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**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 18, 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  
Mrs. Shannon Fennell  
Mrs. Sharlee D. Mills

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

Mr. Padgett led the Pledge of Allegiance.

**Consideration of Agenda Amendments by Action of the Commission**

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

There were none.

**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.

Elizabeth Pace resident of the Mechanicsville Magisterial District addressed the Commission stating that she was there because of overall concern and disappointment of the different organizations and building processes that this Committee and the Board of Supervisors are allowing to happen in Hanover. She voiced concern about the assisted living facility, near Mayfield Farms Subdivision that

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the Commission approved the month prior. She is concerned about what the County will look like once her children are grown and that she was speaking as a sad citizen and asked the Commission to take their jobs seriously and have the vision to make their decisions based on that.

Chairman Winborne asked Mr. Maloney if the County still offered the Citizens Planning Academy

Mr. Maloney stated that the Planning Academy was a program that has been offered in past, and he hopes to offer it in the future, but at the moment it is not in the budget.

Chairman Winborne closed Citizen's Time.

Mr. Maloney introduced Shannon Fennell, Planner and Applicant Liaison who began working in the Planning Office in May; and Tiffany Burton, Administrative Assistant who will begin working for the Planning Department on October 1, 2014. He welcomed them to the Planning Department.

Chairman Winborne welcomed them both on behalf of the Planning Commission.

### **EXPEDITED PUBLIC HEARINGS**

Chairman Winborne 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 Proffer Amendment Cases**

**C-34-02(c) AM. 1-14**     **KATE AND MICHAEL POPRIK, ET AL. (ROYAL DOMINION HOMES INC.) (HONEY MEADOWS)**, Request an amendment to the proffers approved with rezoning request C-34-02(c), Am. 1-11, Commonwealth Lands, L.L.C., on GPINs 7797-71-5987 and 7797-82-0170, zoned RS(c), Single-Family Residential District with conditions, and located on the south line of Meadow Pond Drive (state route pending) approximately 2,600 feet north of its intersection with Honey Meadows Road (State Route 2380) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. **(PUBLIC HEARING)**

Mr. Garman briefly presented this request to amend the cash proffer. Staff recommended approval subject to the submitted proffers.

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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 Mr. Padgett, seconded by Mr. Leadbetter, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-34-02(c), AM. 1-14, KATE AND MICHAEL POPRIK, ET AL., SUBJECT TO THE FOLLOWING SUBMITTED PROFFERS DATED AUGUST 4, 2014, AS OUTLINED IN THE STAFF REPORT:**

1. 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 Three thousand four hundred ninety-one and 00/100 (\$3,491.00) 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.
2. Building Materials. Exterior of all foundations shall be brick or stucco. The primary exterior cladding materials for the dwelling shall be limited to brick, vinyl siding or concrete fiber siding; cladding options shall not include concrete masonry units (whether split face or smooth) or plywood.
3. Sidewalks. Concrete sidewalks shall be provided along streets within the community to the extent depicted on the Conceptual Plan. Final location may vary based on final design, provided that the construction plans submitted with the subdivision request demonstrate the provision of sidewalks in the amount depicted on the Conceptual Plan. Sidewalks shall be designed and constructed in accordance with VDOT standards where parallel to and/or adjacent to streets.
4. Paved Driveways. All dwelling lots will be improved with paved bituminous or concrete driveways.
5. Dwelling Size: Minimum house sizes shall be as follows:
  - a) One acre lots – 3,000 square feet
  - b) Lots with frontage from 70' to 90' – 2,000 square feet
  - c) Lots with frontage of 55' – 1,600 square feet
  - d) Duplex or townhouse lots – 1,400 square feet

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6. Floor area shall be measured along the exterior walls of the building and shall not include garages, breezeways or porches in any category.
7. Provision of Recreational Amenities. The community shall include both passive amenities (open space, trails, and sidewalks) and active amenities (club house, pool, parking area(s)), and although final design may change, the minimum extent and character of such features shall be substantially as depicted on the Conceptual Plan. In the case of the clubhouse and pool, this shall be construed to mean that the clubhouse shall have a floor area of at least three thousand two hundred (3,200) square feet, and the pool shall have a water surface area of at least eight hundred (800) square feet. The facilities shall be constructed at the expense of the Property Owner, and shall be conveyed at no cost, and with no liens and encumbrances, for ownership and maintenance by a homeowner's association with appropriate covenants established to ensure the continued funding of the ongoing ownership, operational, and maintenance responsibilities. Prior to the issuance of the building permit for the one hundredth (100<sup>th</sup>) structure, the clubhouse and pool shall have received its certificate of occupancy. The trail system shall be substantially as shown on the Conceptual Plan. Trails may be asphalt or gravel.
8. The number of building permits to be issued for any dwelling units shall be limited to fifty (50) per calendar year, cumulative to a limit of ten (10) units annually. By way of illustration, should only twenty (20) permits be issued the first year then sixty (60) permits might be issued in the second, and so on.
9. Tree Preservation. Subject to the limitations hereinafter set out, the required rear and side yard area of each lot, as required by the Zoning Ordinance, shall be selectively cut with no cutting of trees of five (5) inch caliper or greater. However, said areas may be used for driveways and drainage and utility easements when necessary for dwelling construction and/or when required by the County of Hanover. In such cases cutting shall be limited to the minimum amount necessary, except when cutting is permitted in accordance with approved grading plans issued by the Hanover Department of Public Works and to provide positive drainage away from dwellings as required. Nothing contained herein shall prohibit the removal of dead or diseased trees. This provision shall not apply to areas devoted to townhouse or duplex development.
10. Tree Planting. Two deciduous trees of a minimum of two (2) inch caliper shall be planted upon each lot before issuance of occupancy permit, except on lots that have comparable existing trees preserved. This provision shall not apply to area devoted to townhouse or duplex development.
11. Stormwater Management. The Property Owner shall dedicate the necessary property interest for a stormwater management facility T-8A, in accordance with the Hanover County Regional Storm Water Management Plan, which shall include the dam and, to the extent of ownership by property owner, an area that extends up to the one hundred year flood pool (max. water surface elevation 167.6), a twenty ft. (20') maintenance easement around such facility upland and contiguous to the one hundred year flood pool elevation, and a twenty ft. (20') contiguous access easement to the stormwater management facility from the closest public road.

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12. Screening. Property Owner shall erect and maintain a decorative board fence meeting, at a minimum, the standard established by Article 7, Section 2A of the current Hanover Zoning Ordinance along the rear of Lots 23, 24, 25, and 26 as shown on the Conceptual Plan, as such Plan may be amended by agreement of the abutting property owners. There shall be no access from Lots 26 and 27 to the road in the rear of such lots, as shown on the Conceptual Plan.
  
13. Emergency Access Road. Property Owner will provide a 40' wide private easement to be maintained by the Homeowner's Association, from the connection with Talbot Green Lane in Kings Charter to Road B as shown on the Conceptual Plan. At Talbot Green Lane, Property Owner will establish a gate locked with a chain which can be cut by emergency personnel to provide access only for emergency vehicles between Kings Charter and the development proposed by Property Owner. The Homeowner's Association will be charged with the responsibility of replacing the chain, if the gate is opened for emergency vehicles. Within the 40' easement, Property Owner will construct a 18' paved road, capable of supporting vehicles with a weight of 65,000 pounds, from Talbot Green Lane to said Road B with shoulders and ditches as shown on the Conceptual Plan. In addition, Property Owner will provide at this point a connection for pedestrians and bicycles and a sidewalk comparable to the other sidewalks in its development from the end of Talbot Green Lane to said Road B.
  
14. Section A1, shown on the conceptual plan titled "Honey Meadows, Conceptual Plan/Preliminary Subdivision Plat,:" dated September 2, 2003, and last revised May 26, 2011, shall be graded, stabilized and maintained by the owner(s), including removal of the soil stockpile currently on this site. The stockpile shall be removed in accordance with applicable State Erosion and Sediment Control regulations. In addition, a "No Trespassing – Private Drive" sign shall be placed on-site, next to the road easement as it enters the A1 section from the subdivision road, and grass shall be cut on a regular basis and shall not exceed twelve inches (12") in height.

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.

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**C-17-07(c) AM. 1-14** **DONNA G. AND BRANDON O. PETTIT, SR. (DOGWOOD TRAIL)**, Request an amendment to the proffers approved with rezoning request C-17-07(c), Walter H. Dabney, on GPIN 7708-15-0830, zoned AR-6(c), Agricultural Residential District with conditions, and located on the north line of Dogwood Trail Road (State Route 620) approximately 500 feet east of its intersection with Watkins Road (State Route 721) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

Mr. Garman briefly presented this request to amend the cash proffer. 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 Mr. Leadbetter, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-17-07(c), AM. 1-14, DONNA G. AND BRANDON O. PETTIT, SR., SUBJECT TO THE FOLLOWING SUBMITTED PROFFERS DATED AUGUST 28, 2014 , AS OUTLINED IN THE STAFF REPORT:**

1. The Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to the 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.
2. The exterior foundation of houses shall be brick or stone construction unless the house is constructed of synthetic stucco (DriVit) in which case the foundation shall be of like material. Above the foundation, the exterior of the house shall be constructed of brick, stone, synthetic stucco (DriVit), premium vinyl siding or concrete based siding material (HardiPlank).
3. The minimum house size shall be two thousand (2,000) square feet per one story home and two thousand four hundred (2,400) square feet per two story home measured along the exterior walls of the structure, but not including garages or breezeways in the circulation.

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4. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, drainfields, or drainage facilities.
5. Each lot shall be served by a drilled deep well.
6. The property shall be developed in substantial conformance with the Conceptual Plan, as submitted by Balzer and Associates, Inc., titled "Dogwood Trail Rezoning, Conceptual Plan" dated 5-7-07 and revised 10-23-07.

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-17-09(c)** **T.M. JOHNSON, INC. (LOVINGS TRAIL)**, Requests an amendment to the proffers approved with rezoning request C-17-09(c), T.M. Johnson, Inc., on **AM. 1-14** GPIN 8743-08-3405, zoned AR-6(c), Agricultural Residential District with conditions, and located at the terminus of Lovings Trail approximately 750 feet east of its intersection with Cold Harbor Road (State Route 156) in the **COLD HARBOR MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

Mr. Garman briefly presented this request to amend the cash proffer. 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. The applicant was not present. 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. Peace, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-17-09(c), AM. 1-14, T. M. JOHNSON,**

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**INC., SUBJECT TO THE FOLLOWING SUBMITTED PROFFERS DATED JULY 7, 2014, AS**

**OUTLINED IN THE STAFF REPORT:**

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "T.M. Johnson Conceptual Plan," dated January 11, 2010, and prepared by Downing Surveys, Inc., last revised January 19, 2010.
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 Property Owner agrees to dedicate fifty (50') feet of right-of-way from the centerline of Cold Harbor Road (State Route 156) to the property for future road widening, free of cost to the County, upon request of the County or VDOT. There shall be no direct access to Cold Harbor Road; access shall be via the private internal road.
5. Wells. Each lot shall be provided with a deep drilled well.
6. Foundations. Each house shall have a brick stone, synthetic stucco (dryvit), or stucco finished foundation.

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.

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**Rezoning**

**C-10-14(c) HANOVER LAND, L.L.C.**, Requests to rezone from A-1, Agricultural District, to B-1(c), Neighborhood Business District with conditions, on GPIN 8724-18-2758, consisting of approximately 1.36 acres, and located on the south line of Mechanicsville Turnpike (U.S. Route 360) approximately 500 feet east of its intersection with Brandy Creek Drive (State Route 1153) 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 neighborhood business uses, including a restaurant. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone from A-1, Agricultural District to B-1(c), Neighborhood Business District with conditions, which would permit a restaurant. Staff recommended denial as submitted, but approval subject to the revisions to the 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. There was none.

Chairman Winborne opened the public hearing and asked if the applicants were present and in agreement with the staff recommendations.

Dan Caskie with Bay Companies, representative for the owner explained that they originally thought this was going to be a restaurant site, but it was probably going to lend itself more to being a retail site for the owner, which would mean that the building would grow from 60 to 82 feet towards U.S. Route 360 and would take a row of parking out to accommodate this. They have requested an entrance spacing waiver from VDOT, and was told from VDOT that they did not need a spacing waiver for their entrance, so where it is shown on the plan is what is proposed.

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

Elizabeth Pace spoke in opposition stating that she did not see a purpose of building a new building when there are buildings on U.S. Route 360 the remain vacant. She would like a report on the vacancy rates on U.S. Route 360.

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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.

Upon a motion by Mr. Whittaker, seconded by Mrs. Iverson, the Planning Commission voted **UNANIMOUSLY TO DENY THE REQUEST AS SUBMITTED, BUT RECOMMENDED APPROVAL OF C-10-14(c), HANOVER LAND, L.L.C., SUBJECT TO THE CONCEPTUAL PLAN DATED MAY 9, 2014, AND THE FOLLOWING SUBMITTED PROFFERS DATED AUGUST 28, 2014, AS OUTLINED IN THE STAFF REPORT:**

1. Conceptual Plan. The Property shall be developed in general conformity with the conceptual plan attached, entitled "Route 360 Commercial," dated May 9, 2014, and prepared by the Bay Companies (the "Concept Plan"), and the entrance location shall be in substantial conformity with the Conceptual Plan.
2. Architectural. The architectural treatment of the proposed structure shall be in general conformity with the architecture and materials used at Bowles Farm Plaza.
3. Dedication of Right-of-Way. The Owner agrees to dedicate sixty feet (60') of right-of-way measured from the centerline of Mechanicsville Turnpike (U.S. Route 360) to the property for future road widening, free of cost to the County, upon request of the County or VDOT.
4. Road Improvements. The Owner agrees to construct roadway improvements as shown on the concept plan to be designed and constructed in accordance with VDOT standards and specifications.
5. HVAC Units. Any mechanical units on the Property shall be screened, and if on the roof, screened by architectural features which are compatible with the 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. The method of screening shall be submitted at the time of site plan review.
6. Monument Signs. All freestanding signs on the Property shall be monument type, and shall include materials and design that are compatible with the proposed materials and architectural theme of the proposed structure.
7. Dumpsters. Dumpsters shall be emptied only between the hours of 8 a.m. and 7 p.m., Monday through Saturday, and 10 a.m. to 5 p.m. on Sundays. Dumpsters shall be screened with an opaque fence or screening wall so as not to be visible by persons on any public streets immediately adjoining the Property, or from adjacent residential uses.

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8. Site Lighting. Lighting fixtures shall not exceed twenty-five feet (25') in height.

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

Mr. Padgett asked Mr. Maloney to speak to Mrs. Pace's comments regarding leaving vacant buildings and building new ones and what the County's role in it is.

Mr. Maloney replied that the Commission had before them the zoning map, and to put into perspective the County's Comprehensive Plan it is not just a land use plan, it is a comprehensive plan. The Land Use Plan is an important component of that plan, but the Comprehensive Plan also serves to identify needs as they relate to public infrastructure and facilities. The current policies were originally adopted in 1982, and have been in place for 30 plus years, the County undergoes a detailed analysis of the Plan as required by State Code every five years. One advantage of the Plan is that it divides the County up into two areas. Suburban Service Area which encompasses 22% of the land area of the County; and the remaining 78% of the County is designated for Agricultural use. The County does not have any plans to convert those agricultural areas into higher more intensive land uses, other than low density residential development. This section of Mechanicsville Turnpike is within the area identified as Suburban Service Area, and this particular property is shown for and planned for commercial use. The County's role in these decisions is not to determine the viability of a particular property as to whether it can be rented or not, that is the function of the private sector. The role of the County is to ensure orderly development of land. The staff, Planning Commission and ultimately the Board of Supervisors make a determination as the appropriateness of the land use proposal as it relates to the Comprehensive Plan, but they also evaluate the impacts rising from traffic, the need for public utilities impacts, to environmental features, etc. In this particular case, the staff has found that the property is shown for commercial use, the applicant has submitted proffered conditions which will guide the way in which the parcel is to be developed, but also provides sufficient architectural controls, ensuring that any future

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development will be compatible. Staff is confident that this particular project is in step with the Comprehensive Plan as envisioned by the Board of Supervisors and citizens of Hanover County.

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-12-14**      **BETSY T. AND RAY L. MARSHALL**, Request to rezone from A-1, Agricultural District, to B-3, General Business District, on GPINs 7883-15-7758 (part) and 7883-16-1033 (part), consisting of approximately 4.82 acres, and located on the west line of Washington Highway (U.S. Route 1) approximately 0.5 miles south of its intersection with Doswell Road (State Route 688) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Multi-Use. The proposed zoning amendment will expand the area zoned for general business uses. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone from A-1, Agricultural District to B-3(c), General Business District. He explained that subsequent to the staff report the applicant has proffered road access into the lots and for building materials, stating that each Commissioner had been presented with the proffer document tonight. Staff recommended approval subject to the submitted proffers.

Chairman Winborne 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. 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. Bailey, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND DENY THE REQUEST AS SUBMITTED, BUT**

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**RECOMMENDED APPROVAL OF C-12-14(c), BETSY T. AND RAY L. MARSHALL,  
SUBJECT TO THE FOLLOWING SUBMITTED PROFFERS DATED SEPTEMBER 18, 2014:**

1. Access. Ingress and egress from U.S. Route 1 to the Property, and all future parcels created from it, shall be granted and limited to one (1) commercial entrance. Such entrance shall be located, designated and constructed in accordance with Virginia Department of Transportation standards and specifications. A 50' access easement to the 10-acre A-1 parcel shall be provided from this entrance.
2. Elevations and Materials. The architectural treatment for future structures shall include architectural details, fenestration, or other features that will create architectural interest and not appear as a blank wall. Building materials utilized for the front and side facades of the buildings shall be limited to brick, split-face block, metal, fluted block, tile, concrete tile, drivit or other simulated stucco (E.I.F.S.), real or simulated wood and/or glass. Metal may be used for not more than fifteen (15) percent of front and side building façade materials, exclusive of window frames and doorframes. Standard concrete masonry brick shall not be used for the front and side facades of any building. Elevations for proposed structures shall be submitted for review and approval by the Director of Planning prior to site plan approval.

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-7-14(c) E. TYREE CHAPPELL, ESTATE,** Requests to rezone from A-1, Agricultural District, to RS(c), Single Family Residential District with conditions, on GPIN 7796-28-9346 (part), consisting of approximately 41.94 acres, and located on the west line of Atlee Station Road (State Route 637) approximately 300 feet south of its intersection with Deer Stream Drive (State Route 2140) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Suburban General (1-4 dwelling units per acre). The proposed zoning amendment would permit the creation of 68 building lot(s) for a gross density of 1.62 dwelling units per acre. (PUBLIC HEARING)

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Mr. Maloney presented this request to rezone from A-1, Agricultural District to RS(c), Single Family Residential District with conditions. The proposed subdivision is next to the Chickahominy Oaks Subdivision and will consist of 68 residential lots with a density of 1.62 dwelling units per acre. The General Land Use Plan designates this area for 1-4 units per acre, and the density being proposed is below the average density of 2 units per acre. All of the RS District requirements have been met. The applicant is providing sufficient open space, amenities will include sidewalks on both sides of each street and pedestrian trails. Typical landscaping cross sections are being provided for the street buffer and for typical plantings along the internal streets. To address a concern made by an adjoining property owner, the applicant has added a 20' landscaped common area along the southern property line.

Mr. Maloney continued by noting that the 50' street buffer is required to extend for the entire width of the parcel and should be clearly delineated. The subdivision will be located on a portion of the Summer Duck Farm, which includes a home that dates to the 1840s with several outbuildings that date to the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. The applicant has proffered to preserve the oldest farm structure on Lot 33, including the historic home, smokehouse and the granary.

Based on recommendations from a traffic impact analysis, the applicant will be providing the following improvements:

- A northbound left turn lane on Atlee Station Road with 100' of storage, taper and transition at a length within the property frontage
- The entrance will have one ingress lane and two egress lanes for separate left and right turn lanes
- The applicant has also added a right turn taper to address community concerns regarding traffic congestion on Atlee Station Road
- VDOT has indicated that it may require the northbound left turn lane to be constructed to its design standards, which require 200' storage with a 200' taper
- VDOT indicates that it may allow an adjustment based on the available right-of-way

Mr. Maloney stated that in regards to the Agency comments, that the conceptual plan shows a Verizon utility easement that crosses lots. The applicants indicate this is not simply an access easement, but contains underground utility lines and cannot be vacated. The utility easement displaces the 10'

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landscape easement on these lots where street trees should go, the staff suggests that the street trees on the lots where there is a conflict with the utility easement be relocated to the nearby open space lot.

In regards to the proffers submitted by the applicant, Mr. Maloney stated that the staff had inadvertently recommended the base road improvement figure of \$2,306.00 and subsequently learned that this project required an amount calculated in accordance with the Transportation Policy methodology, which is \$6,671.00. The applicant has agreed to a revised proffer in the amount of \$6,671.00. He then went over the remaining proffers submitted by the applicant:

- House size – Minimum 1,800 square feet
- Foundations – brick or stone
- Architecture – should be deleted because elevations are part of the conceptual plan
- Right-of-Way Dedication – 75’ from the centerline of Atlee Station Road – Staff recommends it be reduced to 50’ in accordance with the Major Thoroughfare Plan and the excess 25’ be either added to the lots next to Atlee Station Road or to the common open space as a buffer
- Road Improvements – Staff recommends a revision as discussed in the staff report
- Buffer – plantings and maintenance by HOA
- Historic Structure – preservation and maintenance of Summer Duck, allowing for future additions

Mr. Maloney stated that the staff was made aware of discussions between the Board Member and several citizens within Chickahominy Oaks, to include some type of traffic calming measure at the entrance to this subdivision from the adjacent property. Staff has discussed this with the applicant and are in the process of investigating the feasibility of incorporating some type of traffic control design. They are not sure how or if these issues can be resolved but they will continue to have discussions with both VDOT and hope to have a definitive resolution between now and the Board meeting.

Staff is recommending denial as submitted, approval subject to the relatively minor changes to the conceptual plan and proffers as outlined. He also asked that should the Commission recommend approval, the staff also recommends that the Commission recommend approval of the conceptual plan as the preliminary plat, subject to the Board of Supervisors’ approval of the rezoning with no further changes to the conceptual plan/preliminary plat.

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Chairman Winborne asked Mr. Maloney to explain how they went from \$2,306.00 to \$6,671.00 for the Road Improvements Transportation proffer calculation.

Mr. Maloney stated that the first number was provided to the applicant in error. The basis for the \$6,671.00 is a result of the Transportation Impact Model. The Model identifies three major corridor projects: 1) Sliding Hill Road; 2) U.S. Route 54; and 3) Creighton Road. Each of the major corridor projects particularly the Sliding Hill Corridor has several sub-corridors projects associated with it. In this case, the sub-corridor projects not only includes widening Sliding Hill Road, but also widening Atlee Station Road and safety improvements along Cool Spring Road. Within each of those corridors, based on projected 20 year growth rates and using existing traffic counts along those corridors, the staff has calculated a future condition traffic volume. It is based upon a 1% growth rate for the first 5 years of the model and 1-1/2% growth rate for the ensuing 15 years. Any zoning project is fed into this model if it is determined that there will be traffic generated by the project that will impact that corridor and contribute to ultimate 20 year volume. A planning level engineering cost for the improvements for the roads has been calculated and incorporated into the model, and then it just becomes a function of adding the traffic from the project into the model, calculating a per ADT cost based on total anticipated trips and project costs and using a weighted average assigning a cost for road impacts based on the various corridors that will be impacted by a specific project. Because it is a weighted average it is very sensitive to relatively subtle inputs.

Chairman Winborne asked if there were 75 homes that were going to be in this project, would the figure be higher.

Mr. Maloney said it would not. The total proffer would be higher because of the higher number of units, but the cost per trip would remain the same.

Chairman Winborne explained that when reviewing the Transportation Policy, she felt the default for over 50 homes was \$2,600.00.

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Mr. Maloney said there is a default for projects less than 50 homes of the \$2,306.00. All projects with over 50 homes is a calculated and negotiated number.

Chairman Winborne asked if there were any further 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.

Jennifer D. Mullen, Esquire, with Roth, Doner, Jackson, Gibbons, Conklin, representative for the applicant stated that Todd Rogers and Mike Chenault, with RCI Builders, Dan Caskie, with Bay Companies, and Monty Irvin, with Ramey Kemp and Associates were also with her tonight and could also answer any questions the Commission may have. She explained that the applicant does accept the proffer revisions, including the increase in the transportation impact fee that is recommended by the staff. She went over the vicinity map and gave the location of the schools to this property, and stated that the property is allocated in the Comprehensive Plan for Suburban General. She felt that this development maintains the consistency and compatibility between the subdivisions as you travel Atlee Station Road. With the increased open space and lot layout and design this is a well-designed neighborhood. This is a high quality development that is compatible with the RS requirements of the Zoning Ordinance, in addition to the proffers with respect to the quality and design of the homes. There will be an increased landscaped buffer along the south, along with proffered multi elevations in order to provide a mix within the neighborhood, they are preserving the wetlands to the rear and along the south of the property. She further stated that Atlee Station Road is a major collector road, and traffic analysis prepared by Ramey Kemp and Associates can handle the increased traffic generated by this 68 lot subdivision.

Mr. Bailey asked if this was directly adjacent to the Atlee Recreation Center.

Ms. Mullen explained that it was 3 parcels down to the south of the property.

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

There was none.

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

Linda Holloman, adjacent property owner stated she did not feel comfortable with the design of the whole project, she has a power line in her yard and several years ago Verizon put an equipment shelter there within the Virginia Power easement. She said that the designers did not know that this easement was in place, and felt that they did not research the property thoroughly, she went to the designers and explained that access needed to be given to Verizon to get into their shelter. She was a personal friend of the owner before his death, and he told her that he would never develop this property, so she wondered why it was being done now. She further stated that the subdivisions in the area were not at capacity, so she felt this subdivision should be put on hold. She stated concerns with the schools in the area and the traffic issues that they face already on Atlee Station Road.

Elizabeth Pace stated that she is happy that the historic buildings are being preserved. She feels that the lots and house sizes are smaller than the surrounding property. She spoke on school issues and asked if the VDOT study had been conducted during the school year, and asked if there is a premium charged on the lots that are on the cul-de-sacs.

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

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

Ms. Mullen stated that there was nothing in the title/deed that restricts the property from being developed. She said that the traffic counts on Atlee Station Road were done on May 9<sup>th</sup>, which was during the time that school was open.

Mr. Whittaker stated that he appreciated that Ms. Mullen answered the school issues that were raised.

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Chairman Winborne closed the public hearing.

Mrs. Peace asked Mr. Maloney to speak on any major improvements to Atlee Station Road in the Transportation Plan.

Mr. Maloney stated that currently Hanover County has a funded project to relocate a portion of Atlee Station Road, which is located south of this project (near Cool Springs Baptist Church). He gave a detailed a description of this future project in regards to the Comprehensive Plan Transportation policy and what this project and others will do for the general area.

Chairman Winborne asked if this project only had 50 houses, wouldn't the proffer amount be \$2,306.00 per house.

Mr. Maloney explained that if the project only had 50 houses that was correct. Developments with more than 50 homes will adhere to the Transportation Impact Model, adopted by the Board of Supervisors.

Mr. Bailey said that in Ms. Holloman's presentation she stated that the house sizes were smaller; but the proffers state that no houses will be smaller 1,800 square feet.

Mr. Maloney said that 1,800 square feet was the minimum square footage.

Mr. Padgett added that it is not required that a minimum house size be submitted.

Mr. Maloney stated that was correct.

Mr. Whittaker explained that the lot size may be smaller, but that is because there is open space now required in the development for activities.

Mr. Maloney made some general comments in regards to the open space requirements within the RS District.

Mr. Padgett thanked the citizens for giving their opinions, he stated that he himself also gets frustrated with the traffic on Atlee Station Road, especially during the school hours, but feels that the

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future improvements will help. Rogers Chenault is a quality builder and he feels confident they will do a good job in this development and be compatible with the surrounding subdivisions.

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-7-14(c), E. TYREE CHAPPELL, ESTATE, SUBJECT TO THE CONCEPTUAL PLAN AND PROFFERS AS MODIFIED AND DISCUSSED TONIGHT:**

1. Contribution for Road Improvements. The Property Owner, for itself, and its successors and assigns, agrees to pay Hanover County, prior to issuance of a Certificate of Occupancy, the amount of Six Thousand Six Hundred Seventy-One and 00/100 (\$6,671.00) 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. House Size. Minimum house sizes shall be 1,800 square feet. The calculation of minimum floor area shall not include floor area devoted to garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure.
3. Foundations. The exterior of all foundations of homes shall have an exterior of brick or stone.
4. Right-of-Way Dedication. The Property Owner agrees to dedicate fifty (50') feet of right-of-way from the centerline of Atlee Station Road (State Route 637) for future widening, free of cost, upon request of the County or VDOT.
5. Road Improvements. The entrances and the turn lanes from Atlee Station Road shall be located, designed, and constructed in general conformity with the conceptual plan. The actual design and construction shall conform to VDOT standards and specification, and turn lane and taper lengths shall be determined by VDOT prior to subdivision approval.
6. Buffer. The Property Owner agrees to plant four (4) trees within the fifty (50') foot right-of-way that will provide a future roadway connection to GPIN 7796-36-2593 (the "Adjacent Parcel"). The trees shall be maintained by the homeowners association until such time as the roadway connection is made to the Adjacent Parcel. At such time as the connection is made, the homeowners association shall bear the responsibility and cost of removing the trees. Removal shall occur within 60 days following a request by the County or VDOT.

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7. Historic Structure. The historic structure, known as Summerduck (Log House, Rt. 637), VDHR#42-209 and 953, and its two outbuildings shown on the conceptual plan shall be preserved and maintained on Lot 33 as shown on the conceptual plan, unless any such structure is damaged or destroyed by fire, Act of God, or other casualty. This shall not prevent the owner of the site from adding to the structure, provided its basic character remains.

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.

#### **Miscellaneous**

##### **A. Approval of Minutes**

Mr. Padgett pointed out changes to be made on Page 20, Line 8, ream should be “realm”; and Page 22, Line 2, ream should be “realm”.

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Upon a motion by Mr. Padgett, seconded by Mr. Whittaker, the Planning Commission voted unanimously to approve the August 21, 2014, minutes with changes.

**B. Adoption of Resolution**

Upon a motion by Mr. Padgett, seconded by Mr. Bailey, the Planning Commission voted unanimously to adopt the Resolution for Betty Gray.

Mr. Maloney stated that they would invite Mrs. Gray to the October 16, 2014, Planning Commission meeting to be presented with this Resolution.

It was decided that the Adoption of Resolution would be placed on the October 16, 2014, Agenda following Citizen's Time and before the Public Hearings.

**C. Schedule Workshop on CIP Review Process**

Mr. Maloney stated that a copy of the October calendar was given to each Commission and asked their availability for setting up a work session to discuss the CIP Review Process. He stated this would not be a public hearing, but a required meeting notice would be posted.

It was the consensus of the Commission to begin the Work Session at 4:30 p.m. on October 16, 2014, before the regular meeting.

**D. 2014 Commonwealth Planning and Zoning Conference – Sunday, October 12<sup>th</sup> through Tuesday, October 14<sup>th</sup>.**

Mr. Maloney explained that there were limited funds available if any of the Commissioners were interested in attending the 2014 Commonwealth Planning and Zoning Conference. Anyone interested should contact Mrs. Mills.

**ADJOURNMENT**

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

There being no further business Chairman Winborne adjourned the meeting at 8:34 P. M. The next regularly scheduled meeting is October 16, 2014.