

Board of Supervisors Minutes – April 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 April, 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. All Board members were present.

- A. The invocation was given by Mrs. Kelly-Wiecek.
- B. The Pledge of Allegiance was led by Mr. Peterson.
- C. Approval of Minutes

Upon a motion by Mr. Via, seconded by Mr. Hazzard, the minutes from the January 8, 2014, January 22, 2014 and the February 12, 2014 Board of Supervisors meetings were approved as presented.

	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

II. Consideration of Agenda Amendments

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

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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.

Mr. Larry Giannasi of the Henry District came forward and spoke on the noise ordinance as it relates to repeated discharge of firearms.

Mr. Larnie Allgood of the Cold Harbor District came forward and spoke in support of the Registrar's proposal to relocate some of the polling locations in Hanover County.

Ms. Tara Taylor of the Cold Harbor District came forward and spoke in support of changing the zoning ordinance related to ownership of chickens in residences that are not zoned for agriculture.

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 Mrs. Kelly-Wiecek.

	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.

A. Adoption of Proclamations

Eagle Scout Elliot Michael Sobel, Boy Scout Troop 706, South Anna Magisterial District

PROCLAMATION

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

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

WHEREAS William Jacob Hope is a resident of the South Anna Magisterial District in Hanover County, Virginia, and a senior at Patrick Henry High School; and

WHEREAS on the 26th day of March, 2014, William Jacob Hope attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor William Jacob Hope carried out a community project by planting a vegetable garden and donating the harvest to the Central Virginia Food Bank; and

WHEREAS William Jacob Hope of Boy Scout Troop 706 which meets at St. Peter's 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 William Jacob Hope and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

On a motion of Mr. Hazzard, seconded by Mrs. Kelly-Wiecek, the Board of Supervisors voted to adopt this resolution.

	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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B. Budget Transfer from Reserve for Contingencies \$42,900 – Registrar’s Office

Board Sheet Background:

The Republican Primary Election for the office of Member of the United States House of Representatives for the 7th Congressional District has been set for June 10, 2014 by the State Board of Elections. The Electoral Board recommends \$42,900 to meet state requirements for a primary election. The costs include staffing of the 37 precincts as well as the costs to program the voting machines and print ballots along with other incidental items.

Personnel	\$ 20,770
Operating	<u>22,130</u>
Total	\$ 42,900

The costs associated with this primary were not included in the FY14 adopted budget because we cannot anticipate whether there will be a primary in a given year or how many there will be. Further, these costs are not anticipated to be reimbursable from any other source. Subsequent to this transfer, the remaining Reserve for Contingencies would be \$732,695.

Finance & Management Services concurs with this request.

Recommended Action:

Motion to transfer \$42,900 from Reserve for Contingencies to the Registrar’s budget to cover salary and operational costs.

V. Presentation of Proclamation – Dr. Frank M. Sasser, Jr.

Mr. Stanley called Dr. Frank M. Sasser, Jr., and his wife, Joan, to the podium and presented Dr. Sasser with a proclamation recognizing his many years of dedicated service to the citizens of Hanover County.

VI. Update of Status on Board’s FY14 Initiatives and Adoption of Board’s FY15 Initiatives

Mr. Harris came forward and gave a presentation on the FY14 and FY15 Initiatives.

Completed FY 2014 Initiatives:

- Developed capital plans to meet general government and school renovation needs, utilizing the debt service saving plan as a primary funding source.
- Completed the Comprehensive Plan 2012-13 update.

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- Developed a County plan to meet Chesapeake Bay and stormwater management updates.
- Developed strategies for increasing the inventory of Tier 3 (prime) commercial property by at least 100 acres.
- Petitioned the U.S. Department of Justice for termination of coverage of the preclearance requirements under Section 5 of the Voting Rights Act.

FY14 Initiatives Nearing Completion:

- Further exploration of the efficiency of collaboration between general government and schools on related functions. Mr. Harris noted that this is actually an ongoing initiative.
- Update the Human Services Strategic Plan. Mr. Harris noted that eight departments have been working together to update the plan. The recommendations will be brought before the Board in June.
- Update the Information Technology Strategic Plan. The IT Department has been working on the updated plans and the draft plan has been reviewed by stakeholders. The recommendations will be brought before the Board in May.

FY15 Proposed Initiatives:

- Conduct 2014 Citizens Survey. This is done on a three year cycle to receive input from the citizens on a broad range of topics. Three questions specific to Hanover County will be included in the survey. These questions will be determined by the Board.
- Update Economic Development Strategic Plan. The Economic Development Department will be working with a vendor to survey Hanover businesses
- Begin implementation of the Chesapeake Bay and stormwater management mandates. The goal is to undertake the Church of the Creator stream restoration and begin the Laurel Meadows stormwater basin project within the next year.
- Enter into construction of the new Courthouse facility. We are currently in the construction document phase.
- Provide merit pay increases to County and School employees.

Mrs. Kelly-Wiecek made a motion to approve the FY15 Board Initiatives as presented, seconded by Mr. Hazzard.

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	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.

VII. Employee Compensation Performance Management Criteria

Board Sheet Background:

Propose revision of Human Resources Policy Section 14.7, *Performance Appraisal: Numerical Rating*, to provide half the approved merit increase to employees whose performance meets minimum expectations but who are not strong performers. This action is designed to further enhance the County's pay-for-performance policy and practices.

Recommended Action:

A motion to approve the Employee Compensation Performance Management Criteria as proposed through a revision of Human Resources Policy Section 14.7.

Mrs. Janet Lawson, Director, Human Resources, came forward to give the presentation. She explained that the proposed change is expected to improve the process going forward.

Each year national compensation trends are tracked, even when the County is unable to provide compensation increases. This year reports from valued HR resources have indicated an expected incremental increase over the previous year's increases, with an average 3.0% increase nationally. These rates cover all industries.

Following the presentation, Mrs. Lawson answered questions from Board members. There was a discussion concerning corrective action plans for employees who have not received a rating of Proficient or higher.

Mr. Hazzard made a motion to approve the employee compensation performance management criteria as proposed through a revision of Human Resources Policy Section 14.7, seconded by Mr. Via.

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	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.

VIII. Request for Authorization to Advertise: Ordinance Amendment 14-04, Health Spas in OS, Office Service Districts

Board Sheet Background:

The staff is seeking an amendment to the OS, Office Service Zoning District to correct a conflict within the district regulations. Specifically, Section 26-138 – Permitted Uses lists any use in the B-1, Neighborhood Business District as permitted. One of the uses within the B-1 District is Personal Service Establishment, the definition of which, among other uses, specifically references health spas.

The OS District also lists health spa among the uses requiring a Conditional Use Permit (Section 26-140). As such, the district regulations are in conflict. Staff has prepared an ordinance amendment eliminating health spa as a use requiring a Conditional Use Permit within the OS District. Such an amendment, if adopted, would clearly allow health spas as permitted uses within the OS District, which is consistent with the provisions of Section 126 -138 as it relates to permitted B-1 uses.

The draft amendment was reviewed by the Community Development Committee on February 17, 2014. The Committee supported the requested ordinance authorization.

Recommended Action:

Motion to advertise for Public Hearing - Ordinance Amendment 14-04, Health Spas in OS, Office Service Districts.

Mr. David Maloney, Director of Planning, came forward and made this presentation to the Board.

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Mr. Peterson made a motion to authorize the advertisement for Public Hearing - Ordinance Amendment 14-04, Health Spas in OS, Office Service Districts, seconded by Mrs. Kelly-Wiecek.

	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 brief recess at 6:57 p.m.

The meeting was reconvened at 7:07 p.m.

IX. 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. Seeing no one come forward, the Chairman closed citizens' time.

X. Planning Public Hearings

C-37-98(c) AM. 1-14 Blue Ridge Custom Homes, L.L.C., Requests an amendment to the proffers approved with rezoning request C-37-98(c), Annie L. Johnson, on GPIN 7728-74-6317, zoned AR-6(c), Agricultural Residential District with conditions, and located on the west line of Annie Laura Lane (private road) approximately 800 feet south of its intersection with Mile Branch Road (State Route 703) in the South Anna Magisterial District. The proposed zoning amendment would amend the cash proffer.

Planning Analysis:

- The request is to amend the following:

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- Reduce Proffer No. 1 from \$5,185.00 (capital & road improvements) to \$1,275.00 (road improvements)

Recommended Action:

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

Mr. Maloney came forward and detailed this request. Following the 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.

On motion of Mr. Hazzard, seconded by Mr. Via, the members of the Board of Supervisors voted to approve Ordinance C-37-98(c), Am. 1-14, Blue Ridge Custom Homes, L.L.C., subject to the submitted proffers.

ORDINANCE C-37-98(c), AM. 1-14

OWNER OF RECORD: BLUE RIDGE CUSTOM HOMES, 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 23rd day of April, 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-37-98(c), Annie L. Johnson, of the property described as GPIN 7728-74-6317, located on the west line of Annie Laura Lane (private road) approximately 800 feet south of its

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intersection with Mile Branch Road (State Route 703) (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 March 27, 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 One Thousand Two Hundred Seventy-Five and 00/100 (\$1,275.00) 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 capital improvements, the County shall return the funds paid to the Owners or their successors in title.
2. In order to assure that the development is compatible with the existing residential development in the immediate area, the property will be developed in substantial conformity with a conceptual plan, revised May 10, 1999. The applicant reserves the right to adjust road and lot lines, to effectively design the subdivision following detailed engineering and soils testing for septic drainfield sites.
3. Each lot subdivided from the property shall share the use of a single private road for the purpose of accessing Mile Branch Road (Rte. 703).
4. Existing trees with a caliper of five inches (5") or greater on the Property shall be retained on site, with the exception of the necessary removal of diseased or dead trees or parts of trees or said areas that may be used for driveways, drainage, drainage and utility easements when necessary for dwelling construction, construction of a private road, accessory uses such as outbuildings, pool, parking area, garden area, pasture, and/or when required by the County of Hanover.
5. Right-of-Way Dedication. The owner agrees to dedicate twenty-five (25) feet from Centerline of State Route 703 for future road widening in accordance with Major Thoroughfare Plan where requested by the County, free of cost, and free of encumbrances restricting use for the road purposes.

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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.

	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

CUP-2-01 AM. 1-14 - BJ'S Wholesale Club, Inc., Requests an amendment to a Conditional Use Permit (CUP) in accordance with Section 26-140.1, of the Hanover County Zoning Ordinance to amend the conditions to allow accessory sales of propane fuel to non-members and to extend hours of operation of gasoline sales on Sunday to 7:00 p.m., on GPIN 8714-54-7997, consisting of approximately 15.85 acres. The area of the CUP will be limited to approximately 0.79 acres. The property is zoned OS(c), Office/Service District with conditions, and is located on the north line of Bell Creek Road (State Route 642) approximately 1,000 feet west 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 Limited Industrial and Commercial.

Planning Analysis:

- In 2001, the proffers were amended to allow accessory gasoline fueling station with a CUP
- The following were included as included as conditions of approval:
 - Fuel sales would be for club members only
 - Hours of operation for fuel sales limited to 6:00 am to 6:30 pm on Sunday
- The CUP was amended May, 2013, to include propane sales limited to club members
- This request is for the following:
 - Allow the sale of propane fuel to non-members
 - Extended the hours of all fuel sales on Sundays from 6:30 p.m. to 7:00 p.m.

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Recommended Action:

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

Mr. Maloney detailed this request for a CUP. Following the 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.

On a motion by Mr. Peterson, seconded by Mr. Wade, the Board of Supervisors voted to approve CUP-2-01 AM. 1-14 subject to the conditions outlined in the staff report.

RESOLUTION

WHEREAS after a public hearing held on this 23rd day of April, 2014, as advertised in the Herald-Progress once a week for two successive weeks as required by Virginia Code, Section 15.1-431 and the Hanover County Code.

NOW, THEREFORE, BE IT RESOLVED that BJ'S Wholesale Club, Inc., is granted an amendment to a Conditional Use Permit (CUP) in accordance with Section 26-140.1, of the Hanover County Zoning Ordinance to amend the conditions to allow accessory sales of propane fuel to non-members and to extend hours of operation of gasoline sales on Sunday to 7:00 p.m., on GPIN 8714-54-7997, consisting of approximately 15.85 acres. The area of the CUP will be limited to approximately 0.79 acres. The property is zoned OS(c), Office/Service District with conditions, subject to the following conditions, which incorporate all of the applicable conditions from previous amendments:

1. The Property which is the subject of the application shall be used only for an accessory retail fueling station, including propane fuel refills.
2. The hours of operation of the filling station shall be limited to 6:00 a.m. to 9:30 p.m., Monday through Saturday and 6:00 a.m. to 7:00 p.m. on Sunday.
3. All requirements of the Public Utilities Department, Fire Department, and Building Inspectors' Office shall be met.

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4. All development and use of the Property shall comply with all federal, State and local statutes, ordinances and regulations.
5. Retail gasoline fuel sales shall be limited to card carrying members of BJ's Wholesale Club. Propane fuel sales may be permitted to non-members.

Prior to initiating the new use on this property, site plan approval must be obtained.

	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

CUP-9-02 AM. 1-14 Shalom Baptist Church Trustees, Request an amendment to a Conditional Use Permit (CUP) in accordance with Section 26-20.21 of the Hanover County Zoning Ordinance to amend the sketch plan to adjust a CUP boundary line and show proposed additions to the church facilities, on GPINs 8724-39-5325 and 8724-38-4994, consisting of approximately 8.02 acres, zoned A-1, Agricultural District, located on the southeast quadrant of the intersection of Mechanicsville Turnpike (U.S. Route 360) and Adams Farm Road (State Route 830) in the Mechanicsville Magisterial District. The subject property is designated on the General Land Use Plan Map as Commercial and Suburban General (1-4 dwelling units per acre).

Planning Analysis:

- This request is to amend the following on the sketch plan:
 - Revised boundary of the CUP area which resulted from a lot line adjustment
 - Show future phased expansions of church facilities and parking areas:
 - 12,650 s.f. building additions (phases I and 2); expansion to the sanctuary is not proposed with this request
 - Modified parking and drive aisles

Recommended Action:

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

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Mr. Maloney detailed this request for a CUP. Following the presentation, Mr. Maloney clarified the new CUP boundary line and 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.

On a motion by Mr. Peterson, seconded by Mrs. Kelly-Wiecek, the Board of Supervisors voted to approve CUP-9-02 AM. 1-14 subject to the submitted sketch plan and the conditions outlined in the staff report.

RESOLUTION

WHEREAS after a public hearing held on this 23rd day of April, 2014, as advertised in the Herald-Progress once a week for two successive weeks as required by Virginia Code, Section 15.1-431 and the Hanover County Code.

NOW, THEREFORE, BE IT RESOLVED that Shalom Baptist Church Trustees, is granted an amendment to a Conditional Use Permit (CUP) in accordance with Section 26-20.21 of the Hanover County Zoning Ordinance to amend the sketch plan to adjust a CUP boundary line and show proposed additions to the church facilities, on GPINs 8724-39-5325 and 8724-38-4994, consisting of approximately 8.02 acres, zoned A-1, Agricultural District, subject to the following conditions, which incorporate all of the applicable conditions from previous amendments:

1. The property which is the subject of the application shall be used only for a church, daycare (SE-11-08) and other accessory church uses and activities.
2. Upon request of the County or VDOT, the applicant shall dedicate sixty feet (60') of right-of-way from the centerline of Mechanicsville Turnpike (U.S. Route 360) to the property for future road widening, free of cost to the County and free of encumbrances for road use purposes.
3. All requirements of the Virginia Department of Transportation with regard to the site entrance shall be met.
4. Off-site drainage easements shall be recorded prior to site plan approval.

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5. The property shall connect to public sewer when available at the property line.
6. A 25' thoroughfare buffer shall be provided in accordance with Section 26-264 of the Zoning Ordinance.
7. All requirements of the Public Works Department, Public Utilities Department, County Health Department, and the Building Inspector's Office shall be met.
8. All development and use of the Property shall comply with all Federal, state and local statutes, ordinances and regulations.

Prior to initiating the new use on this property, site plan approval must be obtained.

	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

CUP 9-13 – Althea Turner Brooks and Elwin W. Brooks, Jr., Request a Conditional Use Permit in accordance with Sections 26-20.25 and 26-20.31 of the Hanover County Zoning Ordinance to permit a commercial landscaping operation and mulch processing facility on GPIN 8746-93-2823, consisting of approximately 11.21 acres, zoned A-1, Agricultural District, and located on the north line of Mechanicsville Turnpike (U.S. Route 360) approximately 0.35 mile west of its intersection with Spring Run Road (State Route 628) in the Henry Magisterial District. The subject property is designated on the General Land Use Plan Map as Agricultural.

Planning Analysis:

- The applicants currently operate as Ed's Landscaping, located on Cold Harbor Road near I-295, and propose using the subject site as a second business location.
- The proposed uses for this site include:
 - Commercial landscaping business
 - On-site nursery
 - Mulch processing facility
 - Retail use in association with those businesses
- The submitted site layout and parking complies with district requirements.

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- The zoning ordinance limits, the hours of operation of the mulch processing from 7:00 a.m. to 7:00 p.m.
 - Staff is recommending that mulch processing not occur on Sundays.

Sketch Plan:

- Entrance improvements include:
 - A commercial entrance
 - A left turn lane at the existing crossover on Route 360 to the main entrance
 - 25' thoroughfare buffer
- An access easement to a cell tower on an adjacent property is currently located where an existing entrance will be closed.
 - That easement must be rerouted to the new commercial entrance and recorded prior to site plan approval

Recommended Action:

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

Mr. Maloney detailed this request for a CUP, including a modification to condition four. Mr. Maloney then 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. Mr. Ronald Martin came forward as representative of the property owners. He explained the history of the case and confirmed the owners' acceptance of the modification as outlined by Mr. Maloney.

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

On a motion by Mr. Davis, seconded by Mr. Wade, the Board of Supervisors voted to approve CUP 9-13 subject to the conditions outlined in the staff report.

RESOLUTION

WHEREAS after a public hearing held on this 23rd day of April, 2014, as advertised in the Herald-Progress once a week for two successive weeks as required by Virginia Code, Section 15.1-431 and the Hanover County Code.

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NOW, THEREFORE, BE IT RESOLVED that Althea Turner Brooks and Elwin W. Brooks, Jr. are granted a Conditional Use Permit in accordance with Sections 26-20.25 and 26-20.31 of the Hanover County Zoning Ordinance to permit a commercial landscaping operation and mulch processing facility on GPIN 8746-93-2823, consisting of approximately 11.21 acres, zoned A-1, Agricultural District, subject to the following conditions:

1. The primary commercial entrance and the left turn lane (with at a minimum, a 200' taper and 100' of storage) into the site from eastbound Route 360 shall be located as shown on the sketch plan, and designed and constructed in accordance with VDOT standards and specifications. The secondary entrance at the eastern boundary line of the property that provides access to adjacent parcels to the north may remain, but shall not be used for the commercial uses subject to this Conditional Use Permit (CUP).
2. Any expansion of the use, including structures, features or activities, not shown on the sketch plan or approved with this CUP request shall not be permitted without an amendment to the CUP.
3. Prior to site plan approval, the owner shall reserve sixty feet (60') of right-of-way from the centerline of existing Mechanicsville Turnpike (U.S. Route 360) to the property for future road widening should it be determined to be needed at this location. Upon request of the County or VDOT, the owner shall dedicate any right-of-way within this reserved area that is necessary for the road widening to the County, free of cost to the County and free of encumbrances.
4. If approved by VDOT, prior to site plan approval, the applicant shall erect and maintain a gate across the western entrance used as an entrance to the existing 20' easement crossing the subject property to the cell tower located on GPIN 8746-83-5507. The gate shall be secured and access limited to use by the easement owner. The site plan shall indicate the gate shall be erected and maintained until such time as the access easement shall be closed and relocated to the primary access point for the parcel.

If the above is not approved by VDOT, prior to site plan approval, the owners shall provide a deed of easement to the owner of the easement of the cell tower

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relocating that access easement to provide access from the primary entrance, and such easement shall be recorded.

5. The hours of operation for the mulch processing facility shall be limited to 7:00 a.m. to 7:00 p.m. during Daylight Savings Time, and from 7:00 a.m. to 5:00 p.m. during Eastern Standard Time.
6. No mulch processing shall occur on Sundays.
7. The existing sign structure regulated by SE-8-10 can be used in accordance with the conditions approved. Any new or replacement signs shall be monument type constructed in accordance with all applicable sign regulations for the underlying zoning designation.
8. All requirements of the Public Works Department, the Health Department, Public Safety and the Building Inspector's Office shall be met.
9. 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.

Prior to initiating the new use on this property, site plan approval must be obtained.

	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

SE-3-14 – Patricia G. and Roy M. Billingsley, Jr., Request a Special Exception Permit in accordance with Section 26-21.14 of the Hanover County Zoning Ordinance to permit a day nursery on GPIN 7718-97-8952, consisting of approximately 3.05 acres, zoned A-1, Agricultural District, and located in the southwest quadrant of the intersection of Franklin Hills Drive (private road) and Rockville Road (State Route 622) approximately 700 feet north of its intersection with Locust Hill Drive (private road) in the South Anna Magisterial District.

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Planning Analysis :

- The day nursery has been operating since August 2010 with a license from the Virginia Department of Social Services.
 - The applicant was just made aware that this use also requires the approval of a Special Exception.
- The day nursery is for up to 12 children, ages 6 months to 6 years old.
- Hours of operation are 7:30 am to 5:00 pm, Monday through Friday.
- The applicant has maintained the residential character on their property to limit the impact of the home business on the area.

Recommended Action:

Approval subject to the conditions outlined in the staff report.

Mr. Maloney detailed this Special Exception request for the Board members.

Mr. Davis asked if Board Members had any questions. Hearing none, he 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.

On a motion by Mr. Hazzard, seconded by Mr. Stanley, the Board of Supervisors voted to approve SE-3-14 subject to the conditions outlined in the staff report.

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 Patricia G. and Roy M. Billingsley, Jr., are granted a Special Exception Permit in accordance with Section 26-21.14 of the Hanover County Zoning Ordinance to permit a day nursery on GPIN 7718-97-8952, consisting of approximately 3.05 acres, zoned A-1, Agricultural District, subject to the following conditions:

1. The hours of operation shall be limited to 7:30 am to 5:00 pm, Monday through Friday.

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2. The total number of children to be served by the facility shall not exceed twelve (12) or the capacity established by the Virginia Department of Social Services, whichever is less.
3. Any expansion in the number of children or the square footage of the facility approved by this Special Exception will require an amendment to this permit.
4. The existing driveway at the Franklin Hills Drive entrance shall be widened to eighteen (18) feet to accommodate two-way vehicular traffic within two (2) months of the date of approval of this Special Exception.
5. The Special Exception shall be valid for two (2) years following the date of approval, after which time the permit shall be reviewed by the Director of Planning for continued compliance with the conditions of approval. The permit may be extended indefinitely from two (2) years upon request of the applicants and approval by the Director of Planning. At the time of renewal, the County shall have the right to inspect the property to insure it is in compliance with zoning regulations.
6. 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.

	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

XI. Announcements

Mr. Harris announced the Taste of Hanover event is scheduled for Wednesday, April 30th at the Bass Pro Shop.

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XII. Adjournment

At 7:32 p.m. the Chairman adjourned the meeting to May 14, 2014 – Hanover County Administration Building – 2:00 p.m.


Chairman