

*July 17, 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, July 17, 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.  
Mr. Randy A. Whittaker

**ABSENT:** Mrs. Ashley H. Peace

**STAFF**

**PRESENT:** Mr. Lee W. Garman  
Mr. John A. Bender  
Mr. Dennis A. Walter  
Mrs. Betty S. Gray

Madam Chairman called the meeting to order at 6:32 P.M. *All members were present, except Mrs. Peace.*

**Approval of the Minutes**

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

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

There were no changes in the agenda.

**Administrative Agenda**

Proffered Elevation, Layout and Landscape Review

**SPR-9-14                    HOMEMAKERS FURNITURE @ BELL CREEK  
MECHANICSVILLE MAGISTERIAL DISTRICT  
(COMMISSION ACTION)**

Mr. Bender briefly presented this request for proffered elevation, layout and landscape review. The actual color pallet received from the applicant on 7/16/14 differs from the color elevation in the staff packet that was provided to the Commission. Staff prepared a color pallet, which was placed at the

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Commission's seats showing the actual colors that will be used for the dryvit on the building and for the trim. Staff had no problems with those colors in light of the proffered conditions that go with the zoning. Staff recommended approval of the site plan and the landscape plan, and recommended conditions if the Commission approved the elevations.

Mr. Whittaker stated that he has been watching this business grow for a number of years, and it is a great bunch of guys that own the business.

Upon a motion by Mr. Whittaker, seconded by Mr. Bailey, the Planning Commission voted **UNANIMOUSLY TO APPROVE THE PROFFERED ELEVATION, LAYOUT AND LANDSCAPE AS PRESENTED WITH THE COLOR PALLET RECEIVED 7/16/14 FOR SPR-9-14, HOMEMAKERS FURNITURE @ BELL CREEK WITH THE FOLLOWING MODIFIED CONDITIONS:**

1. The site shall be developed in substantial conformance with the site plan and landscape plan, dated May 13, 2014, for Homemakers Furniture Bell Creek Road, prepared by Sekiv Solutions.
2. [REVISED] The building shall be built in substantial conformance with elevations dated June 13, 2014, for Homemakers Furniture, Hanover, Virginia, prepared by Gray Construction and Realty Co., Inc. and with the Homemakers Furniture Color Pallet received 7/16/14.
3. If located on the rooftop, any HVAC equipment shall be screened from adjoining properties.

The vote was as follows:

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

The motion carried.

*The Commission recessed at 6:38 P.M.*

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### **Meeting Reconvened**

Madam Chairman called the meeting back to order at 7:00 P.M.

### **Welcome and Pledge of Allegiance**

Madam Chairman welcomed everyone that was present, and noted that agendas were located in the back and encouraged everyone to review the Commission's Rules for a Public Hearing on the back of the agenda.

Mrs. Iverson led the Pledge of Allegiance.

### **Citizens' Time**

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

No one addressed the Commission during Citizens' Time.

Madam Chairman explained the expedited agenda and asked if there was anyone present who wished to speak regarding any of these cases. No one spoke.

### **EXPEDITED PUBLIC HEARINGS**

**C-24-02(c) AM. 1-14 GINA M. AND ERICH M. PETSCHAUER (GREENWOOD CREEK SUBDIVISION)**, Request an amendment to the proffers approved with rezoning request C-24-02(c), Cauthorne Family, L.L.C. on GPIN 7759-89-6608, zoned AR-6(c), Agricultural Residential District with conditions, and located at the terminus of Greenwood Creek Drive (private road) approximately 3,400 feet east of its intersection with Greenwood Church Road (State Route 657) 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 for one lot in the Greenwood Creek Subdivision. The request is to reduce proffer #1 from \$7,399.00 (capital & road improvements) to \$2,306.00 (road improvement). Staff recommended approval subject to the proffers submitted, which are in accordance with the Business and Residential Development Road Improvements Transportation Policy adopted by the Board of Supervisors.

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Ms. Winborne opened the public hearing and asked if the applicant was present and in agreement with the staff recommendations. From the audience Mr. Petschauer acknowledged yes he was in agreement. She asked if anyone wished to speak regarding this request. Seeing no one come forward, she closed the public hearing.

Mr. Leadbetter advised that he had spoken with Mr. Petschauer prior to the meeting who believes there is a conflict with the amount of the cash proffer.

Mr. Garman explained that he had reviewed Mr. Petschauer's concern and the \$7,399.00 is the original cash proffer, the conditions are on the back of the second page of the staff report, and he since this most likely is a 2002 zoning case with 12 years of cost of living increases and he suspected that is where the increased amount is where Mr. Petschauer said he has paid; however, staff will check into it tomorrow but the road improvement proffer amount will be \$2,306.00 and anything he has paid over the original amount will be refunded to him less the \$2,306.00.

Upon a motion by Mr. Leadbetter, seconded by Mr. Padgett the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-24-02(c), AM. 1-14, GINA M. AND ERICH M. PETSCHAUER SUBJECT TO THE FOLLOWING PROFFERS DATED JULY 1, 2014 AS OUTLINED IN THE STAFF REPORT BASED ON THE BOARD OF SUPERVISORS ACTION OF NOVEMBER 28, 2012.**

1. The Property shall be developed in substantial conformity with the conceptual plan attached, titled "Layout 20 Lots" ("the Plan"), dated 5-20-2002, and revised 8-13-2002, and prepared by Goodfellow, Jalbert & Beard.
2. There shall be no removal of trees in the required rear and side yard area of each building lot, as defined by the Zoning Ordinance, with the exception of dead or diseased trees. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, utility easements, drain fields, drainage facilities, wells, swimming pools, or basketball or tennis areas.
3. The owner agrees to dedicate thirty (30) feet of right-of-way measured from the centerline of Greenwood church Road (State Route 657) to the property for future road widening when requested by the County, free of cost, and free of encumbrances interfering with the use for road purposes.

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4. The Property 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.
5. There shall be no direct access to Fair Oaks Lane (private road).
6. With the exception of the entrance road, a 50' buffer shall be placed along Greenwood Church Road (State Route 657). Existing deciduous trees with a caliper of five (5) inches or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer.
7. Restrictive covenants shall be established which provide for a 50' buffer shall be placed along Greenwood Church Road (State Route 657). Existing deciduous trees with a caliper of five (5) inches or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer.
8. Restrictive covenants shall be established which provided for a 50' natural buffer along the western and northern property lines as depicted on the conceptual plan titled "Layout 20 Lots" ("the Plan"), dated May 10, 2002, and revised August 13, 2002. Such restrictions shall be recorded concurrently with the final subdivision plat.
9. All house foundations shall be brick, stone and/or stucco.

The vote was as follows:

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

The motion carried.

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**C-30-04(c) AM. 1-14 ADRIENNE L. AND JAMES D. KNOX (MAIN STREET HOMES) (TRIPLE OAKS SUBDIVISION)**, Requests an amendment to the proffers approved with rezoning request C-30-04(c), Triple Oaks, L.L.C. (KLS, L.L.C.) on GPIN 7739-99-9099, zoned RC(c), Rural Conservation District with conditions, and located on Whispering Creek Circle (private road) approximately 1,500 feet west of its intersection with Triple Oaks Estates Drive (private road) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

Mr. Garman briefly presented this request for an amendment to eliminate Proffer #1, referencing a cash proffer in the amount of \$8,700.00 approved with zoning request C-30-04(c), Triple Oaks, L.L.C. In place of the eliminated proffer the applicant has submitted a new proffer that would require the property owner to submit a payment of \$2,306.00 prior to Certificate of Occupancy in accordance with the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. Staff recommended approval subject to the submitted proffers.

Ms. Winborne opened the public hearing and asked if the applicants were present. The applicants were not present; therefore, it is assumed that they are in agreement with the staff recommendations. She asked if anyone wished to speak in favor of or in opposition to this request. Seeing no one come forward, she closed the public hearing.

Upon a motion by Mr. Leadbetter, seconded by Mr. Bailey, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-30-04(c), AM. 1-14, ADRIENNE L. AND JAMES D. KNOX (MAIN STREET HOMES) SUBJECT TO THE FOLLOWING PROFFERS DATED MAY 5, 2014 BASED ON THE BOARD OF SUPERVISORS' ACTION OF NOVEMBER 28, 2012 AND AS OUTLINED IN THE STAFF REPORT:**

1. The Property 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.

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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 houses shall be constructed of brick, stone, synthetic stucco (DriVit), premium vinyl siding or concrete based siding material (Hardi Plank).
3. The minimum house size shall be two thousand five hundred (2,500) square feet of floor area measured along the exterior walls of the structure, but not including garages or breezeways in the calculation.
4. There shall be no removal of trees five inches (5") in caliper or greater in the required rear and side yard setback areas of each building lot as defined by the Zoning Ordinance with the exception of dead or diseased trees. This shall not however, prevent the removal of trees necessary for the construction of improvements, driveways, utility easements, drainfields, drainage facilities, wells, swimming pools or basketball or tennis areas. No trees five inches (5") in caliper or greater may be cleared in the Common Open Space with the exception of clearing necessary for the installation of utilities, pathways or recreational facilities designed to serve the residents.
5. The Property Owner shall record an easement concurrently with recordation of the subdivision, for the benefit of the owners' association for the Property. The easement shall establish a twenty five foot natural buffer for the benefit of the owners' association along the side and rear lot lines within Lots 1-6 as shown on the conceptual plan. The easement shall provide that trees five inches (5") in caliper or greater shall not be removed from within the easement with the exception of dead, dying or diseased trees.

The vote was as follows:

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

The motion carried.

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**C-5-14(c)** **LINDA AND JOSEPH DOANE**, Request to rezone from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, on GPIN 8744-75-0551, consisting of approximately 39.86 acres, and located on the south line of Parsleys Mill Road (State Route 609) at its intersection with Crown Hill Road (State Route 632) in the **COLD HARBOR MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit the creation of one additional building lot for a gross density of one (1) dwelling unit per 19.93 acres. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions. The property is located on the south line of Parsleys Mill Road at its intersection with Crown Hill Road. The proposed zoning amendment would permit the creation of one additional building lot for a gross density of 1 dwelling unit per 19.93 acres. Staff recommend approval subject to the conditions submitted.

Ms. Winborne opened the public hearing and asked if the applicants were present. The applicants were not present; therefore, it is assumed that they are in agreement with the staff recommendations. 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.

Ms. Winborne stated that Mrs. Peace was fine with the request and she had asked her to make the motion for a recommendation of approval.

Upon a motion by Ms. Winborne, seconded by Mr. Bailey, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-5-14(c), LINDA AND JOSEPH DOANE SUBJECT TO THE CONCEPTUAL PLAN DATED APRIL 29, 2014 AND REVISED ON JUNE 2, 2014, AND THE FOLLOWING SUBMITTED PROFFERS DATED JUNE 19, 2014, AS OUTLINED IN THE STAFF REPORT:**

1. Conceptual Plan: The property shall be divided in substantial conformity with the conceptual plan attached, titled "Compiled Plat & Conceptual Plan for Rezoning of GPIN 8744-75-0551 for Joseph & Linda Doane," dated April 29, 2014, revised June 2, 2014, and prepared by Goodfellow, Jalbert, Beard, and Associates (the "Conceptual Plan").

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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. With the exception of areas found to be located in Chesapeake Bay Resource Protection Areas (RPA), tree removal for the purposes of expanding the pasture shall be limited to areas no lower than the 172' contour, as generally depicted on the Conceptual Plan.
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 thirty (30) feet of right-of-way from the centerline of Crown Hill Road (State Route 632) and twenty-five (25) feet of right-of-way from the centerline of Parsleys Mill Road (State Route 609) to the property for future road widening, free of cost to the County, upon request of the County or VDOT.

The vote was as follows:

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

The motion carried.

## **ADJOURNMENT**

There being no further business Madam Chairman adjourned the meeting at 7:12 P. M. The next regularly scheduled meeting is August 21, 2014.