

August 20, 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, August 20, 2015 at 7:00 P.M.

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

ABSENT: Mr. Jerry W. Bailey

STAFF

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

Chairman Leadbetter called the meeting to order at 7:00 P.M. *All members were present, with the exception of Mr. Jerry W. Bailey.*

Mr. Padgett led the Pledge of Allegiance.

Consideration of Agenda Amendments by Action of the Commission

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

There were none.

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-16-15(c), HOWARD D. NUCKOLS, JR.

Request to rezone from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, on GPIN 7708-25-1332, consisting of approximately 8.37 acres, and located on the south line of Dogwood Trail Road (State Route 620) approximately 0.32 mile east of its intersection with Watkins Road (State Route 721) 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 4.19 acres. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone for the creation of an additional lot for family. 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 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 Chairman Leadbetter, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-16-15(c), HOWARD D. NUCKOLS, JR., SUBJECT TO THE SUBMITTED PROFFERS RECEIVED JULY 16, 2015, AND CONCEPTUAL PLAN RECEIVED JULY 16, 2015, REVISED TO INCLUDE THE TITLE REFERENCED IN THE CONCEPTUAL PLAN PROFFER:**

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan titled, "Nuckols Rezoning Case," prepared by Suzanne B. Nuckols and Howard D. Nuckols, Jr., dated May 27, 2015, revised July 13, 2015.
2. Access. An access easement to Lot 2 shall be provided that has at least twenty feet (20') of width and shall be located as shown on the conceptual plan.
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.
4. 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.
5. 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

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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 Dogwood Trail Road (State Route 602) to the property for the future road widening.

The vote was as follows:

| | |
|----------------|-----|
| Mr. Leadbetter | Aye |
| Mr. Whittaker | Aye |
| Mrs. Iverson | Aye |
| Mr. Padgett | Aye |
| Mrs. Peace | Aye |
| Ms. Winborne | Aye |

The motion carried.

C-17-15(c), DEBORAH S. COLVIN

Request to rezone from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, on GPIN 7820-80-9619, consisting of approximately 8.3 acres, and located on the south line of St. Peter's Church Road (State Route 611) approximately 0.22 mile west of its intersection with Auburn Mill Road (State Route 675) 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 4.15 acres. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone for the creation of an additional lot for family. 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 that she 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 Chairman Leadbetter, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-17-15 (c), DEBORAH S. COLVIN, SUBJECT TO THE SUBMITTED PROFFERS AND CONCEPTUAL PLAN, RECEIVED JULY 27, 2015:**

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan titled, "Colvin Rezoning," prepared by Matthew Colvin, dated May 28, 2015.
2. Access. Access to both lots shall be limited to the fifty foot (50') access easement as shown on the conceptual plan.
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.

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4. 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.
5. 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 St. Peters Church Road (State Route 611) to the property for future road widening.

The vote was as follows:

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|----------------|-----|
| Mr. Leadbetter | Aye |
| Mr. Whittaker | Aye |
| Mrs. Iverson | Aye |
| Mr. Padgett | Aye |
| Mrs. Peace | Aye |
| Ms. Winborne | Aye |

The motion carried.

C-18-15(c), PATRICIA B. AND JOHN H. CLEMENTS, ET AL.

Request to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions on GPINs 8754-56-6324 and 8754-55-5981, consisting of approximately 19.76 acres, and located at the terminus of Douglas Farm Lane (private road) approximately 800 feet east of its intersection with McClellan Road (State Route 628) in the **COLD HARBOR 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 the request to reconfigure two existing parcels. 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 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. Seeing none, he asked for a motion and called for the vote.

Upon a motion by Mrs. Peace, seconded by Ms. Winborne, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-18-15(c), PATRICIA B. AND JOHN H. CLEMENTS, ET AL., SUBJECT TO THE SUBMITTED PROFFERS AND CONCEPTUAL PLAN OUTLINED IN THE STAFF REPORT:**

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1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Plat Showing Improvements Thereon and a Boundary Line Adjustment between GPIN 8754-55-5981 and GPIN 8754-56-6324," prepared by Scott H. Alley, ASA Surveying & Mapping, dated May 28, 2015, and revised July 28, 2015.

The vote was as follows:

| | |
|----------------|-----|
| Mr. Leadbetter | Aye |
| Mr. Whittaker | Aye |
| Mrs. Iverson | Aye |
| Mr. Padgett | Aye |
| Mrs. Peace | Aye |
| Ms. Winborne | Aye |

The motion carried.

C-10-99(c), AM. 1-15, HCT HOLDINGS, L.L.C., ET AL.

Requests an amendment to the proffers approved with rezoning request C-10-99(c), Am. 1-09, Hanover Group, L.L.C., on GPINs 8715-48-8767, 8715-48-8744, 8715-48-8732 and 8715-48-8619, consisting of approximately 10,500 square feet, zoned M-1(c), Limited Industrial District with conditions, and located on the north line of Bell Creek Road (State Route 642) approximately 575 feet east of its intersection with Autumn Park Way (State Route 1556) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Planned Business. The proposed zoning amendment would permit food processing and distribution. (PUBLIC HEARING)

Mr. Garman briefly presented this request to amend the proffers to permit the final processing and distribution of meats for sausage products within the existing subject structure. 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 Mr. Padgett, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-10-99(c), AM. 1-15, HCT HOLDINGS, L.L.C., ET AL., SUBJECT TO THE SUBMITTED PROFFERS, DATED AUGUST 6, 2015:**

1. Introductory Matters.

- 1.1. In general. The undersigned owners (the "Owners") of parcels bearing GPINs 8715-79-1704, 8716-61-2006, 8716-50-1578, 8716-64-5872, 8715-37-9793, 8715-57-1316, 8715-48-8294, 8715-58-3677, 8716-71-2482, and 8716-70-0290 located in Hanover County, Virginia, (collectively, the "Property") hereby proffer that the use and development of the Property shall be in substantial conformance with the following conditions, which shall supersede all other proffers made prior hereto. Further, these proffers are contingent upon final rezoning of the Property, with "final rezoning" defined as that rezoning which is in effect on the day following the last day upon which the Hanover County Board of Supervisors (the "Board") decision granting the rezoning may be contested in the appropriate court or, if contested, the day following entry of a final court order affirming the decision of the Board if appealed. Should this application be denied by the Board, but in the event it is for any reason thereafter remanded to the Board for reconsideration by a

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court of competent jurisdiction, then these proffers shall be deemed withdrawn unless the Owners shall affirmatively readopt all or any portion hereof, in a writing specifically for that purpose.

1.2. **Headings.** The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The term “Applicant” as referenced herein shall include the present Owners of the Property, and their heirs, successors, and assigns, and these Proffers, once accepted by the Board in accordance herewith, shall be binding on the development of the Property subject thereto unless repealed or amended by further action of the Board.

2. **Proffered Development Plan.** The Property shall be developed in substantial conformance with the “Bell Creek Conceptual Development Plan,” prepared by Resource International, Ltd., and dated September 21, 2000, and bearing an October 20, 2000, revision date, (the “CDP”); provided that the Applicant may adjust road and lot lines, and other engineering detail subject to the approval of the Planning Director, which adjustments are necessary effectively to design the Property based on final engineering. In addition to the CDP approved with C-10-99(c), Henry A. Shield, the approved plan shall also consist of the following amendments: C-10-99(c), Henry A. Shield (Shelton’s Grant), “The Hanover Group, L.L.C., the Bluffs at Bell Creek – Active Adult, Section 4 Conceptual Plan,” prepared by Resource International, Ltd., and dated July 6, 2004, last revised on October 25, 2004, and C-10-99(c), AM.1-06, Bell Creek Homeowners Association, “The Bluffs at Bell Creek, Section III, Community Entrance Sign Location Sketch,” prepared by Resource International, Ltd., and dated April 27, 2006, and the “Preliminary Rough Sketch of Community Entrance,” submitted March 6, 2006, and revised March 24, 2006.

3. **Proffers Applicable to the B-2 Commercial, and the M-1 Business, Areas.**

3.1. **Architectural/Building Materials in the B-2 Commercial Center.**

The B-2 property shall be developed with a unified architectural theme. The standard of compatibility may be met through scale, materials, forms and/or colors which may be embodied in architecture that is contemporary as well as traditional. Retail and business structures shall be designed to meet the following general standards. Elevations of proposed structures shall be submitted to the Planning Commission for review and approval prior to final approval of site or subdivision plan for any structure in the commercial component of the project, and that approval shall not be unreasonably withheld.

3.1.1. Building materials utilized for the front and side façades of the buildings shall be limited to brick, split-faced block, metal, fluted block, tile, concrete tile, dryvit or other simulated stucco (EFIS), real or simulated wood and/or glass. Metal may be used for not more than 15% of front and side building façade materials, exclusive of window frames and door frames. Roofs, including Mansard and other decorative roofs, shall not be interpreted to be a part of any building façade. Standard concrete masonry block shall not be used for the front and side façades of any buildings.

3.1.2. Service and delivery loading docks will be located at the rear of structures, or wholly screened from view from any right of way.

3.1.3. Any mechanical units placed on the rooftops of buildings shall be screened by architectural features which are compatible with building façade architecture. Screening shall be designed so as to block such units from view by persons on any public streets immediately adjoining the Property, or from adjacent residential uses.

3.1.4. Adjacent façades will be compatible with each other and architectural features such as setbacks, changes in building materials, canopies or differences in roof height will be used to add visual interest. Exterior walls fronting a promenade will not exceed one hundred feet in length without altering the appearance of the building(s) by using a mixture of compatible building materials or, alternatively, by providing a variance in setback of at least two feet.

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- 3.2. Architectural/Building Materials in the Business Park. The M-1 property shall be developed with a unified architectural theme generally compatible with the B-2 property. The standard of compatibility may be met through scale, materials, forms and/or colors that may be embodied in architecture that is contemporary as well as traditional. Structures shall be designed to meet the following general standards. Elevations of proposed structures shall be submitted to the Planning Commission for review and approval prior to final approval of a site or subdivision plan for any structure in the business park component of the project and that approval shall not be unreasonably withheld.
 - 3.2.1. Building materials utilized for the front and side façades of the buildings shall be limited to brick, split-faced block, metal, fluted block, tile, concrete tile, dryvit or other simulated stucco (EFIS), real or simulated wood and/or glass. Metal may be used for not more than 15% of front and side building façade materials, exclusive of window frames and doorframes. Roofs, including Mansard and other decorative roofs, shall not be interpreted to be a part of any building façade. Standard concrete masonry block shall not be used for the front and side façades of any buildings.
 - 3.2.2. Service and delivery loading docks will be oriented, to the extent feasible, to reduce their visibility from public road frontages. If such facilities are not substantially blocked from view from the public roadways, or adjacent residential uses, they will be treated with architectural elements and/or decorative fencing and/or evergreen landscaping to screen their visibility from the public roadways.
 - 3.2.3. Architectural features compatible with building façade architecture shall screen any mechanical units placed on the rooftops of buildings. Screening shall be designed so as to block such units from view by persons on any public streets immediately adjoining the Property, or from adjacent residential uses.
- 3.3. Additional Development Standards in the M-1 District. Development within the M-1 District shall further conform to the following general standards. Nothing contained herein shall be deemed to preclude the Applicant from developing more stringent standards in restrictive covenants that may be made applicable to the M-1 property.
 - 3.3.1. Project perimeter buffer. A continuous buffer no less than fifty (50) feet in width shall be established along the boundary of the M-1 district where that boundary is contiguous to a residential district so planned in the Comprehensive Plan. Where such boundary is contiguous with other planned districts, a buffer no less than twenty-five (25) feet in width shall be established and maintained.
 - a) No buildings or parking areas shall be permitted within the buffer.
 - b) A visual screen consisting of a berm, fence, or screen planting, in accordance with standards contained in the Zoning Ordinance, Article 7, Section 2A, shall be provided along the inner perimeter established by the buffer where the buffer is contiguous with such a planned residential district. Where the buffer is contiguous with other zoning districts, grass or other ground cover shall be established and maintained.
 - c) Drainage, utility, or other easements may penetrate the buffers to the minimum extent necessary and shall be perpendicular to the buffer to the extent practicable. Should it be necessary to locate drainage, utilities, or other easements within these areas, the buffer width shall be increased by the width of the easement to compensate for the encroachment and maintain the integrity of the buffer.
 - 3.3.2. Open space. At least twenty (20) percent of the area within the district shall be used for permanent open space, which may include areas reserved for buffers, and parking lot and site landscaping. This area may be used for landscaping, lawns, screening, outdoor recreation areas, and other similar uses.
 - 3.3.3. Street buffer. There shall be a continuous buffer no less than twenty (20) feet in width along each side of every public road within the district. Within the buffer,

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landscaping, in accordance with the standards set forth for the RS District at Article 5, § 3.4(b) (1), shall be provided. No structure, parking, or driveways shall be permitted within this area except for vehicular and pedestrian ingress and egress areas, sidewalks and signs.

3.3.4. Parking lot landscaping. Any parking lot containing more than ten (10) spaces shall be landscaped according to the requirements specified in the Zoning Ordinance, Article 5A, Section 3.2.

3.3.5. Utility lines. All utility lines, such as electric, telephone, cable television, or other similar lines, shall be placed underground. This requirement shall apply to lines serving individual sites as well as the lines serving the overall project. All junction and access boxes shall be screened with appropriate landscaping. To the extent possible, utility service lines shall be located so as to disturb as little natural vegetation on site as possible.

3.3.6. Outside storage. There shall be no outside storage of equipment, materials, or supplies, except that an outdoor trash receptacle may be used if it is enclosed within an area that is completely screened from view in a manner that is architecturally compatible with the building(s) on site. Vehicles used in conjunction with a permitted use in the district may be stored within a parking area designed for such use, but the parking area shall be landscaped in accordance with the standards of the Zoning Ordinance, Article 5, Section 3.2, and shall be screened in accordance with the requirements of Article 7, Section 2A. Chain-link, wire mesh, and similar fence materials shall not be permitted.

3.3.7. Control of heavy truck traffic. In order to reduce heavy truck traffic on Pole Green Road to the east of its intersection with Bell Creek Road extended, the Applicant shall provide by appropriate restrictive covenants that truck traffic associated with any distribution or warehousing facility that may be constructed within the M-1 property shall be directed to enter and leave the project by means of Pole Green Road west of the Property.

4. Tree preservation. Existing trees of five inch caliper or greater located on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. Nothing contained herein shall preclude the removal of trees necessary for the construction of any building structures, roads, utility lines, or driveways, to include construction encroachment within the canopy perimeter, or drip line.

5. Site lighting. The Applicant shall provide lighting in the B-2 and M-1 properties not greater than twenty-five feet in height, and such lighting shall be so arranged as reasonably to protect adjacent properties from direct glare or hazardous interference.

6. Interconnection of pedestrian paths, construction requirements. Pedestrian paths shall be provided within the Property so as to interconnect the M-1 District with the B-2 District, and shall be so located and constructed as to facilitate future extensions onto adjoining properties on the eastern and western boundaries of the B-2 District, in accordance with the requirements of the Subdivision Ordinance. All parking areas shall be constructed of durable materials such as asphalt, concrete, pavers, or chemically bonded, compacted, and stabilized materials.

7. Signage. All freestanding signage in the B-2 and M-1 properties shall be of monument style.

8. Limitation on uses. In order that the uses permitted in the M-1 District shall more closely approximate the uses permitted in the OS, Office/Service District, the following uses shall not be permitted:

- a. Billiard parlors or pool halls; and
- b. Gun shop, sales and repair.
- c. No railroad spur tracks shall be permitted.
- d. Dwellings for resident watchmen and caretakers employed on the premises.

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- e. Agriculture and forestry, as permitted in the A-1 agricultural district.
- f. Except for the grinding, blending, processing, and packaging of meats for sausage products, the manufacturing, compounding, processing, packaging or treatment of the following shall not be permitted:
 - i. Food and beverages (blending, bottling, canning, manufacturing, packaging, or processing), but not distilling of beverages, slaughtering of animals, or processing or bulk storage of grain or feeds for animals.
 - ii. Rugs, mattresses, pillows, quilts, millinery, hosiery, clothing, and fabrics; printing and finishing of textiles and fibers into fabric good.
 - iii. Boxes, furniture, cabinets, baskets, and other wood products of similar nature.

The vote was as follows:

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|----------------|-----|
| Mr. Leadbetter | Aye |
| Mr. Whittaker | Aye |
| Mrs. Iverson | Aye |
| Mr. Padgett | Aye |
| Mrs. Peace | Aye |
| Ms. Winborne | Aye |

The motion carried.

C-20-15, HANOVER BOARD OF SUPERVISORS (DEPARTMENT OF PUBLIC UTILITIES)
Requests to rezone from A-1, Agricultural District to RS, Single-Family Residential District on GPIN 7768-94-1986, consisting of approximately 2.05 acres, and located on the south line of Cedar Lane (State Route 623) approximately 575 feet west of its intersection with Karen Drive (State Route 772) in the **SOUTH ANNA 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 a water storage tank and pump station. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone to RS, Single-Family Residential. This case is a companion application to CUP-7-15, which would permit a water storage tank and pump station. Staff recommends approval of this case as submitted.

Mr. Maloney explained to the citizens that this is a two part case. The first part is the rezoning and the second is for the Conditional Use Permit for the tank/pump station.

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 the request. Seeing no one, he asked if anyone wished to speak in opposition.

Dave McIlwain came forward. He said he had concerns about the rezoning. He stated if the zoning is changed, then the barbed wire fence will be allowed in front of the tank and pump station. Mr. McIlwain also was concerned about the industrial building not blending with residential neighborhood.

Brian Goulet, President of the Homeowners Association, stated his concerns of the proposal not blending in the residential area. He concluded by adding he believes this case warrants more discussion.

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Bruce Bouget would like the water tank and pump station to fit better with the area and neighborhood.

Sara Gardner also asked if the proposal could be more in tune with the residential area.

Elsie Lindsey expressed her concerns of the barbed wire fence being put up. She asked the Commission to consider making the proposal look nice and neat and more in keeping with the residential area.

Cathy Childress expressed her curiosity of why the need for the water tank and why this location. She concluded by asking the Commissions would they want this in front of their home.

Chairman Leadbetter asked if anyone else wished to speak in opposition. Seeing no one he closed the public hearing.

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

Mr. Maloney stated he believes the primary concerns address the Conditional Use Permit while this specific case is on the zoning request. He suggested, before an action is taken on this particular case, Mr. Garman give a full presentation on the Conditional Use Permit and continue the public hearing.

Ms. Winborne made a **MOTION** to remove CUP-7-15 from the expedited agenda.

Mrs. Peace **SECONDED**.

Mr. Maloney advised the Commission to continue with the other items on the expedited agenda, then hear CUP-7-15. At that time the Commissioners can make separate motions for each case.

Mr. Walter made a recommendation to suspend the rules in the aspect of hearing all the expedited cases first and proceed with the full presentation of the Conditional Use Permit. He stated this will help eliminate confusion amongst the citizens and the matters will still be fresh on everyone's mind.

Chairman Leadbetter was in agreement with Mr. Walter.

Conditional Use Permit

CUP-7-15, HANOVER BOARD OF SUPERVISORS (DEPARTMENT OF PUBLIC UTILITIES)

Requests a Conditional Use Permit in accordance with Section 26-59.5 of the Hanover County Zoning Ordinance to permit a water storage tank and pump station on GPIN 7768-94-1986, consisting of approximately 2.05 acres, zoned A-1, Agricultural District (RS, Single-Family Residential District pending), and located on the south line of Cedar Lane (State Route 623) approximately 575 feet west of its intersection with Karen Drive (State Route 772) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Suburban General (1-4 dwelling units per acre). (PUBLIC HEARING)

Mr. Garman gave a full presentation of this request to permit a water storage tank and pump station. The site will contain a 1M gallon storage tank, pump station building, emergency generator, fuel tank, and stormwater pond. The facility will be encompassed by an eight foot chain link security fence and landscape screening. This request is necessary to improve water service into the western part

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of the Suburban Service Area. Staff recommends the Planning Commission make a finding under the Code of Virginia, Section 15.2-2232, that this project is consistent with the County's adopted Community Facilities Plan; and 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. From the audience, the applicant acknowledged that he was in agreement. Chairman Leadbetter asked if anyone wished to speak in favor of the request. Seeing no one come forward, he asked if anyone wanted to speak in opposition.

Brian Goulet approached the podium. He asked if the landscape screening was going to be bushes or 25 foot tall trees to hide the facility. Mr. Goulet also asked why the tank has to be built in a residential area.

Dave McIlwain came forward and stated he would recommend the County vote against this until there is a better set of plans as to what it would look like.

Carolyn Cook stated she supports the previous speakers. She advised the Commission to "think outside the box". She said other communities have painted the tank to blend with the residence.

Chairman Leadbetter closed the public hearing. He asked if the Commissioners had any further questions or discussion.

Ms. Winborne stated she had a few questions.

Mr. Maloney asked Chairman Leadbetter if Mr. Herzog could come forward and provide the answers to the concerns of the citizens as well as for the Commissioners.

Steve Herzog, Director of Public Utilities, came forward. He addressed the citizen's concerns about the need for this proposal, the location, landscaping, and why the color sky blue was chosen.

The Commissioners had general questions about the facility design, colors, fencing, height of the structure, and how to make it blend more with the neighborhood.

Mr. Herzog responded to the questions and concerns presented by the Commission, and was receptive to adding features to the building and fence that would help to make the facility more compatible with the neighborhood.

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

Ms. Winborne thanked Mr. Herzog for taking the time to address the concerns of the citizens and for answering the questions of the Commission. She stated she could support the application with the changes that have been proposed.

Chairman Leadbetter closed the public hearing.

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Chairman Leadbetter asked Mr. Maloney for clarity on the order of making motions for the two cases.

Mr. Maloney clarified stating separate motions should be made starting with the rezoning request, then the Conditional Use Permit.

Chairman Leadbetter said he appreciates the citizens coming forth to present their concerns. He thinks moving forward, the building can be made to look less like a commercial building and have more of a residential look to be compatible to the area. He said he would like to see more detail on the tank colors and how they would actually look with some elevation drawings. The fence issue needs to be addressed. He said the community where the proposed station will be located has very nice homes. The barbed wire and chain link fence will stand out in this community, he stated. Chairman Leadbetter suggested the Commission would like to see some type of architectural details for the proposed building with elevations showing the existing trees.

Ms. Winborne asked could this case come back to the Planning Commission.

Mr. Maloney said yes that could be a condition for approval for elevation review. He stated this would typically take place after a formal site plan has been filed. It would come before final site plan approval. He said the condition would simply say “the elevations shall include architectural features, with examples such as dormers, and shall be reviewed by the Planning Commission prior to site plan approval”.

Chairman Leadbetter made a motion.

Upon a motion by Chairman Leadbetter, seconded by Ms. Winborne, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-20-15, HANOVER COUNTY BOARD OF SUPERVISORS DEPARTMENT OF PUBLIC UTILITIES AS SUBMITTED.**

The vote was as follows:

| | |
|----------------|-----|
| Mr. Leadbetter | Aye |
| Mr. Whittaker | Aye |
| Mrs. Iverson | Aye |
| Mr. Padgett | Aye |
| Mrs. Peace | Aye |
| Ms. Winborne | Aye |

The motion carried.

Upon a motion by Chairman Leadbetter, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY THAT THE PROJECT IS IN ACCORDANCE WITH THE COMMUNITY FACILITIES PLAN AND TO RECOMMEND APPROVAL OF CUP-7-15, HANOVER COUNTY BOARD OF SUPERVISORS DEPARTMENT OF PUBLIC UTILITIES, SUBJECT TO FOLLOWING CONDITIONS AS OUTLINED IN THE STAFF REPORT:**

August 20, 2015

1. The pump station building shall be no larger than 4,000 square feet.
2. The Conditional Use Permit shall be valid for two (2) years from the date of Board of Supervisors approval and thereafter shall become null and void unless construction or use is substantially underway. An extension may be granted by the Board of Supervisors, for good cause shown, before the two-year expiration date.
3. All development and use of the Property shall comply with all federal, State, and local statutes, ordinances, and regulations.

THE PLANNING COMMISSION FURTHER RECOMMENDED THE FOLLOWING ADDITIONAL CONDITIONS:

4. The facility building shall include architectural treatment so that it is more compatible with residential properties in the vicinity; the tank color shall be harmonious with existing vegetation; and the security fence shall be compatible with surrounding resident properties where not screened from public view.
5. Prior to site plan approval, elevations for the building, tank (including color), and fence shall be presented to the Planning Commission for review and approval.

The vote was as follows:

| | |
|----------------|-----|
| Mr. Leadbetter | Aye |
| Mr. Whittaker | Aye |
| Mrs. Iverson | Aye |
| Mr. Padgett | Aye |
| Mrs. Peace | Aye |
| Ms. Winborne | Aye |

The motion carried.

The Commission recessed at 8:42 P.M.

Meeting Reconvened

Chairman Leadbetter called the meeting back to order at 8:50 P.M. *All members were present, except Mr. Bailey.*

Agricultural and Forestal Districts Renewal:

Mr. Garman presented an overview of the request to renew the eight Agricultural and Forestal Districts. Staff recommends adoption of the draft resolution that recommends continuing the County's eight districts.

Chairman Leadbetter opened the public hearing. He asked if anyone present wanted to speak for or against the case. Seeing no one, the Chairman 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. Whittaker, seconded by Mrs. Iverson, the Planning Commission voted **UNANIMOUSLY TO ADOPT THE RESOLUTION RECOMMENDING THE (8) AGRICULTURAL AND FORESTAL DISTRICTS BE CONTINUED SUBJECT TO THE FOLLOWING:**

August 20, 2015

1. Any division from a parcel into lots of twenty (20) acres or less shall be deemed a more intense use which shall result in removal from the district.
2. All of the districts shall be reviewed by the Board of Supervisors no later than six years after the date of enactment of the Ordinance.

The vote was as follows:

| | |
|----------------|-----|
| Mr. Leadbetter | Aye |
| Mr. Whittaker | Aye |
| Mrs. Iverson | Aye |
| Mr. Padgett | Aye |
| Mrs. Peace | Aye |
| Ms. Winborne | Aye |

The motion carried.

INDIVIDUAL HEARING

Conditional Use Permit

CUP-6-15, CRAIG REALTY GROUP – RICHMOND, L.L.C.

Requests a Conditional Use Permit in accordance with Section 26-174.3 of the Hanover County Zoning Ordinance to permit a parking garage on GPIN 7788-58-4590(part), consisting of approximately 4.32 acres. The area of the Conditional Use Permit will be limited to approximately 3.92 acres. The property is zoned M-2(c), Light Industrial District with conditions, and is located on the north line of Sun Shade Lane (State Route pending) approximately 400 feet east of its intersection with North Lakeridge Parkway (State Route 782) in the **ASHLAND MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Destination Commerce. (PUBLIC HEARING)

Mr. Garman gave a full presentation of this case to permit a commercial parking garage in conjunction with an outlet mall located across Sun Shade Lane in the Northlake Business Park. The parking garage would provide a total of 899 parking spaces. The height is subject to the Board of Supervisors approving a Special Exception Permit to allow five stories or 71 feet. The sketch plan shows vehicular and pedestrian access. VDOT has given preliminary approval for the pedestrian crossing based a pedestrian traffic control study submitted by the applicant. Staff recommends approval subject to the conditions as outlined in the staff report.

Chairman Leadbetter asked if the Commissioners had any questions or discussion. Seeing none, he opened the public hearing. He asked the applicant or applicant's representative to come forward and present the case.

Jim Theobald, representative for the applicant, came forward. Mr. Theobald presented an overview of the details for the commercial parking garage. He stated that construction is planned to commence before the end of the year pending approval. Mr. Theobald concluded by respectfully asking for an approval of this case.

Chairman Leadbetter asked if the Commissioners had any questions for Mr. Theobald.

Ms. Winborne asked for clarification on the pedestrian walk.

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Mr. Theobald referred to the packet and pointed out the correspondence from VDOT analyzing the pedestrian traffic control study.

Chairman Leadbetter asked if anyone present wished to speak in favor of the case.

Austin Haynes, Senior Vice-President of Holladay Properties, came forward to speak. He said he feels this is a great addition to the area and a great opportunity for the County.

Chairman Leadbetter asked if anyone present wanted to speak in opposition.

Will Shewmake came forward. He represents the adjacent property owner, EMAC, LLC, for the McGeorge RV site. Mr. Shewmake stated the following concerns: the height of the parking garage blocking the view to McGeorge; the economic impact to McGeorge; pedestrian safety; RV drivers conflicting with the pedestrian traffic from the deck; 527 traffic study not performed. He asked the Planning Commission to defer the case for 30 to 60 days to allow everyone to come together and work out a solution. Mr. Shewmake concluded by stating Craig Realty refuses to speak with him or his clients in reference to this case.

Carolyn Cook stated she had concerns about the pedestrian walkway crossing four lanes of traffic. She also had concerns about the County being behind on energy conservation and recommends solar panels on the roof.

Ed McGeorge, owner of McGeorge Rolling Hills RV, addressed the Commission. He stated he has been in Hanover since 1998 and produced over half a billion dollars in revenue. Mr. McGeorge said he feels the County is forgetting about his business and others just to get the outlet mall built. He concluded by stating his concerns about safety.

Tommy Blake came forward with questions for staff and the Commissioners. He asked if the parking garage had the capability to be expanded in the future. Mr. Blake stated he was curious if that was a limitation placed on this project.

Chairman Leadbetter asked Mr. Theobald if he would like time for rebuttal.

Mr. Theobald addressed the expansion concern, the concerns about the 527 traffic study, and safety.

Chairman Leadbetter closed the public hearing. He asked staff to address the concerns from the citizens.

Mr. Maloney addressed the concerns regarding future expansion; which would require an amendment to the Conditional Use Permit, and pedestrian safety as it relates to VDOT approval.

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

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Ms. Winborne stated she appreciates the McGeorge business and the contributions made to the County. She said she took some time to sit on Sunshade Lane to observe the area for herself. Ms. Winborne said she did not see any cars coming down the road to go to McGeorge. Ms. Winborne stated there are other places where there are parking decks across from their facility. She said what comes to mind is UVA Hospital, the parking is across from a four lane street that is busy with a pedestrian crosswalk. She stated it works there and she has no reason to believe it could not work in Hanover. Ms. Winborne further stated customers wishing to visit McGeorge have sufficient time to see the proposed pedestrian crosswalk. She said she came to the conclusion that the garage would have no negative economic impact on Mr. McGeorge's business. She explained how Mr. McGeorge's site could not be seen once you turn on Sunshade Lane. The proposed garage would not create a significant block to his business she said. Ms. Winborne said customers are attracted to his site because of the high visibility from I-95. She concluded by stating based on the information presented tonight, she would like to make a **MOTION** to approve **CUP-6-15, CRAIG REALTY GROUP**.

Mrs. Iverson **SECONDED**.

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

Mr. Whittaker stated he has looked at this for a long time and rode to the site several times. He said while he is a fan of Mr. McGeorge's business, he does not see how the proposed parking deck would hurt his RV business. Mr. Whittaker concluded by stating based on the information gathered at tonight's meeting, he would support the motion to approve.

Mrs. Peace asked if the intersection where you enter the outlet mall was signalized.

Mr. Maloney stated there are not traffic signals internal to the development, although a signal is being contemplated at such time as the outlet mall is developed.

Mr. Padgett asked about signage for the outlet mall.

Mr. Maloney stated the development is approved for three or four directional signs at various intersections along North Lakeridge Parkway. He asked Mr. Wright to come forward to provide brief insight on the time of construction for the site and signs.

Gibson Wright, developer of North Lake, spoke about the sign package that was approved. He pointed out various locations of the signs on the PowerPoint slide. Mr. Wright stated the package would give Mr. McGeorge the opportunity to put up a sign at various points as well.

Chairman Leadbetter said he appreciates the applicant, the citizens that spoke, and Mr. McGeorge for his business. He said based on what he has heard, he is satisfied with the safety concerns addressed tonight and supports this motion.

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Mr. Padgett stated he had trouble finding the McGeorge property and encouraged him to have a sign to make it easier to find.

Chairman Leadbetter called for the vote.

Upon a motion by Ms. Winborne, seconded by Mrs. Iverson, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF CUP-6-15, CRAIG REALTY GROUP-RICHMOND, L.L.C., SUBJECT TO THE CONDITIONS AS OUTLINED IN THE STAFF REPORT:**

1. The Conditional Use Permit shall be valid for a period of three (3) years beginning October 1, 2015. No extension, as provided for in Section 26-327(b) of the Hanover County Zoning Ordinance, may be requested by the applicant. For purposes of Section 26-327, “substantial construction or use” shall mean:
 - a. A site plan for a retail outlet shopping center is submitted;
 - b. A building permit application and a request for the first framing inspection of the “outlets” structure has been submitted to the County; and
 - c. A building permit application for the outlets garage structure shall be submitted to the County.
2. Within 5 days of issuance of the Certificate of Occupancy for the commercial parking garage structure, the Owner shall file Form 7460-2, Part II, with the Federal Aviation Administration, and provide a copy of the form, the FAA response and all supporting documentation to the Hanover County Department of Public Works.
3. The surface parking lot shall be landscaped in accordance with the Suburban Development Overlay standards, Art. 4, Division 2, of the Zoning Ordinance.
4. The pedestrian crosswalk shall be located as shown on the sketch plan. The crosswalk shall be constructed by the applicant in accordance with VDOT standards and specifications as determined during site plan review.
5. All lighting, including that provided within the individual decks of the garage, shall be designed to meet the requirements of Section 26-269 of the Zoning Ordinance.
6. 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 |
| Mrs. Iverson | Aye |
| Mr. Padgett | Aye |
| Mrs. Peace | Aye |
| Ms. Winborne | Aye |

The motion carried.

Miscellaneous

A. Approval of Minutes

Upon a motion by Ms. Winborne, seconded by Mr. Whittaker, the Planning Commission voted unanimously to approve the July 16, 2015, minutes as submitted.

B. CIP

Mr. Maloney briefly addressed the Commission about reevaluating the CIP process. He said he

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will be reaching out to the budget staff to develop plans for a work session to recap the last CIP and focus on the portions of the Comprehensive Plan. A finalized date will be given at the September meeting.

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 9:46 P. M. The next regularly scheduled meeting is September 17, 2015.

Larry A. Leadbetter, Chairman

Lee W. Garman, AICP, Secretary