

June 18, 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, June 18, 2015 at 6:30 P.M.

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

STAFF

PRESENT: Mr. David P. Maloney
Mr. Lee W. Garman
Mr. Dennis A. Walter
Mr. John A. Bender
Mr. Ryan Fletcher
Mrs. Sharlee K.D. Mills
Mrs. Tiffany M. Burton

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

Approval of the Minutes

Upon a motion by Ms. Winborne, seconded by Mr. Whittaker, the Planning Commission voted unanimously to approve the May 21, 2015 revised minutes.

Consideration of Agenda Amendments by Action of the Commission

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

There were none.

EXPEDITED ADMINISTRATIVE AGENDA

Proffered Elevation Review

**SPR-3-15 FAIRFIELD INN AT WINDING BROOK
SOUTH ANNA MAGISTERIAL DISTRICT
(COMMISSION ACTION)**

Mr. Bender gave a brief overview of the proffered elevation review.

Upon a motion by Chairman Leadbetter, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO APPROVE SPR-3-15, FAIRFIELD INN AND SUITES AT WINDING BROOK, SUBJECT TO STAFFS RECOMMENDED CONDITIONS:**

1. The building shall be constructed in substantial conformance with the black line detailed elevations and the color rendered architectural elevations, both dated March 16, 2015 and titled Fairfield Inn Winding Brook, received in the Planning office on May 19, 2015 and prepared by Thomas Hamilton and Associates, and shall be in accordance with the color scheme, building materials and façade design noted on these approved elevations.
2. The building must adhere to all conditions of approval for SE-12-15, related to building height.

June 18, 2015

The vote was as follows:

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

The motion carried.

Subdivision Ordinance Exceptions

**SOE-1-15 HICKORY HILL SUBDIVISION
BEAVERDAM MAGISTERIAL DISTRICT
(COMMISSION ACTION)**

Mr. Bender gave a brief overview of the Subdivision Ordinance Exception request. He stated this is a request to eliminate the requirement that utility lines be placed underground. Mr. Bender concluded by saying staff recommends approval of this request.

Upon a motion by Mrs. Iverson, seconded by Ms. Winborne, the Planning Commission voted **UNANIMOUSLY TO APPROVE SOE-1-15, HICKORY HILL SUBDIVISION.**

The vote was as follows:

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

The motion carried.

**SOE-2-15 E. TYREE CHAPPELL ESTATE (SUMMER DUCK SUBDIVISION)
CHICKAHOMINY MAGISTERIAL DISTRICT
(COMMISSION ACTION)**

Mr. Bender gave a full presentation of this request to eliminate the requirement that utility lines be placed underground. He read Section 25-65 of the Hanover County Subdivision Ordinance that explains the requirement. Mr. Bender stated Section 25-65 of the Ordinance relates to the entire area of the subdivision and includes the portions of property that may be within the future right-of-way. He then referred to Section 25-9 where the parameters for an exception are located. He stated it is staff's opinion that this request does not comply with the provisions of the Ordinance. He concluded by saying staff recommends denial of the request.

Chairman Leadbetter asked if the Commissioners had any questions or comments.

Mr. Padgett asked if the applicant could come forward for a few questions.

Todd Rogers came forward.

June 18, 2015

Mr. Padgett asked the applicant if the intent for the lines was to be along Atlee Station Road and how many poles were involved.

Mr. Rogers responded yes the intent is only for lines along Atlee Station. He also said only four poles are involved. He presented a sketch plan and explained where the current poles are located. He also explained where the new pole would be relocated.

Mr. Maloney stated he went to the site prior to the meeting and that there is a pole in Chickahominy Oaks. He said the pole is supporting a line that extends across Atlee Station Road and takes the power line across the right-of-way. He stated staff understands that occasionally allowances should be made to relocate utility lines.

The Commission continued to have discussion about the request. A few of the Commissioners stated they had driven past the site to check out the lines.

Chairman Leadbetter asked if the Commissioners has any other questions or discussion.

Mr. Padgett stated the Ordinance and common sense are sometimes in conflict. He asked himself “what is the public interest enforcing this to be the only stretch of ground along the several miles of Atlee Station Road that is underground, with no likelihood of the rest of it in the foreseeable future being placed underground?” He stated he cannot image that the Ordinance was revised to force this type of needless expense on a developer for no gain. He said from time to time, an exception may be necessary when you find a case. With that being said, he said in his opinion the case can be supported without undermining the Ordinance.

Upon a motion by Mr. Padgett, seconded by Ms. Winborne, the Planning Commission voted **UNANIMOUSLY TO APPROVE SOE-2-15, E. TYREE CHAPPELL ESTATE (SUMMER DUCK SUBDIVISION).**

The vote was as follows:

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

The motion carried.

Miscellaneous

A. Community Meetings Review

Mr. Maloney explained that a question has been raised to what constitutes as a “public meeting”. He said applicants sponsor community informational meetings. Typically, a Commissioner or several Commissioners are in attendance as well as staff. Staff is present to address any questions. He stated

June 18, 2015

this does not constitute a County organized meeting. The big question is, does multiple Commissioners attending such meetings comply with FOIA requirements. He asked Mr. Garman to give an update on the upcoming community meetings. After the update, Mr. Maloney turned the meeting over to Mr. Walter to clarify the requirements.

Mr. Walter reviewed the FOIA requirements in regard to meetings. The definition of a “meeting” under FOIA requires three or more members of a public body gathered to transact any business of the public body. Even under the circumstance permitted in FOIA where the public business is not being conducted, Mr. Walter cautioned against creating the perception that a meeting is being held when three or more Commissioners are in attendance even though it is not. He then shared how he understands the Board of Supervisors members handle this by checking around before a meeting to see who will be in attendance so they do not have more than two.

The Commission had discussion about attending community meetings.

Chairman Leadbetter said “I think we do need to research this a little bit further. Our time is already limited to gain knowledge for these cases. If we keep moving in the direction we’re moving in, one day we are going to walk through that door and not know anything until we get to this desk. We need to do everything we can to listen at these community meetings to our citizens. I think that’s very important. So I think we need to find a way to work with this regulation/FOIA request.”

Mrs. Peace said “As one of the biggest proponents about having an open and transparent planning process, I commend our Commission. From the day that we started, we began having community meetings in advance with very complex land use cases coming through the process. And I think it has absolutely been extremely beneficial to the citizens, to the applicant, to the Commissioners, to the staff, that we are able to work out a tremendous number of issues before we are too far down the road where things can’t be changed. And so although I hear the concerns, I’m very proud of us and I’m proud of the citizens that we’re able to work together and have a very efficient and effective process.”

Ms. Winborne said “I would like to echo what Mrs. Peace said and if Mr. Maloney and Mr. Walter say it is the responsibility of the Planning Commissioner, I can sit here and say I’m happy I went to every one of those community meetings. And I did not conduct public business, I was there to listen to citizens. So I don’t have a problem.”

B. Update Regarding Meeting Management Software

Mr. Maloney asked the Chairman if this item could be added to the end of the agenda due to time conflicts for the public hearings.

Chairman Leadbetter agreed.

The Commission recessed at 7:06 P.M.

June 18, 2015

Meeting Reconvened

Chairman Leadbetter called the meeting back to order at 7:14 P.M. *All members were present.*

Mr. Whittaker led the Pledge of Allegiance.

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

Citizens' Time

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

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

No one addressed the Commission during Citizens' time.

Chairman Leadbetter closed Citizen's Time.

EXPEDITED PUBLIC HEARINGS

Chairman Leadbetter explained the expedited agenda and asked if there was anyone present who wished to speak regarding any of these cases.

There was none, so the Commission proceeded on to the Expedited Agenda.

Rezoning

C-7-15(c) JOHN J. MOLTER REVOCABLE TRUST ET AL., Request to rezone from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, on GPINs 8719-30-3541 and 8719-30-4870, consisting of approximately 25 acres, and located at the terminus of Woodville Lane (private road) approximately 1,000 feet east of intersection with Hanover Courthouse Road (U.S. Route 301) 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. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions. The proposed zoning amendment would permit a boundary line adjustment. Staff recommends approval subject to the submitted proffers and conceptual plan.

Chairman Leadbetter opened the public hearing and asked if the applicant was present and in agreement with the staff recommendations. The applicant was not present. Because it is an expedited case, the applicant is assumed to be in agreement with the staff recommendations in their absence. Chairman Leadbetter asked if anyone wished to speak in favor of or in opposition to the request. Seeing no one come forward, he closed the public hearing.

Chairman Leadbetter asked if there were any questions or discussion from the Commission.

Mr. Bailey stated he had the opportunity to speak with the applicant. Mr. Bailey explained that the applicant is an older gentleman trying to get his affairs in order for his children.

June 18, 2015

Susan Schmetzer came forward and stated she did not understand what the property line adjustment was going to be.

Chairman Leadbetter asked Mr. Garman to explain.

Mr. Garman explained and stated it is just a reconfiguring of the two existing lots that are there now. He also stated that the property needed a rezoning because one of the properties will drop under ten acres.

Mr. Maloney further explained the reconfiguration to Ms. Schmetzer.

Chairman Leadbetter noted that during the public hearing, the citizen was missed. He stated the public hearing is closed.

Upon a motion by Mr. Bailey, seconded by Mrs. Iverson, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-7-15(c), JOHN J. MOLTER REVOCABLE TRUST ET AL., SUBJECT TO THE PROFFERS AND CONCEPTUAL PLAN:**

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Survey of Lot Line Adjustment Between Tax Parcels 8719-30-3541 and 8719-30-4870," dated February 5, 2015, and prepared by A. G. Harocopos & Associates, P.C.
2. Property Line Adjustment. A subdivision plat shall be recorded within six (6) months of the date of zoning approved by the Board of Supervisors.

The vote was as follows:

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

The motion carried.

C-9-15(c) SELMA R. AND RANDY T. DAVIS, Request to rezone from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, on GPIN 7830-54-9610, consisting of approximately 10.2 acres, and located on the south line of Rhyne Lane (private road) approximately 775 feet west of its intersection with Mountain Road (U.S. Route 33) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit the creation of one additional building lot for a family member for a gross density of one (1) dwelling unit per 5.1 acres. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions. The rezoning would permit the creation of one additional building lot for a family member. Staff recommends approval subject to the submitted proffers and conceptual plan.

Chairman Leadbetter opened the public hearing and asked if the applicant was present and in agreement with the staff recommendations. From the audience, the applicant acknowledged and was in

June 18, 2015

agreement with the staff report. Chairman Leadbetter asked if anyone wished to speak in favor of or in opposition to the request. Seeing no one come forward, he closed the public hearing.

Chairman Leadbetter asked if there were any questions or discussion from the Commission. Seeing none, he made a motion.

Upon a motion by Chairman Leadbetter, seconded by Mr. Bailey, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-9-15(c), SELMA R. AND RANDY T. DAVIS, SUBJECT TO THE SUBMITTED PROFFERS AND CONCEPTUAL PLAN, DATED JUNE 1, 2015:**

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Davis Rezoning Conceptual Plan," dated June 1, 2015, and prepared by Randy Davis.
2. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, drainfields, or drainage facilities.
3. Wetlands Certification. The Owner agrees to submit a wetlands certification for the property to the Hanover County Department of Public Works for its review and approval along with the submission of an application for a Subdivision Ordinance Exception. The Subdivision Ordinance Exception shall not be issued unless the Department of Public Works approves the wetlands certification.
4. Perenniality Study. The Owner agrees to submit a perenniality study for the property to the Hanover County Department of Public Works for its review and approval along with the submission of an application for a Subdivision Ordinance Exception.
5. Family Division. The property shall only be divided for family, in accordance with Chapter 25, Article II, Division 5 of the Hanover County Code. The family member to whom the property was sold or given shall hold title to and reside on the newly created lot for at least three (3) years following the issuance of a Certificate of Occupancy, unless the lot is the subject of an involuntary transfer caused by foreclosure, death, judicial sale, condemnation, or bankruptcy.

The vote was as follows:

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

The motion carried.

C-10-15(c) SHARYN G. AND THOMAS E. BENGEL, Request to rezone from A-1, Agricultural District, to RS(c), Single-Family Residential District with conditions, on GPIN 7798-16-7439, consisting of approximately 4.88 acres, and located in the southeast quadrant of the intersection of Ashcake Road (State Route 657) and Egypt Road (State Route 741) 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 additional building lot for a family member for a gross density of one (1) dwelling unit per 2.44 acres. (PUBLIC HEARING)

June 18, 2015

Mr. Garman briefly presented this request to rezone from A-1, Agricultural District, to RS(c), Single-Family Residential District with conditions. The rezoning would allow the creation of one additional building lot for a family member. Staff recommends approval subject to the submitted proffers and conceptual plan.

Chairman Leadbetter opened the public hearing and asked if the applicant was present and in agreement with the staff recommendations. The applicant was not present. Because it is an expedited case, the applicant is assumed to be in agreement with the staff recommendations in their absence. Chairman Leadbetter asked if anyone wished to speak in favor of or in opposition to the request. Seeing no one come forward, he closed the public hearing.

Chairman Leadbetter asked if there were any questions or discussion from the Commission. Seeing none, he asked for a motion.

Upon a motion by Ms. Winborne, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-10-15(c), SHARYN G. AND THOMAS E. BENDEL, SUBJECT TO THE SUBMITTED PROFFERS DATED MAY 13, 2015, CONCEPTUAL PLAN, DATED APRIL 2, 2015:**

2. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Bengel Concept Plan," dated April 2, 2015, and prepared by Tom Bengel.
3. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, drainfields, or drainage facilities.
5. Wetlands Certification. The Owner agrees to submit a wetlands certification for the property to the Hanover County Department of Public Works for its review and approval prior to or concurrent with the submission of an application for a Family Division. The Family Division shall not be approved unless the Department of Public Works approves the wetlands certification.
6. Perenniality Study. The Owner agrees to submit a perenniality study for the property to the Hanover County Department of Public Works for its review and approval prior to or concurrent with the submission of an application for a Family Division. The Family Division shall not be approved unless the Department of Public Works approves the perenniality study.
6. Family Division. The property shall only be divided for family, in accordance with Chapter 25, Article II, Division 5 of the Hanover County Code. The family member to whom the property was sold or given shall hold title to and reside on the newly created lot for at least three (3) years following the issuance of a Certificate of Occupancy, unless the lot is the subject of an involuntary transfer caused by foreclosure, death, judicial sale, condemnation, or bankruptcy.
7. Reservation of Right-of-Way. The Owner agrees to reserve twenty-five (25) feet of right-of-way from the centerline of Egypt Road (State Route) and thirty (30) feet of right-of-way from the centerline of Ashcake Road (State Route 657) to the property for the future road widening.

June 18, 2015

The vote was as follows:

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

The motion carried.

Conditional Use Permits

CUP-8-87, AM. 1-15 **ASHCAKE ROAD LANDFILL, INC.**, Requests an amendment to a Conditional Use Permit in accordance with Section 26-20.15 of the Hanover County Zoning Ordinance to permit an expansion (height increase) of an existing landfill on GPINs 7798-08-2072, 7798-08-7416, 7798-18-4218 and 7798-09-5472, consisting of approximately 135.7 acres, zoned A-1, Agricultural District, and located on the north line of Ashcake Road (State Route 657) at its intersection with Johnson Town Road (State Route 755) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Suburban General (1-4 dwelling units per acre) and Agricultural. (PUBLIC HEARING)

Mr. Garman briefly presented this request to amend a Conditional Use Permit to permit a height increase of an existing landfill from 40' to 80'. Staff recommends approval subject to the conditions as outlined in the staff report.

Chairman Leadbetter asked if the Commissioners had any questions.

Ms. Winborne said she would like to ask the applicant a few questions.

Scott Courtney with Resource International came forward.

Ms. Winborne asked the applicant a question about site line visibility. She then asked for clarity on the dust and what gets created when trucks leave the facility.

Mr. Courtney stated the additional height increase would not significantly impact the view of the facility. He also stated currently the roads are gravel. There is dust abatement when needed.

Mr. Bailey stated that it was mentioned that one property would see the top of the landfill at 80'. He asked Mr. Courtney if that was assuming that the landfill immediately went to 80'. He asked for clarity stating he is assuming the trees will grow and it will take several years to reach 80'.

Mr. Courtney clarified stating Mr. Bailey's assumption was correct.

Mr. Whittaker commented by saying this is not a place where you take residential trash. Only construction debris is permitted. He also stated the roads are kept really nice and they do an excellent job there.

Chairman Leadbetter commented by stating the owner of the landfill runs a first class operation and the County appreciates that.

Chairman Leadbetter opened the public hearing and asked if the applicant was present and in agreement with the staff recommendations. From the audience, the applicant acknowledged that he was

June 18, 2015

in agreement. Chairman Leadbetter asked if anyone wished to speak in favor of or in opposition to the request.

Willnet Jackson came forward to speak in opposition. She stated these types of businesses are always built in historically black communities. She said since the development of the landfill she has had to have her house exterminated for field mice. She said she has also had groundhogs, rabbits and snakes in her house or on her property. She stated we are invading their environment so they are invading the property. In conclusion, she stated her concerns are being overlooked and at some point it needs to stop.

Chairman Leadbetter asked if anyone else wanted to speak for or against the application. Seeing no one, he closed the public hearing.

Chairman Leadbetter asked if there were any questions or discussion from the Commission. Seeing none, he asked for a motion.

Upon a motion by Mrs. Iverson, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF CUP-8-87, AM.1-15, ASHCAKE ROAD LANDFILL, INC., SUBJECT TO FOLLOWING CONDITIONS AS OUTLINED IN THE STAFF REPORT:**

Staff's Recommended Conditions

1. All efforts shall be made to prevent soil or debris from the site from falling onto Ashcake Road (State Route 657). The applicant shall be responsible for the clean-up of fallen soil or debris from the site.
2. Leachate shall be discharged to the Hanover County Sanitary Sewer System.
3. Ashcake Road Landfill, Inc. shall provide information and direction to all its customers requesting that they schedule truck routes so as to not interfere with normal school bus routing times. Ashcake Road Landfill, Inc. will make every reasonable effort to require all trucks to avoid using State Route 657 west of State Route 812.
4. Hours of operation shall be 7:00 am to 4:00 pm, Monday through Saturday. No recycling or grinding shall be done on Saturdays, Sundays, or State legal holidays.
5. The applicant shall maintain a system in order to provide accurate truck load and traffic data. Truck traffic shall be monitored, and a left turn lane on State Route 657 shall be required when the VDOT warrants are met.
6. The wood processing area shall be limited to the area shown on the sketch plan and shall be provided with earth berms or similar acceptable noise barriers at least eight (8) feet in height but not lower than the height of the recycling equipment to provide a sound barrier. Accessory activities in this area may include size reduction of the fill material for recycling or filling through chipping, grinding, and crushing (but not crushing, treating, washing, or processing of materials resulting from excavation, sorting, and screening.) There shall be no heating or thermal processing of asphalt or petroleum based products. The land area for recycling activities, including accessory sorting and storage, shall not exceed 49% of the site or developed portion of the area. No industrial processing of materials to create products is allowed.
7. When open to the public, the site shall be manned and management controls exercised to ensure that no unapproved materials are deposited. At a minimum, records shall be maintained on solid waste received and processed to fulfill the applicable requirements of the Solid Waste

June 18, 2015

Information and Assessment Program under 9VAC20-81-80 or further amendments and the Control Program for Unauthorized Waste under 9VAC20-81-100E or further amendments. Such records shall include date of receipt, quantity by weight or volume, and origin and shall be made available to the County when requested.

8. Buffering at least 100 feet in width shall be maintained along the boundary of the subject site as shown on the sketch plan, except for that portion of the buffer used for the Virginia Natural Gas transmission line. Areas where the buffer has been reduced to accommodate the gas line shall be screened with evergreen trees in accordance with Section 26-263.
9. The maximum height of the landfill with cover shall not exceed eighty (80) feet from the existing grade.
10. At all times the site is open for operation, a fully trained attendant shall be on duty. All operations must be supervised by a Commonwealth of Virginia Class II Waste Operator.
11. The applicant shall file a Form 7460 to the FAA prior to site plan approval.
12. No putrescible waste shall be deposited on site or temporarily stored on site, except from normal office waste disposal associated with the office on site.
13. If site becomes a wildlife attraction, the applicant shall develop and implement a Wildlife Management Plan in accordance with FAA guidelines.
14. 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. Leadbetter	Aye
Mr. Whittaker	Aye
Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Ms. Winborne	Aye

The motion carried.

CUP-5-15 NATIONAL COMMUNICATION TOWERS, L.L.C., Requests a Conditional Use Permit in accordance with Section 26-20.26 of the Hanover County Zoning Ordinance to permit a 199-foot telecommunications tower on GPIN 7802-29-8042(part), consisting of approximately 23.81 acres. The area of the Conditional Use Permit will be limited to approximately 0.39 acres. The property is zoned A-1, Agricultural District, and is located on the west line of Dunn Road (State Route 736) approximately 1,300 feet south of its intersection with Mountain Road (U.S. Route 33) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Agricultural. (PUBLIC HEARING)

Mr. Garman briefly presented this request for a Conditional Use Permit to permit a 199' telecommunications tower. Staff recommends approval subject to the conditions as outlined in the staff report.

Chairman Leadbetter opened the public hearing and asked if the applicant was present and in agreement with the staff recommendations. The applicant came forward and acknowledged that he was in agreement. He also asked if he could make a few comments.

Steven Gallagher with National Communication Towers stated he had a clarification. The form required by the FAA has already been completed by the company he said. He then made reference to

June 18, 2015

condition #5 on the staff recommendation. He stated in the company's executed ground lease, they have already committed to removing the tower and restoring the site at their own expense should they become un-useful. The last item he addressed referred to item #8 of the conditions. Mr. Gallagher stated National Communication Towers does not actually own or operate any of the RF equipment on the site. National Communication only owns the tower itself and leases out tower/ground space to carriers. The carriers must comply and operate their equipment within those designated exposure levels. He said National is willing to require that the carriers submit measurements of their equipment annually if that is found to be acceptable.

Chairman Leadbetter asked Mr. Maloney if the comments made in reference to the conditions were adequate.

Mr. Maloney stated by not having seen the lease, he is unable to comment on the language of the lease and if it is adequate. He stated in reference to condition #8, National Communications owns the tower therefore, they can get the information from the various carriers and submit it. Staff is not suggesting the applicant undertake the certifications, only provide the information.

Chairman Leadbetter asked if anyone wished to speak in favor of or in opposition to the request. Seeing no one come forward, he closed the public hearing.

Chairman Leadbetter asked if there were any questions or discussion from the Commission.

Chairman Leadbetter commented by stating Mr. Gallagher has kept everyone well informed throughout the entire process of the intentions of the application including the citizens.

Upon a motion by Chairman Leadbetter, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF CUP-5-15, NATIONAL COMMUNICATION TOWERS, L.L.C., SUBJECT TO FOLLOWING CONDITIONS AS OUTLINED IN THE STAFF REPORT:**

Staff's Recommended Conditions

Staff recommends the following conditions:

1. If the use of the tower ceases and the tower remains unused for a period of eighteen (18) months, the unused tower and associated and unused accessories shall be removed from the property.
2. The applicant shall provide certification, indicating the tower height and design, structure, illustrations of location and type of antennas which could be accommodated, and total anticipated capacity of the structure, and demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the Virginia Uniform Statewide Building Code and the standards adopted by the Electronics Industries Association, or any amendments thereof, can be met. This information shall be submitted and approved prior to Building Permit issuance.
3. Lighting, beacons, and/or other safety devices shall be prohibited. The tower shall be limited to a height of 199' or to a height that would not require lighting by the Federal Communications Commission or the Federal Aviation Administration, whichever is less.

June 18, 2015

4. No advertising material or signs shall be allowed on the tower.
5. A reclamation plan for the property shall be submitted and approved in conjunction with site plan review.
6. All equipment and tower facilities shall be screened with a minimum six (6) foot high wooden fence in accordance with Section 26-263 of the Zoning Ordinance.
7. The operation of any equipment utilizing the tower shall not interfere with County's communications system. Any interference shall be corrected at the expense of the owner of the equipment causing the interference.
8. The applicant shall provide verification, through field measurements, that the operation of the communications facilities on site is within accepted maximum permissible exposure limits for electromagnetic radiation as established by the American National Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE) and accepted by the Federal Communications Commission (FCC).
9. 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. Leadbetter	Aye
Mr. Whittaker	Aye
Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Ms. Winborne	Aye

The motion carried.

INDIVIDUAL HEARINGS

Rezoning

C-15-15(c) RICHARD E. HOLLAND, JR. PROPERTIES, L.L.C., Requests to rezone from A-1, Agricultural District, and B-3, General Business District to M-2(c), Light Industrial District with conditions, on GPINs 7787-17-8858, 7787-08-4412, 7787-19-0019, 7787-27-0272, 7787-27-2165 and 7787-16-9934, consisting of approximately 128.11 acres, and located generally in the northwest quadrant of the intersection of Cedar Lane (State Route 623) and Washington Highway (U.S. Route 1) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Planned Business. The proposed zoning amendment would permit speculative industrial uses. (PUBLIC HEARING)

Mr. Garman gave a full presentation on this case to rezone from A-1, Agricultural District and B-3, General Business District to M-2(c), Light Industrial District with conditions. The General Land Use Plan Map generally designates the rezoning as Planned Business. He stated the applicants are requesting M-2 zoning as part of the County's Strategic Zoning Initiative. This allows the property to be rezoned for certain uses and remain in the County's land use taxation program until development. Staff recommends denial as submitted but approval subject to changes as outlined in staff report and additional proffers to ensure the project achieves the overall goals of the Comprehensive Plan.

Chairman Leadbetter asked if the Commissioners had any questions or discussion.

June 18, 2015

Chairman Leadbetter opened the public hearing. He asked the applicant or applicant's representative to come forward and present the case.

Andy Condlin, representative for the applicant, came forward to present the case. He stated the property is located in the Suburban Service Area within the U.S. Route 1 Corridor Overlay District. He said the Comprehensive Plan designates generally Planned Business as well as Suburban General and Transitional residential uses. The request for making the Master Planned Business Park becomes a balance between broader economic benefits for the County and addressing potential impacts to the community he stated. Hanover is losing potential businesses to other jurisdictions. There is not a lot of ready product available in Hanover. Businesses do not want to go through the zoning process when there is already ready product available in other jurisdictions he said. To attract the caliber of users and employment centers for the County, property needs to be zoned correctly. Mr. Condlin addressed additional proffers that he handed out to the Commissioners referencing the following: Elmont Woods Subdivision, Paving, Outside Storage, and Use Restrictions. He went over each addition in detail. He stated the additions were a result of the comments from the community and staff.

Chairman Leadbetter asked if the Commissioners had any questions or discussion.

Mr. Whittaker and Ms. Winborne asked Mr. Condlin questions clarifying the setbacks presented to them next to Elmont Woods.

Chairman Leadbetter asked if there was anyone present who wanted to speak in favor of the application.

Susan Deusebio, Deputy Director of Economic Development, came forward. She supports this application because the proximity of this property makes a commercial industrial zoning appropriate. She said the Board of Supervisors made it a priority to have commercial industrial acreage available and ready to develop. Ms. Deusebio stated to date Hanover has not had enough opportunities to compete for the high value investments taking place in the region. Other available sites in Hanover are much smaller in size or lack good commercial access. She also stated the Economic Development Partnership has noted a shortage of 100+ acre sites in the Commonwealth. This proposal would provide Hanover with more opportunities. She said the interest in Hanover is high, Hanover just does not have a place to put commercial businesses. Any development of this site would be constrained to uses which include: manufacturing; transportation and warehousing; professional, scientific, and technical services; hotels and motels; and professional offices. In closing she stated without this project, the County will lose opportunities for new investment.

Howard Whitlow came forward. He stated he had a few questions and asked if Mr. Garman could put the General Land Use Map back on display. Mr. Whitlow asked for clarity on the zoning for

June 18, 2015

the area north of Cedar Lane. He said what he pulls up shows business and residential, but it is said to be industrial.

Mr. Garman pointed out the area on the map.

Mr. Whitlow then asked for examples of the difference between planned business and industrial.

Mr. Maloney spoke and stated the Comprehensive Plan anticipates a commercial center and the appropriate districts are office service, mixed use, and business-park. He concluded by stating he would address any other questions or concerns once the public hearing is closed.

Mr. Whitlow then changed his mind and stated he objects to the proposal because it is not in the Comprehensive Plan. He said he fails to see that the three entrances are necessary. Mr. Whitlow concluded by stating he cannot understand why Elmont Woods gets a 50' buffer and Cedar Lane only gets a 25' buffer.

Chairman Leadbetter asked if there was anyone present who wanted to speak against the application.

Shannon Crone came forward. She stated the parcel that backs up to Elmont Woods is Suburban General and not meant for Planned Business. She said she supports the development on Route 1, but rejects the zoning of Planned Business behind her neighborhood. Ms. Crone stated she has 50' trees behind her house and she would like those to remain. She does not want to see those trees taken down to add a berm with smaller trees. She concluded by stating she would prefer the zoning to remain A-1 but would be open to residential or B-1 with small, clean, quiet businesses.

Murphy Sprinkle came forward opposing the proposed rezoning. He said he is disheartened and disappointed by the rush of this application's supporters. He stated in the public, private meeting, some of the County members told them this was already a "done deal" and ready to zone the property M-2. He stated he does not oppose Business or M-1 in the area above the Holly Hill Road intersection with Cedar Lane. He said he is also disappointed in the proffers submitted by the applicant. Mr. Sprinkle said the proffers got better tonight yet no one has had the opportunity to study those proffers yet. He concluded by saying he would like to see sign restrictions, a 100' setback with 6' evergreen berms, and light restrictions for any development forward.

Joe Franklin stated he is the third property owner on Elmont Woods Drive. He said his biggest concern is noise. He stated he understands the desire of the County for this Comprehensive Plan. But he said he feels this needs to slow down and take in consideration what they want to do on Cedar Lane.

Todd Pugh said his property backs up to the north western plot listed on the proposed rezoning. His concern is the rezoning of what is currently in the General Land Use Plan as Suburban Transitional to Planned Business. Mr. Pugh said it has been said this the development would not affect his property

June 18, 2015

value. He said he does not know how a possible hotel 100 feet from his back yard is going to not impact his property value.

Beth Lavelly lives on Elmont Woods Drive. She said she looked at the Comprehensive Plan prior to purchasing her property. She purchased because it was zoned residential. Her biggest concern is the effect of the businesses on their community.

Eileen McMahon said she concurs with Mr. Whitlow's concerns about the ingress and egress for the proposed rezoning. She stated the three entrances affect everyone on Cedar Lane.

Matt Perry, a resident of Elmont Woods, came forward. He agrees with the statements made by the citizens who spoke before him.

Corey Wendrick stated he would like to see the area at Elmont Woods and the area above it remain residential and not be zoned M-2.

Laureen Hawks, a resident of Elmont Woods Drive, came forward. She said she agrees with the other citizens in opposition. She asked the Commission to consider her back yard as their back yard. She asked what they would want to see, listen to or want for yourself if this were their back yard.

Mr. Sprinkle asked if the Chairman would take a moment and see how many people are opposed to the case. He asked those opposed to stand.

Chairman Leadbetter asked Mr. Condlin to come forward for rebuttal.

Mr. Condlin came forward to address some of the concerns. He stated over 125 notices were sent out for the community meeting for this case. He also said only the adjacent property owners are required to be notified of the rezoning. He addressed the berm concerns by the citizen. Mr. Condlin touched on the berms and setbacks for the proposed rezoning. He also spoke on the Comprehensive Plan and how it applies to this application.

Chairman Leadbetter asked the Commissioners if they had any questions or discussion.

Ms. Winborne said to her understanding, the parcel that abuts the property the citizens have raised concerns about, has been clear cut but the matured trees remain at a 20' buffer. Is that correct she asked.

Mr. Condlin said that is correct.

Ms. Winborne asked if the owner of the property could clear cut to the property line. She said they are under no County restriction to leave a buffer. Is that correct, she asked.

Mr. Condlin said as it is currently zoned, that is correct.

Ms. Winborne then asked if the Comprehensive Plan defined individual property lines.

Mr. Maloney stated the General Land Use Plan is a generalized plan. It is not intended to define property lines, it is for interpretation he stated. Mr. Maloney stated it is staff's intent that any development that occurs should be well planned and harmonious with the surrounding area. He stated

June 18, 2015

it is the Commission's discretion as to where they interpret the extent of this specific land use classification.

Chairman Leadbetter closed the public hearing.

Mr. Maloney stated the proffers before the Commission for consideration is the proffer document that was included in their packet. He reminded the Commission that any proffers to be considered must be submitted no less than 21 days, followed by any staff recommended changes must be submitted by the applicant within 14 days. He said he acknowledges additional and revised proffers have been submitted, however, the proffers to be considered for action are the proffers included in the staff report.

Mrs. Peace and Ms. Winborne asked for clarity on the proffers.

Mr. Maloney stated as part of staff recommendations, staff has proposed additional conditions that would ensure the proposal meets the intent of the Comprehensive Plan. He read pages 3 and 4 of the staff report outlining staff's proffer recommendations. Mr. Maloney said upon considering the staff recommendation, the applicants have indicated, through the document distributed to the Commissioners during the meeting, they are in agreement with the recommendations. He said it appears that the applicant is willing to amend the proffer document to address the additional proffers staff has recommended in the staff report.

Mrs. Peace asked why this case did not require a Master Plan Amendment. She stated she is wondering how it went from Planned Business and residential to M-2.

Mr. Maloney said it is up to the Planning Commission to determine whether this project is in compliance with the Comprehensive Plan. He said staff discussed the purpose and intent of the Planned Business and the districts supported by the Comprehensive Plan. He stated M-2 does not contain any substantial design or Master Plan requirements. With that being said, staff made the recommendation to enhance the M-2 district with the additional requirements mentioned for Planned Business. Mr. Maloney said although the M-2 district is not mentioned, the design standards and components of the district do match the Comprehensive Plan.

Chairman Leadbetter said the Commissioners appreciate everyone's input for this project. He said they welcome all the citizens' comments and take them all into consideration. With that being said, he made the following comments:

"1) What is the purpose of the new Ordinance 22-17.1? This ordinance was approved to allow select commercial properties the ability to be rezoned without paying the tax implications until the rezoned use becomes active.

The vision of this Ordinance is to attract premier quality development to the County by this expedited zoning process.

June 18, 2015

2) Why is this project important to Hanover County? These type of projects add more value and sustainability to the overall health of the County's commercial and economical development. It is because of these type of projects the County has the ability to maintain a low tax rate.

3) Are the future land use zoning maps in the Comprehensive Plan considered to have general or static lines? During the last Comprehensive Plan review and adoption this issue was discussed in detail in many of the 27 meetings and workshops. In some locations during the review the lines were static (meaning fixed) as a result of Citizen input and limited options with the proposed zoning.

Other than these areas, the Comprehensive Plan is and should be a general line. These general lines are not meant to dictate exact locations of unknown future development. They are meant to be a guide to make practical and sensible decisions in the zoning of future land use. These lines should remain in practical proximity as shown with the ability to expand or retract.

4) Will the storm water from the Project effect other properties? Prior to the new storm water regulations, it was required that storm water runoff on adjacent properties could not be greater than existing conditions. With the new regulations it is likely the runoff will be less than existing conditions.

5) Traffic concerns? Traffic concerns will be addressed as proffered by the Applicant in a TIA study prior to site plan approval. Such improvements shall be designed and constructed to VDOT standards.

In conclusion to these comments I would like to make the following motion: **In reference to case C-15-15(c), RICHARD E. HOLLAND, JR. PROPERTIES, L.L.C., I WOULD LIKE TO RECOMMEND A MOTION FOR DENIAL AS SUBMITTED, BUT APPROVAL SUBJECT TO THE APPLICANT'S SUBMITTED PROFFERS 1-5, AND TO INCLUDE THE FOLLOWING ADDITIONAL PROFFERS: #6 PRE ENGINEERED BUILDINGS SHALL NOT BE ALLOWED; #7 PAVING. ALL ROADS, DRIVEWAYS, PARKING AREAS AND STORAGE AREAS WITHIN THE PROPERTY SHALL BE PAVED; #8 OUTSIDE STORAGE. ALL OUTSIDE STORAGE ON THE PROPERTY SHALL BE SCREENED FROM PUBLIC VIEW FROM U.S. ROUTE 1 AND CEDAR LANE (STATE ROUTE 623); #9 IN ORDER TO PROVIDE PROTECTION AND BUFFER FOR ELMONT WOODS SUBDIVISION THE SUBURBAN GENERAL DESIGNATION SHALL BE INTERPRETED TO START AT THE ELMONT WOODS SUBDIVISION AND INCLUDE APPROXIMATELY 50% OF THE SUBURBAN GENERAL AREA AS SHOWN ON THE COMPREHENSIVE PLAN.**

Ms. Winborne asked if the Chairman was suggesting a linear footage.

Mr. Maloney stated staff understands the intent and language of the motion. He stated staff will work with the applicant to identify an area approximately halfway between Elmont Woods Subdivision and Holly Hill Road as the extent of the zoning.

June 18, 2015

Ms. Winborne asked if the line is moved, does that mean there is no berm and plantings.

Chairman Leadbetter said correct.

Ms. Winborne **SECONDED.**

Chairman Leadbetter asked if there were any other questions or comments from the Commissioners.

Ms. Winborne asked if someone could explain if the new line has a buffer requirement.

John Bender gave the requirements of a buffer.

Mr. Maloney stated an alternative could be to continue to require a buffer at the zoning line.

Ms. Winborne asked Chairman Leadbetter if she could make a friendly amendment to his motion. She stated, **I MOVE TO MAKE A MOTION TO INCLUDE A CONDITION THAT REQUIRES THE PROPERTY LINE CLOSEST TO ELMONT WOODS BE PLANTED WITH A BUFFER IN ACCORDANCE WITH THE COUNTY'S STANDARDS.**

Chairman Leadbetter agreed.

Mrs. Peace asked if the yellow area, as shown on the Land Use Map, is being excluded from the rezoning case or are they requesting to rezone the yellow to a residential zoning.

Mr. Maloney stated the challenge with the map, is all it shows is roads. It gives an approximate location of Holly Hill Road and Elmont Woods Drive. The map does not give the location of the property line between the homes at Elmont Woods and the adjacent subject property. He stated it is likely a portion of the area shown in yellow will be rezoned to industrial and a portion will remain agricultural. The exact location will be determined by working with the applicant to have surveys conducted, he stated.

Mr. Padgett asked if there was an urgency to approve this tonight. He stated it seems to be more loose ends and he does not want to send this to the Board with less finality.

Ms. Winborne asked if the issues would be worked out prior to the Board meeting.

Chairman Leadbetter stated it should be able to be worked out and he would like to move the case forward.

Mr. Maloney stated it is the intent of the staff to have the final proffer language prepared in time for the Board meeting. He stated the applicant has time to agree or disagree with Commission's recommendation and that will be reflected and forwarded to the Board.

Chairman Leadbetter called for the vote.

June 18, 2015

The vote was as follows:

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

The motion carried.

The Planning Commission voted 5 to 2 to **RECOMMEND DENIAL AS SUBMITTED, BUT APPROVAL OF C-15-15(c), RICHARD E. HOLLAND, JR. PROPERTIES, L.L.C., SUBJECT TO THE FOLLOWING:**

Amend the application by removing from the request approximately 50% of the area that adjoins the Elmont Woods subdivision and shown as Suburban General on the General Land Use Plan map; provide a planted buffer in accordance with the County's standard along the revised M-2 zoning line;

Proffers 1-5 as submitted:

1. Utilities. Public water and sewer facilities shall be used for the development of the Property.
2. Utility Lines. All utility lines, such as electric, telephone, CATV, or other similar lines shall be installed underground, except for (a) those existing utility lines that currently traverse the Property, and (b) those utility lines prohibited by federal and state statues or regulations from being installed underground.
3. Uses. Use of the property shall be limited to those uses listed in Division 14, M-2, Light Industrial, and shall be limited to those uses within the categories of uses set forth in Section 22-17.1(a) of the Hanover County Code, as may be amended, which includes the following categories:
 - A. Manufacturing;
 - B. Transportation and warehousing;
 - C. Professional, scientific and technical services;
 - D. Hotels and motels (Conditional Use Permit necessary); and
 - E. Professional offices.

Nothing herein shall preclude the Owner from applying for a conditional use permit or special exception within Division 14 of the Hanover County Zoning Ordinance provided a determination is made by the Director of Planning that the use is consistent with those uses listed in Section 22-17.1(a) of the Hanover County Code.

4. Architectural Treatment.
 - A. Materials used for buildings on the Property shall be brick, stone, precast architectural concrete (including tilt-up panels), split face block, architectural metals, metal and glass curtain wall, metal curtain construction systems, or synthetic stucco or other materials determined to be of comparable quality by the Planning Department at the time of site plan review.
 - B. The architectural treatment for any wall facing a public right-of-way shall include architectural details, fenestration, or other features that will create architectural interest and not appear as a blank wall. Wall surfaces of each building (whether front, sides or rear) that are visible from any public right-of-way shall be similar in architectural materials to other walls of the building.
 - C. Any mechanical units on the Property shall be screened, and if on the roof, screened by a parapet wall that is an integral component of the building. Screening shall be designed so as block such units from view by persons on any public streets immediately adjoining

June 18, 2015

the Property, or from adjacent residential uses. The method of screening shall be submitted at the time of site plan review.

5. Transportation Improvements. To provide for an adequate roadway system, the Owner shall be responsible for the road improvements as required below.
 - A. Prior to the first site plan approval on the Property, the Owner agrees to undertake a Traffic Impact Analysis (TIA) in accordance with County policies and applicable Virginia Department of Transportation (VDOT) regulations. The scope of the TIA shall be mutually reviewed by the Owner, Hanover County, and the Virginia Department of Transportation; however, the Director of Planning shall make the final determination regarding the scoping of the TIA. The TIA shall include trip generation forecasts for project build out. The TIA shall provide recommendations to ensure that traffic operations as a result of the proposed development will be sufficient to maintain a minimum service level "D" across the road network identified in the TIA.
 - B. The TIA shall include a master plan depicting the internal circulation, which shall be submitted to the Hanover County Planning Department for its review and approval. The master plan shall include provisions for the following potential points of ingress and intersections:
 - i. Proposed entrances to U.S. Route 1 and Cedar Lane (State Route 623)
 - ii. Cedar Lane/Holly Hill Road (State Route 713) intersection
 - iii. Road safety and capacity from Holly Hill Road east to project limits
 - iv. Cedar Lane/U.S. Route 1 intersection
 - C. The TIA shall include a phasing plan for the installation of improvements. The phasing plan shall be based on projected daily vehicle trips and PM peak hour trips. In no case shall the level of service for the roads evaluated in the TIA fall below LOS D in any phase of the development. The Owner agrees to install all recommended road and traffic control improvements as recommended by the TIA. The exact design and dimensions of those improvements shall be determined at the time of site plan approval, and they shall be designed and constructed to VDOT standards and specification.
 - D. The location of all access points into the Property shall be in general conformity with the conceptual plan prepared by McKinney and Company, dated June 30, 2015, entitled "HOLLAND PROPERTIES, HANOVER COUNTY, EXHIBIT A" (the "Concept Plan").
 - E. Dedication of Right-of-Way. The Owner agrees to dedicate fifty (50) feet of right-of-way from the centerline of Cedar Lane (State Route 623) to the property from the western limit of VDOT Project #0623-042-R71 to the western property line and dedicate sixty (60) feet of right-of-way from the centerline of Washington Highway (U.S. Route 1) to the property from the northern limit of VDOT Project #0623-042-R71 to the northern property line for future road widening, free of cost to the County, upon request of the County or VDOT.

And, subject to additional proffers that address the following:

6. Architecture: Pre-engineered buildings shall not be allowed.
7. Paving: All roads, driveways, parking areas and storage areas within the Property shall be paved.
8. Outside Storage: All outside storage on the Property shall be screened from public view from U.S. Route 1 and Cedar Lane (State Route 623).

The Commission recessed at 9:08 P.M.

Meeting Reconvened

Chairman Leadbetter called the meeting back to order at 9:20 P.M. *All members were present except Mrs. Iverson.*

June 18, 2015

C-14-14(c) MARY LYNNE MCDOUGLE, ET AL. (SCOTCHTOWN PARTNERS, L.L.C.), Requests to rezone from A-1, Agricultural District, to RS(c), Single-Family Residential District with conditions, RM(c), Multi-Family Residential District with conditions and B-3(c), General Business District with conditions, on GPINs 8706-48-8991(part), 8706-58-6162, 8707-51-3243, 8707-51-3841, 8707-61-2365, 8706-58-5695(part), 8706-58-8910(part), 8706-69-3782, 8707-60-1621(part), 8707-60-5237, 8707-61-6614, 8706-58-3434, 8706-59-0093(part), 8706-49-5063(part) and 8707-51-6800, consisting of approximately 103.68 acres, and located at the southwest quadrant of Chamberlayne Road (U.S. Route 301) and New Ashcake Road (State Route 643) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Multi-Use. The proposed B-3 zoning amendment would permit office and retail uses on 36.68 acres. The proposed RS zoning amendment would permit 115 single family lots on 32.35 acres for a gross density of 3.55 dwelling units per acre; the proposed RM zoning amendment would permit 131 townhouses units on 14.01 acres for a gross density of 9.35 dwelling units per acre; and a proposed RM zoning amendment for 286 apartment units on 20.64 acres for a gross density of 13.86 dwelling units per acre. The overall residential density would be 7.94 dwelling units per acre. (PUBLIC HEARING)

Mr. Garman gave a full presentation on this case to rezone from A-1, Agricultural District to RS(c), Single-Family Residential District with conditions, RM(c), Multi-Family Residential District with conditions, and B-3(c), General Business District with conditions. He stated this request was deferred at the Planning Commission meeting on May 21, 2015, to allow the applicant time to address the Commission and staff's comments. Subsequent to that meeting, the applicant has address all outstanding issues with the exception of three. He said the issues are the following: 1) The Multi-Use master planned community must be connected both physically and functionally; 2) The applicant has not provided an exiting left turn movement from Cruz Boulevard to U.S. Route 301; 3) The applicant has proffered to construct 80,000 sq. ft. of commercial after constructing 408 dwelling units, or 77% of the residential development. Staff has recommended phasing the project to ensure business development is the primary objective, as recommended for the Multi-Use designation. Staff recommends denial but approval subject to the staff's recommendations regarding the remaining outstanding issues.

Chairman Leadbetter asked if the Commissioners had any questions or discussion.

Ms. Winborne asked for clarity on the functional connection considered for this Master Plan community.

Mr. Maloney explained the term "functional" as it would relate to this case for the Commission to consider for connecting the project areas.

Mr. Whittaker stated at the previous meeting, a bridge was mentioned for the connection. He asked if the bridge has been completely ruled out.

Mr. Maloney stated he would defer the question to the applicant and allow them to address it during their presentation. However, to his understanding, if Dominion Virginia Power allows an actual pedestrian bridge structure to be constructed, the applicant has agreed to do that. At this moment the approval process is pending, he stated.

June 18, 2015

Chairman Leadbetter opened the public hearing. He asked the applicant or applicant's representative to come forward and present the case.

James Theobald, representative for the applicant, came forward. He stated, as discussed last time, the major question is why here? He said the answer is because this is where the County has said this type of development is appropriate. That type, being multi-use consistent with the Land Use Plan. He said 85% of the rest of the County has been set aside for agricultural and rural development, the remaining percentage was set aside to promote development. The developer is paying to extend sewer and water lines to make development possible in this area consistent with the County's Plan. The concept is interconnected with walkable paths to create a community. He stated the property is physically connected and the developer is working with Dominion to achieve an alternate crossing. Mr. Theobald stated the proposed plan is designed to attract young professionals and get them to come back to Hanover County. He described the demographics expected to move to this development. Mr. Theobald briefly addressed traffic. He stated that the applicants were required to submit a TIA. He said it was submitted and accepted by VDOT and the County. He stated the need to provide a balance for phasing of residential to commercial has been a challenge. The developer has doubled the amount of commercial provided based on suggestions from the Commission. Mr. Theobald said the proffers have been changed substantially since the previous meeting. They are listed in the staff report. He concluded by stating at full build out, the proposal could generate over a million dollars in tax revenue annually for the County.

Chairman Leadbetter asked if there were any questions or discussion from the Commissioners.

Mr. Whittaker asked when construction would start for the businesses.

Mr. Theobald stated as soon as they receive commitments.

Mr. Padgett asked what has changed from what is in the packet as far as proffers are concerned.

Mr. Maloney went through the packet and highlighted what proffers were and were not included in the packet.

Mr. Padgett asked what would be the impact if there were two separate projects.

Mr. Theobald stated to try to develop the southern half of the standalone single family residential development is not consistent with the Land Use Plan.

Mr. Maloney explained single family residential development to commercial ratios.

Mr. Padgett stated it is his understanding that the full turns from Cruz were not warranted by the traffic study.

Mr. Theobald stated that is correct. He stated in a noble effort to accommodate Georgie Drive, it would be a \$1.6M unnecessary accommodation.

June 18, 2015

Mr. Padgett asked if Mr. Theobald could explain why a near proportional phasing of the commercial to the residential is not feasible.

Mr. Theobald stated when asked where the formula came from, one of the responses was the East Ashland case that has not yet been developed. He said there is a reason for that. He referred to building standards prior to the recession. He said once the recession hit, the entire lending environment changed. Lenders will no longer lend millions upon millions of dollars for infrastructure and wait years for things to repay them. The lending must match what is on the ground. He said they have tried to the best of their ability, to match the infrastructure with reasonable expectations for housing, provide the rooftops, then the retail will be there.

Ms. Winborne stated she had a question for Mr. Theobald relating to the professionals in the demographic he cited previously. She asked are the developers willing to capture the two bedroom apartments with central living for these professionals.

Mr. Theobald stated there will be units like that available with two full bathrooms. These will accommodate young professionals with roommates. The range of individual incomes for these projects to meet the rents is between \$55,000 and \$100,000 a year.

Chairman Leadbetter asked if the Commissioners has any other questions or comments. Seeing none, he asked if anyone present wanted to speak in favor of the application.

Troy Fowler came forward to speak. "If you build it they will come" he stated. He has been a resident of Hanover for 18 years and feels this will bring in more jobs to the County. He also stated this development sets a precedent in how any future multi-use should be developed. He concluded by stating he likes the fact that he knows what is coming in. It is not another expansion of Sheetz or WAWA.

Ronald Martin, a representative for the Kirby family who co-owns this property was next to speak. He stated the Kirby family has been stewards of this land through four generations. When the County changed the Comprehensive Plan to allow for multi-use development, the family thought it would be a perfect fit for their property. After meeting with Scotchtown to discuss their plan, the Kirby family believed that it would uphold their goals of being good for the community.

Jessie Harris, an endodontist in Rutland, stated the multi-use development will keep families from leaving the community. He stated the younger generation is looking for this type of establishment. He concluded by stating, he cannot see how this development would not do anything but benefit Hanover.

Michelle Faison asked Mr. Garman to put up the slide with the map of the development. She stated her neighborhood is across the street from the proposed property. She said she is happy about this development because it is not a Sheetz or Dollar General and it is good for the County.

June 18, 2015

Shawn O'Connor lives in Crown Colony. He stated he sees this proposal as nothing but positive and would help the community. He compared it to the positive impact of Rutland but stated this will be great with the upscale shops. He concluded by stating it is a well thought out plan and will draw the right people to Hanover.

Chairman Leadbetter asked if there was anyone present who wanted to speak against the application.

Ann Jerald came forward. She stated she has property that adjoins this proposal on the corner of New Ashcake and Pamunkey. She said the traffic to get out of her driveway onto New Ashcake when school is in session is already a problem. She said there goes her sunrises over the field and life as she knows it now. She said having all of this right at her door is unthinkable and it breaks her heart. Ms. Jerald stated Hanover is losing the "country feel".

Angelique Pryor lives on Pamunkey Road. She stated she moved to Hanover because of its agricultural feel. She said she is okay with not having upscale grocery stores and restaurants; that is not why she moved to Hanover. Ms. Pryor stated what the developers do with this plan will forever change what she does on her property. She concluded by stating we need to hang on to our agricultural land because they are not making any more of it.

Sherry Hooe was next to come forward to speak in opposition. She said she is concerned about effect of the noise and smell pollution on the quality of life on the existing residents. She stated her concerns of the low likelihood of success with having 21 retail spaces available in a five mile radius. The next concern she expressed was the potential for a gridlocked pattern on New Ashcake Road backing up traffic onto Route 301. Ms. Hooe shared her concern of the developer not willing to spend less than 1% of the overall project budget for a common sense entrance off of Route 301. She concluded by stating she feels this project may not have adequate contingency funds to address unforeseen issues that may arise later and flooding that could occur in the Pearson's Corner neighborhood.

Kathleen All, resident of Georgie Drive, stated she was in opposition because the project will not blend with the surroundings. She had concerns about density being problematic to traffic, apartments will discourage the purchase of townhomes and single family dwellings, and buffers and sound barriers. In conclusion she is not opposed to development, she stated she feels there are many aspects of this project that seem to be more of a gamble than a well thought out plan.

Joshua Snell stated he is not opposed to growth. However, what he is concerned about is when looking at what is intended verses what will result could be very different in the end. He said there is nothing to prevent establishments such as used car dealerships, gas stations, and check cashing. He also expressed his concerns about the traffic.

June 18, 2015

Carolyn Cooke had concerns about the future. She asked the Commission not to let development continue all the way to the Courthouse. She then questioned how citizens could be certain that this will not turn out to be another Sheetz or WAWA. She asked if there had been promises made that this will not happen. Ms. Cooke also expressed her concern on greenspace. She said she is disappointed that there is not more apparent usable greenspace in the proposed development. She concluded by stating she would like to see this project postponed until some of these questions can be answered.

Denise Gross lives about a mile and a half back on New Ashcake Road. She stated the traffic getting out of her driveway currently is awful. She said she is not against improvements and bringing great things to the County. However, she does not need a great experience to go to the grocery store. She likes the serene atmosphere of the County. She concluded by asking do we want Route 301 to look like Midlothian Turnpike or Route 360.

John Ramsey came forward to speak. He is a resident of Georgie Drive. He questioned the need for more commercial space in the area. He stated his concerns about the added traffic on New Ashcake Road.

Colleen Shepherd, a teacher in the area, spoke about her concerns of life in the area drastically changing due to this development. She also had concerns about the traffic and greenspace.

April Dore has lived in many of the surrounding neighborhoods since 1997. She expressed her concerns about the affordability of the proposed apartments. She stated as a teacher, they do not make \$55,000 a year. Her final concern was the lack of greenspace in the proposal.

Chairman Leadbetter asked Mr. Theobald to come forward for rebuttal.

Mr. Theobald declined.

Chairman Leadbetter closed the public hearing. He asked Mr. Maloney to address some of the concerns raised by the citizens.

Mr. Maloney spoke about greenspace and the agricultural zoning classification. He stated the Comprehensive Plan is geared towards accommodating 70% of all future residential growth within 22% of the land area of the County. That allows the County to maintain the important, cherished, rural environment. Staff has been careful to ensure all of the objectives of the Comprehensive Plan, as it relates to multi-use, have been fulfilled with this project. The applicant has provided extensive proffers to achieve the required standards. All the concerns raised by the citizens this evening have been addressed in one way or another he stated. At this point, staff leaves the judgement of the goals and objectives of this plan to the Planning Commission.

Mr. Padgett stated the restriction of truck traffic applies when construction is complete. He asked what about construction traffic?

June 18, 2015

Mr. Maloney stated there are limitations on hours of operation and when construction can occur.

The limitations are set forth in the noise Ordinance.

Mr. Padgett asked if restricting construction traffic to enter from Route 301 be added.

Mr. Maloney stated he would be hesitant to place too many restrictions on construction traffic.

Mr. Whittaker stated the Comprehensive Plan is updated every five years. He asked for clarity on how many years it has been since the line of the Suburban Service Area has been moved.

Mr. Maloney stated the last expansion of the Suburban Service Area was in 2007. The area of the Suburban Service Area was increased from 17% to 22%. He said the last Comprehensive Plan indicated there was more than enough land in the Suburban Service Area to accommodate growth over a 20 year period.

Mr. Whittaker stated he recalls the growth rate was under 1 ½ % last year. He asked if that was correct.

Mr. Maloney stated the rate is just under 1 ½% and we are tracking almost the same rate this year.

Mrs. Peace stated she wanted to point out that looking at the detailed proffers on page 6, there are use prohibitions specifically regarding a convenience store. She said it also outlines the other retail and commercial uses would not be allowed in the development. She also said on page 8, the exterior materials being proffered are explained specifically.

Mr. Maloney stated a used car sales lot is not a permitted use by right within the B-3 zoning district.

Ms. Winborne commented in regards to the available retail space. She said she spoke with Economic Development and for Hanover County as a whole, there is only a 5% vacancy rate for the Richmond Metro Area.

Mr. Whittaker stated he grew up in this area and has been here all his life. He stated he wanted to see good development. He said this is the right quality needed and he is supporting this.

Mr. Padgett thanked everyone for coming out and participating. He stated the developer has worked on this project for many months to address the outstanding issues and concerns from staff. Mr. Padgett then said the following: “traffic impacts have been mitigated as much as possible. I think that the things that the staff would still like to see are the full turn from Cruz northbound onto Route 301. It is a nice thing to have but it is not warranted by the traffic study. It has some geographical challenges and an exorbitant cost and a doubtful benefit to New Ashcake. So for that reason, I see no reason to require it. The connection physically and functionally is something of a moot issue I think. Yes you could say well you cannot drive a car there. But they have a connection, you can ride a bicycle there,

June 18, 2015

you can walk there, for those who want to walk a half mile or so. I do not see that as a big issue or a deal killer. The phasing the developer has addressed to the extent possible. We had Mr. Theobald speak about the limitations of what is possible on that. The truck traffic into and out of the project will be prohibited during rush hours but as I noted, that does not apply to the construction traffic. And it is not feasible to construct a proffer that will address that in a fair way. But I would like to encourage the developer to make every effort to limit the construction traffic on New Ashcake in particular. The density, as Mr. Maloney stated very well about the Suburban Service Area and this is designated for multi-use. The Comprehensive Plan calls for multi-use density to be in the range of 8-15 dwelling units per acre. When you take the 532 dwellings and divide it by the 67 acres of residential property, it works out to 7.94 which is actually below the bottom of that ratio. So you might think it is dense, maybe it is, but it is not dense under the Comprehensive Plan. We need to remember this area is located in the Suburban Service Area and that is where we are going to put the growth so we can keep the 78% rural. So we do not expect to increase that for many years. As Mr. Theobald said, the developer will first construct considerable infrastructure: water and sewer connection lines, internal roads, then external road improvements, and cash proffers as dwelling units are completed. Many millions of upfront dollars will be required from lenders before anything is built. Apartments and their amenities need to be constructed first, which will help generate revenue to help finance commercial construction. It is not financially feasible to build commercial facilities first or even pro rata to that of residential homes. The developer has committed to build 80,000 square feet of commercial space no later than when the apartments and half of the single family detached and town homes are built. This seems reasonable to me, and I have no doubt that the commercial facilities proposed in this project will follow a pace because this property is very valuable, fronting on Route 301, a major arterial. In short, I think the developer could not afford to not move forward with the full range of commercial facilities. In summary, I believe this is an excellent project that will be a credit to Hanover and especially this neighborhood, which I also live near. I travel this road every day. I believe it can and will become one of the premier Hanover communities that we will be proud of as it is developed over the next several years. This is valuable land that will no doubt be developed. I believe this is an appropriate use of this scarce resource. Having said that, I **MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF C-14-14(c), SCOTCHTOWN PARTNERS, L.L.C., SUBJECT TO THE PROFFERS SUBMITTED AND WITH THE REVISIONS THAT ADDRESS HOURS OF CONSTRUCTION, A CREDIT FOR ROAD CONTRIBUTIONS, AND THE TIMING OF SPECIFIC ROAD IMPROVEMENTS.**

Mr. Whittaker **SECONDED.**

June 18, 2015

Chairman Leadbetter asked if there were any other comments or discussion from the Commissioners.

Ms. Winborne stated she had the opportunity to ride down Route 301. She stated based on her personal observation and everything that has been presented, she finds that she can support the motion.

Chairman Leadbetter gave an overview of him being a child growing up in Montpelier. He said he feels pretty blessed to live where he lives now because the areas that used to be convenient to live in have now become inconveniences. He stated in order to keep this county rural, it has to have an area to grow in. He said the growth has been pushed from Richmond to Henrico and Hanover. The only way to control growth and keep the County rural is to have growth in the Suburban Service Area he said. Chairman Leadbetter also said everyone who has property has the ability to do what they want within legal limits with their property as long as it fits into the community. He stated he is having trouble supporting this case but not for those reasons. He said he has trouble connecting two pieces of property with a walkway. He said it increases the density of the overall project. With these comments, Chairman Leadbetter said he is unable to support this motion.

Chairman Leadbetter called for the vote.

The vote was as follows:

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

The motion carried.

The Planning Commission voted 5 to 1 to **RECOMMEND APPROVAL OF C-14-14(c), MARY LYNNE MCDOUGLE, ET AL. (SCOTCHTOWN PARTNERS, L.L.C.), SUBJECT TO THE PROFFERS SUBMITTED WITH REVISIONS AS FOLLOWS:**

APPLICABLE TO ALL

1. **Protective Covenants.** Prior to or concurrent with the final approval of the initial site plan and/or subdivision for any individual tract, a document setting forth covenants (the "Covenants") shall be recorded in the Clerk's Office of the Circuit Court of Hanover County, Virginia (the "County") setting forth controls on the development and maintenance of such tract and establishing an owners' association (the "Association"). A master Association may be established for the SF Area, the TH Area, the MF Area, the Neighborhood Business Area, and/or the Business Area, provided a separate Association may, but shall not be required to, be applicable to any particular tract or combination of tracts. The Covenants shall provide for high standards of uniform maintenance (consistent with commercial "Class A" and high end residential projects) of individual sites, common areas, open space, landscaping and private streets. The Association shall establish uniform rules related to the standards for approval by the Association of improvements within a particular tract, including, but not limited to, construction of any buildings and other structures and signage, provided, however, final approval of all building permits will be completed by the Planning Department for conformity with the elevations submitted with this application.

June 18, 2015

2. Historic Resources. Prior to application for a demolition permit for any historic structures, the Property Owner shall advertise in a regional newspaper for two successive weeks a free offering of the historic structures for movement to another site. If there are no respondents, the Property Owner shall allow any historic architectural features or materials in the structures to be properly salvaged. Prior to any demolition or removal of materials, the Owner shall allow County Staff to enter the structures for the purposes of photographic documentation for placement in the Historic Commission's files for a record of 10019 and 10077 Chamberlaye Road.
3. Pedestrian Wetland Crossing. The Property Owner shall construct a pedestrian crossing connecting the RS Area and the Neighborhood Business Area to the MF Area along Route 301 (the "Pedestrian Connection") consisting of an 8 foot wide asphalt path with a fence to match the fencing used along the exterior of the project, as generally shown on sheet 9 of the plans titled "Conceptual Plan – RM Multi-Family, Caldwell Park Chickahominy District Hanover County Virginia", dated August 4, 2014, last revised June 4, 2015, and shall include two (2) wooden benches and lighting fixtures on every third post of the fence. The Pedestrian Connection shall be a subdivision improvement bonded with the first section in the subdivision plat for the RS Area. If, prior to the County's construction plan approval for the Pedestrian Connection, Dominion Virginia Power approves the installation of an alternative design for the Pedestrian Connection consisting of a structure made of wooden, framed pedestrian walkway, with the walkway no more than three feet above ground level, across Dominion Virginia Power's 120 foot wide easement separating the RS Area and the Neighborhood Business Area from the MF Area, then the Property Owner will construct the Pedestrian Connection in accordance with Dominion Virginia Power's approval for such structure, and such structure shall become the subdivision improvement bonded with the first section in the subdivision plat for the RS Area.
4. **REVISED** Hours of Operation. The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall only be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except ~~in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections that cannot be interrupted as provided in Section 16-4 of the Hanover County Code.~~ There shall be no exterior construction activities on Sunday. ~~Signs, in both English and Spanish, stating the above referenced provisions shall be posted and maintained at all entrances to the portion(s) of the Property under construction prior to any land disturbance activities thereon.~~
5. **REVISED** Contribution for Road Improvements. The Property Owner, for himself, his successors and assigns, agrees to pay Hanover County, prior to issuance of a Certificate of Occupancy, the amount of Five Thousand Seven Hundred Nine and 56/100 Dollars (\$5,709.56) per single family detached unit, Three Thousand Four Hundred Eight-Five and 01/100 Dollars (\$3,485.01) per single family attached unit, and Four Thousand Eighty-Six and 73/100 Dollars (\$4,086.73) per multi-family unit, built on the rezoned 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 Property Owner or his successors in title within the timeframe required by Virginia Code Section 15.2-2303.2. ~~The Property Owner shall receive a credit in the amount of \$306,000 for the construction of the improvement specified in Section 7.d.iii below. This credit will become available after the completion of the improvement specified in Section 7.d.iii below and shall be applied to the payment of the funds required by this Section thereafter and if a balance remains after all the funds required by this Section have been paid then the County shall reimburse the Property Owner of the Business Area the amount of the remaining balance of the credit.~~
6. Right-of-Way Dedication. The Property Owner agrees to dedicate sixty (60) feet of right-of-way from the centerline of Chamberlayne Road (U.S. Route 301) and fifty (50) feet of right-of-way from the centerline of New Ashcake Road (State Route 643) for future widening, free of cost, upon request of the County or VDOT.
7. Transportation Improvements. To provide for an adequate roadway system, the Property Owner shall be responsible for the road improvements listed below in accordance with the timing specified below:
 - a. Prior to the issuance of the first Certificate of Occupancy issued for either the TH Area or the MF Area, the following: (i) at the Route 301/Full-In/Right-Out only site entrance,

June 18, 2015

a southbound right turn lane with 200 feet of storage and with 200 feet of taper, and an extension of the existing northbound left turn lane with 100 feet of storage to provide a total of 200 feet of storage with 200 feet of taper; and (ii) at the second site entrance along New Ashcake Road across from Georgie Drive a left turn lane into the site with 100 feet of storage and with 100 feet of taper and a left turn lane into Georgie Drive with 100 feet of storage and with 100 feet of taper into Georgie Drive.

- b. **REVISED** Prior to the issuance of the first Certificate of Occupancy issued for either the RS Area or the Neighborhood Business Area, the following at the full movement entrance onto U.S. Route 301 across from Crown Colony Parkway: (i) a southbound right turn lane with 200 feet of storage and with 200 feet of taper, (ii) an extension of the existing northbound left turn lane with 100 feet of storage to provide a total of 200 feet of storage with 200 feet of taper, and (iii) the design and installation of a traffic signal, if and when warranted by VDOT within five ~~twenty~~ (20) years after ~~the issuance of the first Certificate of Occupancy~~ rezoning approval for the ~~project~~ Property.
 - c. Prior to the issuance of the first Certificate of Occupancy issued for the RS Area, a southbound right turn lane with 200 feet of storage and with 200 feet of taper at the right-in/right-out onto Route 301 only entrance located on the southern end of the RS Area.
 - d. Prior to the issuance of the first Certificate of Occupancy issued for Business Area, the following:
 - i. At the right-in/right-out entrance onto Route 301 from the Business Area, a southbound right turn lane with 200 feet of storage and with 200 feet of taper;
 - ii. Widening of New Ashcake Road from the intersection with Route 301 to the New Ashcake Road/Georgie Drive/Site Entrance intersection to accommodate the following: (i) two westbound through lanes (one lane would drop as a left turn lane into the site at the first site entrance along New Ashcake Road), and (ii) an exclusive eastbound left turn lane with 100 feet of storage and with 100 feet of taper at the Route 301 intersection.
 - iii. A second left turn lane from northbound Route 301 to New Ashcake Road with 250 feet of storage and with 200 feet of taper.
8. Phasing. Certificates of occupancy for no more than fifty percent (50%) of the lots in the RS Area and certificates of occupancy for no more than fifty percent (50%) of the lots in the TH Area shall be issued prior to the commencement of construction on at least 80,000 square feet of building floor area (in the aggregate) in either the Business Area or the Neighborhood Business Area, or both.
9. Adjacent Parcel. The project shall provide internal connections only to the parcel of land identified as GPIN 8707-51-3243 in the event such land is added to the project.

APPLICABLE TO B-3 ZONED PROPERTY

10. Conceptual Plan. The Business Area and the Neighborhood Business Area shall be developed in substantial conformity with the conceptual plan attached titled "Conceptual Plan, Caldwell Park Chickahominy District Hanover County Virginia", sheet 3, prepared by Bowman Consulting, dated August 4, 2014, last revised June 4, 2015 (the "Conceptual Plan"), provided that the Property Owner may adjust road and lot lines, and other engineering detail subject to the approval of the Planning Director, which adjustments are necessary to effectively design the Property based on final engineering. The building layouts and footprints for the Neighborhood Business Area and the outparcels along Route 301 and the 4 office buildings behind and west of the anchor building within the Business Area are conceptual in nature and may vary in detail.
11. Architecture.
 - a. Generally. The Business Area and the Neighborhood Business Area shall be developed with a unified and complementary color and architectural theme. The conformity requirements contained in these architecture requirements shall not prohibit retail tenants, office tenants and owners of outparcels or office buildings from include prototypical or corporate identification architectural elements in the design of their building or space. The standard of compatibility may be met through scale, materials, forms, and/or colors

June 18, 2015

and with designs that meet the following general standards: elevations of proposed structures, including proposed materials, shall be submitted to the Planning Director for review and approval prior to final approval of site plan; adjacent facades will be compatible with each other with architectural features being continued whenever they can be observed by the public from within the project or from public roads and adjacent properties, and architectural features, such as setbacks, changes in building materials, and canopies, or differences in roof height will be used to add visual interest.

- b. New Ashcake Retail. The three retail buildings adjacent to New Ashcake Road, and shown on sheet 21 (Streetscape Elevations – New Ashcake Road View) of the plans titled “Route 301 MUv32 Chickahominy District Hanover County Virginia”, prepared by Bowman Consulting, dated August 4, 2014, last revised April 30, 2015, shall be constructed in substantial conformance with the elevations shown on sheets 16 (Vignette-2), 21 (Streetscape Elevations – New Ashcake Road View) and 22 (Streetscape Elevations – Interior View) of the plans titled “Route 301 MUv32 Chickahominy District Hanover County Virginia”, prepared by Bowman Consulting, dated August 4, 2014, last revised April 30, 2015.
 - c. Quad-Cluster of Buildings. The quad-cluster of buildings located within the Business Area between the anchor building and the MF Area shall be constructed in substantial conformance with the elevations shown on sheet 19 of the plans titled “Commercial Streetscape Route 301 MUv32 Chickahominy District Hanover County Virginia”, prepared by Bowman Consulting, dated August 4, 2014, last revised April 30, 2015, depending on whether constructed as a one-story or two-story building.
 - d. Anchor Building. The anchor building within the Business Area shall be constructed in substantial conformance with the elevations shown on sheet 17 of the plans titled “Vignette-3 Route 301 MUv32 Chickahominy District Hanover County Virginia”, prepared by Bowman Consulting, dated August 4, 2014, last revised April 30, 2015.
 - e. Remaining Business Area and the Neighborhood Business Area. The retail buildings in the remaining portions of the Business Area and the Neighborhood Business area shall be constructed in substantial conformance with the elevations shown on sheets 16 (Vignette-2) or 21 (Streetscape Elevations – New Ashcake Road View) of the Route 301 MUv32 Chickahominy District Hanover County Virginia”, prepared by Bowman Consulting, dated August 4, 2014, last revised April 30, 2015. The office buildings located behind and west of the anchor buildings in the Business Area shall be constructed in substantial conformance with the elevation shown on sheet 18 (Vignette-4) of the Route 301 MUv32 Chickahominy District Hanover County Virginia”, prepared by Bowman Consulting, dated August 4, 2014, last revised April 30, 2015.
12. Materials. Building materials utilized for the facades of the buildings shall be limited to brick, colored (not painted) split-face block, textured concrete tilt-up panels, metal, fluted block, tile, concrete tile, dryvit or other simulated stucco (E.I.F.S.), high-grade vinyl (a minimum of .042” nominal thickness as evidenced by manufacturer’s printed literature), engineered wood (e.g. LP Smartside), cementitious siding (e.g. Hardiplank), and/or glass. Metal may be used for not more than fifteen percent (15%) of front and side building façade materials, exclusive of window frames and door frames. Roofing materials shall be dimensional asphalt shingle, real or simulated slate or standing metal seam. If a flat roof system is used, then a perimeter parapet of dryvit, standing metal seam, colored (not painted) decorative split face block, fluted block, tile, concrete tile, textured concrete tilt-up panels or brick shall be used. Standard concrete masonry block shall not be used for the facades of any building. Elevations for all buildings to be constructed upon the B-3 Property shall conform to the foregoing limitations.
 13. Loading Docks. Service and delivery loading docks will be located at the side or rear of structures, and will be treated with architectural elements or decorative fencing and/or evergreen landscaping to screen their visibility from the public roadways.
 14. HVAC. Any mechanical units placed on the rooftops of buildings shall be screened by architectural features which are compatible with building façade architecture. The method of screening shall be provided and reviewed with the Planning Director’s review of the building elevations.

June 18, 2015

15. Use Prohibitions.
 - a. The Neighborhood Business Area shall only be used for any use permitted in the B-1 District and for banks and other financial institutions with a drive-through window.
 - b. In the Business Area, the following B-3 permitted uses shall not be allowed:
 - i. Animal hospital or kennel that utilizes an outdoor run or kennel;
 - ii. Outdoor sales and storage of boats and boat trailers;
 - iii. Plumbing and heating shop, painting shop, upholstery shop;
 - iv. Mobile home sales, display and storage, or sales, rentals, display and storage of recreational vehicles, both new and used;
 - v. Wholesale establishments, provided a discount retailer or a membership warehouse club will not be considered a wholesale establishment;
 - vi. Furniture refinisher;
 - vii. Adult uses;
 - viii. Truck sales, new or used;
 - ix. Mobile home park;
 - x. Auto body and fender repair;
 - xi. Retail Fueling Station unless associated with a grocery store and then only selling convenience items from the attendant's kiosk (but excluding the sale of alcohol from the attendant's kiosk);
 - xii. More than one (1) conventional fast food drive-through restaurant (as classified in the ITE Trip Generation Manual, 9th edition, as Land Use Code 934), and more than two (2) specialty drive-through restaurants such as a coffee, doughnut, bread, bagel, and ice cream shop (as classified in the ITE Trip Generation Manual, 9th edition, as Land Use Codes 937 and 940);
 - xiii. Automobile rental;
 - xiv. Boat, personal watercraft, and boat trailer dealers, including service, repair and storage;
 - xv. Motorcycle dealers, including sales, service and repairs, including body and fender repairs;
 - xvi. Recreational vehicle sales (new vehicles) and rentals, including display, repair and storage;
 - xvii. Truck rental, not including tractor trailers and limited to pick-up or panel trucks with a gross vehicle weight rating of 26,000 pounds or less; and
 - xviii. With the exception of uses identified in Section 26-128(a)(1)(a-c) and (a)(3), all other uses with special standards in Section 26-128 shall be prohibited.
16. Signage. All freestanding signage on the Neighborhood Business Area and the Business Area shall be monument style. Retail tenants will be permitted to show their standard logo and colors on building and panel signage. In addition, the following standards shall apply:
 - a. Should the site be developed for multiple tenants, any freestanding sign shall be a multi-use design;
 - b. Wall signs for the anchor store may be designed in accordance with B-3 District standards; and
 - c. Wall signs for retail and office spaces may utilize wall signs in accordance with B-2 District standards.
17. Site Lighting. Lighting fixtures shall not exceed thirty-five (35) feet in height as measured from the grade at the base of the lighting standard.
18. Hours of Trash Pickup; Parking Lot Cleaning. Trash pickup from and parking lot cleaning in the Neighborhood Business Area and the Business Area shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday and between 9:00 a.m. and 8:00 p.m. on Saturday. There shall be no trash pickup or parking lot cleaning on Sundays.
19. Mixed Use Buildings. The office buildings behind and west of the anchor building shown in the Business Area shall be used only for offices, such as business, governmental, medical or professional offices. The quad cluster of buildings in the Business Area, located between the anchor building and the boundary line shared with the MF Area, shall be used as follows:
 - a. the two buildings on the south side of this quad cluster shall be used for offices, such as business, governmental, medical or professional offices, only if one story in height, but if two stories in height, the first story may be used for any use permitted with this rezoning

June 18, 2015

and the second story shall be used for only offices, such as business, governmental, medical or professional offices; and

- b. the two buildings on the north side of this quad cluster shall be used for the uses permitted by this rezoning, but if one or both of these two buildings is constructed to two stories, then the second story uses shall only be for offices, such as business, governmental, medical or professional offices.
20. Patios. If desired by tenants, the Property Owner shall have the option to construct patios for outdoor dining and such patios will be permitted if the Planning Director determines it is in substantial conformity with the proffered conceptual plan.
21. Bike Racks. The Property Owner shall install two bike racks in the Business Area or the Neighborhood Business Area, or one in each.
22. Hours of Grocery Delivery/Hours of Fuel Delivery to Fuel Center Accessory to a Grocery Store. Deliveries by tractor-trailer to any grocery store and fueling station associated with a grocery store on the B-3 Property shall not use the site entrance across from Georgie Drive during the following hours: 7:00 a.m. to 9:00 a.m. and 5:00 p.m. to 7:00 p.m. (the "Delivery Hour Restriction"). The Delivery Hour Restriction shall be included in the Covenants recorded against the Business Area. If and to the extent permitted by the Virginia Department of Transportation, the Property Owner shall install signage at the site entrance across from Georgie Drive stating the hours of the Delivery Hour Restriction.

APPLICABLE TO RS ZONED PROPERTY

23. Home Sizes. Homes shall have a minimum of one thousand six hundred (1,600) square feet of finished floor area, exclusive of garages.
24. Exterior Materials. Exterior wall materials (exclusive of windows and doors) shall be brick, stone, cultured stone, high-grade vinyl (a minimum of .042" nominal thickness as evidenced by manufacturer's printed literature), engineered wood (e.g. LP Smartside), cementitious siding (e.g. Hardiplank) or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall at the time of subdivision plan. Roof materials shall be 30 year architectural/dimensional asphalt composition shingle, unless otherwise requested and specifically approved at the time of subdivision plan.
25. Foundations. Any portion of a foundation of a dwelling unit which is visible from the exterior of such dwelling shall be constructed of brick, stone or E.I.F.S. provided that the front exterior walls of the dwelling are also sided primarily in E.I.F.S.
26. Chimneys. The exposed portions of all fireplace chimneys shall be brick, stone or a siding similar to the exterior treatment of the building.

APPLICABLE TO THE RM ZONED TH AREA

27. Minimum Sizes. The minimum finished floor area of each home shall be one thousand four hundred fifty (1,450) square feet.
28. Building Materials. Exterior wall materials (exclusive of windows and doors) shall be brick, stone, cultured stone, high-grade vinyl (a minimum of .042" nominal thickness as evidenced by manufacturer's printed literature), engineered wood (e.g. LP Smartside), cementitious siding (e.g. Hardiplank) or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall at the time of subdivision plan. Roof materials shall be 30 year architectural/dimensional asphalt composition shingle, unless otherwise requested and specifically approved at the time of site plan approval.
29. Garages. Each home shall have a minimum of a one (1) car attached garage.
30. Driveways. All driveways directly serving individual homes shall be constructed of concrete, asphalt, aggregate materials, brick or stone pavers.

June 18, 2015

31. Street Lights. Street lights shall not exceed sixteen (16) feet in height as measured from the grade at the base of the lighting standard.

APPLICABLE TO THE RM ZONED MF AREA

32. Building Materials. Exterior wall materials (exclusive of windows and doors) shall be brick, stone, cultured stone, engineered wood (e.g. LP Smartside), cementitious siding (e.g. Hardiplank) or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall at the time of subdivision plan. Roof materials shall be 30 year architectural/dimensional asphalt composition shingle, unless otherwise requested and specifically approved at the time of site plan approval.
33. Parking Lot Lighting. Parking lot lighting fixtures shall not exceed twenty-five (25) feet in height as measured from the grade at the base of the lighting standard.
34. Unit Size; Number of Bedrooms. One bedroom units shall contain a minimum of eight hundred (800) square feet of finished floor area each, with the total number of one bedroom units not to exceed forty percent (40%) of the total number of dwelling units on the MF Area. Two bedroom units shall contain a minimum of nine hundred (900) square feet of finished floor area each. Three bedroom units shall contain a minimum of one thousand one hundred (1,100) square feet of finished floor area each, with the total number of three bedroom units not to exceed twenty-five percent (25%) of the total number of dwelling units on the MF Area.
35. Recreational Amenities. Recreational amenities containing at a minimum a clubhouse, a pool, a fitness center and a playground shall be provided no later than the issuance of a certificate of occupancy for the one hundredth (100th) unit on the MF Area.

Miscellaneous

C. Update Regarding Meeting Management Software

Mr. Maloney gave the Commissioners a brief update on the new management software Granicus.

He explained to the Commissioners that changes were going to be taking place over the next few months to prepare for the new system.

ADJOURNMENT

Chairman Leadbetter thanked public for coming to the meeting.

There being no further business on the regular agenda, Chairman Leadbetter adjourned the meeting at 10:58 P. M. The next regularly scheduled meeting is July 16, 2015.