

July 16, 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, July 16, 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. Lee W. Garman
Mr. John A. Bender
Mr. Dennis A. Walter
Mrs. Tiffany M. Burton
Mrs. Angie W. Pitts

Chairman Leadbetter called the meeting to order at 6:35 P.M. *All members were present.*

Approval of Minutes

Upon a motion by Ms. Winborne, seconded by Mr. Whittaker, the Planning Commission voted unanimously to approve the June 18, 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

Subdivision Ordinance Exceptions

**SOE-3-15 CIVIL WAR PRESERVATION TRUST (ANCHOR'S DOWN FARM)
BEVERDAM MAGISTERIAL DISTRICT
(COMMISSION ACTION)**

Mr. Bender gave a brief overview of the Subdivision Ordinance Exception request. This exception is to eliminate the requirement that the roads extending from the terminus of Noel Road be upgraded to the County's private road standards. Mr. Bender concluded by stating staff recommends approval of this request.

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

Upon a motion by Mrs. Iverson, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO APPROVE SOE-3-15, CIVIL WAR PRESERVATION TRUST (ANCHOR'S DOWN FARM).**

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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-4-15 PAR 3 DEVELOPMENT GROUP, L.L.C.
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 all utility lines be placed underground in compliance with Section 25-65 of the Subdivision Ordinance. He concluded by stating staff recommends approval of this request.

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

Upon a motion by Mrs. Iverson, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO APPROVE SOE-4-15, PAR 3 DEVELOPMENT GROUP, L.L.C.**

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

Community Meeting

Mr. Garman informed the Planning Commission of an upcoming community meeting. The meeting is a zoning case for Jeff Wade on Monday, July 20th, 2015 at 6:00 P.M. It will be held at Ed's Landscaping.

The Commission recessed at 6:39 P.M.

Meeting Reconvened

Chairman Leadbetter called the meeting back to order at 7:01 P.M. *All members were present.*

Mr. Padgett led the Pledge of Allegiance.

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

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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.

Mr. Rick Richardson came forward to speak. He introduced himself as the interim superintendent for Hanover County Schools. He stated that he would be happy to assist the Commission in any way possible during his term as Superintendent.

Chairman Leadbetter thanked Mr. Richardson for introducing his self to the Commission. He then 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-27-97(c), AM. 1-15, RCI BUILDERS, L.L.C. (MASSEY'S ADDITION, SECTION 1)

Requests an amendment to the proffers approved with rezoning request C-27-97(c), Historic Pole Green Church, on GPINs 8726-01-0196, 8726-01-0036 and 8716-90-9938, zoned R-2(c), Single-Family Residential District with conditions, and located on the east line of Strawbank Drive (State Route 1765) approximately 750 feet south of its intersection with Birchbark Lane (State Route 1767) in the **HENRY MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

Mr. Garman briefly presented this request to amend the cash proffer for three lots in Massey's Addition. Staff recommends approval subject to the submitted proffers.

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. 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 and called for the vote.

Upon a motion by Mr. Bailey, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-27-97(c), AM. 1-15, RCI BUILDERS, L.L.C. (MASSEY'S ADDITION, SECTION 1), SUBJECT TO THE PROFFERS, DATED JUNE 9, 2015:**

1. The property shall be developed in general conformity with the plan entitled "concept plan, Massey's addition," dated February 10, 1998, revised March 31, 1998, which is attached hereto as Exhibit A. The general configuration of the conceptual plan shall be followed, but the applicant reserves the right to adjust the road and lot lines, subject to the approval

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of the Planning Commission to effectively design this subdivision following detailed engineering.

2. A right-of-way will be dedicated at no cost to the County, free of encumbrances to title along Rural Point Road to provide 50 feet of right-of-way from the existing road centerline. If a future County plan reduces the right-of-way to 60 feet total for Rural Point Road, up to 30 feet will be dedicated from the existing centerline.
3. A fencing and Planting buffer of a minimum of one hundred feet in width shall be created and maintained along Rural Point Road in compliance with the planting standards outlined in Title I., Article 7, Section 2A.2 of the Hanover County Zoning Ordinance. A white board fence shall be located and maintained within the buffer in front of the plantings and on the Rural Point Road side, and designed in accordance with plans approved by the Planning Commission with the Preliminary Subdivision approval. The buffers may contain utility or drainage easements and such other uses as may be permitted or required by governing authorities at the time of final subdivision approval. Easements or roadways within landscape buffers will be placed generally perpendicular to the buffer area wherever possible, or unless specifically permitted or required by the governing authorities at the time of final subdivision approval. Buffer areas will be exclusive of any lot and will be considered common areas.
4. Fifty-foot reservation for possible construction of the Heritage Greenway, as shown on Exhibit A, to be conveyed to Hanover County upon written request, at no cost to the County, free of encumbrances to title, along the rear of the Property.
5. There will be no more than 64 single-family lots developed as a result of this rezoning.
6. Exposed foundations and chimneys (except direct-vent gas) will be brick.
7. No cutting of trees of five-inch caliper or greater will be allowed in the required rear and side area of each lot, except for drainage and utility facilities necessary for appropriate development of the Property, and when required by the County, but only to the minimum extent necessary. Four deciduous trees of a minimum of three-inch caliper will be placed on each lot where no existing tree cover is provided, before issuance of a certificate of occupancy. During the construction and installation of the utilities and roads, all trees to be protected, adjacent to such construction, will be clearly marked.
8. No prefabricated, factory-produced or mobile homes will be permitted.
9. All streets within this development will include curb and gutter.
10. All houses will contain a minimum of 2200 square feet of living space measured from the exterior faces of the exterior walls, but exclusive of garages, basements, open porches and decks. At least 50% of the dwellings will be 2500 square feet as calculated above.
11. The Property Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy for the Property, the amount of One Thousand Three Hundred Two and 00/100 (\$1,302.00) per single family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.
12. There shall be no more than 50 building permits issued per year for development within the Property.
13. The applicant will construct a left turn lane off of Rural Point Road and into the proposed subdivision. Construction shall be completed in accordance with VDOT standards.

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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-11-15(c), CHARLES G. WILLIS

Requests to rezone from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, on GPIN 7822-34-2016, consisting of approximately 10.0 acres, and located at the terminus of a 50' access easement that connects to Brown Pleasants Road (State Route 791) approximately 1,600 feet north of its intersection with Mountain Road (U.S. Route 33) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit the creation of one additional building lot for a family member for a gross density of one (1) dwelling unit per five (5) acres. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone a ten acre parcel to two lots for family. Staff recommends approval subject to the submitted proffers.

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 in agreement. 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 and called for the vote.

Upon a motion by Mrs. Iverson, seconded by Ms. Winborne, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-11-15(c), CHARLES G. WILLIS, SUBJECT TO THE SUBMITTED PROFFERS, DATED JUNE 15, 2015:**

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Willis Rezoning," dated April 8, 2015, revised June 15, 2015, and prepared by Charles Willis.
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 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.
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 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
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

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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-13-15(c), TANYA P. MELTON ET AL.

Request to rezone from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, on GPIN 8765-19-6891, consisting of approximately 4.2 acres, and located on the south line of Piping Tree Ferry Road (State Route 629) approximately 850 feet east of its intersection with Old Church Road (State Route 606) 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 the creation of one additional building lot for a family member for a gross density of one (1) dwelling unit per 2.1 acres. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone a four acre parcel to create two lots for family. Staff recommends approval subject to the submitted proffers.

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. 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 acknowledged that the Commissioners did receive an email from a citizen expressing some concerns about additional entrances coming out of Pipping Tree Ferry Road. He stated he had the opportunity to speak with the applicant and she said she would be using an existing driveway that her relatives are already using. He concluded by saying there is not going to be an additional entrance onto Pipping Tree Ferry Road.

Chairman Leadbetter asked for a motion and called for the vote.

Upon a motion by Mr. Bailey, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-13-15(c), TANYA P. MELTON, ET AL., SUBJECT TO SUBMITTED PROFFERS, DATED JUNE 5, 2015:**

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Melton Rezoning," dated April 20, 2015, revised June 5, 2015, and prepared by Tanya Melton.
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.

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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 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.
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 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
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.
6. Reservation of Right-of-Way. The Owner agrees to reserve twenty-five (25) feet of right-of-way from the centerline of Piping Tree Ferry Road (State Route 629) to the property for the future road widening.
7. Access. Access to both lots shall be limited to the twenty (20) foot access easement as shown on the Conceptual Plan.

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-14-15(c), TERESA A. AND CARL D. LOEW

Request to rezone from R-1, Single-Family Residential District and B-3, General Business District, to B-1(c), Neighborhood Business District with conditions, on GPINs 8704-95-3772, 8704-95-3851, 8704-95-3699 and 8704-95-2795, consisting of approximately 0.55 acres, and located in the southwest quadrant of the intersection of Lee Avenue (State Route 1114) and Atlee Road (State Route 638) in the **MECHANICSVILLE MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Mixed Use (Low Commercial/High Residential). The proposed zoning amendment would permit various neighborhood business uses. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone and unify several small parcels into one zoning in the B-1 District. Staff recommends approval subject to the submitted proffers.

Chairman Leadbetter opened the public hearing and asked if the applicant was present and in agreement with the staff recommendations. From the audience, the applicants acknowledged that they were in agreement. 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. Whittaker thanked the applicants for bringing the application forward. He stated the B-1 zoning would be a great fit for the surrounding area and fits in the Comprehensive Plan.

Chairman Leadbetter asked for a motion and called for the vote.

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

UNANIMOUSLY TO RECOMMEND APPROVAL OF C-14-15(c), TERESA A. AND CARL D. LOEW, SUBJECT TO THE SUBMITTED PROFFERS, DATED JUNE 25, 2015:

1. Conceptual Plan. The location of all entrances shall be developed in general conformity with the conceptual plan attached, titled "Loew Conceptual Plan," dated June 23, 2015, and prepared by Teresa A. Loew. Final entrance locations are subject to VDOT approval.
2. Future Buildings. Any new buildings or expansion of the existing building on the Property shall be compatible with the style and scale of the existing building, as shown on the photograph titled "Existing Building on 8704-95-3772," dated June 23, 2015. Building elevations shall be submitted to the Planning Director for review and approval or disapproval, at his sole discretion, prior to final approval of site plan.
3. Screening. A minimum of a 6' tall opaque fence shall be maintained along any adjoining property that is zoned for residential use.
4. Reservation of Right-of Way. The Owner agrees to reserve fifty (50) feet of right-of-way from the centerline of Atlee Road (State Route 638 and twenty-five (25) feet of right-of-way from the centerline of Lee Avenue (State Route 1114) to the property for the future road widening.

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-6-15, HANOVER COUNTY BOARD OF SUPERVISORS (PUBLIC WORKS)

Requests to rezone from A-1, Agricultural District, to M-2, Light Industrial District, on GPINs 7798-12-9494 and 7798-30-1875, consisting of approximately 27.11 acres, and located on the east side of the runway of the Hanover County Airport, which can be accessed from Air Park Road (State Route 813) in the **ASHLAND MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Industrial. The proposed zoning amendment would allow the addition of the subject parcels to the area of the Hanover County Airport. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone to M-2, Light Industrial District. The Hanover County Airport has acquired property to provide clear airspace for traffic and additional facilities in accordance with the 2002 Airport Master Plan. The subject parcels will be added to the area of CUP-16-91, AM. 1-15, which is being considered concurrently with this request.

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 in agreement. 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 concerns from the Commission. Seeing none, he asked for a motion and called for the vote.

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Upon a motion by Ms. Winborne, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-6-15, HANOVER COUNTY BOARD OF SUPERVISORS (PUBLIC WORKS).**

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 Permit

CUP-16-91, AM. 1-15, HANOVER COUNTY BOARD OF SUPERVISORS (PUBLIC WORKS)

Requests an amendment to a Conditional Use Permit in accordance with Sections 26-20.1, 26-174.1 and 26.183.1 of the Hanover County Zoning Ordinance to add GPINs 7798-12-9494 and 7798-30-1875 to the area of the Hanover County Airport, which includes GPINs, 7788-86-9211, 7788-86-6503, 7788-85-9796, 7788-86-4960, 7788-85-8251, 7798-21-6554, 7798-20-5952, 7788-86-0490, 7788-86-9089, 7788-86-8654, 7788-85-7399, 7798-03-7002, 7798-20-2363 and 7798-13-4239. The total area of the Airport Conditional Use Permit will be approximately 242.07 acres. The parcels are zoned A-1, Agricultural District, M-2(c), Light Industrial District with conditions, and M-3(c), Heavy Industrial District with conditions, and are located on the east line of Air Park Road (State Route 813) approximately 4,000 feet north of Sliding Hill Road (State Route 656) in the **ASHLAND MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Industrial. (PUBLIC HEARING)

Mr. Garman briefly presented this request to amend the existing Conditional Use Permit that will allow the Airport to develop additional ramp space, east side taxiway, hangars, and fuel/terminal facilities. Staff recommends approval subject to the conditions outlined in the staff report. Mr. Garman informed the Commissions that staff left some revisions to conditions 3 and 4 at their seats to clarify the intent of those conditions. With that being said, he stated that staff recommends approval of the revisions.

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 in agreement. 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 and called for the vote.

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Upon a motion by Ms. Winborne, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF CUP-16-91, AM. 1-15, HANOVER COUNTY BOARD OF SUPERVISORS (PUBLIC WORKS), SUBJECT TO THE FOLLOWING CONDITIONS AS OUTLINED IN THE STAFF REPORT, DATED JULY 16, 2015, WITH THE NOTED REVISIONS:**

1. There shall be no other concurrent use of the site. Any use other than the airport shall require an amendment to this conditional use permit in accordance with the procedures set out in the Zoning Ordinance.
2. A lighting plan shall be submitted in accordance with Chapter 26, Article 5, Division 6, of the Hanover County Zoning Ordinance.
3. There shall be no ground access to the Airport through the portion of the airport property, which is subject of this amendment, except for **Airport business**, maintenance, construction, or emergency access.
4. **[NEW] When New Ashcake Road Extended is constructed and completed for use, relocation of the primary access to New Ashcake Road, and converting the Sliding Hill Road access to provide emergency access only, shall be evaluated.**
5. The existing private sewer line located in the project area must be shown on the site plan, and the proposed location.
6. Applicant shall submit an amended site plan for the Airport property in compliance with Chapter 26, Article 6, Division 2, of the Hanover County Zoning Ordinance.
7. Copies of all applicable Federal and State permits for the construction and operation of the Airport shall be provided to the Planning Office for the permit file.
8. All development and use of the Property shall comply with all federal, State and local statutes, ordinances and regulations.

The vote was as follows:

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

The motion carried.

INDIVIDUAL HEARING

Rezoning

C-4-15(c), LILLIE KREYNUS, ET AL.

Request to rezone from A-1, Agricultural District and B-3(c), General Business District with conditions, to B-3(c), General Business District with conditions, on GPINs 8724-19-9867 and 8724-29-4802 (part) consisting of approximately 15.0 acres, and located on the north line of Mechanicsville Turnpike (U.S. Route 360) approximately 300 feet west of its intersection with Compass Point Drive (State Route 1075) in the **HENRY MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Commercial. The proposed zoning amendment would permit retail uses. (PUBLIC HEARING)

Mr. Garman gave a full presentation on this case to rezone to B-3(c), General Business District with conditions. The applicant is requesting the rezoning to create a site for a new 113,531 square foot

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Kroger Store and an 8,400 square foot retail building. The proposed store would have gas pumps and a drive-thru pharmacy. The parcel is approximately 15 acres and is designated as Commercial on the General Land Use Map. Staff recommends denial as submitted, but approval subject to the changes outlined in the summary of outstanding issues to the proffers and conceptual plan of the staff report. Mr. Garman concluded by advising the Commission that the amended and revised proffers distributed to them tonight could not be considered in their motion.

Chairman Leadbetter asked if the Commissioners had any questions or discussion. Seeing none, 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. Mr. Theobald provided details of the zoning request which included a summary of the traffic analysis. He went over the amended and revised proffers that addressed the issues raised by staff. Mr. Theobald concluded by stating this request is consistent with the Comprehensive Plan, will significantly increase the tax base, and provide more jobs than the current Kroger store.

Chairman Leadbetter thanked Mr. Theobald for his presentation. He asked if the Commissioners had any questions or discussion.

Mr. Whittaker asked Mr. Theobald if all three BMP's would be aerated.

Mr. Theobald replied stating any wet pond would be aerated.

Chairman Leadbetter asked if anyone wanted to speak in favor of the application.

Stephanie Thompson came forward to speak on behalf of her great aunt, Lillie Kreynus. She stated her 90 year old aunt is unable to maintain the quality of the land and is pleased to know someone like Kroger wants to develop her property. She concluded by saying her aunt respectfully asks that the Commission would act favorably on her zoning request.

Chairman Leadbetter thanked Ms. Thompson for speaking in favor of the case. He then asked if anyone wanted to speak in opposition of the case.

Melissa Kennedy, a resident of Summer Grove Subdivision, came forward to speak against the application. She stated she was opposed to the case because of traffic safety and the economic impact.

Troy Delong, president of Summer Grove Association, came forward next. He stated he was speaking on behalf of the residents of Summer Grove. He said they have concerns about the height of the 6' fence and the traffic. He stated the residents are requesting the fence be a little higher to add a little more protection and buffer.

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Greg Kennedy, another resident of Summer Grove, spoke in opposition to the proposed Kroger Store. Mr. Kennedy stated that he did not see a need for a bigger Kroger. He concluded by stating the proposal would decrease the value of their homes as well as increase the traffic beside the church nearby.

Chairman Leadbetter asked the representative for the applicant to come forward for rebuttal.

Mr. Theobald addressed the citizens' concerns about the traffic at the church along Compass Point Lane, the height of the fence, and the need for the bigger store.

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

The Commission had questions and concerns about:

- The location of the fence
- The location of the 8' trees
- The type of lighting used in the back of the store
- The height of the berm

Mr. Theobald responded to the questions from the Commission.

Chairman Leadbetter closed the public hearing. He asked Mr. Garman if he had any further comments on the application.

Mr. Garman came forward and clarified briefly the road improvements on Compass Point Lane.

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

Mr. Bailey made a few comments in reference to the fence, noise and traffic. He stated if Kroger does not come on the property, something else will. He said the applicant did a good job addressing the turn lanes and lane expansion. Mr. Bailey did ask for clarity on the number of vehicles coming into the area for the proposed store.

Mr. Garman clarified by saying it is the number of trips not the number of vehicles.

Mr. Bailey continued and concluded by saying doubling the number of jobs from this proposal will have a positive impact on the area.

Chairman Leadbetter asked for a motion.

Upon a motion by Mr. Bailey, seconded by Mr. Padgett, the Planning Commission voted

UNANIMOUSLY TO RECOMMEND DENIAL AS SUBMITTED BUT APPROVAL SUBJECT TO CHANGES OUTLINED IN THE STAFF REPORT (PROFFER #'S 1, 2, 12, 15, 17, 18):

1. Conceptual Plan. The Property shall be developed in general conformity with the conceptual plan attached titled "Kroger Marketplace R-529 Hanover County, Virginia," prepared by Robertson Loia Roof Architects & Engineers, dated July 1, 2015 (the "Conceptual Plan").
2. Architecture – Elevations. Any grocery store and associated fuel center developed on the Property shall be designed and constructed in general conformity with the architectural appearances and themes shown on the elevations titled "Kroger Store R529" prepared by CR Architecture + Design, dated July 2, 2015, and "Hanover County, VA Kroger Fuel Center R-

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529” dated December 30, 2014. The Property shall be developed with a unified and complementary color and architectural theme. Retail tenants will be permitted to 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. Retail structures, defined as any structure other than a grocery store and associated fuel center, shall be designed to meet the following general standards: elevations of proposed structures, included proposed materials, shall be submitted to the Planning Director for review and approval prior to application for Building Permit for the particular building submitted; 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.

3. Architecture – Materials. Exterior wall surfaces (whether front, side, or rear) of the retail building shall be similar in architectural treatment and materials as the front wall surfaces, when such wall surfaces are visible from Mechanicsville Turnpike, Compass Point Lane and adjacent residential parcels. Building materials utilized for the facades of the building shall be limited to brick, cast brick, stone, cast stone, integrally colored split-faced block, dryvit or other simulated stucco (E.I.F.S.), and/or glass. Metal may be used for not more than fifteen (15) percent of front and side building façade materials, exclusive of window frames and door frames. Roofing materials over entranceways shall be standing seam metal. If a flat roof system is used, then a perimeter parapet of dryvit, standing seam metal, integrally colored (not painted) split-faced block, fluted block, tile, concrete tile, textured concrete tilt-up panels, brick or cast brick shall be used. The design and materials of all retail building(s) shall be complementary to the elevations proffered in Proffer Condition 2. Elevations for the proposed structure(s), including building materials, shall be submitted to the Planning Director for review and approval or disapproval, at his sole discretion, prior to final approval of the site plan for the particular building submitted.
4. Trash Receptacles. All trash receptacles shall be completed screened in a manner that is architecturally compatible with the buildings they serve, and shall be approved at the time of site plan approval.
5. Hours of Construction. 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 as provided in Section 16-4 of the Hanover County Code. There shall be no exterior construction activities on Sunday.
6. 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 mitigate their visibility from the public roadways and adjacent residential parcels.
7. HVAC. Any mechanical units placed on the rooftops of buildings shall be screened as viewed from ground level at the common property line with public streets or adjacent residential properties 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.
8. Use Prohibitions. The following uses shall not be permitted:
 - a. Animal hospital or kennel that utilizes an outdoor run or kennel;
 - b. Outdoor sales and storage of boats and boat trailers;
 - c. Plumbing and heating shop, painting shop, upholstery shop;
 - d. Mobile home sales, display and storage, or sales rentals, display and storage of recreational vehicles, both new and used;
 - e. Wholesale establishments, provided a discount retailer or a membership warehouse club will not be considered a wholesale establishment;
 - f. Furniture refinisher;
 - g. Adult uses;
 - h. Truck sales, new or used;
 - i. Mobile home park;
 - j. Auto body and fender repair;
 - k. 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);
 - l. Automobile rental;

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- m. Boat, personal watercraft, and boat trailer dealers, including service, repair and storage;
 - n. Motorcycle dealers, including sales, service and repairs, including body and fender repairs;
 - o. Recreational vehicle sales (new vehicles) and rentals, including display, repair and storage;
 - p. 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;
 - q. With the exception of uses identified in Section 26-128(1)(a)(b and c) and (a)(3), all other uses with special standards shall be permitted.
9. Signage. All freestanding signage shall be monument style. Retail tenants will be permitted to show their standard logo and colors on building and panel signage.
10. Site Lighting. Lighting fixtures shall not exceed thirty-nine (39) feet in height as measured from the grade at the base of the lighting standard.
11. Hours of Trash Pickup, Parking Lot Cleaning. Trash pickup and parking lot cleaning 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.
12. Noise. No outside public address, loudspeaker, paging or speaker system audible beyond the boundary lines of the Property shall be permitted.
13. Thoroughfare Buffer. The required thoroughfare buffer along the frontage of U.S. Route 360 will be widened to 30 feet to ensure space for a required 20-foot Public Utilities easement, and for the required landscaping and proffered supplemental plantings.
14. Aerated BMP. Any wet BMP shall be aerated.
15. Right-of-Way. All necessary right-of-way in accordance with the County's Major Thoroughfare Plan shall be dedicated along the frontages of Route 360 and Compass Point Drive.
16. No U-Turn Sign. A "No-U-turn" sign shall be provided at the Vaughan Drive/Jackson Arch Drive/Route 360 intersection if approved by VDOT.
17. Cross Access. The Property owner shall record a cross-access easement permitting the property adjacent to the east access over the Property provided that such easement is reciprocal and in accordance with mutually-acceptable terms, in which event it shall be recorded prior to site plan approval.
18. Transportation Improvements. The developer shall construct all required roadway improvements in accordance with VDOT standards and specifications, which shall include the following improvements:
- a. US 360 at Lee Davis Road – Extend westbound left-turn land from 225 feet to 325 feet of storage.
 - b. US 360 at Lee Park Road/Brandy Creek Drive – Extend westbound left-turn lane from 75 feet to 150 feet of storage.
 - c. US 360 at Compass Point Lane/Bowles Farm Lane:
 - i. Construct a second eastbound left-turn lane with 325 feet of storage, and extend the existing left-turn lane from 175 feet to 325 feet.
 - ii. Construct a westbound right-turn lane with 200 feet of storage.
 - iii. Construct a second departure lane on Compass Point Lane from US 360 to the proposed full movement driveway.
 - iv. Construct a second southbound approach lane to provide one shared/left/through/right lane with 200 feet of storage, and one left turn lane.
 - d. Compass Point Lane at Proposed Full Movement Driveway:
 - i. Install signage and pavement markings to minimize weaving.
 - ii. Construct a second northbound lane on Compass Point Lane with one northbound lane terminating as it becomes a left turn lane into the first access drive.

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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.

ADJOURNMENT

Chairman Leadbetter thanked the press and public for coming to the meeting. There being no further business on the regular agenda, Chairman Leadbetter adjourned the meeting at 8:03 P. M. The next regularly scheduled meeting is August 20, 2015.

Larry A. Leadbetter, Chairman

Lee W. Garman, AICP, Secretary