

March 20, 2014

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, March 20, 2014 at 7:00 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
Mrs. Mary Pennock
Mrs. Sharlee D. Mills

Welcome and Pledge of Allegiance

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

Mrs. Iverson.

Ms. Winborne led the Pledge of Allegiance.

Consideration of Agenda Amendments by Action of the Commission

There were no changes to the Agenda.

Citizens' Time

No one addressed the Commission during Citizens' Time.

March 20, 2014

REQUEST FOR DEFERRAL

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 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 5.49 dwelling units per acre. (PUBLIC HEARING)

Mr. Maloney stated that the applicants had requested a deferral. He said the Commission may wish to grant an indefinite deferral.

Upon a motion by Mr. Whittaker, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO DEFER C-9-13(c), HANOVER LAND INVESTORS, L.L.C. UNTIL SUCH TIME AS THE APPLICANTS REQUEST TO BE PLACED ON AN AGENDA.**

The vote was as follows:

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

The motion carried.

Ms. Winborne announced that all the cases on tonight's agenda are expedited, which means there has been little or no public opposition to the requests, and the application has moved through the County process. It is understood that the applicant(s) is in agreement with the staff recommendations. She asked if there was anyone present that would like to speak in opposition to any of these cases. A woman from the audience asked about CUP-9-13, Althea and Elwin Brooks, Jr. Mr. Maloney advised that since that is the last case on the agenda and he would give a full presentation.

March 20, 2014

EXPEDITED PUBLIC HEARINGS

C-37-98(c) **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. (PUBLIC HEARING)

Mr. Maloney briefly presented this request to eliminate the existing cash proffer in the amount of \$5,185 accepted with the original zoning C-37-98(c), Annie L. Johnson. The remaining proffer would be in the amount of \$1,275 which was the original proffer amount for road improvements. Staff recommended approval subject to the submitted amended proffers.

Ms. Winborne asked Mr. Maloney to present this case and the next case at the same time since they are both in the South Anna District. She said they would then have separate motions.

C-38-98(c) **AMAR AND HARVINDER SINGH, ET AL.**, 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) 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. (PUBLIC HEARING)

Mr. Maloney presented this request to eliminate the cash proffer of \$5,185 accepted with zoning case C-38-98(c), W. Pettus Gilman and William Gilman. In place of the cash proffer the applicants have submitted a road proffer in the amount of \$1,259. Staff recommended approval subject the amended proffers as submitted.

Ms. Winborne opened the public hearing for both cases and asked if either of the applicants for these cases were present. They were not; therefore, it is assumed they are in agreement with the staff recommendations. She asked if anyone wished to speak in favor of or in opposition to either of these requests. Seeing no one come forward, she closed the public hearing.

March 20, 2014

Upon a motion by Mr. Leadbetter, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-37-98(c), AM. 1-14, BLUE RIDGE CUSTOM HOMES, L.L.C. SUBJECT TO THE FOLLOWING PROFFERS DATED JANUARY 24, 2014 BASED ON THE SUPERVISORS' ACTION ON NOVEMBER 28, 2012:**

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 improvements, the County shall return the funds paid to the Owner or his 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.

March 20, 2014

The vote was as follows:

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

The motion carried.

Upon a motion by Mr. Leadbetter, seconded by Mr. Whittaker, the Planning Commission voted

UNANIMOUSLY TO RECOMMEND APPROVAL OF C-38-98(c), AM. 1-14, AMAR AND HARVINDER SINGH, ET AL., SUBJECT TO THE FOLLOWING PROFFERS DATED FEBRUARY 27, 2014 BASED ON THE SUPERVISORS' ACTION ON NOVEMBER 28, 2012:

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 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.

March 20, 2014

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.
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.

The vote was as follows:

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

The motion carried.

CUP-2-01 **BJ'S WHOLESALE CLUB, INC.**, Requests an amendment to a Conditional Use
AM. 1-14 Permit 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 Conditional Use Permit 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. (PUBLIC HEARING)

Mr. Maloney presented this request to amend the conditional use permit to allow propane fuel sales to non-members and to extend the hours of gasoline sales on Sunday to 7:00 p.m. The property is zoned OS(c), Office/Service District and is located on Bell Creek Road. Staff recommended approval subject to the amended conditions.

March 20, 2014

Ms. Winborne opened the public hearing and asked if the applicant was in agreement with staff recommendations. The applicant from the audience said yes he was in agreement. She asked if anyone one wished to speak in favor of or in opposition to this request. Seeing no one come forward, she closed the public hearing.

Upon a motion by Mr. Whittaker, seconded by Mr. Bailey, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF CUP-2-01, AM. 1-14, BJ'S WHOLESALE CLUB, INC. SUBJECT TO FOLLOWING CONDITIONS AS OUTLINED IN THE STAFF REPORT:**

1. The Property which is the subject of the application shall be used only for any accessory retail fueling station, including propane fuel refills.
2. **[REVISED]** 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.
4. All development and use of the Property shall comply with all Federal, State and local statutes, ordinances and regulations.
5. **[REVISED]** 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.

The vote was as follows:

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

The motion carried.

March 20, 2014

CUP-9-02 **SHALOM BAPTIST CHURCH TRUSTEES**, Request an amendment to a
AM. 1-14 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). (PUBLIC HEARING)

Mr. Maloney briefly presented this request to amend the conditional use permit approved sketch plan and boundary line to show proposed additions to the church facilities and parking areas. The church is zoned A-1, Agricultural District and is shown on the General Land Use Plan Map as Commercial and Suburban General. Staff recommended approval subject to the amended conditions outlined in the staff report.

Ms. Winborne opened the public hearing and asked if the applicant was present and if he was in agreement with the staff recommendations. The applicant from the audience said yes he was in agreement with the staff recommendations. She asked if anyone wished to speak in favor of or in opposition to this request. Seeing no one come forward, she closed the public hearing.

Upon a motion by Mr. Whittaker, seconded by Mr. Leadbetter, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF CUP-9-02, AM. 1-14, SHALOM BAPTIST CHURCH TRUSTEES SUBJECT TO THE FOLLOWING CONDITIONS AND THE SKETCH PLAN DATED JANUARY 6, 2014, REVISED FEBRUARY 24, 2014, AND ELEVATIONS DATED JANUARY 16, 2014.**

1. [REVISED] 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.

March 20, 2014

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.
5. The property shall connect to public sewer when available at the property line.
6. A 15' 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.

The vote was as follows:

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

The motion carried.

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. (PUBLIC HEARING)

Mr. Maloney presented this request for a conditional use permit which would permit a commercial landscaping operation and mulch process facility. The property is located on the north line of Mechanicsville Turnpike west of its intersection with Spring Run Road. The property is zoned A-1, Agricultural and the site contains 11.21 acres. He reviewed the General Land Use Plan and the GPIN

March 20, 2014

Maps. The applicants currently operate Ed's Landscaping, located on Cold Harbor Roar near I-295, and they are proposing to use the subject site as a second business location. The proposed uses include commercial landscaping business, on-site nursery, mulch process, and retail use in association with the various commercial uses. The layout as submitted and shown on the sketch plan complies with the applicable ordinance requirements. It is proposed that mulch processing be limited to the hours of 7:00 a.m. to 7:00 p.m. during Daylight Savings Time and 7:00 a.m. to 5:00 p.m. during Eastern Standard Time. Staff is recommending that the mulch process not occur on Sundays. He noted that staff had found a typographical error in the conditions as stated in the staff report and a hand out has been given out with that corrected error. The entrance improvements include upgrading the existing entrance to commercial entrance standards, constructing a left turn lane at the existing crossover on U. S. Route 360, and installing a 25 foot thoroughfare buffer.

Mr. Maloney explained there is an existing cell tower on the adjacent property and there is an easement to that cell tower that traverses the subject property. The easement is in conflict with the development and operation shown on this sketch plan, so that easement is going to have to be rerouted. He reviewed the sketch plan. Prior to site plan approval the easement will need to be identified and then rerouted so that it does not substantially interfere with the proposed operations.

Ms. Winborne said if this request does not go before the new stormwater management regulations take effect she understood the new regulations will apply.

Mr. Maloney said they will need the various permits from either DEQ and/or CORP and be under permit prior to July 1, 2014.

Mr. Whittaker asked if the cell tower entrance has to be moved.

Mr. Maloney replied that they are closing off one of the driveways used to provide the easement and so the easement will have to be rerouted to the proposed driveway location. He did not

March 20, 2014

believe they were really talking so much about physical improvements to the property but just assurance that there is adequate access to the cell tower and that the location of the path does not interfere with the operations of this business.

Ms. Winborne opened the public hearing and asked if the applicant was present.

Mr. Ronald Martin, attorney representing the applicant, came forward. He said this is the site where West Nursery was located years ago. Ed's Landscaping is a landscaping business with a nursery that will work as a complementary business to the landscaping business. The mulch processing will also act as a complementary business to the nursery and landscaping business. As a result of that they believe the combination of the three businesses will make this a nice viable opportunity for this business in the area. The mulch processing is not going to be a huge operation. He reviewed the sketch plan. He reviewed the following areas: the mulch processing area, the grinding and storage areas, and the retail sales area for the mulch, as well as the parking for the landscaping equipment. He stated that in condition #3 regarding the 60 foot right-of-way of Mechanicsville Turnpike, he asked that the word *existing* be added, just in case U.S. Rt. 360 is ever relocated.

Mr. Martin explained the cell tower easement/access that has been in place since Mr. West developed West Nursery. He explained that they are having trouble getting in touch with the folks that own the cell tower. He said it would be in his client's best interest to relocate the easement. He stated that they intended to remove the gravel and make it so it will not be a desirable site for somebody to cross, and they should be able to do that within the laws of the easement that are there. He then explained how the trucks going to the cell tower would be able to come through the entrance and ride along the easement to the cell tower. He said from a practical perspective they do not believe it is going to impact anything; however, they are concerned about potential delays that could take them into

March 20, 2014

July, which will make the project prohibited at that point. He said they had talked to VDOT and VDOT's suggestion was to remove the gravel, plant grass so that it does not appear to be an entranceway anymore. Then they will come into our commercial entranceway and "pick up" their easement and go back to the cell tower. He said ultimately they believe this is what they will be able to work out with the cell tower company but they do not know for sure because they have not been able to speak to the correct people.

Mr. Bailey asked why it is such an issue finding out who owns the tower.

Mr. Martin replied they initially were going by the name that what was on the records as far as the easement that was recorded but they have sold and transferred. Staff recommended that we look on the site, so we did and we got an 800 number. We called that and found out the company had been sold again. He said he has been given another name but does not know if they will be able to contact them or not.

Mr. Maloney stated that he did not have any concerns with the applicant's request to insert the word "existing" centerline to condition #3 because effectively it does not change how that condition would be implemented. His concern is with the entrance issue. He said he appreciates the challenges Mr. Martin has raised. He believed the real question is VDOT's position on this. Until that driveway is abandoned it is very possible that because the two driveways do not meet VDOT's entrance standards VDOT is not going to be able to issue an entrance permit. He said the practical result of all of this is even if the condition is left silent until there is a relocated easement to the proposed entrance, if the western driveway has to remain open, he is unsure if they can approve the site plan because he is not convinced based on VDOT entrance standards that VDOT is going to issue an entrance permit for the new driveway. So, with or without the condition it is an issue the applicant is going to have to address.

March 20, 2014

Ms. Winborne asked if they could take an action contingent upon that issue being resolved.

Mr. Maloney said his recommendation would be if the Commission is comfortable inserting the word existing in condition #3, he did not believe that would be a practical impact. He recommended that the condition regarding the easement remain in place; however, if the Commission wished to remove it the issue will not go away because it is a VDOT requirement.

Ms. Winborne asked if staff was comfortable with the language in condition #4.

Mr. Maloney replied he would be comfortable with keeping that in place. He added with or without the condition it is an issue the applicant is going to have to address.

Ms. Winborne noted that since the applicant's request was on the expedited agenda he must have been in agreement with the conditions, except for the addition of the word "existing" in condition #3 as mentioned.

Mr. Martin said they only received the report the other day and they talked to staff about it. He reiterated that VDOT's recommendation was for them to plant grass in that existing entrance as mentioned earlier.

Ms. Winborne asked if they are accepting condition #4.

Mr. Martin stated that they were removing the easement physically but it is still recorded until something has been done and as he mentioned they have been unable to get that done as of yet and they do not know how long it is going to take.

Mr. Maloney said the issue goes back to the private issues between the owner of the tower and the property owner of this site. If in fact VDOT requires closure of the western driveway and that improvement is shown on a site plan there is a question as to whether the County can approve a relocated easement without the grantee of the easement being in agreement.

March 20, 2014

Mr. Walter advised that most conditional use permits for cell towers have a specific outline of how you get from the tower to the closest public road. In this particular case there was not a particular alignment but there needs to be an easement that gets from the cell tower to the public road. There was a recorded easement that shows how to get from the public road to the cell tower and that cannot go away but it needs to be relocated. Site plan requirements require that all existing easements have to be shown on the site plan. Therefore, if the Commission recommends approval and the Board approves this Site Plan the relocation of the easement will need to be shown on the Plan. The easement can be relocated because that will not be in conflict with the CUP. If it is in conflict in any way with something on the property staff cannot approve that site plan because it will not meet the requirements. So, it needs to be dealt with one way or another. So, the applicant between now and when they submit a site plan need to resolve that issue before the site plan can be approved.

Mr. Martin again reviewed on the map the proposed realignment of the easement.

Mr. Maloney said he believed they all are in agreement as to how the easement would be realigned.

Mr. Bailey asked if the easement has to be granted to the person leasing the tower or to the property owner.

Mr. Martin answered it goes in conjunction with the tower. He said the dominate tenant is the owner of the tower easement and the tower company they have to deal with.

Ms. Winborne asked if anyone wished to speak in favor of or in opposition to this request.

Mrs. Margaret Bennett, an adjoining property owner, said she did not have a problem with the business being there but she expressed concerns with the mulching process creating dust and noise. She expressed concern with the traffic on the highway and people driving too fast for that area. She questioned whether there needed to be a traffic study done.

March 20, 2014

Mr. Tillman Broaddus, Jr., whose mother owns the property east of this proposal, expressed concern with the scale of the operation, the impact of smells, dust, traffic and the speed limit through that area.

Ms. Winborne closed the public hearing.

Mr. Maloney stated regarding the traffic typically a nursery operation is a very low volume operation and there is nothing with regard to spacing, existing traffic, or traffic generation that would warrant any sort of a detailed traffic impact study. He agreed that the questions being raised are valid and safety questions. Typically a traffic impact study will deal with operational issues such as capacity, service levels and so forth. The concerns being raised tonight deal with safety issues. Staff relies on VDOT to advise them as to the design standards and what VDOT has recommended is a left turn lane. It is important to understand the nature of a road such as U.S. Route 360, which is a 4-lane divided highway and although vehicles may be slowing down to turn into this site there is an inside lane so traffic that's following can shift over to that inside lane and pass safely. He said the nature of the road in part dictates what if any improvements to the entrance are necessary. There are very specific standards based on sight distance and traffic volumes and so forth that make a determination as to whether or not turn lanes are warranted. He said the "bottom line" is they are going to have to rely on VDOT's judgment, which staff has done in determining what if any improvements are necessary to provide safe ingress and egress to the site. VDOT is not going to issue an entrance permit unless the applicant shows on the engineered site plan the construction of those improvements and secondly, the applicant also has to demonstrate that they meet the appropriate sight distance requirements for the particular type of road.

Ms. Winborne asked the applicant to address the concerns expressed by the two speakers.

March 20, 2014

Regarding noise, Mr. Ed Brooks, the applicant, said they will be using a big tractor-trailer diesel and it does make the same noise as a tractor-trailer does running up and down the road. Regarding dust when the mulch is ground they pour water and food coloring for dye into it. The water sprays into the hammer mill when it is grinding and that water going into the mill greatly decreases any dust. Regarding trucks coming into and out of the site he said they primarily get their product by a tractor-trailer, and they do not get anything in log form. Now, someone might cut down a tree and bring it in their pickup truck and dump it off in a small area; however, about 75 to 80 percent of the mulch is ground up before it gets to them, and it will sit in that small area until they regrind and color it.

Ms. Winborne asked if they were going to have flatbed log trucks coming in.

Mr. Brooks replied he has never had a logging truck bring in whole length trees to grind up.

Ms. Winborne asked what type of trucks will be leaving the property after getting the mulch.

Mr. Brooks answered primarily pickup trucks come in for a scoop of mulch. It will be the same operation that Mr. West was doing, loading mulch into people's pickups. We do have some dump trucks as well and if someone ordered a load we would haul it to their house.

Mr. Bailey advised when Mr. Martin, Mr. Davis, Mr. Brooks and he met at the site, Mr. Brooks mentioned that the grinding operation is only for 2 to 3 hours every month or so. He asked if that was correct.

Mr. Brooks replied that if they grind for approximately 3 to 4 hours one day per month they probably have made enough product for a month.

Mr. Bailey asked if the grinding machine is similar to the machine the County has on Verdi Lane.

Mr. Brooks replied yes but the one on Verdi Lane is a little larger.

March 20, 2014

Upon a motion by Mr. Bailey, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF CUP-9-13, ALTHEA TURNER BROOKS AND ELWIN W. BROOKS, JR. SUBJECT TO THE FOLLOWING CONDITIONS AS PRESENTED WITH A MODIFICATION TO CONDITION #3 TO INCLUDE THE WORD “EXISTING.”**

1. The primary commercial entrance and left turn lane (with at a minimum, a 200' taper and 100' of storage) into the site from eastbound U.S. 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 the 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. Because VDOT is requiring closure of the western entrance, an entrance used by an existing 20' easement crossing the subject property, recorded in Plat Book 36, Page 233, to the owner of the cell tower on GPIN 8746-83-5507, must be relocated. Prior to site plan approval, the owner shall provide a deed of easement to the owner of the cell tower relocating that access easement to provide access from the primary entrance.
5. [REVISED] 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.

March 20, 2014

9. Development and use of the property shall comply with all Federal, State and local statutes, ordinances and regulations.

The vote was as follows:

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

The motion carried.

Miscellaneous

Ms. Winborne noted that at their CIP meeting last week Mr. Flagg had a single copy of the quarterly traffic report and she asked Mrs. Gray to make copies and give them out to the Commission this week.

Approval of Minutes

Upon a motion by Mr. Padgett, seconded by Mr. Whittaker, the Planning Commission voted unanimously to approve the February 20, 2014 minutes as submitted.

Mr. Maloney informed the Commission that staff has developed a prototype format for the Comprehensive Plan, which is being prepared and for next month's administrative agenda. Staff would like to present that to the Commission for their concurrence. If the Commission is satisfied with the work staff has done staff will have the appropriate copies prepared for public distribution.

ADJOURNED

There being no further business Chairman Winborne adjourned the meeting at 8:00 P.M. The next regular meeting will be April 17, 2014.

Claiborne Winborne, Chairman

David P. Maloney, AICP, Secretary