

*January 15, 2015*

**VIRGINIA:** At a Regular Meeting, of the Hanover County Planning Commission in the Board Auditorium of the Hanover County Government Building, Hanover County, Virginia, on Thursday, January 15, 2015 at 6:30 P.M.

**PRESENT:** Ms. Claiborne R. Winborne, Chairman  
Mr. Larry A. Leadbetter, Vice-Chairman  
Mr. Jerry W. Bailey  
Mrs. Edmonia P. Iverson  
Mr. C. Harold Padgett, Jr  
Mrs. Ashley H. Peace  
Mr. Randy A. Whittaker

**STAFF**

**PRESENT:** Mr. David P. Maloney  
Mr. Dennis A. Walter  
Mr. John A. Bender  
Mr. Lee W. Garman  
Mrs. Tiffany M. Burton

Chairman Winborne called the meeting to order at 6:30 P.M. *All members were present.*

**Approval of the Minutes**

Upon a motion by Mr. Padgett, seconded by Mr. Leadbetter, the Planning Commission voted unanimously to approve the December 11, 2014 minutes as submitted.

**Consideration of Agenda Amendments by Action of the Commission**

Chairman Winborne asked if there were any changes to tonight's agenda

There were none.

**EXPEDITED ADMINISTRATIVE AGENDA**

Proffered Elevation Review

**SPR-26-94 AMF BOWLING CENTER**  
**AM. 2-08 MECHANICSVILLE MAGISTERIAL DISTRICT**  
(COMMISSION ACTION)

Mr. Bender reminded the Commission that this case was deferred during the December meeting to allow the applicant to make changes based on the recommendations from Staff.

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Mr. Bender said if needed or requested he could give a full presentation on the case. He informed the Commission that a representative from AMF was present if there was anyone who had questions.

Chairman Winborne asked if the Commission had any questions for Staff. Seeing none, she asked for a motion.

Mr. Whittaker thanked Staff and the representative of AMF for their hard work on the changes made.

Upon a motion by Mr. Whittaker, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO APPROVE THE PROFFERED ELEVATION REVIEW FOR SPR-26-94, AM. 2-08, AMF BOWLING CENTER AS SUBMITTED TO THE PLANNING DEPARTMENT ON JANUARY 5, 2015 AND IDENTIFIED AS ALTERNATIVE #3 IN STAFF'S MEMORANDUM DATED JANUARY 8, 2015, SUBJECT TO STAFF'S RECOMMENDED CONDITIONS:**

1. The building shall be painted in substantial conformance with the renderings submitted to the Hanover County Planning Department on January 5, 2015 (Alternative #3).
2. All signage on the property, including building and freestanding, shall be subject to the requirements of the Hanover County Zoning Ordinance and appropriate permits must be obtained prior to installation.

The vote was as follows:

Ms. Winborne	Aye
Mr. Leadbetter	Aye
Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye

The motion carried

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**Miscellaneous**

Chairman Winborne mentioned to the Commissioners that the bylaws are usually reviewed every April. If there is something they want considered they should send her an email. She also reminded the Commission that the CIP Process will begin again soon. Chairman Winborne stated that over the past few years the Commission has taken certain areas of the CIP to review. She said as the Commissioners find an area they wish to review, send an email so she can keep track of who is reviewing what area. She stated she and Mr. Leadbetter would meet together and review the school CIP.

Mr. Padgett notified the Commission that he will not be present for the April meeting.

*The Commission recessed at 6:35 P.M.*

**Meeting Reconvened**

Chairman Winborne called the meeting back to order at 7:00 P.M. *All members were present.*

Mr. Bailey led the Pledge of Allegiance.

**Citizens' Time**

Chairman Winborne highlighted the Commissioner's Rules of Order and explained the process for a public hearing.

Citizens' Time is limited to 20 minutes, and each speaker shall be allotted five minutes.

Chairman Winborne opened Citizens' Time, asking if there was anyone wishing to speak to the Commission on an issue not on the Agenda.

No one addressed the Commission during Citizens' time.

Chairman Winborne closed Citizens' Time.

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**EXPEDITED PUBLIC HEARINGS**

Chairman Winborne explained the Public Hearing Rules and where they could be found on the agenda. She then explained the expedited hearings and asked if there was anyone present who wished to speak regarding any of these cases and the case would be removed from the Expedited Agenda.

There was one. The Commission moved **C-21-14(c) BRIAN W GIBSON**, to the Individual Public Hearings. The Commission then proceeded on to the Expedited Agenda.

**Conditional Use Permit**

**CUP-9-89 AM. 1-14 FAIRMOUNT CHRISTIAN CHURCH**, Requests an amendment to a Conditional Use Permit in accordance with Sections 26-20.21 and 26-165.1 of the Hanover County Zoning Ordinance to permit an amendment to the sketch plan to show an expansion of the church facilities on GPIN 8723-37-7812, consisting of approximately 19.67 acres, zoned A-1, Agricultural District and M-1, Limited Industrial District, and located on the east line of Creighton Road (State Route 615) approximately 500 feet north of Interstate 295 in the **COLD HARBOR MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Multi-Use. (PUBLIC HEARING)

Mr. Garman briefly presented the request to amend a Conditional Use Permit to permit an amendment to the sketch plan and elevations that will show an expansion of the church facilities. Staff recommends approval subject to the revised conditions, sketch plan, and elevations that have been submitted.

Chairman Winborne opened the public hearing, asked if the applicant was present and in agreement with the staff recommendations. From the audience, the applicant acknowledged that he was in agreement. She then asked if anyone wished to speak in favor or against the application. Seeing no one come forward, she closed the public hearing.

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Chairman Winborne then asked if there were any questions or discussion from the Commission. There was no discussion; Chairman Winborne then asked for a motion.

Upon a motion by Mrs. Peace, seconded by Mr. Bailey, the Planning Commission voted **UNANIMOUSLY TO APPROVE CUP-9-89, AM. 1-14, FAIRMOUNT CHRISTIAN CHURCH, SUBJECT TO THE STAFF RECOMMENDATIONS:**

1. There shall be only one free-standing sign; it shall be designed in accordance with the signage requirements of the A-1, Agricultural District.
2. There shall be only one entrance to this property from Creighton Road (State Route 615). There shall be no access from Creighton Road via the 30' by 512' stem on the property. No structures shall be located on that portion of the lot.
3. No cemetery shall be established on site.
4. No playing fields shall be constructed on site without an amendment to this Conditional Use Permit.
5. The church may offer before and after school childcare; however, use of the church as either a pre-school or a private school will require an amendment to this Conditional Use Permit.
6. Screening shall be provided and maintained along the north and east property lines of the adjacent property, identified as GPIN 8723-37-3900, in accordance with Article 7, Section 2A, of the Hanover County Zoning Ordinance. Plantings which are part of this screen that are removed for any reason shall be replaced with plantings of the same species and shall also meet the size and height requirements of Article 7, Section 2A.
7. All modular classroom trailers shall be removed from the property prior to the issuance of a Certificate of Occupancy for any portion of the children's education building.
8. All development and use of the Property shall comply with all federal, state and local statutes, ordinances and regulations.

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The vote was as follows:

Ms. Winborne	Aye
Mr. Leadbetter	Aye
Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye

The motion carried

### **INDIVIDUAL PUBLIC HEARING**

Chairman Winborne advised anyone in the public who may be planning to speak, note items 2-6 in the Rules for Public Hearing on the back of the agenda which addresses time limits and procedures.

### **Rezoning**

**C-21-14(c) BRIAN W. GIBSON**, Requests to rezone from A-1, Agricultural District and R-2, Single-Family Residential District, to RS(c), Single-Family Residential District with conditions, on GPIN 7797-56-1294, consisting of approximately 0.8 acres, and located in the southeast quadrant of Chotank Trail (State Route 1269) and Kiptopeake Way (State Route 1266) in the **ASHLAND MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Suburban General (1-4 dwelling units per acre). The proposed zoning amendment would permit the creation of one (1) additional lot for a gross density of 2.44 units per acre. (PUBLIC HEARING)

Mr. Garman presented the request to rezone to RS(c), Single-Family Residential District with conditions to create one additional lot. The proposal is considered “infill” development with access through the Totopotomoy Subdivision. The front lot contains the existing house and driveway and the proposed rear lot will have a new house and driveway. Staff recommends approval subject to the submitted proffers and the conceptual plan.

Chairman Winborne asked if the applicant was present and prepared to come forward to make a presentation.

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Brian Gibson came forward and briefly stated his plan to rezone the property due to personal matters.

The Commission asked Mr. Gibson to clarify the plans for the lot where he currently resides.

Mr. Gibson said he plans to sell the house on the lot where he now resides.

Chairman Winborne opened the public hearing and asked if anyone present who wanted to speak in favor of the application. Seeing no one come forward, she then asked if there was anyone present who wanted to speak in opposition to the application.

Peter Rickard came forward and presented his concerns against the application. He stated that properties in Kings Charter have encroachments on the subject property. He also had concerns about privacy and rezoning a property for the first time in Totopotomoy.

Robert Jones also came forward to speak against the application. His major concern relates to drainage because of the way the property slopes off the street.

Chairman Winborne closed the public hearing. She then asked Mr. Maloney to address the concerns raised by the citizens.

Mr. Maloney began by addressing the concern of encroachments into the subject property and encroachments of landscaping. He stated that encroachments into the subject property by way of structures would have to be corrected prior to issuing a building permit. He said the applicant and adjacent property owner would have to resolve it. Mr. Maloney said when it comes to encroachments of landscaping or parking areas, the County does not have any setback requirements. Therefore; if there is an encroachment of a non-structural element, it should be resolved between the applicant and adjacent property owner as well.

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Mr. Maloney then addressed the concern about rezoning in the area. He stated that because in this instance, the properties are both under the same ownership, the applicant is eligible to apply for zoning. Through a resubdivision of his property, and a boundary line adjustment between two properties, the applicant is able to create a road frontage which renders the property eligible for development. He stated that all of the requirements can be met in this instance which is why Staff recommends approval. The last concern Mr. Maloney addressed was drainage. The applicant will have to submit a building plan to the County prior to building and at that phase Public Works will ensure adequate measures are taken to contain water, Mr. Maloney said.

Chairman Winborne asked the Commission if they had any further questions or discussion. The Planning Commission asked a few questions and discussed the application with Staff. Chairman Winborne then made a motion.

Upon a motion by Chairman Winborne, seconded by Mr. Leadbetter, the Planning Commission voted **UNANIMOUSLY TO APPROVE C-21-14(c) BRIAN W. GIBSON SUBJECT TO THE SUBMITTED PROFFERS DATED DECEMBER 11, 2014, CONCEPTUAL PLAN OCTOBER 2, 2014, WITH THE EXCEPTION THAT THE TRANSPORTATION PROFFER BE ELIMINATED:**

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Gibson Rezoning Proposal," dated October 2, 2014, revised December 11, 2014, and sketched by Brian Gibson.

The vote was as follows:

Ms. Winborne	Aye
Mr. Leadbetter	Aye
Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye

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The motion carried

**C-16-03(c) AM. 1-14** **MERIDIAN LAND HOLDINGS, L.L.C.**, Requests an amendment to the conceptual plan approved with rezoning request C-16-03(c), Rosehill Properties, Inc., on GPINs 8704-99-1919 and 8705-80-3109, consisting of approximately 22.08 acres, zoned RS(c), Single-Family Residential District with conditions, and located on the north line of Saddle Crest Drive (State Route number pending) within the Villas at Rose Hill Subdivision in the **MECHANICSVILLE MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Suburban General (1-4 dwelling units per acre). The proposed zoning amendment would eliminate the pedestrian trail that circles the interior pond as shown on the conceptual plan. (PUBLIC HEARING)

Mr. Garman presented the request to amend the approved conceptual plan to remove a pedestrian trail that circles a pond within The Villas at Rosehill Subdivision. Staff recommends denial as submitted but would recommend approval subject to a modification of a note on the conceptual plan regarding the pedestrian trail to read “The installation of the pedestrian trail shall be at the discretion of the Homeowners Association.”

Chairman Winborne asked if the applicant was present and prepared to make a presentation.

Matthew Peeler came forward representing Meridian Land Holdings, L.L.C. Mr. Peeler stated that the homeowners have come to them saying they do not want the trail, and that is the reason for the application. He referred the Commission to the president of the Homeowners Association for any questions.

Chairman Winborne opened the public hearing. She asked if anyone present wanted to speak in favor of the application.

Mel Ardis, president of the Homeowners Association, came forward. Mr. Ardis said he is representing the Board and 82% of the residents in The Villas at Rosehill that want the trail eliminated. He said the major concerns from the community for wanting the trail removed are safety and the future cost to maintain the trail. He said the cost would fall on the residents.

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Mr. Ardis said the trail will not be firm, stable or slip resistant which is non-conducive to accessibility for a 55 and over community. He also stated that because it is a private trail, it requires posting no trespassing signs and other appropriate signs at additional costs to the residents.

Mr. Ardis said the cost associated with weekly maintenance and replenishing the gravel would put the Association in a financial hardship. After reaching out to the residents, Mr. Ardis said 81% of the residents sent a strong message to the Board to eliminate the trail.

Jean Whisenant, a resident at The Villas at Rosehill, stated she is in favor of eliminating the walking trail. She said her and her husband were not told of a trail in any conceptual plan of future development when they contracted to build a house in the community. Mrs. Whisenant also states that she believes the residents of the community have expectations that the amenities offered would be geared toward the interests and ability levels of the 55 and over members. She said the trail, as it is proposed, does not meet those expectations. The trail is reported not to be accessible to handicap persons and the surface could be deemed unstable. The area it is in would not be a safe environment due to the surface material, location, and resource protection area she said. Lastly, Mrs. Whisenant explained how the crush and run surface for the trail may become very difficult and costly to maintain.

Bob Marsland, another resident at The Villas at Rosehill came forward. He explained he is concerned about the cost to properly maintain the proposed crush and run trail. Also the restrictions on the ability to properly maintain the trail due to its location within the Resource Protection Area, and the safety of the trail built with an unstable surface like crush and run material were some of his concerns. Mr. Marsland expressed how the maintenance cost would be an undue financial burden on The Villas at Rosehill Homeowners Association, an adult community of residents 55 and older, due to many living on fixed incomes.

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Chairman Winborne asked if anyone present would like to speak in opposition to the application.

Richard Neher came forward. He stated he supports the trail being built. It is the only green space at The Villas at Rosehill, which he thought Hanover County was usually in favor of supporting. Homeowners in the neighborhood and adjoining neighbors support the trail because it will add to the value of their homes Mr. Neher explained. He stated that this asset has been on the conceptual plan since 2004. He feels the trail has become an issue because of the way it was presented by the Board members. He would like Meridian Land to comply with the plan from 2004.

Chairman Winborne closed the public hearing. She asked if the Commissioners had any further questions or comments.

Mr. Padgett stated that the Staff report said the trail could be either asphalt or gravel. He asked for clarity in the choice for gravel presuming it requires more maintenance.

Mr. Maloney spoke on the history of the trail and Staff's position that was presented by Mr. Garman to the Commission. Mr. Maloney explained Staff felt that instead of the County dictating to the homeowners, who will be responsible for the long term enjoyment and maintenance of this trail, the Homeowners Association should make the determination themselves.

Chairman Winborne reminded the Commissioners that they received letters written from the residents. She also wanted to clarify the Staff recommendations to deny the application. She explained it does not mean the trails will be built. She asked Mr. Maloney to elaborate on the recommendation so the public would fully understand before the motion is made.

Mr. Maloney stated the specific request in the application is to remove the requirement that the trail be built. He said what Staff recommends is that the specific request be denied with a

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substitute action by the Planning Commission and ultimately the Board of Supervisors. He stated rather than the trail and the obligation to build it be removed, the trail shall remain on the plan but the note associated with the trail simply state “The trail shall be constructed at the discretion of the Homeowners Association”. Mr. Maloney said that means the decision is left to the homeowners. If they chose not to construct the trail, then a representative must file an application to amend the construction plan.

The Commissioners continued to have discussion about the application. The discussion focused on amending the construction plan.

Chairman Winborne asked for a motion.

Mr. Whittaker made comments concerning his motion on the trail. He stated that while the trail is a nice amenity, it is not a requirement for the zoning ordinance. The use and responsibility falls solely on current and future homeowners, therefore; the installation should be at the discretion of the homeowners and the organization the homeowners choose to govern amenities unique to that neighborhood.

Upon a motion by Mr. Whittaker, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO DENY C-16-03(c), AM. 1-14, MERIDIAN LAND HOLDINGS, L.L.C, AS SUBMITTED; APPROVAL SUBJECT TO THE MODIFICATION OF THE NOTE ON THE CONCEPTUAL PLAN REGARDING THE SUBJECT PEDESTRIAN TRAILS TO READ: “THE INSTALLATION OF THE PEDESTRIAN TRAIL SHALL BE AT THE DISCRETION OF THE HOMEOWNERS ASSOCIATION.”**

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The vote was as follows:

Ms. Winborne	Aye
Mr. Leadbetter	Aye
Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye

The motion carried

## **ADJOURNMENT**

There being no further business, Chairman Winborne adjourned the meeting at 8:04 P.M.

The next regularly scheduled meeting is February 19, 2015.