

*December 11, 2014*

**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, December 11, 2014 at 6:30 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. Dennis A. Walter  
Mr. John A. Bender  
Mr. Lee W. Garman  
Mr. Ryan Fletcher  
Mrs. Gretchen Biernot  
Mrs. Tiffany M. Burton

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

Chairman Winborne welcomed and acknowledged the Hanover Youth Prospective group attending the meeting.

**Approval of the Minutes**

Upon a motion by Mrs. Iverson, seconded by Mr. Whittaker, the Planning Commission voted unanimously to approve the November 20, 2014 minutes as submitted.

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

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

There were none.

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## **ADMINISTRATIVE AGENDA**

### **Proffered Elevation Review**

Chairman Winborne advised there were two proffered reviews on the administrative agenda. She asked Mr. Bender to give a full presentation on case **SPR-26-94, Am. 2-08**.

**SPR-18-14**                    **CVS PHARMACY AT MONTPELIER SHOPPING CENTER**  
**SOUTH ANNA MAGISTERIAL DISTRICT**  
**(COMMISSION ACTION)**

Mr. Bender stated that he already spoke to the Planning Commissioner in the Magisterial District for the first case and was advised it could be expedited. Therefore; Mr. Bender briefly stated that the purpose of the review is per the proffers of the zoning. The Planning Commission is charged with the review and approval of the proposed architectural elevations. Mr. Bender said if the Planning Commission wanted him to give a presentation he would.

Chairman Winborne explained to those in the audience that when a case is expedited, there has been little or no public opposition and the applicant is in agreement with staff recommendations. She asked Mr. Leadbetter if he wished to have a detailed presentation of this case.

Mr. Leadbetter replied stating a detailed presentation was not necessary.

Chairman Winborne asked if the Commissioners had any questions for Mr. Bender about the case.

Mr. Leadbetter stated the elevation was a new concept and if Mr. Bender could elaborate on it to inform the citizens in the area.

Mr. Bender explained it is a new prototype for CVS to do a drugstore of a smaller size with a drive-thru window for the first time. He noted the applicant worked very hard to get the prototype in compliance with the Montpelier Shopping Center.

Chairman Winborne followed up stating the drawings blend very nicely with shopping center and it should be a nice addition.

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Upon a motion by Mr. Leadbetter, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF SPR-18-14, CVS PHARMACY AT MONTPELIER SHOPPING CENTER SUBJECT TO THE FOLLOWING CONDITIONS AS OUTLINED IN THE STAFF REPORT:**

1. The building shall be constructed in substantial conformance with the color rendered elevations dated December 3, 2014, titled “CVS Store 10770, Mountain Rd., Montpelier, VA”, received in the Planning office on December 4, 2014 and prepared by NORR Architects, Engineers, Planners and shall be in accordance with the color scheme, building materials and façade design noted on these approved elevations.
2. The developer shall obtain final site plan approval prior to the commencement of any work on this site.

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

**SPR-26-94 AMF BOWLING CENTER**  
**AM. 2-08 MECHANICSVILLE MAGISTERIAL DISTRICT**  
(COMMISSION ACTION)

Mr. Bender stated this building is located on the west side of Bell Creek Road between Mechanicsville Turnpike and Cold Harbor Road. The zoning was originally approved in 1992 with C-12-92(c), with conditions, and amended in 2008 with Am. 1-08. Per the proffers, the Planning Commission is charged with review and approval of the proposed architectural materials and colors. The applicant is proposing to repaint the building as part of the corporate rebranding with the colors red, black, and white. No other structural alterations are contemplated. The Planning Commission must make the finding that the proposed color scheme is compatible and harmonious with the approved

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proffers. The proposed color scheme is for the front and side elevations only. The rear elevation will not be affected by this proposal. Should the Commission choose to approve the color elevations staff recommended the conditions as outlined in the staff report.

Chairman Winborne encouraged discussion among the Commissioners to review their thoughts on the proposed color scheme. She opened the discussion by offering her thought that she does not find the proposed color scheme to be compatible with the other buildings in the neighborhood.

Mr. Whittaker asked if the representative for the applicant could come forward to join the discussion.

Portia Bagby came forward and introduced herself for the record as a representative of AMF Bowling.

Mr. Whittaker asked Ms. Bagby if AMF Corporate has painted any buildings anywhere else like the proposed review and if so, were there any pictures they could look at.

Ms. Bagby replied not in Virginia, but it has been done nationwide. She stated unfortunately she did not have any pictures nor did AMF have an exact model because they have to comply with local regulations throughout the U.S.

Mr. Whittaker asked if there was any way the color scheme could be toned down a little.

Ms. Bagby stated she is open to the Planning Commission's comments and suggestions. She would be glad to take the suggestions back to their architectural design committee.

The Commissioners continued to have further discussion about the color scheme being incompatible with the surrounding buildings.

Mr. Maloney stated to assist the applicant, he would suggest the Commission defer the case, the Commission could ask the applicant to come up with several alternatives to present at the January meeting. In the interim, the staff would be happy to sit down with Ms. Bagby, other representatives of

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AMF, and Mr. Whittaker to talk through some of the alternatives and assist them in providing an alternative that better suits the Commission's vision.

Ms. Bagby was in agreement with the suggestion.

Upon a motion by Mr. Whittaker, seconded by Mr. Leadbetter, the Planning Commission voted **UNANIMOUSLY TO DEFER SPR-26-94, AM. 2-08, AMF BOWLING CENTER UNTIL THE JANUARY 15, 2015 MEETING.**

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

*The Commission recessed at 6:58 P.M.*

### **Meeting Reconvened**

Chairman Winborne called the meeting back to order at 7:07 P.M. *All members were present.*

Mr. Leadbetter led the Pledge of Allegiance.

### **Citizens' Time**

Chairman Winborne 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 Winborne opened Citizens' 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 Citizens' Time.

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**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 and the case would be removed from the Expedited Agenda.

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

**Rezoning Proffer Amendment**

**C-10-07(c) AM. 1-14** **GILES FARM, L.L.C., ET AL.,** Requests an amendment to the proffers approved with rezoning request C-10-07(c), Hanover Development, L.L.C., et al., on GPINs 7796-44-9163(part), 7796-73-3791, 7796-65-2927(part), 7796-73-8722,7796-74-3065, 7796-76-2563(part), 7796-76-8849 and 7796-67-7467(part), zoned RS(c), Single-Family Residential District with conditions, generally located on the southwest quadrant of the intersection of Atlee Station Road (State Route 637) and Staple Lane (State Route 1229) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

Mr. Garman briefly presented the request to amend the cash proffer for the proposed Giles Farm Subdivision. The staff recommends approval subject to the proffers dated October 31, 2014, which is in accordance with the Business and Residential Development Roads Improvements Policy.

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 they were in agreement. She asked if anyone wished to speak in favor of or in opposition to the request.

Gary Atwell came forward and stated he lives off Staple Lane. His question to the Commission was why was it originally approved for the proffer to be \$19,000 and then so significantly reduced.

Mr. Maloney answered Mr. Atwell's question by explaining the newly adopted Board proffer policy from March 13, 2013.

Chairman Winborne asked if anyone else wished to speak in favor or against the request. Seeing no one else come forward, she closed the public hearing. Chairman Winborne then asked if there were any questions or discussion from the Commission. There was no discussion; Chairman Winborne then asked for a motion.

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Upon a motion by Mr. Padgett, seconded by Mr. Whittaker, the Planning Commission voted

**UNANIMOUSLY TO RECOMMEND APPROVAL OF C-10-07(c), GILES FARM, L.L.C., ET AL., SUBJECT TO THE PROFFERS DATED OCTOBER 31, 2014:**

1. Cash Proffers. The Property 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 Six Thousand Six Hundred Seventy and 00/100 (\$6,670) per detached single family unit and Four Thousand Seventy-Three and 00/100 (\$4,073) per attached 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. Dedication of Right-of-Way. The Owners agree to dedicate 50 feet (50') of right-of-way from the centerline of Atlee Station Road to the Property for that portion of the property located north of Cool Spring Road and 30 feet (30') of right-of-way from the centerline of Atlee Station Road to the Property for that portion of the property located south of Cool Spring Road for future road widening, free of cost to the County, upon request of the County or VDOT.
3. Tree Preservation and Home-Site Construction Clearing Criteria. The rear and side yards of each lot, as required by the Zoning Ordinance, shall be selectively cut with no cutting of trees five inches (5") in caliper or greater. The intent of this proffer is to provide protection of existing on-site trees, especially those with a caliper of five inches (5") or greater, to the extent possible and practicable during and after construction. The following criteria is established to show how the intent of this proffer will be realized on individual home sites, in light of the construction of improvements on these lots and other on-site construction activities. These criteria shall not be used to facilitate clear-cutting of established trees, especially those trees five inches (5") in caliper and greater for which the proffer was created to protect:
  - A. Trees may be cleared in the footprint of all proposed homes, detached garages, pools, decks and accessory buildings as required for safe, proper and orderly construction of these structures. Trees may also be cleared up to a distance of twenty feet (20'), measured horizontally, from these structures to allow for safe access for this construction.
  - B. Trees may be cleared in the footprint of all driveways and access walkways (sidewalks, service paths, etc.) that serve the above structures. Trees also may be cleared within ten feet (10'), measured horizontally, from driveways and access walkways to allow for the construction of these elements.
  - C. Trees may be cleared ten feet (10') from the centerline of proposed utility service lines, including both public and private utilities (water, sewer, gas, electric, cable

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television, etc.). This will allow utility companies or their contractors sufficient access as required for the safe installation of their lines and service.

- D. Any trees that are obviously dead may be removed as necessary. Any trees that are dying or diseased may be removed, if designated by an arborist that they will not survive. In addition, trees that pose an imminent threat or hazard (leaning, structurally damaged, etc.) to property or persons may be removed.
- E. Trees may be removed if required to facilitate positive drainage away from structures and may be removed if required to allow grading to eliminate adverse or negative slope conditions, as well as to prevent adverse erosion or sedimentation.

- 4. Emergency Access Road. Property Owner will provide a fifty foot (50') wide private easement, to be maintained by the Homeowner's Association, from the connection with Cudlipp Avenue (State Route 1206) in Craney Island Farms to Clay Bank Way as shown on the Conceptual Plan. At Cudlipp Avenue, in a location approved by Hanover County, the Property Owner will construct a gate equipped with a Knox Box, to be used by emergency personnel to provide access solely for emergency vehicles and by the Department of Public Utilities to maintain utility infrastructure. Construction and use of the emergency access shall in no way interfere with use of the utility access easement. Within the fifty foot (50') easement, the Property Owner shall construct an eighteen foot (18") wide paved road, capable of supporting vehicles with a weight of sixty-five thousand (65,000) pounds, from Cudlipp Avenue to Clay Bank Way with shoulders and ditches. In addition, the Property Owner shall provide, within the bounds of the easement, a pedestrian path, comparable to the other pedestrian paths in the development.
- 5. Recreational Amenities. The recreational facilities, as shown on the Conceptual Plan, shall be constructed at the expense of the Property Owner, and shall be bonded as subdivision improvements in Section 1.
- 6. Dedication for Basin C-35. The Property Owner shall dedicate the necessary property interest for stormwater management facility C-35 ("Basin C-35") in accordance with the Hanover County Regional Storm Water Management Plan, which shall include an area that extends, at a minimum, up to the one hundred year flood pool (maximum water surface elevation of one hundred thirty five and five-tenths (135.5) feet, or an alternate elevation as approved by the Director of Public Works), a twenty foot maintenance easement around such facility upland and contiguous to the Director approved elevation or upland and contiguous to an elevation equal to one (1) foot above the crest of the embankment, whichever provides more maintenance easement, and a twenty foot contiguous access easement to the stormwater management facility from the closest public road.
- 7. Proposed Pump Station Access. Access to the "Proposed Sewage Pump Station (Hanover County)" from Medley Grove Court shall be dedicated to the County, free of cost, upon completion of construction of Medley Grove Court.
- 8. Atlee Manor Pump Station. To facilitate the abandonment and removal of a temporary sewer pump station located within the Atlee Manor subdivision, the Owner shall design and construct a sanitary sewer extension and terminal manhole from the central collection sanitary sewer. The terminal manhole shall generally be located along the rear property

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line of Lot 11 on Willie's Way Place at a point opposite the property line separating GPINs 7796-75-2166 and 7796-75-2219 in the Atlee Manor subdivision. The extension shall be designed to accept wastewater currently pumped by the Atlee Manor pump station, which is located approximately two hundred sixty feet (260') from the proposed location of the terminal manhole.

9. Transportation Improvements. Transportation improvements shall be constructed in substantial conformity with those described on pages 13, 14 and 15 of the Conceptual Plan. In addition, the Property Owner shall install a traffic signal at the intersection of River Edge Drive and Atlee Station Road and at the intersection of Hill Fork Drive and Atlee Station Road. Traffic signal design shall include pedestrian buttons/pedestrian signal heads and crosswalks as may be approved by VDOT.

If warrants for the signal at River Edge Drive are not met at the time of construction plan approval, then the cost for such signal shall be bonded; however, if the warrants are not met for this signal within twenty (20) years of rezoning approval, or VDOT does not approve installation of the signal within twenty (20) years of zoning approval, then the Property Owner shall have no obligation to construct the signal.

If warrants for the signal at Hill Fork Drive are not met at the time of construction plan approval, then the cost for such signal shall be bonded; however, if the warrants are not met for this signal within ten (10) years of rezoning approval, or VDOT does not approve installation of the signal within ten (10) years of zoning approval, then the Property Owner shall have no obligation to construct the signal.

10. Drainage Improvements. The Property Owner shall dedicate to Hanover County, upon request, and at no cost to Hanover County, easements, natural drainage ways and drainage facilities (collectively known as "Drainage Improvements") necessary to accommodate improvements to Atlee Road and construction of an intersection at Atlee Road and Atlee Station Road. The dedicated Drainage Improvements shall be free of all encumbrances restricting use for purposes of managing drainage and storm water. Property Owner shall receive a road proffer credit, to the extent the Property Owner incurs costs greater than which would otherwise be required, arising from the costs to design, construct and install or oversize the Drainage Improvements.

The Property Owner shall not be required to make such dedication if the design or location of the Drainage Improvements requires a relocation of lots or results in a reduction of number of lots.

The Property Owner shall allow access to the property when requested by the County or its agents to permit necessary tests, surveys, and work related to the Drainage Improvements.

Should the County not request such dedication prior to subdivision approval, the Property Owner shall, based upon the design information of the Drainage Improvements available at the time of subdivision approval, incorporate the Drainage Improvements into the

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subdivision design and shall not develop the Property in a manner that renders it unsuitable for the Drainage Improvements.

11. Proposed Pump Station. All units within the development shall be served by the “Proposed Sewage Pump Station (Hanover County)” as shown on the Conceptual Plan.

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.

### **Rezoning**

- C-20-14(c) BRENDA A. AND RONALD N. MAY**, Request to rezone from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, on GPIN 8709-71-6978, consisting of 4.0 acres, and located on the west line of Cadys Mill Road (State Route 695) at its intersection with Cadys Woods Drive (private road) 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 (1) additional building lot for a family member for a gross density of one (1) dwelling unit per two (2) acres. (PUBLIC HEARING)

Mr. Garman briefly presented the request to rezone from A-1 to AR-6(c) to create one additional building lot for a family member to build a home. Staff recommends approval subject to the proffers and the conceptual plan submitted.

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 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. Chairman Winborne then asked if the Commission had any questions or discussion. There was no discussion; she then asked for a motion.

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Upon a motion by Mrs. Iverson, seconded by Mr. Bailey, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-20-14 (c), BRENDA A. AND RONALD N. MAY, SUBJECT TO THE SUBMITTED PROFFERS, AND CONCEPTUAL PLAN:**

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Proposed Rezoning Concept Plan," dated November 4, 2014, and prepared by ASA Surveying & Mapping, 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. Wetlands Certification. The Owner agrees to submit a wetlands certification for the property to the Hanover County Department of Public Works for its review and approval prior to or concurrent with the submission of an application for a Family Division. The Family Division shall not be approved unless the Department of Public Works approves the wetlands certification.
4. Perenniality Study. The Owner agrees to submit a perenniality study for the property to the Hanover County Department of Public Works for its review and approval prior to or concurrent with the submission of an application for a Family Division. The Family Division shall not be approved unless the Department of Public Works approves the perenniality study.
5. Family Division. The property shall only be divided for family, in accordance with Title II, Section 7-1(2) of the Hanover County Code. Title to the newly created lot shall be held by the family member to whom the property was sold or given for at least three (3) years following the issuance of a Certificate of Occupancy, unless the lot is the subject of an involuntary transfer caused by foreclosure, death, judicial sale, condemnation, or bankruptcy.
6. Reservation of Right-of-Way. The Owner agrees to reserve twenty-five (25) feet of right-of-way from the centerline of Cadys Mill Road (State Route 695) to the property for the future road widening.

The vote was as follows:

Ms. Winborne	Aye
Mr. Leadbetter	Aye
Mr. Bailey	Aye
Mrs. Iverson	Aye

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Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye

The motion carried.

**Conditional Use Permit**

**CUP-2-02**     **BEAVERDAM BAPTIST CHURCH**, Requests an amendment to a Conditional Use  
**AM. 2-14**     Permit in accordance with Section 26-20.21 of the Hanover County Zoning Ordinance  
to amend the approved sketch plan to add an accessory structure and associated parking  
area on GPIN 7826-62-2888, consisting of approximately 55 acres, currently zoned  
A-1, Agricultural District, located on the east side of Beaver Dam Road (State Route  
715) approximately 1,025 feet north of Tyler Station Road (State Route 658) in the  
**BEAVERDAM MAGISTERIAL DISTRICT**. The site of the requested Conditional  
Use Permit is designated on the General Land Use Plan Map as Agricultural. (**PUBLIC  
HEARING**)

Mr. Garman gave a brief presentation on the request to amend the approved sketch plan to add an accessory structure and associated parking. The property is located on the east side of Beaver Dam Road. Staff recommends approval subject to the submitted sketch plan.

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 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. Chairman Winborne asked if there were any questions or discussions from the Commission. There was no discussion; she asked for a motion.

Upon a motion by Mrs. Iverson, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF CUP-2-02, AM. 2-14, BEAVERDAM BAPTIST CHURCH, SUBJECT TO AMENDED SKETCH PLAN DATED NOVEMBER 25, 2014.**

The vote was as follows:

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

The motion carried.

## **INDIVIDUAL HEARING**

### **Rezoning**

**C-8-14(c) CAROLYN L. KING (ROGERS-CHENAULT, INC.)**, Requests to rezone from A-1, Agricultural District, to RS(c), Single-Family Residential District with conditions, on GPINs 8715-31-5918 and 8715-32-6633, consisting of approximately 39.6 acres, and located on the west line of Bell Creek Road (State Route 642) at its intersection with Lorelea Drive (State Route 1288) in the **MECHANICSVILLE MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Suburban High (4-8 dwelling units per acre). The proposed zoning amendment would permit the creation of 130 age-restricted townhomes for a gross density of 3.28 units per acre. (PUBLIC HEARING)

Mr. Garman presented the request to rezone 39.6 acres from A-1 to RS(c), Single-Family Residential District with conditions to allow 130 age-restricted townhouses along Bell Creek Road. The location for this request is the west line of Bell Creek Road at its intersection with Lorelea Drive. Staff recommends approval subject to the submitted proffers, dated November 20, 2014, and conceptual plan, dated July 2, 2014, revised November 18, 2014.

Chairman Winborne asked if the applicant or the applicant's representative would come forward to present the case.

Jennifer Mullin came forward and explained the plans for the rezoning.

The Commission asked Ms. Mullin several questions to gain clarity on things such as the clubhouse, phases for development, traffic studies, walking trails and other aspects of the age-restricted community.

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Chairman Winborne opened the public hearing and asked if there was anyone present to speak in favor.

Josephine Battenfield came forward and stated her name and address for the record. Ms. Battenfield started off saying she was not against the proposal. Her main concern was the old house located on the property from the Civil War. She questioned if the house could be restored or preserved because of its significance. Ms. Battenfield expressed concerns about where the water is going and the speed limit on Bell Creek Road. She concluded with her feeling that the growth in Hanover is too fast.

Sandy McDougle, an adjacent property owner, came forward to address her concern of how the water will be channeled with this project.

Chairman Winborne thanked those that came forward and asked if anyone else wanted to speak in opposition to the application. Seeing no one come forward, Chairman Winborne asked if Ms. Mullin would come forward for rebuttal.

Ms. Mullen clarified the citizens' concerns about water by speaking about the 2014 water regulations required by the State.

Chairman Winborne closed the public hearing.

Mr. Maloney provided answers for the concerns Ms. Battenfield shared with the Commission. He started by addressing her concerns about the speed limit. Mr. Maloney said the Board of Supervisors could request VDOT to perform a speed study for this road where they measure the average speed over time. Next he said the drainage from the property would have to comply with Storm Water Management regulations for water quantity and quality. Last, he addressed the old house. Mr. Maloney explained that the applicant proffered to advertise that the house be removed from the property for purposes of restoration. Another option the applicant offered would be to salvage the materials to be used for future construction. Furthermore; staff will be given the opportunity to examine and document the historic features prior to being demolished.

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Mr. Whittaker shared his views about the historic house after his recent visit there. He stated the house was in pretty bad shape and it would be extremely difficult to move.

Chairman Winborne concurred with Mr. Whittaker, being that she too went to visit the house.

Mr. Whittaker complimented the applicant on how well they worked with the community. He expressed his opinion that there is a need for Hanover to have this age-restricted community; and how he feels this is the best fit for use of this property.

Chairman Winborne asked for a motion.

Upon a motion by Mr. Whittaker, seconded by Mr. Leadbetter, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-8-14(c), CAROLYN L. KING (ROGERS-CHENAULT, INC.), SUBJECT TO THE FOLLOWING PROFFERS, DATED NOVEMBER 20, 2014, AND CONCEPTUAL PLAN, DATED JULY 2, 2014, REVISED NOVEMBER 18, 2014 AS OUTLINED IN THE STAFF REPORT:**

1. Cash Proffers. 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 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 have an exterior of brick or stone.
3. Age Restriction. Dwellings within the Property are intended to be occupied only by persons age 55 years and older and the occupancy of these dwellings shall comply with provisions of the Virginia Fair Housing Law (found at Section 36-96.1 et seq. of the Code of Virginia (1950) as amended). Persons under the age of 19 shall not be housed or domiciled and shall not reside on the Property. A covenant shall be recorded, and a homeowners' association established for the enforcement, to limit the use and occupancy of the dwellings as specified herein.

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4. Recreational Amenities. The recreational facilities, as shown on the Conceptual Plan, or as otherwise approved at the time of subdivision, shall be constructed at the expense of the Property Owner and shall be bonded as subdivision improvements with Section 1.
5. Bell Creek Road Improvements. The Property Owner shall install a northbound left turn lane and southbound right taper on Bell Creek Road as generally shown on the conceptual plan and shall be bonded as a subdivision improvement with Section 1. All such road improvements shall be designed and constructed in accordance with VDOT standards and specifications and subject to VDOT approval.
6. Historic Resources. Prior to application for a demolition permit for the historic structure located on the Property, the Owner shall advertise in a regional newspaper for two successive weeks a free offering of the historic structures for its movement to another site. If there are no respondents, the Owner shall allow any historic materials in the structures to be properly salvaged. Prior to any demolition or removal of materials, the Owner shall allow County staff to enter the structures for the purpose of photographic documentation for placement in the County's historic survey file for Cherry Grove, VDHR #42-237, and House, 8107 Bell Creek Road, VDHR#5246.
7. Right of Way Dedication. The Property Owner agrees to dedicate fifty (50) feet of right-of-way from the centerline of Bell Creek Road (State Route 642) to the Property for future road widening, free of cost to the County, upon request of the County or VDOT.
8. Buffer. The Property Owner agrees to install the berm, trees, and fence along the portions of the southern Property line as shown on the Conceptual Plan. This area shall be maintained by the homeowners association. The fence within the road stub shall be maintained by the homeowners association until such time as the roadway connection is made to GPIN 8715-31-2556. At such time as the connection is made, the homeowners association shall bear the responsibility and cost of removing the fence. Removal shall occur within 60 days following a request by the County or VDOT.

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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**MISCELLANEOUS**

**Adoption of 2015 Regular Meeting Schedule**

**HANOVER COUNTY PLANNING COMMISSION  
RESOLUTION FOR THE MEETING SCHEDULE  
January 2015- December 2015**

BE IT RESOLVED, that the following schedule containing the dates of the regular meetings of the Hanover County Planning Commission for January 2015 through December 2015, and the dates to which these meetings shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members or the public to attend a meeting, is hereby adopted:

**Regular Meeting Date**

Thursday, January 15, 2015  
Thursday, February 19, 2015  
Thursday, March 19, 2015  
Thursday, April 16, 2015  
Thursday, May 21, 2015  
Thursday, June 18, 2015  
Thursday, July 16, 2015  
Thursday, August 20, 2015  
Thursday, September 17, 2015  
Thursday, October 15, 2015  
Thursday, November 19, 2015  
**Thursday, December 10, 2015**

**Continued Meeting Date (if needed)**

Tuesday, January 20, 2015  
Tuesday, February 24, 2015  
Tuesday, March 24, 2015  
Tuesday, April 21, 2015  
Tuesday, May 26, 2015  
Tuesday, June 23, 2015  
Tuesday, July 21, 2015  
Tuesday, August 25, 2015  
Tuesday, September 22, 2015  
Tuesday, October 20, 2015  
Monday, November 23, 2015  
**Tuesday, December 15, 2015**

The time for all meetings shall be **6:30 P.M.** and public hearings shall be advertised for 7:00 P.M.; any modification by the Planning Commission to this schedule shall be advertised; and

BE IT FURTHER RESOLVED, that the Secretary of the Commission shall cause this resolution to be inserted in a newspaper having general circulation in Hanover County.

David P. Maloney, AICP  
Director of Planning  
Secretary of the Commission

**Meeting Location**

**Board Room  
Hanover County Administration Building  
7516 County Complex Road at Hanover Courthouse  
Hanover, Virginia**

Chairman Winborne asked for a motion for the adoption.

*December 11, 2014*

Upon a motion by Mrs. Iverson, seconded by Mr. Padgett, the Planning Commission voted unanimously to adopt the above resolution for the 2015 meeting schedule.

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.

## **ADJOURNMENT**

Chairman Winborne thanked the public for coming to the meeting. There being no further business on the regular agenda, Chairman Winborne adjourned the meeting at 7:58 P.M. The next regularly scheduled meeting is January 15, 2015.