

September 17, 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, September 17, 2015 at 6:30 P.M.

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

STAFF

PRESENT: Mr. David P. Maloney
Mr. Lee W. Garman
Mr. Dennis A. Walter
Mr. John A. Bender
Mrs. Tiffany M. Burton

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

Mr. Maloney explained that tonight would be a test run for the upcoming audio visual streaming.

Approval of Minutes

Upon a motion by Ms. Winborne, seconded by Mr. Whittaker, the Planning Commission voted unanimously to approve the August 20, 2015, minutes as submitted.

Consideration of Agenda Amendments by Action of the Commission

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

There were none.

EXPEDITED ADMINISTRATIVE AGENDA

Subdivision Ordinance Exception

**SOE-5-15 L & H INVESTMENTS (JAMES RIVER CELLARS ESTATES SUBDIVISION)
SOUTH ANNA MAGISTERIAL DISTRICT
(COMMISSION ACTION)**

Mr. Bender gave a brief presentation of the Subdivision Ordinance Exception. The purpose of this review is an exception to the requirement that a private central water system conform to the requirements of the design standards and specifications of the County Water Code, but instead meet Health Department standards. Staff recommends approval of this request.

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

Ms. Winborne stated the report listed the Magisterial District as South Anna but the applicant wrote Chickahominy. She asked Mr. Bender for clarity in which district the SOE was located.

Mr. Bender confirmed the case is in the South Anna Magisterial District.

Chairman Leadbetter made a motion.

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Upon a motion by Mr. Leadbetter, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO APPROVE SOE-5-15, L & H INVESTMENTS (JAMES RIVER CELLARS ESTATES SUBDIVISION):**

The vote was as follows:

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

The motion carried.

Miscellaneous

A. Draft Ordinance Amendment Authorizations

Mr. Maloney provided a brief summary of three Zoning Ordinance Amendments authorized by the Board of Supervisors to advertise for public hearings. Mr. Maloney recommended that Ordinance 15-11, related to civil penalties, should be reviewed during a work session instead of assigning it to a subcommittee to review. He also recommended Ordinance 15-12, related to residential setbacks, be assigned to a subcommittee and then brought before the Commission for a public hearing. Mr. Maloney stated for Ordinance 15-13, related to bonding requirements, his recommendation would be to have staff present the Ordinance during a public hearing. He said no work session would be required for this Ordinance. He concluded by turning the meeting back over to the Chairman to see how the Commission would like to proceed with the recommendations.

Chairman Leadbetter asked when the Ordinances go to public hearing, does the recommendation need to be made during the 7:00 P.M. meeting?

Mr. Maloney stated the public hearing will be advertised for 7:00. However, if during the course of the public hearing the Commission feels more consideration is necessary, the Commissioners can provide staff with guidance and defer action. Mr. Maloney asked Mr. Walter to clarify what the State Code advises with regard to the timing of Ordinance Amendments.

Mr. Walter weighed in and stated the timeframe set forth by State Code was meant for a stop gap in the event a Planning Commission sits on a matter and refuses not to act on it. It gives the Board of Supervisors a mechanism to have the matter come back before them. The timeframe is 100 days.

Chairman Leadbetter made a recommendation to have a 6:00 P.M workshop before the October meeting for the presentation of Ordinance 15-11, on civil penalties. He also assigned Ordinance 15-12 to Subcommittee A, for which Ms. Winborne is chairman, for review. He stated during the same agenda on October 15th, the public hearing and presentation for Ordinance 15-13 can be heard.

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Mr. Whittaker stated in the packet, there is a workshop scheduled for the October meeting at 5:30 P.M. to discuss the CIP meeting schedule.

Mr. Maloney clarified stating that was a recommended time but there is flexibility with that schedule.

Chairman Leadbetter asked the Commission if they were in agreement with the time he recommended for the workshop review the Ordinances.

The Commission was in agreement.

B. CIP Meeting Schedule Discussion

Mr. Maloney stated he would like to propose a preliminary work session with the budget division staff to review the CIP projects specifically associated with the community facilities component of the Comprehensive Plan. He stated this session would provide a refresher of what was considered and what was adopted by the Board of Supervisors and give the Commission the opportunity to ask questions as to the status of particular projects.

Ms. Winborne stated this is not how she recalls the CIP work session was discussed by the Commission. She said she thought moving the meeting to November or December had been discussed. Not having the meeting in March. She stated what the Commission was interested in knowing is what the departments were proposing in the budget and making the CIP process meaningful.

Chairman Leadbetter stated he remembers the work session being discussed that way as well. He then asked Mr. Maloney if there was a way the Commission could have preliminary draft budgets to review.

Ms. Winborne asked if the Commission could see what the departments are proposing.

Mr. Maloney responded stating he would be glad to make that inquiry to the County Administrator.

Mr. Walter stated he sensed the answer would be no because the budget requests are for the County Administrator to make a decision as to the amounts. He stated the requests are working papers of the County Administrator that is not released to the public. He said it is not normally disclosed as to what each department requests because the County Administrator is relying upon his subordinates to make his recommendation.

Mr. Maloney stated he would forward the request to the County Administrator.

Chairman Leadbetter asked when a work session could be scheduled.

Mr. Maloney suggested holding off on any further consideration until next month to allow time to speak with the County Administrator.

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Chairman Leadbetter asked if the Commission had any further questions or discussion. Seeing none, he ended the Administrative Agenda and suggested continuing on to the public hearings. He asked the Commissioners if anyone needed to recess. Seeing no one, he moved to the public hearing.

Mr. Bailey led the Pledge of Allegiance.

Citizens' Time

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

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 wishing to speak to the Commission on an issue not on the Agenda.

No one addressed the Commission during Citizens' time.

Chairman Leadbetter closed Citizens' 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.

Mr. Garman came forward to present a request for deferral of case **CUP-15-05, AM. 1-15, CAVALIER RIFLE & PISTOL CLUB**. He stated the case is in the South Anna Magisterial District.

Upon a motion by Mr. Leadbetter, seconded by Ms. Winborne, the Planning Commission voted **UNANIMOUSLY TO DEFER CUP-15-05, AM. 1-15, CAVALIER RIFLE & PISTOL CLUB, UNTIL THE NEXT REGULARLY SCHEDULED MEETING.**

Rezoning

C-23-15(c), D. MARSHALL TAYLOR

Requests to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions on GPIN 7799-81-5648, consisting of approximately 20.0 acres, and located in the southeast quadrant of the intersection of Toad Hollow Court (private road) and Mount Hermon Road (State Route 656) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit the creation of one additional building lot for a gross density of one (1) dwelling unit per ten (10) acres. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone to create an additional building lot. Staff recommends denial as submitted, but approval subject to the submittal of an additional proffer for shared access on either: Mount Hermon Road between lots one and two, or to restrict the access to lot two from Toad Hollow Court. Mr. Garman stated that the applicant agrees to restrict the access to Toad Hollow Court.

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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 the Commissioners had any further discussion or questions.

Ms. Winborne stated there was an indication that one more lot could possibly be created. She asked for clarity.

Mr. Garman stated in the future, the applicant could apply to amend the zoning for one additional lot.

Chairman Leadbetter asked for a motion.

Upon a motion by Mrs. Iverson, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND DENIAL AS SUBMITTED BUT APPROVAL SUBJECT TO THE PROFFERS SUBMITTED AND THE SUBMITTAL OF AN ADDITIONAL PROFFER REGARDING ACCESS FOR C-23-15, D. MARSHALL TAYLOR:**

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Clay Spring Hills, Section 1 Concept," dated July 28, 2015, revised August 25, 2015, prepared by Resource International, Ltd.
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 Improvement. 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. Reservation of Right-of-Way. The Owner agrees to reserve fifty (50) feet of right-of-way from the centerline of Mount Hermon Road (State Route 656) to the property for the future road widening.

The vote was as follows:

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

The motion carried.

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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 7:07 P. M. The next regularly scheduled meeting is October 15, 2015.

Larry A. Leadbetter, Chairman

Lee W. Garman, AICP, Secretary