

October 16, 2014

VIRGINIA: At a Regular Meeting, with a Work Session following, of the Hanover County Planning Commission in the Board Auditorium of the Hanover County Government Building, Hanover County, Virginia, on Thursday, October 16, 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. Sharlee D. Mills
Mrs. Tiffany M. Burton

Chairman Winborne called the meeting to order at 7:00 P.M. *All members were present.* She welcomed everyone, invited them to participate, and went over the rules for tonight's meeting. She also welcomed two past Planning Commissioners Joe O'Connor and Elizabeth Moorehouse, who were in the audience.

Mrs. Iverson 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

Chairman Winborne opened Citizen's Time, asking if there was anyone there wishing to speak to the Commission on an issue not on tonight's Agenda.

There was no one.

Chairman Winborne closed Citizen's Time.

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Presentation of Resolution

Chairman Winborne requested all Planning Commissioners to gather at the front of the dais to present a Resolution to Betty Gray. Chairman Winborne also asked the previous Planning Commissioners to join them. Chairman Winborne then read and presented the Resolution to Betty Gray.

**THE HANOVER COUNTY PLANNING COMMISSION
HANOVER COUNTY, Virginia
RESOLUTION OF APPRECIATION**

The Hanover County Planning Commission adopted the following resolution;

WHEREAS, Betty S. Gray., has served Hanover County with distinction from October 16, 1998 to August 22, 2014, as the Recording Secretary to the Hanover County Planning Commission, Board of Zoning Appeals, and Architectural Review Board; and

WHEREAS, Betty S. Gray, has consistently demonstrated her commitment to her profession through the completion of a variety of continuing education and training courses; and,

WHEREAS, Betty S. Gray, has consistently demonstrated a commitment to serving the Planning Commission and the citizens of Hanover County with diligence and professionalism; and,

WHEREAS, the Members of the Hanover County Planning Commission do hereby express their sincere appreciation and give recognition to **Betty S. Gray**, for her unselfish service and loyalty in striving to make Hanover County an outstanding County; and

WHEREAS, the Members of the Hanover County Planning Commission wish to thank **Betty S. Gray** for always exhibiting the highest level of dedication, professionalism and exceptional service;

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Planning Commission does hereby afford its expression of gratitude to **Betty S. Gray** and give its best wishes that during her retirement she shall have continued good health, prosperity, and enjoyment of life for many years to come.

BE IT FURTHER RESOLVED that this resolution shall be delivered to **Betty S. Gray** and a copy incorporated into the minutes of this Planning Commission meeting of October 16, 2014.

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Claiborne R. Winborne, Chairman

Larry Leadbetter, Vice-Chairman

Jerry W. Bailey

Edmonia P. Iverson

C. Harold Padgett, Jr.

Ashley Peace

Randy Whittaker

David P. Maloney, Secretary

Tom Harris, Public Information Officer for County Administration then took several group photos.

At the conclusion of presenting the Resolution, Chairman Winborne thanked the public who attended tonight for their indulgence as they honored one of their own who retired.

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 no one, so the Commission proceeded on to the Expedited Agenda.

Conditional Use Permits

CUP-6-14 ROBERT OLIVER, Requests a Conditional Use Permit in accordance with Section 26-130.1 of the Hanover County Zoning Ordinance to permit a meeting hall within a shopping center on GPIN 8714-05-0985, consisting of approximately 5.65 acres. The area of the Conditional Use Permit will be limited to approximately 4,971 square feet. The property is zoned B-3, General Business District, and is located on the northeast quadrant of the intersection of Mechanicsville Turnpike (U.S. Route 360) and Shady Grove Road (State Route 640) in the **MECHANICSVILLE MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Mixed Use (High Commercial/Low Residential). (PUBLIC HEARING)

Mr. Garman briefly presented this request for a Conditional Use Permit. The staff recommends approval subject to the conditions outlined in the staff report.

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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. Whittaker, seconded by Mrs. Iverson, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF CUP-6-14, ROBERT OLIVER, SUBJECT TO FOLLOWING CONDITIONS AS OUTLINED IN THE STAFF REPORT:**

1. The Property that is the subject of this Conditional Use Permit shall be used as a meeting hall and its associated offices and events, and as an afterschool daycare facility as permitted under a separate Special Exception Permit (SE-17-14), and shall be confined to the 4,971 square foot portion of the Mechanicsville Shopping Center, as depicted on the sketch plan titled, "Daycare and Meeting Hall" dated August 1, 2014, and prepared by Robert Oliver.
2. The hours of operation for the meeting hall and event venue and associated office use shall be limited to 8:00 a.m. – 2:00 p.m., Monday through Friday, 7:00 p.m. – 12:00 a.m., Monday through Friday, and 8:00 a.m. – 12:00 a.m. on Saturdays and Sundays.
3. All requirements of the Hanover County Fire Department shall be met, including a Fire Code inspection and permit.
4. All requirements of the Hanover County Public Utilities Department, Health Department and Building Inspector's Office shall be met.
5. All development and use of the Property shall comply with all Federal, state and local statutes, ordinances and regulations.

The vote was as follows:

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

The motion carried.

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CUP-2-93 AM. 1-14 VIRGINIA ELECTRIC & POWER COMPANY D/B/A DOMINION VIRGINIA POWER, Requests an amendment to a Conditional Use Permit in accordance with Section 26-20.12 of the Hanover County Zoning Ordinance to permit the expansion of the Elmont substation on GPINs 7777-69-4065, 7778-55-2361, 7777-79-1155, 7777-79-1455 and 7777-67-6294(part), consisting of approximately 43.34 acres, zoned A-1, Agricultural District, and located at the terminus of a private driveway that intersects the south line of Cedar Lane (State Route 623) approximately 400 feet east of its intersection with Old Washington Highway (State Route 626) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Suburban Transitional (1-2 dwelling units per acre). (PUBLIC HEARING)

Mr. Garman briefly presented this request for a Conditional Use Permit. The staff recommends approval subject to the conditions outlined in the staff report.

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.

Mr. Padgett stated at last week's meeting of the RRPDC the need for rate increase was discussed and it was a very nice presentation. Mr. Padgett also stated that he asked if there were any problems with vandalism on the substations knowing that this case was coming. While there has not been any yet, this is a good opportunity to protect for that and he is glad to see it is happening because it is a very important substation.

Mr. Leadbetter thanked the representatives of Virginia Power for holding a community meeting so the citizens would have a better understanding of the project.

Upon a motion by Mr. Leadbetter, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF CUP-2-93, AM. 1-14, VIRGINIA ELECTRIC & POWER COMPANY D/B/A DOMINION VIRGINIA POWER, SUBJECT TO FOLLOWING CONDITIONS AS OUTLINED IN THE STAFF REPORT:**

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1. Any further expansion of these facilities shall require an amendment to the Conditional Use Permit.
2. All development and use of the Property shall comply with all federal, state, and local statutes, ordinances, and regulations.

The vote was as follows:

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

The motion carried.

Miscellaneous

A. Approval of Minutes

Mr. Padgett pointed out a correction to Page 24, Line 1, conscious should be “consensus”.

Upon a motion by Mr. Padgett, seconded by Mr. Whittaker, the Planning Commission voted unanimously to approve the September 18, 2014, minutes with changes.

CIP REVIEW PROCESS WORK SESSION CALLED TO ORDER – Following Conclusion of Regular Meeting Agenda

Mr. Maloney stated that the purpose of this session was to discuss possible modifications and improvements to the Planning Commission’s role in the CIP Review Process. He proceeded to read what State Code 15.2, 22~39 outlined. Mr. Maloney then made the following points:

- The limitation is the dollar amount and the County CIP includes all capital expenditures that the County intends to make not only within the succeeding budget year but a forecast for the four years following the budget year.
- In addition to community facilities that would normally be associated with the Comprehensive Plans (such as schools, libraries, parks, roads, utilities, etc.), it is very common to see projected

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expenditures for things such as information system replacements, replacement of vehicles (perhaps related to Public Safety, perhaps not) and HVAC systems for schools.

- If you look at the Comprehensive Plan, none of those types of expenditures are outlined in the Plan. The Comprehensive Plan makes no predictions as to when information systems, HVAC systems, or vehicles will have to be replaced.
- Staff is proposing, as a first step, that the Planning Commission focus directly on the items related to the Comprehensive Plan when they are presented with a proposed Capital Improvements Program. The primary focus should be the Community Facilities because that is what State Code prescribes and what the Planning Commission is charged with. It also narrows the Planning Commission's focus to the area of their direct responsibility.

Mr. Maloney then stated he wanted to pause and asked if there were any comments or feedback from the Planning Commission with the scope of what the staff was proposing to be reviewed.

Chairman Winborne stated it would be helpful if there were concrete examples aside from vehicles.

Mr. Leadbetter then asked for the history behind what determined why the information they previously received was needed originally.

Mr. Maloney answered saying the difference in the process the Planning Commission previously followed and the current process is there was no public hearing. About ten years ago, the Planning Commission amended the rules to require a public hearing for the CIP. Prior to the Commission's rules being modified, the big issue was related to Public Utility lines; water and sewer lines. Not service lines for a specific subdivision but larger trunk lines. At that time, all the facilities required a Conditional Use Permit and it was an imprecise process. Because the process was a discretionary process, there was always the risk that the Board may not approve the Conditional Use Permit. Therefore; the Public

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Utilities Department was reluctant to take the engineering but so far. The information presented showed an approximate route to the sewer line prior to final engineering being performed pending the outcome of the Board's action on the Conditional Use Permit. Because it is a Conditional Use Permit, the requirement is to identify the individual properties. In some instances, there might be hundreds of properties across which the Conditional Use Permit would be applied. There was a realization that the process was cumbersome and did not work. Because it is an underground facility, other than during the temporary construction phase, it is not a facility that is going to have a significant impact on someone's day to day life. At that point, the Zoning Ordinance was modified that only above ground facilities would require a Conditional Use Permit and underground facilities (the lines themselves) would not. The concern from the Planning Commission was that there would be no public voice in the process for the Planning Commission. So at that time, the Planning Commission decided they would hold a public hearing on the CIP of which these utility projects would be a component. If citizens had concerns, their concerns would be addressed then, rather than on a case by case basis. The public hearing is the final process and this review is to address interim steps that lead up to the hearing that is more in-keeping with the spirit and intent of State Code in terms of the Planning Commission preparing a CIP.

Chairman Winborne asked Mr. Maloney to share why the need is now to make a change.

Mr. Maloney answered that it is to help the Commission begin looking at State Code to help identify a more meaningful process. A process that is more aligned with State Code than the process currently being followed. Mr. Maloney also stated that hopefully the Commission will find answers to questions they may have in advance of a public hearing. It will give a better perspective of what has occurred in prior years and how the CIP for the year being considered matches the CIP from prior years.

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Mr. Maloney and Mr. Walter discussed with the budget staff a process whereby the Commission would hold a workshop in November allowing the Commission to raise questions about how the funds were used, etc. and get responses.

Chairman Winborne interjected asking why November.

Mr. Maloney replied because it leads up to the budget process in March.

Chairman Winborne asked how could they have the packet that they usually receive.

Mr. Maloney responded the Board of Supervisors will be presented with the County's financial report next month which is essentially a summary of the audit that is conducted annually. So for FY14, which ended June 30th, the Board will have a complete financial report. This end of year report will have much of the information that the Commission is interested in seeing. Therefore; in November, the Planning Commission would get a financial picture of what the expenditures were, what the projected expenditures were in a CIP project which may be a multi-year project and what expenditures were actually made.

Mr. Maloney explained the CIP is an opportunity to ask questions and put the issues on the table in the beginning. In March the Planning Commission can make a final recommendation from the questions and issues proposed in November. This would allow the Commission to be introduced early so they will have a role in the beginning of the process and again at the end of the process.

Mr. Padgett asked what exactly would the Planning Commission be doing in November.

Mr. Maloney replied it would not consist of presentations from schools and utilities but provide an understanding and an audited accounting of the CIP from the prior year. All the answers may not be available at that work session; however, it will allow time to assemble most answers in a timely manner.

Mr. Walter spoke and stated that Staff has recognized in the last few years that the Commission has gone through the CIP in a different way than it has historically. For example, what happened to the

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five things requested last year? This creates a very different role from what the Commission has historically done. In March, the County Administrator has already determined what the budget is and the CIP is just a component of the budget. It has already been presented to the Board of Supervisors and has already weighed a lot of considerations as to what is feasible and appropriate for the budget.

Mr. Maloney stated that the CIP from Administration will not be seen until March. This gives the Commission just a few weeks at the end of the process to finalize a CIP recommendation. Mr. Maloney explained the last part of the process is not changing, only getting the Planning Commission involved in the process earlier so they will have information in a timely manner as to what occurred the prior fiscal year, what may occur during the current fiscal year, and be prepared to react to a proposed CIP later in the year. It is changing the timing to allow the Planning Commission to be more informed in a timely manner.

Mrs. Peace asked if the County is anticipating making their budget projects to meet the April deadline from the November snapshot.

Mr. Maloney replied departments start working on their budgets in September.

Mr. Walter said the County Administration wants somewhat final numbers in the November-December timeframe.

Mrs. Peace commented there could potentially be current data because of the timeframe. She also asked would they have access to Department Directors in a workshop format where they could openly discuss their priorities.

Mr. Maloney replied the Planning Commission would have access to the budget staff and they would provide most of that information.

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Mr. Leadbetter stated that Mr. Maloney had previously mentioned that the HVAC system replacements were not shown because those are the types of things that do not directly relate to the Comprehensive Plan.

Mr. Maloney expressed that they relate to the efficient and safe operation of the facilities; however, something like replacing an HVAC system in and of itself is not a factor of growth. The population growth did not cause this replacement. It is a life cycle cost.

Mrs. Peace stated she is in agreement with the fact that the Planning Commission's time should be spent looking at relevant community facilities. At the same time, the Planning Commission has a fiduciary responsibility when it comes to recommending a CIP budget and if line items are not seen by the Planning Commission the County might have several million dollars hidden in line items and she would not feel comfortable with recommending a budget.

Mr. Maloney explained that they could have access to that information but the intent is to focus the Planning Commission's energy on those community facilities that are directly related to the Comprehensive Plan. The reason for this work session was because the Planning Commission did have questions from last year and the answers were not provided in a timely manner. This process will help with that. Also because the County is in a period where there is not a pressing need for new facilities, this is a good time to examine that process so if and when that day comes, an established process will already be in place.

Mr. Leadbetter stated that the challenge for him and maybe some of the other Commissioners is they want to do what is within their purview but also have meaning and purpose. The problem is it is viewed by the Commissioners two weeks before it needs to be approved and everything has been stated. It is as though the Planning Commission is almost being mandated by a law that has flaws in it. He does not want to backtrack and get false information because they are trying to do something different. His

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recommendation is that this be simplified and do what is required by the mandated laws and take areas that need to critiqued.

Chairman Winborne suggested maybe everyone should think about it and at the next meeting discuss how they will move forward.

The Commissioners continued to have general discussions regarding this.

Chairman Winborne ended by stating the consensus is they will come back with information from the Board of Supervisors and an option to keep doing what they are doing unless heard otherwise from the Supervisors, then everyone can come back and brainstorm.

ADJOURNMENT

There being no further business on the regular agenda and work session, Chairman Winborne adjourned the meeting at 8:41 P. M. The next regularly scheduled meeting is November 20, 2014.