

Shown below is a preliminary summary of the actions taken by the Hanover County Board of Supervisors on May 27, 2015. Minutes in final form will be presented to the Board for approval at a future date.

HANOVER COUNTY BOARD OF SUPERVISORS

DRAFT SUMMARY MINUTES

Hanover County Administration Building Board Room

May 27, 2015

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 27th day of May, 2015, at 6:00 p.m.

Present: Mr. Wayne T. Hazzard, Chairman
Mr. Aubrey M. Stanley, Vice-Chairman
Mrs. Angela Kelly-Wiecek
Mr. W. Canova Peterson
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

Absent: Mr. Sean M. Davis

I. Call to Order

Mr. Hazzard called the meeting to order at 6:03 p.m. All Board members were present except for Mr. Sean Davis.

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

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.

Seeing none, citizens' time was closed.

IV. Consent Agenda

Mr. Via made a motion to approve the consent agenda as amended, seconded by Mrs. Kelly-Wiecek.

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

Motion approved.

IV. A. – Adoption of Proclamation – Eagle Scout Patrick Daniel Elliott, Ashland Magisterial District, Troop 521

Board Sheet Background:

It is requested that the Board of Supervisors adopt the attached proclamation congratulating Patrick Daniel Elliott in attaining the rank of Eagle Scout on November 19, 2014, the highest award granted by the Boy Scouts of America.

Recommended Action:

A motion to adopt proclamation.

IV. B. - Adoption of Proclamations – Eagle Scout Stephen Ryan Hurd, Chickahominy Magisterial District, Troop 521.

Board Sheet Background:

It is requested that the Board of Supervisors adopt the attached proclamation congratulating Stephen Ryan Hurd in attaining the rank of Eagle Scout on September 24, 2014, the highest award granted by the Boy Scouts of America.

Recommended Action:

A motion to adopt proclamation.

IV. C. -. Budget Supplement and Authorization of Law Enforcement Facilities Renovation (\$110,000) and Capital Transfer (\$190,000) – Asset Forfeiture Funds – Sheriff’s Office

Board Sheet Background:

The Hanover County Sheriff’s Office has received funding through the Federal Asset Forfeiture Sharing Program.

This project is to continue the renovation of the second floor of the Vaughan-Bradley Building where Emergency Communications was formerly housed. These funds will be used to renovate and remodel office space, purchase office furnishings and office equipment necessary for law enforcement operations. These funds will also draw down the remaining Attorney General Asset Forfeiture funds to supplement our vehicle purchases.

The Sheriff’s Office is requesting approval to spend \$110,000 in current year forfeiture funds to continue our Law Enforcement Facilities Renovation project.

If this request is approved, the Sheriff’s Office will have \$137,682.32 remaining in Federal Forfeiture Funds. These funds cannot be appropriated in anticipation of future collections per the following state and federal regulations: US DOJ Forfeiture Guide, Section X. *Uses of Equitable Shared Property*, A.4.b; VA DCJS Forfeited Asset Sharing Manual, Appendix H *Uses of Equitable Shared Money*; and, VA Sheriff’s Accounting Manual, Chapter 8 Forfeited Property – Best Accounting Practices. This request meets the requirements for the use of forfeiture funds.

Additionally, the FY15 appropriation for this renovation project in the current Capital Improvements Program Fund is funded by General Fund assignment. The appropriation request for \$190,000 is an accounting entry to recognize the funding in the General Fund as a pass-through to the Capital Improvements Program. There is no change in the amount or the scope of the project.

The Finance & Management Services Department concurs with this request.

Recommended Action:

Motion to approve the budget supplement and facilities renovations with Asset Forfeiture Funds in the amount of \$110,000 and the Capital Transfer of \$190,000.

V. Presentation of Proclamation - Eagle Scout Andrew James Bock, Cold Harbor Magisterial District, Boy Scout Troop 533

Mr. Wade called Eagle Scout Bock and his family forward and presented him with the proclamation.

VI. Closed Session - Section 2.2-3711(A)(3) of the Code of Virginia – Acquisition of parcel designated as GPIN 7796-95-6346, Atlee Road Extended and Section 2.2-3711(A)(1) of the Code of Virginia - Performance Review of County Administrator and County Attorney

Mr. Stanley moved that the Board of Supervisors go into Closed Session pursuant to the following: Section 2.2-3711(A)(3) of the Code of Virginia – Acquisition of parcel designated as GPIN 7796-95-6346, Atlee Road Extended 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. Via.

	Vote:
Wayne T. Hazzard	Aye
Aubrey M. Stanley	Aye
Sean M. Davis	Absent
Angela Kelly-Wiecek	Aye
W. Canova Peterson	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 7:03 p.m.

Certification of Closed Session

Mr. Stanley 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. Via.

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

Motion approved.

Mrs. Kelly-Wiecek made a motion that the Board authorize the purchase of parcel designated as GPIN 7796-95-6346 for \$145,650.00 and authorize the County Administrator to take all necessary actions to execute closing documents in a form approved by the County Attorney. The motion was seconded by Mr. Peterson.

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

Motion approved.

VII. PLANNING PUBLIC HEARINGS

C-2-98(c) - AM. 1-15 - Judith S. Cox Estate, et al., Requests an amendment to the proffers and conceptual plan approved with rezoning request C-2-98(c), Judith Ann and John J. Cox, Sr., on GPINs 8717-42-2334 and 8717-42-4438, consisting of approximately 10.36 acres, zoned AR-6(c), Agricultural Residential District with conditions, and located on the north line of Rural Point Road (State Route 643) approximately 1,200 feet west of its intersection with Georgetown Road (State Route 651) in the **Henry Magisterial District**. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit a boundary line adjustment between two lots.

Planning Analysis:

- The applicant is proposing a boundary line adjustment between the 2 lots

- Parcel 1 would have 4.0 acres
 - Parcel 2 would have 6.36 acres
- The existing structures meet setback requirements from the proposed lot line adjustment

Proffers:

- Conceptual Plan
- Boundary Line Adjustment
- Reservation of Right-of-Way

Recommendations:

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

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

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward. Seeing none, he closed the public hearing.

On motion of Mr. Stanley, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve C-2-98(c) - AM. 1-15 - Judith S. Cox Estate, et al., as follows:

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

C-18-14(c) - Dana A. and Thomas E. Preble, Request to rezone from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, on GPIN 7863-14-3339, consisting of approximately 8.9 acres, and located on the west line of Rocketts Mill Road (State Route 685) approximately 425 feet north of its intersection with Little Bridge Drive (private road) in the **Beaverdam 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 lot for a family member for a gross density of one (1) dwelling unit per 4.45 acres.

Planning Analysis:

- The subject property is currently in violation of the Zoning Ordinance for having 2 dwellings on 1 lot
- Approval of this rezoning application would bring the property into compliance
- The applicant proposes dividing the 8.9 acre parcel into 2 lots:
 - 6.8 acres
 - 2.1 acres
- Each lot meets road frontage requirements for an individual driveway
 - Currently, both houses share a driveway

Proffers:

- Conceptual Plan
- Family Division
- Submittal and Approval of Family Division Application
- Obtaining a Certificate of Occupancy
- Reservation of Right-of-Way
- Contribution for Road Improvements

Recommendations:

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

Mr. Maloney presented the Board with this request. Following the presentation, Mr. Maloney answered questions from Board members and offered clarification on shared road access, road improvement proffers and the presence of the existing dwelling on the property.

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward.

The applicants (Dana A. and Thomas E. Preble), Beaverdam Magisterial District, came forward to offer clarification on the existing dwelling.

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

On motion of Mr. Stanley, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve C-18-14(c) - Dana A. and Thomas E. Preble with the submitted proffers one through five, but without proffer six, as follows:

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

C-7-91 - AM. 1-15 - (PUD) - Fundamental Golf Properties, Inc., Requests an amendment to the Planned Unit Development (PUD) Agreement and Master Plan approved with rezoning request C-7-91(PUD), Am. 2, William Thomasson, Jr. on GPIN 7841-32-2116, consisting of approximately 102.51 acres, currently zoned A-1(PUD), Agricultural District Planned Unit Development, located on the southeast quadrant of the intersection of Greenwood Church Road (State Route 657) and Cherry Hill Road (State Route 697) in the **South Anna Magisterial District**. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed rezoning amendment would allow one (1) lot consisting of approximately 2.2 acres to be created and used for residential purposes.

Planning Analysis:

- The original PUD Agreement for The Hollows stated that no residential parcels may be located within the area of the golf course
- The applicant is requesting an amendment to allow a residential lot within the golf course property
- The existing clubhouse on the proposed lot will either be renovated to use as a dwelling or removed to allow a new dwelling to be constructed
- A maximum of 86 lots is permitted under the PUD Agreement
 - Only 84 lots have been recorded
- The proposed 2.2 acre lot meets the 2 acre minimum lot size
- All the existing structures meet setback requirements from the proposed lot lines
- In lieu of proffers, the PUD ordinance (repealed in 2006) requires that a PUD Agreement between the county and The Hollows Corporation be executed

- The agreement details the specific requirements for the development
- The proposed amendment to the agreement revises the language to allow the requested residential lot on the golf course property

Recommendations:

The Planning Commission and staff recommend approval subject to the amended PUD Agreement and master plan.

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

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward. Seeing none, he closed the public hearing.

On motion of Mr. Hazzard, seconded by Mr. Stanley, the members of the Board of Supervisors voted to approve C-7-91 - AM. 1-15 - (PUD) - Fundamental Golf Properties, Inc., as follows:

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

CUP-7-08 - AM. 1-15 - Hanover Habitat for Humanity (formerly Diana L. Oakley), Requests to rescind a Conditional Use Permit that was permitted in accordance with Section 26-120.1 of the Hanover County Zoning Ordinance on GPIN 8706-12-2068, consisting of approximately 5.99 acres. The area of the Conditional Use Permit is limited to approximately 8,450 square feet. The property is zoned B-2, Community Business District, and is located on the southwest quadrant of the intersection of Chamberlayne Road (U.S. Route 301) and Atlee Road (State Route 638) in the **Chickahominy Magisterial District**. The subject property is designated on the General Land Use Plan Map as Commercial.

Planning Analysis:

- The previous tenant had an approved CUP (CUP-7-08, Am. 1-10, Diana Oakley) for a recreational and day care use

- Those uses have ceased and the property vacated, but the CUP has not lapsed
- The applicant is requesting CUP-7-08 be rescinded so that it can use the subject space for its retail site

Recommendations:

The Planning Commission and staff recommend rescinding CUP-7-08, Am. 1-15, Diane Oakley as requested by the applicant

Mr. Maloney presented the Board with this request.

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward. Seeing none, he closed the public hearing.

On motion of Mrs. Kelly-Wiecek, seconded by Mr. Wade, the members of the Board of Supervisors voted to rescind CUP-7-08 - AM. 1-15 - Hanover Habitat for Humanity (formerly Diana L. Oakley), as follows:

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

C-24-14(c) - Edna M. Mitchell (Sheehy Auto Stores, Inc.), Requests to rezone from A-1, Agricultural District, to B-3(c), General Business District with conditions, on GPINs 8714-99-7488 and 8714-99-5533, consisting of approximately 2.62 acres, and located at the terminus of Sujen Court (State Route 1580) approximately 650 feet north of its intersection with Mechanicsville Turnpike (U.S. Route 360) in the **Henry Magisterial District**. The subject property is designated on the General Land Use Plan Map as Commercial. The proposed zoning amendment would permit accessory vehicle storage for the adjacent automobile sales business.

Planning Analysis:

- This rezoning request will allow the site to be used for accessory vehicle storage for the adjacent automobile sales business
- The conceptual plan shows the lot screened with a 6' board-on-board fence

- Permanent hammerhead cul-de-sacs will be constructed at the terminus of both Center Avenue and Sujen Court
- Vehicles will be unloaded onsite at the Center Avenue entrance

Proffers:

- Conceptual Plan
- Use Restrictions
- Right-of-Way Dedication
- Consolidation of the Parcels or Zoning Lot Letter

Recommendations:

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

SE-2-15 - Sheehy Auto Stores, Inc., Requests a Special Exception Permit in accordance with Section 26-336 of the Hanover County Zoning Ordinance to permit a fence taller than permitted in the front yard on GPINs 8714-99-7488 and 8714-99-5533, consisting of approximately 2.62 acres, zoned A-1, Agricultural District (B-3(c), General Business District with conditions, rezoning pending), and located at the terminus of Sujen Court (State Route 1580) approximately 650 feet north of its intersection with Mechanicsville Turnpike (U.S. Route 360) in the **Henry Magisterial District**.

Planning Analysis:

- A vehicle storage lot must be screened from adjacent properties
- A 6' board-on-board screening fence is proposed to run along the perimeter of the storage lot
- This request is to permit a 6' fence along the cul-de-sacs of Center Avenue and Sujen Court, which is taller than the 4' height required for the front yard

Recommendations:

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

Mr. Maloney presented the Board with both of these requests.

The Chairman opened the combined public hearing for both requests and asked that anyone who wished to speak for or against the matters come forward.

Ms. Jennifer Mullen with Roth, Dunner, Jackson, came forward to speak on behalf of the applicant and offered to answer any questions.

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

On motion of Mr. Stanley, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve C-24-14(c) - Edna M. Mitchell (Sheehy Auto Stores, Inc.) and SE-2-15 - Sheehy Auto Stores, Inc., as follows.

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

VIII. Announcements

There were no announcements

IX. Adjournment

At 7:23 p.m. the Chairman adjourned the meeting to June 10, 2015 – Hanover County Administration Building – 2:00 p.m.