

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 21, 2014 at 7:00 P.M.

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

STAFF

PRESENT: Mr. David P. Maloney
Mr. Lee W. Garman
Mr. Dennis A. Walter
Ms. Megan Dalzell
Mrs. Sharlee D. Mills
Mrs. Betty S. Gray

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

Mr. Leadbetter led the Pledge of Allegiance.

Consideration of Agenda Amendments by Action of the Commission

Chairman Winborne asked the consensus of the Commission to add a recognition agenda item and to pass and have a resolution prepared and presented to the Commission at next month's meeting.

The Commission agreed

Chairman Winborne began by stating that there was a very dedicated staff member, Mrs. Betty Gray that would be leaving the Planning Department and Commission and she wanted everyone to know that she will be sorely missed and has done an extraordinary job in her role. She then turned it over to Mr. Maloney for his comments and then to the other Planning Commissioners for their comments.

Mr. Maloney stated that this is the last meeting that Mrs. Gray will be in attendance and he wanted to personally thank her for her years of service, she has been not only very professional in the way she has carried out her responsibilities as recording secretary, but she has also been very accurate and this is very important for a public body. She has been a tremendous friend, confidant, and colleague for him and the staff. There is no question that her presence will be missed not only by the staff, but by the Commission and the other bodies that she serves. On behalf of the staff he wanted to wish her well and as his last request before she leaves, he would like to direct her to make sure that his comments are reflected in the minutes for tonight's meeting.

Mr. Padgett stated that it was somewhat of a shock a few weeks ago that Mrs. Gray would be leaving and it has been his pleasure to work with her for 11 years and he always found her ready, willing and able to help with anything that needed to be done with a cheerful smile. Reading through her thorough minutes of their meetings is like reliving the meetings because of their completeness. He knows that they will all miss her and her helpful ways and he wishes Mrs. Gray the very best in her retirement for many years of health and happiness.

Mr. Whittaker stated that he and Mrs. Gray were friends growing up and went to high school together and it was good to come up here and work with her these years. She is one great person and really thorough in what she does. He thanked her.

Mr. Leadbetter stated that he had known Mrs. Gray for only a short period of time and it didn't take very long to notice that she was a very professional person and at the same time of being professional she brings a warmth of personality to them all which made their jobs a lot easier. She did an excellent job and not only did her responsibilities, she expands the responsibilities of that job, which will make it a little more difficult for the next person that fills the position. He thanked her.

Mrs. Iverson stated that she was still in shock, Mrs. Gray had been there so long and she does not know what she will do without her. It has been her great pleasure to work with her and to call her when she needed help, and she always set her straight quickly. She really appreciated everything and hoped that she enjoys her years of retirement.

Chairman Winborne added that one night she locked her keys in her car, but in the above and beyond category Mrs. Gray was not content to leave her here alone at the Courthouse after a long meeting. She has always gone above and beyond the call of duty. She then asked Mrs. Gray to come to the front.

At the time, the Chairman Winborne asked everyone to rise and give a round of applause for this well-deserved public servant. At this time she presented Mrs. Gray with flowers on behalf of the Planning Commissioners.

Citizens' Time

Citizens' Time is limited to 20 minutes, and each speaker shall be allotted 5 minutes.

Chairman Winborne 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 Winborne closed Citizen's Time.

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

Lydia Hart stated that she was there to speak on C-13-14(c), Stacy Riedt.

Chairman Winborne removed C-13-14(c), Stacy Riedt from the expedited agenda to the individual public hearings agenda.

EXPEDITED PUBLIC HEARINGS

C-9-14(c) KELLEY AND JAMES WEST, Request to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions, on GPIN 7816-40-0680, consisting of approximately 14.9 acres, and located on the west line of Woodsons Mill Road (State Route 680) and north of its intersection with Belsches Road (State Route 618) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Agricultural and Commercial. The proposed zoning amendment would permit the creation of one (1) additional building lot for a gross density of one (1) dwelling unit per 7.45 acres. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions. Staff recommended approval subject to the submitted proffers.

Chairman Winborne opened the public hearing and asked if the applicants were present and in agreement with the staff recommendations. From the audience, the applicant acknowledged that they were in agreement. She asked if anyone wished to speak in favor of or in opposition to the request. Seeing no one come forward, she closed the public hearing.

Upon a motion by Mrs. Iverson, seconded by Mr. Leadbetter, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-9-14(c), KELLEY AND JAMES WEST SUBJECT TO THE CONCEPTUAL PLAN DATED MAY 14, 2014, AND REVISED ON JUNE 24, 2014, AND THE FOLLOWING SUBMITTED PROFFERS DATED JULY 2, 2014, AS OUTLINED IN THE STAFF REPORT:**

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Conceptual Plan James W. C. West," dated May 14, 2014, revised June 24, 2014 and prepared by Michael L. Parrish and Associates, Inc.
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. Contribution for Road Improvements. The 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 Two Thousand Three Hundred Six and 00/100 (\$2,306.00) 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.

4. Dedication of Right-of-Way. The Owner agrees to dedicate twenty-five (25) feet of right-of-way from the centerline of Woodson’s Mill Road (State Route 680) and Belsches Road (State Route 618) to the property for the future road widening, free of cost to the County, upon request of the County or VDOT.
5. Access. Access to Lot 2 shall be provided by an entrance on Belsches Road (State Route 618) in accordance with VDOT standards.

The vote was as follows:

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

The motion carried.

INDIVIDUAL PUBLIC HEARINGS

Rezoning

- C-13-14(c) STACY RIEDT**, Requests to rezone from A-1, Agricultural District to B-1(c), Neighborhood Business District with conditions, on GPIN 7822-31-1414, consisting of approximately 1.04 acres, and located on the north line of Mountain Road (U.S. Route 33) and east of its intersection with Brown Pleasants Road (State Route 791) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Rural Village. The proposed zoning amendment would permit business, governmental, medical or professional offices. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone from A-1, Agricultural District to B-1(c), Neighborhood Business District with conditions. The proposed zoning amendment would permit the applicant to convert a residential structure to a medical office building. A Certificate of Occupancy will not be issued until the structure has been inspected and approved by the Building Inspector’s office for

the proposed use. The residential appearance of the proposed office is compatible with the character of the Montpelier area. Access to the site will be from Brown Pleasants Road. The applicants had submitted an alternative conceptual plan because of utility lines they needed to shorten the access, it will be an “in” only and “out” only; they also reduced the amount of parking spaces. Planning staff has reviewed the parking requirement change to make sure that it meets the Code requirements; and VDOT has also reviewed the new configuration of the access. Staff is recommending approval subject to the submitted proffers, conceptual plan and elevations.

Chairman Winborne asked if there were any questions at this time from any of the Commissioners to the staff. There was none.

Chairman Winborne opened the public hearing and asked if the applicant was present and ready to make a presentation.

The applicant, Stacy Riedt, Nurse Practitioner, stated that this office is hopefully going to be for the community to help the folks that are under-insured, provide some affordable health care. She has been serving the community as a medical professional for approximately six years. With Dr. Sasser’s Office closing they have been inundated with new patients, they are at approximately 3000 patients, and the office they are in is busting at the seams. She feels it will be an asset to the community, they will have daylight hours to help the folks.

Chairman Winborne asked if there were any proponents to speak in favor of this request.

Dan Johnson, South Anna District spoke in favor of a medical facility that is desperately needed in western Hanover County. The facility that they are currently in was built in the 1800’s, and while they are doing an excellent job, in order to expedite and give the efficient and effective medical services that are needed by the residents there as well as Louisa, Caroline, Goochland Counties, this new facility is desperately needed. Hanover County has a moto “Come to Hanover, We Are Open for Business”.

This is a proprietor seeking to provide a facility that will greatly enhance the health and well-being of the citizens of Hanover County.

Jeff Stockwell, 30 year resident of Montpelier, a single father raising two children on his own said Montpelier needs a facility close that allows them to receive the type of medical care that their families deserve. He needs somewhere close to him so he can get from work to his children and still be able to visit the doctor and get the medical treatment that they all deserve in western Hanover County. He wanted to voice his support and hope that they are able to secure the Commission's support as well.

Mary Bryant, a resident of Montpelier, stated that she had been seeing Ms. Riedt since she came to the facility in Hanover County. They desperately need the new office, and the older facility is very crowded. Ms. Riedt sees everybody, she has no insurance and she tends to her, if anything was to happen to Ms. Riedt they would have no doctor and she and her husband cannot afford to go to Richmond.

Chairman Winborne asked if there was anyone to speak in opposition of this request.

Lydia Hart, explained that she was there representing the Davis' who are out of state at this moment. The Davis' are responding to the August 5th notice of the zoning request, they responded by letter which was dated and mailed on August 15th along with a letter and pictures provided by their landscaper, Beth Farmer dated August 14th (all of these materials were given to the Commission). The Davis' wanted her to convey to the Commission that they are against the request to rezone the project property for the following reasons:

1. Stormwater runoff on the Davis' property. At the moment there are four black plastic drainage pipes, pointed and directed to the same area of their property, and another that actually touches their property. The water runoff from this subject property has caused a ditch and a marsh land to form on the Davis' property.

2. Brown Pleasants Road. Brown Pleasants Road intersects with Mountain Road, its narrow, its one lane, its asphalt with gravel about ½ mile long. Children that live on that road, play on the road (roller skate, ride bikes, walk, ride scooters, etc.). The road promotes good health for the children, parents, and friends that come to that road.

Ms. Hart stated that in summary the Davis' are against the rezoning request because of the side effects, lack of a stormwater management plan, and that it does not promote public health in the way of the children living on the road. The Davis', with advice from their landscaper had suggestions for the stormwater management plan. She thanked the Commission for their time and stated that she wanted to reserve time for the rebuttal period.

Chairman Winborne explained that the rebuttal time was only reserved for the applicant.

Chairman Winborne asked if there was anyone else that wished to speak in opposition to this application. There was none.

Chairman Winborne closed the public hearing.

Mrs. Iverson asked Mr. Maloney to speak to some of the issues that Ms. Hart had just addressed.

Mr. Garman stated that the house was constructed under a residential building permit, which did not require any stormwater management. With it being rezoned to B-1, it will have to go through the site plan review process which will require a stormwater management plan. The County Engineers will evaluate this and assure that any runoff will stay onto this property. As far as the traffic issues, the traffic generation from the proposed use was not sufficient enough for road improvements and he pointed out that U.S. 33 is close in proximity, so there should not be any thru traffic.

Mr. Leadbetter asked Mr. Garman if the stormwater management policies and regulations for the commercial address anything that may have caused problems on the adjoining property.

Mr. Garman stated that it should prevent it from occurring again.

Mr. Maloney stated that one of the provisions of the Stormwater Management Regulations is that the post development runoff rate not exceed the predevelopment runoff rate for a 2 and 10 year storm. In this instance, not only does the applicant need to retain water to the predevelopment condition, but the water from the basin will need to be released a identified downstream channel. The engineer will need to prepare an analysis of that channel and the channel has to be designed and sized sufficiently to accept the volume and velocity of the water leaving the pond.

Mrs. Peace asked if the stormwater management plan also include an ongoing maintenance plan of the basin.

Mr. Maloney said that it would, that they require a maintenance agreement and a bond.

Mr. Whittaker asked if by rezoning this property to B-1, it would improve the stormwater management greatly.

Mr. Maloney feels that the expectation is that once the property is developed that the downstream property owners could expect improvement in the way that stormwater is being addressed from the property.

Upon a motion by Mrs. Iverson, seconded by Mr. Padgett the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-13-14(c), STACY RIEDT SUBJECT TO THE CONCEPTUAL PLAN DATED JUNE 12, 2014, AND REVISED JULY 31, 2014, ELEVATIONS DATED SEPTEMBER 27, 2013, PREPARED BY MITCHEL HOMES, AND TO THE FOLLOWING SUBMITTED PROFFERS DATED JULY 30, 2014, AS OUTLINED IN THE STAFF REPORT:**

1. Conceptual Plan. The property shall be developed in substantial conformity with the conceptual plan attached and titled "Virginia Family Practice Medical Building," prepared by Goodfellow, Jalbert, Beard and Associates, Inc., dated June 12, 2014, and revised August 19, 2014.

2. Elevations. Any expansion of the existing building shall be done in a manner that is architecturally compatible with the residential character and of the materials shown on the elevations titled, "The Riedt Residence, Hanover County, Virginia," dated September 27, 2013, and prepared by Mitchell Homes.
3. Signage. All freestanding signage in the B-1 District shall be monument style. Wall signs shall be designated in accordance with B-1 District standards.
4. Dedication of Right-of-Way. The Owner agrees to dedicate 30 feet of right-of-way from the centerline of Mountain Road (U.S. Route 33) to the property and 25 feet of right-of-way from the centerline of Brown Pleasants Road (State Route 791) for future road widening, free of cost to the County, upon request of the County or VDOT.
5. Use Prohibitions. Use of the property shall be for offices, business, governmental medical or professional only. Use of the property for the listed purposes shall not commence until after all permits, inspections and approvals required by the Building Inspector's Office have been obtained and a Certificate of Occupancy has been issued.
6. HVAC. Screening shall be designated so as to block such units from view by persons on any public streets immediately adjoining the B-1 zoned property, or from adjacent residential uses. Any units placed on the ground shall also be screened from view by a person on any public street, utilizing wing walls, fencing, or landscaping.
7. Lighting. Any lighting provided per the Zoning Ordinance requirements shall not be greater than twenty-five (25) feet in height, and such lighting shall be so arranged as to reasonably protect adjacent properties from direct glare.

The vote was as follows:

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

The motion carried.

- C-11-14(c) RUBY G. AND ROBERT J. EVANS, JR. (HANOVER AL INVESTORS, L.L.C.),** Request to rezone from R-1, Single-Family Residential District to B-1(c), Neighborhood Business District with conditions, on GPIN 8705-53-8457, consisting of approximately 4.14 acres, and located on the south line of Meadowbridge Road (State Route 627) approximately 1,300 feet east of its intersection with Atlee Road (State Route 638) in the **MECHANICSVILLE MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Commercial. The proposed zoning amendment would permit offices and a 103-room assisted living facility. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone from R-1, Single Family Residential District to B-1(c), Neighborhood Business District with conditions. The proposed zoning amendment would permit offices and a 106-room (updated from 103-rooms) assisted living facility. The applicant has submitted a companion request for a Special Exception. The applicant is proposing to develop an 89,500 square foot 3 story assisted living facility, this would include 75 assisted living units; 31 memory care units (consisting of 38 beds), and should the assisted living facility not be developed the use would allow for limited offices. The applicant prepared a traffic impact analysis, which was reviewed by the County and VDOT, and it included the following recommendations and findings:

- The right turn lane into the site was not warranted;
- To restripe the by-directional left turn lane on Meadowbridge Road to make it an exclusive left turn lane into the property; and
- The applicant will need to coordinate with Hanover Regional Medical Center for the through-middle lane on the south bound side at the intersection.

Mr. Garman further stated that in addition, the traffic signal must be modified to reflect and accommodate the new turn lanes and striping.

Mr. Garman reviewed the proffers, conceptual plan and elevations that had been submitted by the applicant. Staff is recommending approval subject to the submitted proffers, conceptual plan and elevations.

Chairman Winborne asked if there were any questions at this time from any of the Commissioners to the staff. There was none.

Chairman Winborne opened the public hearing and asked if the applicant was present and ready to make a presentation.

Jim Theobald, representative for the applicant, Smith-Packett Med-Com of Roanoke, Virginia, also in attendance with him were Justin Newman, with Smith-Packet and Natalie Kent, with Harmony Senior Living. He went over the location that the assisted living facility would be located. He explained that an Assisted Living Facility is a residential community. He also reviewed the submitted proffers, elevations and conceptual plan. Smith-Packett has been providing quality care and service for over 30 years, a private company based in Roanoke and they have developed and acquired more than 150 senior health housing facilities, the actual operations are managed by Harmony Senior Services, which is a company born out of Smith-Packett. The applicants held a community meeting July 9th, there were not many neighbors, but those that were there were interested. At full completion, this facility will provide about 73 new full time jobs for Hanover County.

Chairman Winborne asked if there was anyone to speak in opposition of this request.

Kevin Gallagher who owns the property behind the proposed plan, he wanted to make the Commission aware of concerns that he has about the two properties and the connections between his property and Meadowbridge Road. He said that he was in favor of the rezoning, but expressed concern with the conceptual plan, dated June 2014, revised July 31, 2014, which fails to recognize its rights of access over the Evans property from Meadowbridge Road. After a discussion he had with the property owner, Ruby Evans, in which she advised Mr. Gallagher that the connection with the road that would complete the loop back to Meadowbridge was provided for Julia Evans on a permission basis, so the easement for Mr. Gallagher would not qualify, so he is not proposing the easement argument based on that, so he feels that this issue has been resolved. Lastly, it is his observation that it would be beneficial to connect the properties behind this parcel to Meadowbridge, as they would like to add an additional doctor's building to handle the growth in the area. He wished Smith-Packett all the best and he is also very happy for Ruby Evans.

Chairman Winborne asked if there was anyone else that wished to speak in opposition to this application. There was none.

Chairman Winborne closed the public hearing.

Mr. Whittaker stated that there would be no enrollment to the school system, it fits the Land Use Plan, and there was very little or no added burden to our road systems in the County. He felt with an aging community such as Hanover's, this is a great fit and is greatly needed. He could not think of a land use plan that could be better suited for this site. His research as far as Smith-Packett, found that they take caring for their residents very seriously and they are regarded as one of the best operating facilities in the United States. He feels that Hanover should be proud to have them come into our County.

Upon a motion by Mr. Whittaker, seconded by Mr. Bailey the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-11-14(c), RUBY G. AND ROBERT J. EVANS, JR. (HANOVER AL INVESTORS, L.L.C.) SUBJECT TO THE CONCEPTUAL PLAN DATED JUNE 2014, AND REVISED JULY 31, 2014, ELEVATIONS DATED JULY 31, 2014, AND TO THE FOLLOWING SUBMITTED PROFFERS DATED AUGUST 8, 2014, AS OUTLINED IN THE STAFF REPORT:**

1. Conceptual Plan.
 - a. Should the Property be developed for use as a assisted living facility, it shall be designated and constructed in substantial conformity with the Conceptual Plan titled "The Crossings a Hanover AL/MC," prepared by Willmark Engineering, PLC, dated July 31, 2014 (the "Conceptual Plan"), including the entrance and parking improvements as depicted. The Property Owner may adjust road and lot lines, and other engineering detail subject to the approval of the Planning Director, which adjustments are necessary to effectively design the Property based on final engineering.
 - b. Should entrance improvements or pavement restriping be required on GPIN 8705-53-7813, all necessary construction easements shall be obtained prior to site plan approval. Copies of the recorded easement documents shall be provided to the Hanover County Planning Department prior to site plan approval.

2. Transportation.
 - a. The driveway shall be designed in accordance with the Conceptual Plan.
 - b. Owner agrees to make necessary modifications to the traffic signal, mast, and signal arms which are necessary to accommodate traffic entering and existing the property.
 - c. All such road and traffic control improvements shall be designed and constructed in accordance with applicable VDOT standards and specifications.
3. Dedication of Right-of-Way. The Property Owner agrees to dedicate fifty feet (50') of right-of-way measured from the centerline of Meadowbridge Road (State Route 627) to the Property for future road widening free of cost to the County, upon request of the County or VDOT.
4. Elevations. Should the Property be developed for use as an assisted living facility, it shall be designed and constructed in substantial conformity with the architectural appearance shown on the elevations titled "The Crossings at Hanover, An Assisted Living Community, Mechanicsville, VA," prepared by Gaylen Howard Laing Architect, dated July 31, 2014. Any other new buildings constructed on the Property shall be complementary in design and materials to these elevations.
5. Refuse Pickup. Refuse pickup from the Property shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday, which no refuse pickup on Sunday.
6. Loading Areas. Any service and delivery loading docks will be located at the side or rear of structures, and will be treated with architectural elements or decorative fencing and/or evergreen landscaping to screen their visibility from the public roadways.
7. HVAC. Any mechanical units on the Property shall be screened by architectural features which are compatible with the building façade architecture. The method of screening shall be submitted for review and approval by the Director of Planning prior to site plan approval.
8. Monument Signs. All freestanding signs on the Property shall be monument type. The materials and design of any signs shall be compatible with the proposed materials and architectural theme of the proposed structures. Sign 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.
9. Uses. Use of the property shall be limited to the following:
 - a. Assisted living facility, subject to the applicable zoning requirements; and
 - b. Business, governmental, medical, or professional offices.

The vote was as follows:

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

The motion carried.

C-3-14(c) WILLIAM H. GARRISON, ET AL. (MERIDIAN LAND COMPANY), Request to rezone from A-1, Agricultural District to RS(c), Single-Family Residential District with conditions, on GPINs 8706-82-0535, 8706-72-1235 and 8706-72-4928, consisting of approximately 62.04 acres, and located on the south line of Studley Road (State Route 606) approximately 1,300 feet east of its intersection with Shady Grove Road (State Route 640) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Suburban General (1-4 dwelling units). The proposed zoning amendment would permit the creation of 142 building lots for a gross density of 2.29 dwelling units per acre. (PUBLIC HEARING)

Mr. Maloney presented C-3-14(c) which is a request to rezone from A-1, Agricultural District to RS(c), Single-Family Residential District with conditions. The district requirements have been met with the proposed application, the project will include 142 single family detached residential lots, the requirements of the RS District calls for 12.41 acres of common open space and this site contains 17.5 acres of common open space. The amenities for the community include a multi-use playing field, tot lot with a playground, a pavilion for use of the residents, a pond, a wooded common area, sidewalks, as well as pedestrian trails. The applicant has provided a wide variety of elevations showing various house styles and various materials. The traffic impact analysis has been prepared by the applicant's engineer, that analysis has been reviewed by VDOT and Planning staff and included several recommendations:

- Dedication of right-of-way along Old Oak Lane;
- Addition of 100 foot right-turn lane with 100 foot taper at the project entrance, located on Studley Road;

Mr. Maloney reviewed the proffers submitted by the applicant, regarding the proffer “connection to sanitary sewer,” the staff would note that the connection to the public sewer system is a requirement. In addition to the proffers submitted, the staff would also recommend following additional proffers:

- The applicant dedicate an additional 50 feet of right-of-way measured from the centerline of Studley Road and 25 feet of right-of-way measured from the centerline of Old Oaklawn Drive;
- The improvements as recommended in the traffic analysis.

Mr. Maloney further stated they recommend that the six (6) foot privacy fence which is shown on the conceptual plan and located within the open space be bonded as a subdivision improvement and maintained by the owners association.

Mr. Maloney explained that the staff is recommending denial of this application as submitted, but approval subject to the changes to the conceptual plan and proffers as recommended in the staff report.

Chairman Winborne asked if there were any questions at this time from any of the Commissioners to the staff.

Chairman Winborne stated that the fence along the bottom left were all lots, she wanted to know if these were their backyards.

Mr. Maloney stated that they were, and that there would be a 5 foot area of common open space, and the buffer is interconnected to the larger area of open space and the fence would be constructed within that common open space area, which means it would be accessible to the owners association without entering either into the adjacent property or the individual properties within the project boundaries.

Chairman Winborne asked if she lived in one of those homes, would she be able to put up her own fence.

Mr. Maloney said from a Planning and Zoning perspective there would be nothing precluding the property owner from constructing a privacy fence, he did not know if that would be permitted by the restrictive covenants, and felt that would be a question for the applicant.

Chairman Winborne explained that she was thinking about dogs/pets, and wondered if the buffer area has a 5 foot common area before the fence, then the individual properties do not have a back piece of fencing.

Mr. Maloney said that was correct. But he does not know the intentions of the applicant, but it is possible that the fence could be constructed along the common boundary between those lots and the common open space. If it was constructed essentially on that common property line, then clearly the backyard of those individual lots would have a fence, and that fence would delineate the boundary of the yard.

Mr. Whittaker asked if it was because of the ordinance that they have to tie in like that, or are they offering that in regards to the common open space where the fence is.

Mr. Maloney explained it was what the applicant was offering and the County does not have specific requirement for any sort of common open space in the backyards. The property lines could extend to the project boundary line with the adjacent property owner. There were concerns expressed by the adjacent property owner during the course of the zoning pertaining to privacy. He said the staff is not in a position to recommend improvements to properties that are not subject to the zoning. But to address legitimate concerns regarding privacy, we had a conversation with the applicant's engineer and suggested that if they wanted to address that issue, one means would be to construct a fence. Because fences need maintenance, we would recommend that area of common open space be shown so that would eliminate the requirement of an easement across those individual properties for maintenance. Mr. Maloney further stated that what has been found in other instances is that property owners may not appreciate the fact that there is a fence on their property, or that the fence is actually owned by an

homeowners association and for whatever reason it does not suit their purposes, so they remove a fence and now that individual property owner is in violation of the conditions of zoning. The County does not want to put a property owner in that position, that it is an amenity for the larger community and that it provides a benefit to adjacent property owners, it's the staff's recommendation that the fence be located in common area and owned and maintained so that the individual property owners themselves are not burdened with ongoing maintenance, etc.

Mrs. Peace said that they had had many discussions over the past few years over fences and common area maintenance, and from a practical common sense perspective she felt it would be awkward if you wanted to construct a fence and basically have a back wall, a 5 foot gap and then another fence. She felt the other suggestion of having the fence built along the property line and then having the buffer seems to make a little more sense to her.

Mr. Maloney said he would defer to the Planning Commission on this issue, from the staff's perspective, the important component is that the fence not be placed on individual properties.

Chairman Winborne opened the public hearing and asked if the applicant was present and ready to make a presentation.

Scott Courtney of Resource International representative for Meridian Land Company, they are seeking the recommendation of approval for RS zoning from the Commission and as staff has done a very good job of providing the analysis within the report, there were a few items he wanted to highlight and clarify. The subdivision as proposed is compatible with some of the other subdivisions that are in the general vicinity, in regards to lot size and housing products, they are of similar price range and style for the neighborhood. This subdivision will have access to two roads; Studley Road and Old Oak Lawn Road, traffic will take advantage of both roads for ingress and egress and this becomes a benefit in that the level of service at the intersection of Studley and Shady Grove Roads will remain at level "C", even after build out. The County's minimal acceptable level of service is "D". This subdivision will

construct a right turn lane and taper from Studley Road into the project, and feels this is a benefit to pull traffic off for a matter of safety for those who are coming through this area. They will dedicate right-of-way on Studley and Old Oak Lawn Roads in accordance with the County's Thoroughfare Plan.

Mr. Courtney continued by stating that based on a Community Meeting that the applicant's held, the concern of the number of homes being adjacent to the adjacent properties, whether it be on the western or northern side, the question was raised of whether or not there could be a fence. He stated that initially they did not propose a fence, they did not have a buffer area either, but because of the citizen concerns, they have been working with the adjacent property owners to propose a fence around those areas. To help facilitate the maintenance and care of the fence, they have taken and placed that within the buffer, it is their thought right now that they have no problem with putting it within the inside portion of the buffer to allow the residential lots within the subdivision to connect to that. They also had concern with the concept of "fence, 5 foot buffer, and another fence". So to reiterate, they have no problem with making this change.

Mr. Courtney explained that within the staff report, there were a couple of outstanding issues and he is reporting to the Commission tonight: 1) that the proposed fence and the two lots that front on Studley Road will be located within the 5 foot open space buffer and maintained by the HOA; 2) the applicant agrees to the modification of proffer regarding the sanitary sewer size; and 3) accepts the three additional proffers as outlined within the staff report. He ended by stating that he is open for questions and that the applicant is present and will answer any questions as well.

Mr. Padgett stated that Jones and Bowles properties requested a 7 foot fence, and asked Mr. Courtney if they received the request.

Mr. Courtney explained that they had received the request, but based on comments of providing a consistent fence (6 feet), they feel that this would keep it compatible and that similar material and size

would be appropriate at this point. So they are proposing the same fence, 6 foot high all away around the property.

Mr. Padgett asked about the issues raised in correspondence from Mrs. Patrick on their adjoining property.

Mr. Courtney stated he was not aware of the correspondence.

Mr. Maloney stated he had a conversation with Mrs. Kelley-Wiecek, his reading of the letter and negotiations, that these are matters between Mrs. Patrick and the developer to be negotiated. The one issue that appeared to come into the public realm, is the issue of the fence. Staff is not suggesting that the applicant should not continue to negotiate and work with adjacent property owners, but to the extent that Mrs. Patrick's request should be specifically incorporated within the zoning is beyond the role of Hanover County. The one concern that they were able to address legitimately through the zoning is the issue of the privacy fence and assuring that it remains within the boundaries of the project for appropriate maintenance.

Mr. Padgett stated that it would be situated like the rest, adjacent to the lots of this project.

Mr. Maloney wanted to clarify that the common open space, and the buffer (which will constitute open space and be maintained by the HOA) is interconnected by this 5 foot area behind these lots. Having said this, the purpose of the open space is not for any pedestrian access or trail system, it is solely to accommodate the location of the fence, keeping it within the project boundaries and not burdening individual properties. From a staff's perspective, they have no opinion as to where within that 5 foot width that fence is constructed. He feels a question for the applicant would be, "what, if any covenants are being considered with regard to the ability of the residents to build their own fence." It is very common that the restrictive covenants limit the height of fences in the more contemporary developments and typically it is a 4 foot fence.

Mr. Padgett asked Mr. Courtney if all the fencing (including the back) would be 6 feet. Would their intent be to put it at the boundary of the property owner's lots, so they do not have to build a parallel fence.

Mr. Courtney said that was what they were proposing for the height of the fence. He said the location of the fence was an option, but since he was not the developer, he asked the developer to come up and address this issue with the Commission. The 5 foot buffer is strictly a function of the fence being within that area and providing some means of access for maintenance.

Mr. Padgett asked if the developer could speak to the Commission on the location of the fence.

Chairman Winborne asked Mr. Courtney if there was any intention of having the HOA restrict the fence height or anything about fencing.

Mr. Courtney turned it over to the developer to clarify these questions.

Mark Smith, with Meridian Land Company, stated that they had not written the restrictions and covenants yet, but it would be their intent to limit the fence height of the interior boundary fence line (for the individual lots) to 4 feet. As it relates to the location, on the boundary line of the property where that fence would stop, they were trying to abide by staff's recommendations that the fence be located in the common area. To the extent that they locate it in the common area, close to boundary of the lots. Those residents would be allowed to set a corner post, on their property, effectively very near the boundary fence line so that they would not have to construct an exterior boundary.

Chairman Winborne asked Mr. Smith if the fence is for the benefit of the neighbors or privacy, what about putting the fence on their property.

Mr. Smith said it is difficult for them to install something on adjacent property owner's property, and if they did this, then the maintenance would be relied upon them. The implementation of this fence is for privacy for both the neighborhood and the individual lot owners. He further stated that they would absorb the cost of the fence and give them the privacy and liability protection that they had expressed.

Mr. Maloney pointed out that the developer is free to negotiate this as they choose, but if this is the agreement between the developer and the property owner, this falls outside the realm of the Planning Commission and County's authority.

Chairman Winborne asked if there were any proponents to speak in favor of this request.

Clair Holbrook, representing Burkwood Swim and Racquet Club in her capacity as President of the Board of Directors. She stated that earlier in the year the Board of Director did receive a presentation from Meridian Land Company regarding Garrison Manor project. Based on this presentation they believe that this is a positive development for Burkwood. They feel it is a quality neighborhood which is always good for Hanover County and they also believe they can mutually benefit each other, by Burkwood being able to provide access for the homeowners to a convenient comprehensive swim, tennis and fitness facility, and that in turn helps Burkwood with securing memberships and continuing to operate on a solid ground.

Chairman Winborne asked if there was anyone to speak in opposition of this request.

Richard Wilson, resident of Rural Point Estates, stated that he has lived in the Studley Road area for 43 years. He feels that even though there are 8 subdivisions between this development and Rural Point School, they still have a rural character. He feels the subdivision will be an asset to the area, his only concern is to buffer the lots along Old Oak Lawn Drive and Studley Road with some type of foliage (similar to what they have in Berkley Forest). He wants to keep the rural flavor of the area.

David Snipes, resident of Swannanoa Estates, stated that one of his major concerns is the number of houses proposed, no other subdivision in this corridor from Shady Grove Road down to Rural Point has this many houses (with possibly the exception of Robin Ridge). None of the neighborhoods in the area have sidewalks, he feels adding sidewalks makes it more "city like". He is not opposed to a neighborhood going here, he is opposed to a neighborhood this dense and the traffic that it will generate.

Mel Rice, resident of Rural Point Estates, stated that he is in agreement with Mr. Snipe's comments in regards to traffic, would like for them to consider fewer houses developed on a smaller scale.

Phyllis Patrick, adjacent property owner stated that she was not speaking against the project. She stated that she did request the fence, that she has lived in her home for 28 years surrounded by beautiful trees that will be coming down. She requested the fence for purposes of privacy, she will make every effort possible to get the landscaping to the point where there will still be trees. In negotiations with Meridian representatives I have asked for the fence with the stipulation that she will see that trees are put around so there will still be greenery. She feels this will be an asset not only to her property, but it will also help the neighborhood because they too will see the tops of the green trees over that fence. She does not want the maintenance done on her side because she wants the trees there and does not want to have to allow more easements to let someone on the property.

Steve Browning, resident of Robin Ridge Subdivision. He asked what elementary school would serve this new neighborhood, he assumed it would be Washington Henry and is concerned about traffic getting to the school.

Betty Bowles, lives on Shady Grove Road for the past 67 years. She objects to all the traffic that they have by Washington Henry Elementary School and feels that the project is too dense.

Chairman Winborne asked the Applicant if he would like to rebut.

Mr. Courtney addressed the comments as follows:

- Landscaping along Studley Road. There is a thoroughfare buffer for landscaping and they have proposed plantings along that as well as a berm. This will help to break up and soften the view.
- Lot sizes. The density and the open space that is required is based on the zoning category which has reduced the lot sizes.
- Sidewalks. Sidewalks are required by the Code and VDOT.

- Traffic Lights. No additional stoplights are warranted by VDOT or the County for this project.

Mr. Leadbetter asked Mr. Courtney to speak a little more on the landscaping on the front side of the property, in regard to the berms and exactly what will be placed there.

Mr. Courtney stated that there would be a series of berms 2, 3, 4 feet tall.

Mr. Maloney stated that specific notation on the plan does provide for a 3 foot berm within the buffer along Shady Grove Road, in addition there are a half-dozen trees planted and small groupings of shrubs.

Mrs. Peace asked what varieties would be used.

Mr. Maloney said that it is not specified on this plan, the detail is provided on the construction plans.

Chairman Winborne closed the public hearing. She asked if there was any other comments or discussion.

Mr. Padgett asked Mr. Maloney to speak on the school impact.

Mr. Maloney explained that this project will feed in to Washington Henry Elementary, Chickahominy Middle, and Atlee High Schools, it is expected that this development will add an additional 77 school age children. Based on existing and projected school enrollment numbers there is sufficient capacity to accommodate the additional children within the school system.

Mr. Maloney explained that it is important to note that this portion of Studley Road is located within the Suburban Service Areas designated on the General Land Use Plan within the Comprehensive Plan for Hanover County. As the Commission is aware, the Suburban Service Area is approximately 22% of the land area of the County with the remainder of the County being designated for rural development. The Comprehensive Plan suggest that 70% of new residential growth will occur within the Suburban Service Area.

Mr. Leadbetter asked if school buses will serve this project.

Mr. Maloney said they would.

Chairman Winborne stated that this project falls equally between 2 school boundaries.

Mrs. Peace stated that what makes all the neighborhoods along Studley Road so beautiful are the tree canopies, and she wanted to reiterate that any additional landscaping that can be done along that thoroughfare buffer would be fantastic. She asked if there was a tree preservation plan for the interior of the subdivision, or will everything be cleared.

Mr. Maloney explained that there is not a tree preservation proffer for the individual lots and that is certainly something the Commission can request of the applicant. The Zoning Ordinance, RS District regulations specifically states that “where practical existing mature vegetation within the thoroughfare buffers should be retained”. So the staff will work with the applicant as they go through the construction plan review.

Mrs. Peace asked if that applied to the interior also.

Mr. Maloney said that they do not have a specific proffer for the interior lots. He further stated that staff has standard language that they could offer, if desired. To be perfectly frank, the language that is used has challenges from enforceability.

Mr. Padgett thanked everyone for coming out tonight and for voicing your concerns, he hopes that they feel that their concerns have been addressed. He said this is the Suburban Service Area and the Comprehensive Plan permits 1-4 units per acres, which is more than the older developments in the vicinity which go back 30, 40, 50 years. With a 1-4 permitted density, this is just under 2.3 which is somewhat less than the midway point. From the standpoint of the Comprehensive Plan, this density is not dense. He understands that 142 homes in this area could be of some concern, but it does meet the Comprehensive Plan objectives. The level of service has been addressed and studied. He does not see

any reason for not approving this case and noting your concerns, he feels they have been addressed to the extent that they can, and he also feels that this will be a very nice development.

Upon a motion by Mr. Padgett, seconded by Mr. Whittaker the Planning Commission voted unanimously to deny the request as submitted, but recommended approval of C-3-14(c), William H. Garrison, et al. (Meridian Land Company, et al.), subject to changes as described in the summary of outstanding issues in the staff report.

Chairman Winborne asked if there was any other questions or comments.

Mr. Maloney stated that for purposes of clarity, under the RS District regulations, the conceptual plan, if recommended for approval by the Planning Commission and if Board of Supervisors adopts the plan as recommended by the Planning Commission, then the plat also serves as the preliminary subdivision plat for the project. In discussions with Mr. Walter, and simply for purposes of clarity, staff would also request a separate motion stating “subject to Board approval that the conceptual plan considered by the Planning Commission also be approved as the preliminary plat”.

Chairman Winborne called for the vote.

Upon a motion by Mr. Padgett, seconded by Mr. Whittaker the Planning Commission voted **UNANIMOUSLY TO DENY THE REQUEST AS SUBMITTED, BUT RECOMMENDED APPROVAL OF C-3-14(c), WILLIAM H. GARRISON, ET AL. (MERIDIAN LAND COMPANY, ET AL.), SUBJECT TO CHANGES AS DESCRIBED IN THE SUMMARY OF OUTSTANDING ISSUES IN THE STAFF REPORT.**

1. Cash Proffers. The Developer, for itself, and its successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy, the amount of Two Thousand Three Hundred Six and 00/100 (\$2,306.00) per single family unit built on the RS zoned Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in Title.

2. Foundations. The exterior of all foundations of homes shall be clad in brick or stone.
3. Offsite Sanitary Sewer. The Developer shall design and install a gravity sewer, from the project to the existing Academy Creek sanitary sewer main, in accordance with the current standards of the Department of Public Utilities.
4. Dedication of Right-of-Way. The Owner agrees to dedicate fifty feet (50') of right-of-way from the centerline of Studley Road (State Route 606) to the property and 25 feet of right-of-way from the centerline of Old Oaklawn Drive (State Route 1201) for future road widening, free of cost to the County, upon request of the County or VDOT.
5. Road Improvements. The entrances and the right-turn lane from Studley Road shall be constructed in substantial conformity with the conceptual plan. The right turn lane shall include at least 100' of storage and a 100' taper. All road improvements shall be designated and constructed in accordance with VDOT standards and specifications.
6. Fencing. The 6' solid fencing shown on the conceptual plan within the perimeter open space provided to the adjacent property for screening purposes shall be bonded with other subdivision improvements, and shall be among those development improvements that are maintained by the homeowner's association.

The vote was as follows:

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

The motion carried.

Upon a second motion by Mr. Padgett, seconded by Mr. Whittaker the Planning Commission voted **UNANIMOUSLY THAT SUBJECT TO APPROVAL BY THE BOARD OF SUPERVISORS THAT THE CONCEPTUAL PLAN ALSO BE APPROVED AS THE CONDITIONAL SUBDIVISION PLAT FOR THE PROJECT.**

The vote was as follows:

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

The motion carried.

5. Miscellaneous

A. Approval of Minutes

Upon a motion by Mrs. Iverson, seconded by Mr. Leadbetter, the Planning Commission voted unanimously to approve the June 19, 2014 minutes as submitted.

B. CIP Review Process Discussion

Mr. Maloney stated as part of the Commission's by-laws, and as directed by State Code and the Board of Supervisors, you are responsible for review and making a recommendation to the Board of Supervisors on the Capital Improvements Program. Typically the public hearing is held in March. After discussions with Ms. Winborne and Mr. Leadbetter, staff would propose that the Planning Commission reevaluate that process. The intent is not to diminish your involvement in the review, but to reevaluate your focus and procedures associated with that CIP review and recommendation. Staff recommends that you embark on a process to elevate those elements of the CIP that are directly related to the Comprehensive Plan.

Mr. Maloney suggest that the Commission work on this process through a series of workshops where you could identify the more specific elements of the CIP and better define those elements for which the Planning Commission would be responsible for making a recommendation. Also, as part of the process evaluate the process by which you make that recommendation. The by-laws require that you hold a public hearing, there is no statutory requirement for a public hearing under State Code. This does

not have to begin within the next month, but he did suggest that in their September meeting that they look at the calendars to identify a couple of slots to schedule works sessions to begin to talk through these issues and details. He would hope that they can work on this, so that the new processes are firmly place before the next CIP is presented.

Chairman Winborne thanked Mr. Maloney and said they will look forward to discussing a strategy for going forward.

ADJOURNMENT

Chairman Winborne thanked the press and public for coming to the meeting.

There being no further business Chairman Winborne adjourned the meeting at 9:09 P. M. The next regularly scheduled meeting is September 18, 2014.

Claiborne R. Winborne, Chairman

David P. Maloney, AICP, Secretary