hanover County Code, Sections 26-173, Permitted Accessory Uses in the M-2 Light Industrial District, shall be amended to read in its entirety as follows:

Section 26-173. Permitted accessory uses.

- 1. For those B-O Business Office District, B-1 Neighborhood Business District and M-1 Limited Industrial District uses permitted above, any permitted accessory use that is permitted under the corresponding district regulations is allowed.
- 2. The location of office or construction trailers for a period not to exceed one (1) year.
- 3. Parking garages, accessory to permitted uses.
- 4. Promotional events, in accordance with the following:
 - a. A permit is issued by the Director. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
 - c. Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.

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- d. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
- e. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
- f. Promotional events may only occur during the normal business hours of operation on the property.
- g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered “promotional activities.”

- 5. Storage of goods or materials used in or produced by permitted commercial and industrial uses or related activities, subject to applicable district regulations.
- 6. Telecommunications arrays, located on an existing structure provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.

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- e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.,

9. That the Hanover County Code, Sections 26-182, Permitted Accessory Uses in the M-3 Heavy Industrial District, shall be amended to read in its entirety as follows:

Section 26-182. Permitted accessory uses.

1. For those M-2 light industrial district uses permitted above (which includes, by reference, certain uses permitted in the B-O business office district, B-1 neighborhood district and M-1 limited industrial districts), any permitted accessory use that is permitted under the corresponding district regulations is allowed.
2. The location of office or construction trailers for a period not to exceed one (1) year.
3. Parking garages, accessory to permitted uses.
4. Promotional events, in accordance with the following:
 - a. A permit is issued by the Director. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
 - c. Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.
 - d. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
 - e. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
 - f. Promotional events may only occur during the normal business hours of operation on the property.

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- g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered “promotional activities.”

- 5. Sale, display, and storage of used automobiles which have been repaired or assembled on the same zoning lot. All such display or storage shall be within a completely enclosed building.
- 6. Storage of goods or material used in or produced by permitted commercial and industrial uses or related activities, subject to applicable district regulations.
- 7. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.
 - e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.

- 10. This ordinance shall be effective on the date of adoption.

Board of Supervisors Draft Minutes – July 23, 2014

On motion of Mr. Peterson, seconded by Mr. Hazzard, the members of the Board of Supervisors voted to approve Ordinance No. 13-05, as follows:

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

XV. Announcements/Adjournment

Mrs. Kelly-Wiecek announced that she will be holding a “meet and greet” event at Marty’s Grill on August 24th from 4:00-8:00 p.m. and invited other Board members to attend.

It was clarified that the item removed from the consent agenda, *IV. - D - Recommendation of Norman Donnan Ward to Board of Zoning Appeals*, will be brought back before the Board at a later date.

Mr. Wade asked about the status of an ordinance to allow chickens in residential areas. The County Attorney and Mr. Maloney will look into the matter.

At 9:45 p.m. the Chairman adjourned the meeting to August 27, 2014 – Hanover County Administration Building – 2:00 p.m.