

## PLANNING COMMISSION

**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, February 20, 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. Lee W. Garman  
Mr. Dennis A. Walter  
Mrs. Mary B. Pennock  
Mrs. Gretchen W. Biernot  
Mrs. Betty S. Gray

### **Roll Call**

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

### **Approval of Minutes**

Upon a motion by Mr. Padgett, seconded by Mr. Leadbetter, the Planning Commission voted unanimously to approve the January 16, 2014 minutes as submitted.

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

Ms. Winborne asked if anyone wished to amend the agenda.

Mr. Padgett wanted to add an A.2 under the Administrative Agenda regarding Subdivision Ordinance 25-65.

### **Administrative Agenda**

**SOE-1-14 COOL SPRING WEST  
CHICKAHOMINY MAGISTERIAL DISTRICT  
(COMMISSION ACTION)**

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Mrs. Mary Pennock presented this request to eliminate the requirement that all utility lines be placed underground in compliance with the standards of Section 25-65 of the Subdivision Ordinance. The project is located on Cool Spring Road. She reviewed the GPIN and Zoning maps. There is an existing overhead power line along Cool Spring Road on the property that will be developed as Cool Spring West Subdivision. The applicant is proposing to create a 30-foot wide easement adjacent to the right-of-way that will accommodate the relocation of the power line which is being necessitated by the widening of Cool Spring Road in conjunction with the subdivision development.

Section 25-26 of the Subdivision Ordinance states: *All utility lines except those located in the A-1, AR-6, M-2, and M-3 districts including but not limited to, electric, CATV, telephone, or other lines, shall be placed underground unless Federal or State statutes or regulation require that such lines be placed above-ground.*

Mrs. Pennock stated that the rezoning of the property was approved prior to the adoption of the changes to the Subdivision Ordinance language as read above. The conceptual plan that had been approved with the rezoning did show the proposed 30-foot wide utility easement and that was consistent with the previous ordinance language which permitted relocation of the lines to an easement contiguous to the right-of-way. She reviewed the conceptual plan from the rezoning case. The Subdivision Ordinance provides the opportunity for exceptions in the case of hardship. In determining whether an exception may be granted some of the items to consider are: whether the exception generally would comply with ordinance provisions, and will not destroy the intent of the ordinance; if the exception will not be detrimental to public safety, health or welfare; if the conditions on which the exception request are based on topographical or other conditions peculiar to the site; and that the exception is not exclusively based on financial considerations.

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Mrs. Pennock said the applicant has stated that the utility line is considered a “main line” by Dominion Virginia Power (DVP). DVP has indicated that their policy is to place all main lines overhead with underground service provided off of these main overhead lines. Neither the applicant nor DVP has provided any documentation of any Federal or State statute or regulation that requires these lines to remain overhead. Staff recommended denial of this request.

Mr. Padgett said these lines belong to Dominion Virginia Power, so, he did not see why they would have to answer to anybody other than themselves.

Mrs. Pennock stated that from this standpoint it is more of what the Hanover County Subdivision Ordinance states that unless there is some Federal or State statute requiring those lines shall be placed above ground, the County would expect that the lines would be placed underground. She was unaware of anything specific to Dominion.

Mr. Padgett asked how long that part of the Ordinance has been in place.

Mrs. Pennock replied a little over two years.

Mr. Padgett mentioned that this request is at least the third case asking for an exception for various reasons all of which seem to make sense. In this case it seems fairly straight forward. The applicant is willing to bury the lines but Dominion Virginia Power says no. So, the applicant is between a rock and a hard place.

Note: At this time the applicant and other folks entered the board room. The outside doors had been accidentally left locked at the start of the meeting, but citizens had been let in a short time later by the cleaning staff.

Mr. Padgett announced to the applicant that his request was presented and he was observing that the line is owned by Dominion Virginia Power, and Mr. Pollard, the applicant is willing to bury the power lines, which is a requirement of the Ordinance requires; however, the Dominion Virginia

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Power says no. Therefore, you cannot proceed with the building of your approved development unless something is resolved on this. He asked the applicant if he was correct.

Mr. Pollard replied that was correct.

Mr. Padgett said therefore he did not see how the Commission could deny this request.

Ms. Winborne apologized to the audience for the front doors being locked. She said it was an oversight and it would help her remember in the future to make sure the front doors are open.

Mr. Padgett reiterated that in this case Mr. Pollard has an approved project and he is ready to move forward; however, he has this “roadblock” not of his cause and there is nothing he can do about it. Therefore, he could not see a reason to deny this request. Regarding Section 25-9 of the Subdivision Ordinance: *When the agent finds that the strict compliance with the standards set forth in this Ordinance would result in unnecessary hardship*, he said if this isn’t an unnecessary hardship he did not know what is; *does not destroy the intent of the Ordinance’s provisions*, he did not see how this will result in any detrimental effect to public safety, health or welfare or any of those things; *other conditions peculiar to the site*, he said this is not a condition peculiar to the site, it is a Power Company Policy; *the exception is not based on financial considerations*, he said the exception is not based on financial considerations, and Mr. Pollard has stated that he would replace the power lines underground if he was allowed by Dominion Virginia Power to do so.

Mr. Padgett made a motion to **APPROVE** the request.

Mr. Leadbetter **SECONDED**.

Mrs. Winborne thanked Mr. Padgett for his hard work on this request. She agreed with his concerns regarding the language being too restrictive in cases where a third party will not provide the service that we would like to have happen.

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The Planning Commission voted **UNANIMOUSLY TO APPROVE SOE-1-14, COOL SPRING WEST SUBDIVISION AS SUBMITTED.**

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.

Mr. Pollard thanked the Commission.

Mr. Padgett thanked Mr. Pollard.

**A.2 Ordinance 25-65 (specifically section 25:9)**

Mr. Padgett said this was the third case they have had where they have “run afoul” of this requirement and it would be the third time they have approved an exception to it. And that suggests that this part of the Ordinance needs to be looked at and the staff needs to do some work with it. He believed that they also need to talk with Virginal Dominion Power to get facts straight as to when they will allow burying existing lines and when they will not. The County cannot require developers to do things that they are barred from doing because they do not own the property that is being asked to change.

Mr. Padgett made a **MOTION** that the staff collaborate with Virginia Dominion Power to clarify the circumstances in which the underground requirement of this section is agreeable to them and when not and a documented statement from Dominion Virginia Power to that effect should result in an automatic SOE to the developer without having to submit a formal request to the County.

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Ms. Winborne clarified the motion; Mr. Padgett would like staff to work Dominion Virginia Power to come to some articulation of when and under what conditions lines will be buried or if they have a policy where they are not required to be buried to provide something in writing to the County. And if an applicant is not allowed to bury lines, they do not have to pay and go through the SOE process to get approval.

Mrs. Iverson **SECONDED**.

Mr. Walter stated regarding the second part of Mr. Padgett's motion, if this is a requirement there is no mechanism for an applicant to not pay and request an SOE, whether it is handled administratively or by the Commission the applicant will have to pay. There is no provision for an "automatic out" if it is an Ordinance requirement.

Ms. Winborne asked if the Ordinance can be changed so that a fee will not be required in these circumstances.

Mr. Walter replied that can be looked at. He advised that he was part of the team that looked at this Ordinance and from experience Dominion Virginia Power is not going to give a response because they refuse to put anything in writing. That is why this requirement was put into place, so they would be required to document their position. The matter has been handled this evening but there is no evidence that Dominion Virginia Power said they would not allow the line in the other cases to be buried. There is representation from the applicant but there was nothing from Dominion Virginia Power articulating that the line could not be buried in that location, or relocated across the street, or that there could not be some other accommodation. Staff is in a real bind when a utility refuses to provide information to us.

Mr. Padgett asked if Mr. Maloney was involved in those discussions.

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Mrs. Pennock stated that there was a meeting with the applicant and Dominion Virginia Power prior to the application for the SOE. At that meeting Dominion Power verbally indicated that it was their policy not to put main lines below ground, but they do not have any written correspondence from them to that effect.

Ms. Winborne questioned if the County was present at this meeting.

Mrs. Pennock replied yes they were.

Ms. Winborne said if Dominion Power will not put anything in writing at least the County staff heard it.

Mr. Walter said it is not their requirement that it not be buried. It sounds like they did not say they refuse to allow it to be buried they just said it is their policy not to bury this type of line. He advised that he was not commenting on the case that is before the Commission but he felt that it is probably going to be part of the response and he wanted to alert the Commission that part of the response is going to be that Dominion Power is unwilling to say these are the cases where they will prohibit burying lines and these are the ones that we will require burying lines. He advised that staff will investigate this issue and get back to the Commission.

Mr. Padgett added to his **MOTION** for staff to clarify this section in the Ordinance.

Mrs. Iverson **AGREED**.

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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*The Commission recessed at 6:52 P.M.*

### **Reconvened**

Madam Chairman called the meeting back to order at 7:02 P.M. *All members were present.*

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

Ms. Winborne advised that the Rules of Order are printed on the back of the Agenda.

Mr. Whittaker led the Pledge of Allegiance.

### **Citizens' Time**

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

Ms. Winborne asked if anyone wished to speak during citizens' time. There were 10 speakers; there is a maximum time of 20 minutes and the speakers agreed to speak until the time ran out. Ms. Winborne advised that if someone does not get the chance to speak, they were welcome to speak after the public hearings, or they could e-mail their comments or call.

Ms. Patty Thomas, Mechanicsville District resident, expressed concern with the proposed development on Pole Green and Bell Creek Roads. She said since the Plan was shown the first time the density has increased from 112 to 124 housing units. She said a home will be built on a lot at 170 degree elevation and about 20 feet from the back of her garage. Her drainage ditch beside the back and side of the garage carries water from a downhill stream to a culvert that feeds into the pond, and any additional overflow will flood her garage and add sediment into the pond. She expressed concern that a five foot walking trail is included within those 20 feet, and there are three exercise stations that have been added beside the trail. The trail continues to be within 20 feet of her yard to the end of her property line adjoining the pond. She expressed concern that the path could be used for biking, motorized scooters and any other vehicles deemed acceptable by the neighborhood association. She understood that the trail pavement will be made from porous asphalt; however, porous asphalt requires a lot of maintenance. She did not see any stormwater protection throughout the residential homes

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located on the slope down to the pond, except a large basin built over the wetlands, and very little vegetative buffer has been provided in planning to protect her home located downstream of this high density development. She said the proposed berm needs to be higher and constructed with materials that maintain its stability. She said without a fence on her property line and around the property her liability, safety, and privacy are still in jeopardy. She expressed concern that the proposed stormwater basin over the wetlands would destroy the wetlands and disturb all the natural plant growth that helps hold the soil together. She stated that the wetlands on the developer's property and on her pond are "our" Chesapeake Bay watershed has an ecological connection. She used the word "our" because it would seem that Hanover County would willingly assume a responsibility and stewardship realizing the importance of this watershed function to preserve and protect the three receiving ponds as the water makes its way down to the Chesapeake Bay. She was convinced that more time, thought and consideration still needs to be given by all parties involved before the development should be allowed to move forward.

Ms. Faye Toney, Mechanicsville District resident, expressed concern with the proposed development located at Pole Green and Bell Creek Roads due to the current traffic conditions and the potential for the ecological damage this development may cause. She summarized the traffic concerns that many citizens have spoken on before, which included: increased traffic on Bell Creek and Pole Green Roads; the proposed entrances at the bottom of a hill and in a curve along the very narrow Bell Creek Road; traffic jams at Mechanicsville Turnpike, Sandy Lane, and Bell Creek Road; high traffic volumes on Bell Creek Road during special events, such as Christmas shopping, race day and the Hanover Tomato Festival. Regarding environmental impacts she expressed concern with the potential impact to surfacing ground water arising from the development, and the production of a significant amount of stormwater runoff that will carry hydrocarbons and other pollutants associated with cars and

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urban landscape. She expressed concern with the potential for the water to become polluted in the wells located in Meadow Gate subdivision, and she asked that the developer adhere to the new Virginia Stormwater Management Regulations due to go into effect in July 2014.

Ms. Marie Molnar, Mechanicsville District resident, expressed concern with the density of this project, with the safety of Bell Creek Road and the traffic backup on Bell Creek and Pole Green Roads during peak traffic hours.

Mr. Joseph Molnar, Mechanicsville District resident, expressed concern with the increase of traffic, density of the project, and the potential for the decrease in property values.

Mr. Wayne Varnier, Mechanicsville District resident, expressed concern with increase of traffic, potential decrease in property values, and disturbance of the wetlands. He expressed concern with the impact on the quality of life for the people that have lived in this area for many years.

Mr. Ronnie Noel, Mechanicsville District resident, expressed concern with impact of the increase of traffic with the proposed Pole Green and Bell Creek Road project. It was his understanding that the Bell Creek and Pole Green Roads intersection is already a Level D. He said the County has a good Sheriff Department, Fire Department and Rescue Squad; however, it does no good if they cannot get down the road to help somebody. He expressed concern with putting a playground right next to Ms. Thomas' pond and asked who would be responsible if someone gets hurt near or in her pond and property.

Mr. Rick Ryan, Cold Harbor District resident, expressed concerned with the proposed density of the Pole Green Road and Bell Creek Road project. He said rezoning the commercial lot to B-1 is incredibly flexible as there are 31 permitted uses.

Ms. Winborne stated that Citizens' Time was up. She noted that there were three other persons that signed up to speak and those folks were welcome to speak after the public hearings. She thanked

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those that spoke and advised that the Commission is listening to the citizens and doing everything they can to get all of the information that they need to bring this case forward for a final decision.

Ms. Winborne closed Citizens' Time.

Mrs. Peace asked if they could get a show of hands of those supporting the project and those opposing.

Ms. Winborne asked for those in support of this project. There was no one. She asked for those in opposition to the project. An overwhelming number of persons raised their hands.

### **REQUEST FOR DEFERRAL**

**CUP-9-02**     **SHALOM BAPTIST CHURCH TRUSTEES**, Request an amendment to a  
**AM.1-14**     Conditional Use Permit in accordance with Section 26-20.21 of the Hanover County Zoning Ordinance to amend the sketch plan to adjust a CUP boundary line and show proposed additions to the church facilities, on GPINs 8724-39-5325, 8724-38-4994(part) and 8724-38-7800(part) consisting of approximately 8.02 acres, currently zoned A-1, Agricultural District, located on the southeast quadrant of the intersection of Mechanicsville Turnpike (U.S. Route 360) and Adams Farm Road (State Route 830) in the **MECHANICSVILLE MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Commercial and Suburban General (1-4 dwelling units per acre). (PUBLIC HEARING)

Mr. Garman advised that the applicant has requested a 30-day deferral in order to make changes to their sketch plan.

Upon a motion by Mr. Whittaker, seconded by Mr. Bailey, the Planning Commission voted **UNANIMOUSLY TO DEFER CUP-9-02, AM. 1-14, SHALOM BAPTIST CHURCH TRUSTEES UNTIL THE MARCH 20, 2014 MEETING.**

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

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The motion carried.

### **EXPEDITED PUBLIC HEARINGS**

Ms. Winborne explained the Expedited Agenda.

**C-22-03(c) AM. 1-13** **LOIS D. AND STERLING S. MEDLIN, JR. ET AL. (MEDLIN SUBDIVISION),** Requests an amendment to the proffers approved with rezoning request C-22-03(c), Lois D. and Sterling S. Medlin, Jr., on GPINs 8727-56-0942 and 8727-67-1122, zoned AR-6(c), Agricultural Residential District with conditions, and located on the south line of Fire Lane (State Route 724) approximately 0.33 miles east of its intersection with Appaloosa Trail (State Route 824) in the **HENRY MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

Mr. Garman briefly presented this request to amend the cash proffers approved with the rezoning request of C-22-03(c), zoned AR-6(c), Agricultural Residential District and is located on Fire Lane. The proposed zoning amendment would amend the cash proffer of \$7,866.00 (capital & road improvements) to \$2,306.00 for a road improvement proffer. Staff recommended approval subject to the proffers dated December 5, 2013.

Ms. Winborne opened the public hearing and asked if the applicant was present. The applicant was not present and therefore, it is assumed that the applicant is 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. Bailey, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-22-03(c), AM. 1-13, LOIS D. AND STERLING S. MEDLIN, JR. ET AL. (MEDLIN SUBDIVISION) SUBJECT TO THE FOLLOWING PROFFERS AS OUTLINED IN THE STAFF REPORT DATED DECEMBER 5, 2013:**

1. Conceptual Plan: The property shall be divided in substantial conformity with the conceptual plan attached, titled "Conceptual plan for Medlin Rezoning," dated May 22, 2003, and drawn by Sterling S. Medlin, Jr.

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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.
3. Dedication of Right-of-Way: The Property Owner agrees to dedicate twenty-five (25) feet of right-of-way from the centerline of Fire Lane (State Route 724) to the property for future road widening, free of cost to the County, upon request of the County or VDOT.
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. Lot 3: The Property Owners agree that Lot 3 shall not be resubdivided for the purpose of creating an additional building lot.

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-9-06(c)**      **ELM FIELD INVESTMENT, L.L.C., ET AL.,** Request an amendment to the proffers approved with rezoning request C-9-06(c), Am. 1-08, Dee Associates, L.L.C., on **AM. 2-13** GPINs 7759-38-2527, 7759-38-3460, 7759-38-6311, 7759-38-8273, 7759-48-0190, 7759-37-9897, 7759-37-6994, 7759-38-4072, 7759-38-1195, 7759-28-9393, 7759-28-8210, 7759-28-6055, 7759-27-5848, 7759-27-5527, 7759-27-5315, 7759-27-1255, 7759-27-1407, 7759-27-1609, 7759-17-8739, 7759-18-5097, 7759-18-4286, 7759-18-5463, 7759-18-8357, 7759-18-9039, 7759-27-1938, 7759-28-4335, zoned RC(c), Rural Conservation District with conditions, and located in the Elm Field subdivision on the west line of Greenwood Church Road (State Route 657) at its intersection with Farm View Drive (private road) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. The subject property is designated on the General Land

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Use Plan Map as Agricultural. The proposed zoning amendment would allow detached garages to be located in the rear or side yards. (PUBLIC HEARING)

Mr. Garman briefly presented this request to amend the proffers approved with rezoning request C-9-06(c). Am. 1-08. This will apply to all but two lots in the Elm Field Subdivision, which is zoned RC(c), Rural Conservation District, located on Greenwood Church Road. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit detached garages to be located in the rear and side yards. Staff recommended approval subject to the proffers dated January 30, 2014.

Ms. Winborne opened the public hearing and asked if the applicant was present and in agreement with staff recommendations.

Ms. Emma Lee Mitchell, the applicant, said she was in agreement with staff recommendations and was present to answer any questions.

Ms. Winborne 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.

Mr. Leadbetter thanked Ms. Mitchell for getting with the property owners in this subdivision to bring this case forward all at one time.

Upon a motion by Mr. Leadbetter, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-9-06(c), AM. 2-13, ELM FIELD INVESTMENT, L.L.C., ET AL, SUBJECT TO THE FOLLOWING PROFFERS AS OUTLINED IN THE STAFF REPORT DATED JANUARY 30, 2014:**

1. The Property Owner, for himself, his successors and assigns of GPINs 7759-39-8459, 7759-38-2527, 7759-38-3460, 7759-38-6311, 7759-38-8273, 7759-48-0190, 7759-37-9897, 7759-37-6994, 7759-38-4072, 7759-38-1195, 7759-28-9393, 7759-28-8210, 7759-28-6055, 7759-27-5848, 7759-27-5527, 7759-27-5315, 7759-27-1407, 7759-17-8739, 7759-18-5097, 7759-18-4286, 7759-18-5463, 7759-18-8357, 7759-18-9039, 7759-27-1938, 7759-28-4335, 7759-39-0394, 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

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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 Property Owner, for himself, his successors and assigns of GPIN 7759-27-1255 agrees to pay Hanover County prior to issuance of a Certificate of Occupancy for the Property, the amount of 00/100 (\$0) per single family unit build on the Property.
3. Exterior foundation of houses shall be brick or stone construction unless the house is constructed of synthetic stucco (DriVit) in which case the foundation may 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).
4. The Property Owner shall agree to build the internal roads as public subdivision roads, and they shall be designed and constructed to VDOT standards and specifications for such roads.
5. 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.
6. All lots within the subdivision, having garages attached to the dwelling, shall be entered from the side or rear of the lot. Detached garages shall be located in the rear or side yard with the exception of GPINs 7759-39-8459 and GPINS 7759-39-0394 shall be located in the rear yard only.
7. The Property Owner agrees upon the County's or VDOT's request to dedicate no less than thirty (30) feet of right-of-way from the centerline of State Route 657 (Greenwood Church Road) to the Property, for future road widening when requested by the County or VDOT, free of cost, and free of encumbrances interfering with the use of road improvements.
8. Minimum house sizes shall be as follows: 2200 square feet for a one-story building or one and one-half story or 2500 square feet for a two-story building located on the Preservation Lot, Lot 28 in the Elm Field Subdivision; and, 1600 square feet for a one-story building, or 1800 square feet for one and one-half or two-story building located on Lots 1-27 in the Elm Field Subdivision. Minimum floor area shall not include garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure.

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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-16-13(c) PLEASANT GROVE INVESTORS, L.L.C.**, Request to rezone from R-1, Single-Family Residential District to B-1(c), Neighborhood Business District with conditions on GPIN 8705-74-7730 and 8705-74-7491, consisting of approximately 1.25 acres, and located on the west line of Shady Grove Road (State Route 640) approximately 250 feet north of its intersection with Meadowbridge Road (State Route 627) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Commercial. The proposed use is for medical offices. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone from R-1, Single-Family Residential District to B-1(c), Neighborhood Business District on approximately 1.25 acres, located on Shady Grove Road. The subject property is designated on the General Land Use Plan Map as Commercial. The proposed use is for medical offices. Staff recommended denial as submitted, but approval subject to a minor modification to the conceptual plan proffer. He advised that the applicant had submitted revised proffers with this change to the conceptual plan proffer, which were placed at the Commission’s seat.

Ms. Winborne opened the public hearing and 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.

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Upon a motion by Mr. Padgett, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND DENIAL AS SUBMITTED BUT RECOMMENDED APPROVAL OF C-16-13(c), PLEASANT GROVE INVESTORS, L.L.C. SUBJECT TO THE FOLLOWING REVISED PROFFERS AND THE CONCEPTUAL PLAN AS OUTLINED IN THE STAFF REPORT:**

1. **Conceptual Plan:** The entrances and buffers shall be constructed and remain in substantial conformity with the conceptual plan attached, titled, "Pleasant Grove Office, Zoning Amendment – Concept Plan," dated December 2, 2013, and revised January 30, 2014, and prepared by Resource International, Ltd.
2. **Buffer:** A minimum of a 6' tall opaque fence shall be provided along the western edge of property where the parking lot is within 50' of a residentially zoned property. At such time that the adjacent property zoning is amended to non-residential use, the fence may be removed.
3. **Architectural Treatment:** The exterior wall surfaces (front, rear and sides) of each individual building shall be similar in architectural treatment and materials. All buildings constructed on the Property shall have exposed exterior walls (above finish grade) of face brick, natural stone, glass stucco, drivit, exposed aggregate concrete or an equivalent permanent architecturally finished material. All buildings on the Property shall be architecturally harmonious with the structures, including their colors and materials, on the adjacent property of the Memorial Regional Medical Center. No portion of an exterior wall surface visible from any adjoining property shall contain painted or untreated concrete or unfinished concrete masonry units, sheet or corrugated aluminum or metal, except that metal and/or aluminum may be incorporated for window and decorative treatments. The elevations will be reviewed and approved by the Director of Planning prior to site plan approval.
4. **Public Utilities:** A 16" waterline shall be constructed through the property, as required by the Department of Public Utilities. The property shall be served by public water. At the time that public sanitary sewer service is available to the property, the owner shall connect to such service.
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.

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- 7. Access: The owner shall provide a cross access easement (but no construction of such access) to GPIN 8705-74-4832 prior to site plan approval. The cross access easement shall be subject to signing a Maintenance Agreement.

The vote was as follows:

Table with 2 columns: Name and Vote. 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 HEARINGS**

**C-35-80(c) AM. 1-13 WEST ENGINEERING CO., INC.,** Requests an amendment to the proffers and conceptual plan approved with rezoning request C-35-80(c), West Engineering Co., Inc., on GPIN 7788-79-7366, zoned M-2(c), Light Industrial District with conditions, consisting of approximately 16.79 acres, and located on the west line of Ashcake Road (State Route 657) approximately 1000 feet north of its intersection with Lewistown Road (State Route 802) in the **ASHLAND MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Commercial and Suburban General (1-4 units per acre). The proposed zoning amendment would permit truck access from Ashcake Road. (PUBLIC HEARING)

Mr. Garman presented this request to permit truck access to Ashcake Road. The property is located on Ashcake Road, and is currently zoned M-2(c) Light Industrial District consisting of approximately 16.79 acres. The property is designated on the General Land Use Plan Map as Commercial and Suburban General. He reviewed the GPIN and Zoning Maps. The property was rezoned in December 1980 and the proffers limited truck access to Lewistown Road only. A Virginia Department of Transportation road project, which includes the construction of a median along Lewistown Road, will eliminate left turns to and from the property. The applicant is proposing a new entrance to Ashcake Road. He reviewed an illustration of the I-95/Lewistown Road Improvements for the interchange, as well as the access to West Engineering and the median.

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Mr. Garman stated that the applicant is proposing an access to the rear of the property to Ashcake Road. To limit the impacts of industrial development on the residential community, the applicant has agreed to maintain the buffers established with the original rezoning: a 15-foot natural buffer along the side property line to the north, and a 50-foot natural buffer along Ashcake Road. The proposed entrance to Ashcake Road does meet sight distance requirements. A left-turn lane warrant analysis was performed for the proposed entrance and it determined that a left-turn lane is not warranted. At the Virginia Department of Transportation's request, the applicant has verified that the Ashcake Road/Lewistown Road intersection is adequate for turning movements made by large trucks.

Mr. Garman advised that staff recommended that the applicant submit a proffer to dedicate right-of-way to VDOT or Hanover County at no cost along Lewistown Road. And that recommendation is supported by the Comprehensive Plan and two transportation policies adopted by the County. Staff recommended denial as submitted but approval subject to the revised proffers as outlined in the staff report.

Ms. Winborne opened the public hearing and asked if the applicants were present.

Mr. Stephen and Mr. Ken West, the applicants, came forward. Mr. West said they bought the property in 1980 and moved into the plant in 1984, and manufacture industrial machinery. He said they were aware of the changes to the Lewistown Bridge and their concern is that the proposed change limits their entrance to right-in and right-out only of their facility, which will be very difficult with their large trucks. He stated that the Virginia Department of Transportation (VDOT) has made a proposal for their land and when they did that they decided it was time to go to the County and express their concerns. He reiterated that they were seeking approval to put a road in so that trucks would be able to get in and out of their property.

Mr. Ken West noted that he was present to answer questions.

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Mr. Scott Courtney, Resource International, stated that in 1980 the Wests purchased the property and they began the rezoning process to M-2 with conditions, and as part of the conditions of approval a statement was included that precluded truck access to Ashcake Road; however, passenger vehicle access to Ashcake Road was allowed and acceptable. So, for the last 30 years the property location and its access to and from I-95 had worked extremely well for the company until now. As Mr. West stated VDOT is in the midst of designing a road widening project of Lewistown Road and as a part of that VDOT has actually come to the Wests to begin negotiations for right-of-way on Lewistown Road for that dedication that the West property needs to dedicate. The off ramp from I-95 as well as Airpark Road are going to be relocated and included in this project is the installation of a concrete median from the new off ramp to the new road and then all the way to Ashcake Road. So, there will be a median there that will actually prevent left turns into West Engineering. It will also prevent employees and trucks from turning left to leave their property and get over to the Airpark Road. In order to do that they will vertically have to go all the way over to the Bass Pro to make their first U turn and go all the way back to Airpark Road. Therefore, the proposed median will be disruptive and detrimental to the operations of West Engineering.

Mr. Courtney reiterated that VDOT has already been to the West family to talk about negotiations for the right-of-way dedication on Lewistown Road. Until this time the West family had no intention of developing the property or installing a connection to Ashcake Road, although it may have been allowed, that was not their purpose. They had no reason to modify the proffers until VDOT knocked on their door. The County is asking the West family to proffer the right-of-way dedication of Lewistown Road at no cost and right now, he could not recommend that the West family include such wording within the proposed proffers. Should that wording be included then they have no opportunity to continue the negotiations with VDOT. On behalf of the West family he has continued to dialog with

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Planning Staff regarding this matter and fully understand that the proposed modification that is being requested is standard language to be included as part of a developer initiated zoning action; however, in this particular case this is something that VDOT has caused to occur.

Mr. Courtney pointed out that the original rezoning allowed passenger vehicle access to Ashcake Road, and the original rezoning case actually allowed more uses than what the applicants are proffering. The West family has begun the zoning amendment proceedings to request that trucks be allowed access to Ashcake Road because of the VDOT project to Lewistown Road. He asked the Commission to allow the West family an opportunity to continue the negotiations with VDO, and to accept the proffers as they have submitted.

Mr. Leadbetter asked how much truck traffic they were talking about with the exception to passenger vehicles on Ashcake road using this new entrance.

Mr. Courtney replied perhaps two to five truck a day.

Mr. Leadbetter asked what times of the day they were talking about.

Mr. Courtney explained approximately between 9:00 a.m. to 3:00 p.m.

Mr. Leadbetter stated that the staff report mentions the potential impacts on wetlands through this area where the new road is going to be built.

Mr. Courtney explained that Public Works had stated that because the area is flat and there is a possibility of wetlands. He advised he and the applicants have actually walked the property and have not identified wetlands at this time.

Mr. Leadbetter acknowledged that the applicants feel comfortable with being able to construct a road in that area as they have evaluated the area and did not find any wetlands.

Mr. Courtney said yes that was correct.

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Mr. Whittaker stated that he and Mr. Bailey visited Mr. West's facility and asked if they were going to keep the existing entrance.

Mr. West answered yes.

Mr. Bailey asked if the properties along this road are in negotiations with VDOT and whether they knew if they are being asked to donate right-of-way or being offered money.

Mr. West stated that the other two lots are owned by developers. He said they have chosen to go to the County and not use the legal aspect as a first option.

Mr. Bailey asked if the service station on the corner would have a right-in/right-out also.

Mr. Courtney replied yes.

Mrs. Peace questioned how long the negotiations with VDOT had been going on before they submitted their application.

Mr. West replied that VDOT approached them in October and they felt that they should talk with their supervisor. So, they met with Mr. Via and Mr. Flagg, Director of Public Works.

Mrs. Peace asked if they have been in active negotiations with VDOT for several months.

Mr. West replied yes.

Mrs. Peace asked if the plan being shown was a VDOT approved plan.

Mr. Garman answered he believed it was.

Mr. Padgett asked Mr. Courtney to explain Aerial Overview 2 map of Lewistown Road Bridge Replacement over I-95.

Mr. Courtney explained the map and the travel route for West Engineering. He said the West family has asked VDOT to reconsider the median; VDOT has not been so inclined. He explained that anybody traveling south on I-95 does not have to get on Ashcake Road; it is only those that want to go north to Ashland via Ashcake Road or back over to the Airpark Road.

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Mr. Padgett asked about a “loop” shown on the map.

Mr. Courtney answered that it is VDOT’s suggestion of a U turn area for trucks.

Mr. Padgett said he imagined they are in negotiations with that property owner to get that big chunk of land to make that loop.

Mr. Courtney advised to his knowledge the land owner does not want that loop on his property.

Mr. Leadbetter asked if he knew whether the easement had been obtained.

Mr. Courtney answered not to his knowledge.

Mr. Padgett said one of the concerns the West family has is that some propane trucks come and they are concerned this U turn might be unsafe and that is one of the reasons why the ultimate road from Ashcake Road is proposed.

Mr. West agreed they are concerned about the trucks making that U turn.

Mr. Padgett stated that New Ashcake Road has a stub road at Sliding Hill and it was his understanding it would connect to Lewistown Road.

Mr. Garman advised it was shown on the Comprehensive Plan but he did not believe that road was ever funded. It is a developer driven road and therefore, he did not believe that road was ever in the six year plan.

Mr. Leadbetter mentioned that on the third page of the staff report, the last two sentences in paragraph three: *In this case, the owner will benefit from the zoning action. There is a reasonable expectation that the benefit will likely lead to increased traffic generated by the property in the future.*

He asked for a clarification as to what traffic specifically they were talking about.

Ms. Winborne said or what the benefit is.

Mr. Garman advised that he assumed the benefit would be with a zoning action there is a benefit to the property owner and to this property owner it does expand the use of this property by

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allowing that traffic to the rear and some additional development potential to the rear of this property as well.

Mr. Leadbetter said this is already zoned M-2 and that is not changing; therefore, he already has the ability to add additional buildings with the existing entrance.

Mr. Garman answered that was correct.

Ms. Winborne asked if anyone wished to speak in opposition to this request.

Ms. Sondra R. Watkins, father Wallace Mason is a resident on Ashcake Road, said she grew up in Hanover but is no longer a resident. She said she is a 30+ year employee of the Hanover County Public School system. She expressed concern with the potential for an increase in traffic and folks not being able to exit their driveway, disruption to the Brown Grove Community, if West Engineering plans to expand.

Mr. Charles Tyler, Lewistown Road resident across from West Engineering, expressed concern with the median going in on Lewistown Road because it will make it even more difficult to get out of his driveway. He expressed concern that widening this road will take even more of his land.

Ms. Winborne closed the public hearing.

Ms. Winborne said this is a difficult case because this is a business that has been located and operating since 1984, and they have no control over VDOT. VDOT's decision to put in that median, and have a right-in/right-out only, is going to cause problems for everyone as well as the applicant. There is nothing the County can do to change VDOT's design for the road and the median. As far as the applicant's request they have heard the Wests concern about safety and they are also concerned with the right-in/ right-out only entrance and there is not a possibility for their own traffic flow to make that left hand turn to get to the Airpark Road reasonably or safely without having to go all the way to Bass Pro Shop to make a U turn which does not seem very pragmatic. The applicants did say there

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will be a very small number of trucks and they are primarily not operating in rush hour time. She understood the citizens' concerns, but the applicants are not changing their zoning and they will continue to have the same land use that they have always had. They have a by-right driveway and their request is to amend part of the proffer regarding the driveway. She said for these reasons she felt it was an opportunity to assist citizens who petition their government.

Ms. Winborne made a **MOTION** to RECOMMEND APPROVAL of C-35-80(c), Am. 1-13, West Engineering Co., Inc. as submitted with the proffers dated January 30, 2014 and the conceptual plan dated January 17, 2014.

Mr. Leadbetter **SECONDED**.

Mrs. Iverson advised she would not be in support of the motion.

The Planning Commission voted **6 to 1 to RECOMMEND APPROVAL OF C-35-80(c), AM. 1-13, WEST ENGINEERING CO., INC SUBJECT TO THE FOLLOWING PROFFERS DATED JANUARY 30, 2014, AND THE CONCEPTUAL PLAN DATED JANUARY 17, 2014:**

1. Conceptual Plan: The entrances and buffers shall be constructed and remain in substantial conformity with the conceptual plan attached, titled, "West Engineering Company, Inc., Rezoning Amendment – Ashcake Road Ingress/Egress Concept Plan," dated January 17, 2014, and prepared by Resource International, Ltd.
2. Dedication of Right-of-Way: The Property Owner agrees to dedicate thirty (30) feet of right-of-way from the centerline of Ashcake Road (State Route 657) for future road widening, free of cost to the County, upon request of the County or VDOT.
3. Use Restrictions: The following M-2, Light Industrial District, uses shall not be permitted:
  - a. Animal hospital
  - b. Automobile, tractor, truck, bus, motorcycle body and fender repair
  - c. Automobile, tractor, truck, bus, motorcycle tire retreading, recapping and vulcanizing
  - d. Coal and wood yards, coke storage and sales
  - e. Grain storage
  - f. Greenhouses, commercial, wholesale or retail
  - g. Kennels, boarding or otherwise
  - h. Poultry packing and slaughtering (wholesale)

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- i. Railroad switching yard, primarily for railroad service in the district, team tracks and spur tracks
- j. Vehicle storage area (not parking garages), including the storage of empty trailers

The vote was as follows:

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

The motion carried.

**C-15-13(c) HANOVER LAND, L.L.C. (HANKY, L.L.C.),** Requests to rezone from A-1, Agricultural District to RS(c), Single-Family Residential District with conditions, on GPIN 8724-37-8172, consisting of approximately 17.71 acres, and located at the terminus of Adams Farm Road (State Route 830) approximately 0.42 miles south of its intersection with Mechanicsville Turnpike (U.S. Route 360) in the **MECHANICSVILLE 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 forty-nine (49) building lots for a gross density of 2.8 units per acre. (PUBLIC HEARING)

Mr. Garman presented this request to rezone from A-1, Agricultural District to RS(c) with conditions to create 49 building lots. It is located at the terminus of Adams Farm Road south of its intersection with Mechanicsville Turnpike. The Land Use designation is Suburban General which is a 1 to 4 residential density. He reviewed the GPIN and Zoning Maps.

Mr. Garman stated that the applicant is proposing 49 single-family lots with the gross density of 2.8 units per acre. The conceptual plan addresses the open space requirements of the RS ordinance and the strategies outlined in the Comprehensive Plan. A variety of elevations have been submitted as part of the conceptual plan, which shows a diverse use of materials and architectural styles. He reviewed the submitted Conceptual Plan. Primary access is through Adams Farm Road, and there is a connection to an existing stub road to Bunker Hill Drive to Lexington Drive and two stub roads in the

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event future development may occur on the adjoining properties. He reviewed some of the architectural elevations submitted.

Mr. Garman noted that Public Works has said this development will not be allowed to increase runoff to the surrounding neighborhoods. There was a Community Meeting held January 7, 2014, and the primary issues raised at the meeting pertained to the condition of Adams Farm Road, including its narrowness and quality; the potential for speeding by new residents; and comments regarding the additional stormwater problems for residents along the road. The Proffers submitted include road improvement contributions; asphalt paving of Adams Farm Road up to where Lowe's left off with their development. If a cemetery is discovered during the development of the property they will relocate it in accordance with the Department of Historic Resources procedures. Staff recommended approval subject to the submitted conceptual plan and proffers.

Ms. Winborne opened the public hearing and asked if the applicant wished to make a presentation.

Mr. Dan Caskie, Engineer from The Bay Companies, stated that the developers Jay and Mike Hanky were present as well. The proposal is for a walkable community with connected common areas. There is a large "pocket park" in the middle which is unusual to see in a development of this size and everything is connected either through sidewalks or trails. During the neighborhood meeting there were drainage concerns expressed by some of the adjacent owners. He said it is their intent to intercept all of the water on their site and "pipe it" to the stormwater basin that they have planned. It will be a dry pond. The water will be piped to an existing public storm system located in the Liberty Hall Hills community and then "hard-piped" over to Creighton Parkway. The surrounding properties will not see an increase in water flow from this site. They expect that most of their traffic will access through Adams Farm Road; however, because of the stub that was planned in Liberty Hall Hills, the

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Virginia Department of Transportation is requiring them to tie into that; Mr. Butler from VDOT was very clear in their meeting about this. The water line will be extended up Adams Farm Road so at some point if the adjacent owners along Adams Farm Road wish to tie into that water line they will have that opportunity. They will overlay the pavement on Adams Farm Road basically all the tar and gravel will be covered with standard 1.5 inches to 2 inches of asphalt. That road will be “dressed up” all the way from where Lowe’s left it into our site. VDOT has reviewed this application and they have not given us any indication they want Adams Farm widened or anything of that nature, so, the intent is just to do an overlay.

Mr. Whittaker regarding the road asked if they plan to widen the road to the same width as Lowe’s left it, and then come all the way to the back of Adams Farm Road or if they plan to just overlay what already exists there.

Mr. Caskie answered that it is their intent to overlay what already exists which is approximately 18-feet or so of pavement but it will be a consistent section as they overlay.

Mr. Whittaker advised that during the community meetings folks were concerned either if the road is too wide people will speed down the road and if it is kept narrow it slows down the speed but not be an adequate width to serve the traffic.

Mr. Caskie said that was a good point as one of VDOT’s methods for traffic calming is to actually have narrow roads, and as the roads get wider people tend to drive faster.

Ms. Winborne asked if there was anyone who wished to speak in favor of this request.

Mr. Leroy Crowder, Adams Farm Road resident, said he did not mind the development but he wanted them to do it done right. He expressed concern that the density is too high for that area, and he believed the road should be at least 20-feet wide. He expressed concern with folks having to make a U turn on Mechanicsville Turnpike.

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Ms. Winborne asked if anyone wished to speak in opposition.

Mr. Peyton Rohdon, Lexington Drive resident (across from Bunker Hill Drive) expressed concern with the cemetery. He said there are people present tonight and people in Liberty Hall Hills Subdivision that cleaned the cemetery and maintained it. He said there is a cemetery there with at least a dozen graves marked with stones and markers. He said someone loaded them all in a truck and hauled them away and plowed over the ground. But there are graves still there and they can be found with an electronic device that detects holes in the ground and he is going to work to see if he can find the ancestors of who is buried there. The Liberty Hall House was used as a hospital and headquarters during the Civil War, which was torn down by the owner in 1931. The Hanover Historical Society is trying to identify the exact spot so they can have a GPS location for it, and the graveyards are not that far from that house and there is considerable land where the cemetery can be located. He expressed concern with people using Lexington Drive, which is a nice improved street, and with more people having to make a U turn on Mechanicsville Turnpike.

Mr. Donnie Farmer, Lexington Drive resident, expressed concern with the density of the project and more people trying to make a U turn on Mechanicsville Turnpike. He expressed concern with the drainage pond leaking and seeping into wells. He said regarding the applicant's presentation and pumping water up to the storm drain that is over by Westhaven Lake, which is in front of his house, and he expressed concern with them disrupting his personal property, electrical lines, and water lines without tearing up his property. He expressed concerns that the roads are not wide enough and the children will not be able to ride their bikes and folks will not be able to walk due to increased traffic.

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Mr. Dan Widner, Bunker Hill Drive resident, stated that he had sent an e-mail with written comments (filed with case file). He expressed concern with the increase in traffic, safety, the entrance on Bunker Hill Drive, more traffic having to make a U turn on Mechanicsville Turnpike, and runoff getting into the ground water as he has a well.

Ms. Winborne told Mr. Widner that his comments had been distributed to the Commission this evening.

Mr. James Wilson, Lexington Drive resident, said he has lived there since 1971 and the whole neighborhood has had water problems in the front and rear yards because the roads were elevated higher than the building lots. He said the County did run a drainage ditch to Westhaven Lake and that has worked but they still have a water problem. He expressed concern with more people making a U turn on Mechanicsville Turnpike.

Mr. Dewey Collins said he lives on the corner of Lexington and Bunker Hill Drives. He said Bunker Hill is his driveway. He expressed concern with the density of this project, the possibility of devalue of property, the school buses turning around on Bunker Hill Drive, and having construction traffic while development is being done.

Mr. Charles Leisure, resident of the area, said the new houses will be built next to his field where his children play. He stated that his field tends to take on all the water runoff from that property where the proposed development is going. He expressed concern with the traffic increase on Bunker Hill Drive, and how that will affect his children when riding their bikes.

Mr. Donnie Farmer, Lexington Drive resident, said he has a culvert pipe in his front yard that the applicant is talking about pumping water to and it already gets  $\frac{1}{2}$  to  $\frac{3}{4}$  full from a normal rain. He expressed concern with his drainage fields, and his gutters being disturbed with this project. He expressed concern with their existing water problems and the applicant's intention to pump additional

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water into his neighborhood, and on his lot. He asked if this was being approved tonight and if so, who would be responsible if more water runs onto his property.

Ms. Winborne replied if the Commission felt comfortable in making a recommendation tonight to the Board of Supervisors they would.

Mr. Caskie said regarding the drainage. There is a pipe that will not actually pump water, but will be a gravity storm system. There is a hard pipe from Lexington Drive to Creighton Parkway, which crosses Creighton Road and ultimately goes to Westhaven Lake. That pipe system was designed for everything up stream of it and all of the area up stream was allocated a certain amount of flow in that pipe.

Mr. Farmer, from the audience, said the pipe was put in because their neighborhood had no future plans on it.

Mr. Caskie continued by saying the pipe was designed for all the drainage and it was allocated, and there is a good line of documentation of that, a number of different engineers (except them) worked on that. Part of their site drains into what was planned into that drainage pipe. Their intent is to detain all of their drainage in the pond and meter it out at a slower rate. The gentleman that is adjacent to their pond that is getting flow coming across this property will actually see that flow decrease because it will be intercepted and put into their pond and gravity flow it via pipe through the VDOT right-of-way and connect to the existing storm system that goes down to Creighton Parkway. The system was designed for this and it is a public system. All of the pipe installations will be done within the public-right-of-way. He stated that if there are private improvements in the right-of-way they will obviously fix them if they get disturbed.

Mr. Caskie stated that the 18-foot road that is Adams Farm Road is a standard VDOT road. VDOT has not asked for any widening so they are committed to doing the overlay with asphalt. They

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are aware there is a cemetery, and they have submitted a proffer concerning this. He said hopefully, the cemetery is found before they go to the Board. Regarding the concerns with devaluing of property the new houses will be priced in the upper \$200s to the mid \$300s. Regarding the U turn concerns, there appears to be an assumption that everyone is going to be making U turns to head west toward Richmond every day and not east towards those businesses or to Tappahannock. In any case it is not uncommon for any neighborhood to be making a U turns to head in the opposite direction.

Mr. Caskie reiterated that the tie-in to Bunker Hill Drive is mandatory by VDOT. In subdivisions like this that have been around for a while when a road stubs like that the intent is to extend. VDOT encourages interconnectivity and they are requiring them to do that. Regarding the runoff and sediment concerns they will abide by the Virginia Erosion and Sediment manual and they will use silt fences, mulch and seed with permanent seeding. Everything during construction will drain to the pond and it will be a temporary sediment basin at that point and will be converted to a permanent basin once a majority of the site is stabilized.

Mr. Whittaker advised that VDOT did look at this project and did not make comments for improvements to Adams Farm Road. His belief is the narrower the road the slower cars will go. Bunker Hill Drive is a stub road and if the minimum number of houses were constructed they would still have to use the stub road. Regarding storm drains by law the applicant cannot contribute any more water on the other residents' property than is already there. He has visited this whole area several times and talked with people who are knowledgeable with water issues, and he felt that after this project is done there will be less water on the properties than it is now. Regarding the gentleman concerned because of his farm being next to the property there will be silt fencing around this project and maybe they can work something out if he does not like looking at the pond. He and Mr. Hanky

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have been in long conversations regarding the cemetery. If any graves are found they will be moved professionally to another place, and that has been proffered by the applicant.

Mr. Jay Hanky, one of the applicants asked to speak.

Ms. Winborne invited him to speak.

Mr. Hankey said regarding the cemetery the information they have gathered about this has been piecemealed from comments that were made and they are finding out as much as they can. They had talked to Mr. Wilson yesterday about where he thought the cemetery location was. So, it will either be moved or they will re-adjust the common area or create a new common area so that wherever they find the cemetery it will not be disturbed. He said that is the intent and that is important to them. He added that if any of the neighbors wished to speak to him after the meeting, he would be happy to speak with them regarding their concerns.

Mr. Crowder stated that he had been to several subdivisions looking at their roads and Dogwood Knoll has a 20+ foot wide road, and the road coming out of Compass Point is very wide. He said and the applicants are talking about 18 feet. He said Adams Farm Road needs to be wider so the fire trucks, Sheriff Department and everybody can get down the road.

Ms. Winborne closed the public hearing.

Mrs. Peace asked Mr. Garman to elaborate on the access road into Bunker Hill and what the VDOT requirements are for access. She asked if the access is dependent upon the number of lots or what it is dependent on.

Mr. Garman advised that the applicants met with VDOT and staff, VDOT did require the interconnection if these roads were to be accepted into the State system. The County policy and the Commission's policy is if there is 50+ lots there has to be a second means of access, even if they were

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private roads but in this instance VDOT did make the requirement. He was not sure what their policy is based on for requirement to connect to a stub road.

Mrs. Peace asked if anyone knew what VDOT's policy is regarding stub road connection.

Mr. Walter said the policy may have been "tweaked" a little since it was implemented a few years ago, but the policy that was adopted when they did the secondary street acceptance regulations, when they modified them, was if there are stub roads when subdivisions come through they are to interconnect and it used to be if the County did not require interconnection at some point VDOT would and take funds allocated to the County to complete those interconnections. For roads that VDOT considers stub roads for interconnection, if they are not connected they will not be accepted into the State system.

Mr. Padgett asked what the permissible density is for RS.

Mr. Garman answered that the permissible density is 1- 4 units per acre.

Mr. Padgett said this request is for 2.8 units per acre. He asked if there will be an opportunity to question the 49 units later on or if they could suggest fewer units.

Mr. Garman advised that the Commission could recommend that the number of units be decreased, and that would require a change to the conceptual plan.

Mr. Padgett said the fact that VDOT does not require a wider road does not mean that the applicant could not build the road wider if they want to.

Mr. Garman said correct but the road will have to meet VDOT standards.

Mr. Padgett noted that there is a "pocket park" shown and he assumed there will be a requirement for a Homeowners Association.

Mr. Garman said yes, that is a requirement of the Ordinance.

Ms. Winborne asked what the width of the road at Mechanicsville Turnpike and Lowe's was.

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Mr. Whittaker said he did not know but he thought Mr. Crowder would know.

Mr. Crowder said 24 feet.

Mr. Walter said regarding the question Mr. Padgett raised with respect to the density, the RS District along with some of the other districts provides that the conceptual plan that is submitted as part of a zoning application can serve as the preliminary subdivision plat. It was his understanding from staff that the applicant would like for the conceptual plan to serve as the preliminary subdivision plat. Therefore, if the Commission recommends approval in essence they are approving the preliminary subdivision plat. Mr. Padgett's question was if the 49 units could be questioned later on, the answer is no. If it is approved by the Board without any changes the applicant would not need to come back for a preliminary subdivision plat approval.

Ms. Winborne thanked Mr. Walter.

Mr. Whittaker stated that the County has had a Comprehensive Plan since 1987, and along with that is the Suburban Service Area. This property falls within the Suburban Service Area and that is where every taxpayer in Hanover County has a vested interest. The property rezoning is 1-4 units per acre, and the applicant has asked for 2.8 units per acre. When he first looked at the project he was excited about it because the density is a lot less than it can be. Most people are trying to get every lot they can out of a development right now, but these developers did not do that.

Mr. Whittaker made a **MOTION** to recommend approval of C-15-13(c), Hanover Land, L.L.C. (Hanky, L.L.C.) subject to the submitted proffers dated January 29, 2014, and conceptual plan and elevations dated October 30, 2013, and revised January 14, 2014.

Ms. Winborne asked if the road width for 24-feet was part of his motion.

Mr. Whittaker replied no.

Mr. Bailey **SECONDED**.

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Mr. Padgett offered a friendly amendment that Adams Farm Road be widened to 24-feet all the way to Lowe's.

Mr. Whittaker accepted the amendment.

Mr. Bailey agreed.

Mrs. Peace stated that she wished to make the caveat that whatever the road width it will not be within the existing VDOT right-of-way, so the applicant would not be getting into right-of-way acquisition.

Mr. Garman added that the appropriate drainage on both sides of the road would have to be ensured as well.

Ms. Winborne asked Mr. Caskie if he knew if making the road width 24-feet is within the VDOT right-of-way.

Mr. Caskie stated he did not know. As staff has indicated there is drainage and ditches that has to be taken into account and things like that. He said it may be of interest to the Commission to know the way VDOT determines our internal roads. The internal roads that they have are actually 34-feet (not 36 feet) face-a-curb to face-a-curb and they have curb and gutter which the other roads do not. The way the curb and gutter is set up on 30-feet of pavement is it has two 9-foot lanes going in either direction and they allow for 8-foot parking on either side. The 18-foot plus the 16-foot is the 34-feet that they have. So, the 18-foot is a standard width and that is where the shoulder comes in to play with ditch section roads. The 18-foot is a standard width and it can handle the traffic. In making the width wider people will tend to drive faster down the road.

Mr. Caskie said he did not know if they could commit to a 24-foot width because they do not know if it would be within the VDDOT right-of-way. He said they would prefer to the

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recommendation as submitted by the applicant and they would be glad to take a look at it before the Board meeting.

Mr. Whittaker acknowledged that the applicants would be willing to take a look at widening the road before the Board meeting.

Mr. Caskie said absolutely.

Mr. Crowder was speaking from the audience.

Ms. Winborne reminded him that they were in the middle of a motion.

Mr. Crowder said they gave the road to the State years ago. He asked that they make the motion for 20-feet, not 24-feet.

Ms. Winborne asked Mr. Walter if the motion could state that the road width be 20-feet if it is within the VDOT right-of-way.

Mr. Walter said the Commission could recommend denial as submitted but approval subject to the addition of a proffer that the applicant will widen the road to whatever width the Commission agrees on, provided that expansion does not require the applicant to acquire offsite right-of-way.

Mr. Winborne asked if the Commission members were okay with that motion.

All members were in agreement.

There was general discussion regarding who made the motion. Mr. Walter said this could be a replacement motion as long as all members agreed.

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Upon a motion by Ms. Winborne, seconded by Mrs. Peace, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND DENIAL AS SUBMITTED BUT RECOMMENDED APPROVAL OF C-15-13(c), HANOVER LAND, L.L.C. (HANKY, L.L.C.) SUBJECT TO THE ADDITION OF A PROFFER REQUIRING THE APPLICANT TO EXPAND THE ROAD WIDTH TO 20-FEET AS LONG AS THE APPLICANT IS NOT REQUIRED TO ACQUIRE OFFSITE RIGHT-OF-WAY FOR EITHER PAVEMENT OR PERTINENT DRAINAGE FACILITIES.**

1. Contribution to Road Improvements: 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.
2. Road Paving: Adams Farm Road (State Route 830) shall be overlaid with asphalt in accordance with VDOT requirements and specifications from a point approximately 850 feet south of route 360 to tie in with new subdivision road. The paving shall be bonded as a subdivision improvement.
3. Cemetery Removal or Relocation: Should a grave or cemetery be discovered, and should the location of the grave or cemetery be in conflict with the conceptual plan and necessary infrastructure such as roads, drainage, and utilities, the grave or cemetery shall be relocated in accordance with procedures required by Virginia burial law. The property owner shall be responsible for all costs and expenses associated with the cemetery removal or relocation.

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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### **Miscellaneous**

#### **Discussion of the CIP Meeting**

Ms. Winborne stated that she and Mr. Leadbetter asked Mr. Maloney to suggest to the Department Heads that they come prepared this year from their requests from last year and in an accounting of how and if any of the money that was appropriated last year was spent before giving us their new funding requests. We have also asked them to bring copies for the Commission. She asked Mrs. Gray if she knew what department each of the Commission Members reviewed last year.

Mrs. Gray answered no not unless each member acknowledged what department they had reviewed.

Ms. Winborne asked Mrs. Gray to check and send her an e-mail regarding this and then she would let the Commission Members know. She advised that she and Mr. Leadbetter met with the schools last week.

#### **Article Written by Mr. Chandler**

Ms. Winborne mentioned the article that Mr. Padgett had given each of them.

Mr. Padgett acknowledged that it was an interview with Mr. Mike Chandler in early 2007 after the last Comprehensive Plan was adopted, and it seemed like it could have been an article written after the 2013 Comprehensive Plan update.

#### **Citizens' Time (Continued)**

Ms. Winborne reminded the Commission and audience that she had invited those that did not get the chance to speak during citizens' time they could speak at the end of the public hearings.

Mr. Russell Davis, Mechanicsville District resident, expressed concern with density of the proposed project. He and his wife are members of the Chesapeake Bay Foundation, and that the Foundation is always trying to find places to improve the conditions of streams that run into the Bay.

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He expressed concern that the developers of this project are trying to push this through before the new State Regulations come into effect.

Mr. Wayne Varnier, Mechanicsville District resident, said he had spoken earlier and wished to hand out a letter of information to each of the Commission members.

Mr. Cecil Ligon, Mechanicsville District resident, read a letter from Mr. Arnold Farber (filed in case file) a Mechanicsville District resident, who asked for the project to be revised based on five major issues: density, wetlands destruction, safe exits and entrances for the project, traffic safety concerns, and limiting the commercial property at the intersection of Pole Green and Bell Creek Roads to B-1 zoning only.

Ms. Winborne asked if anyone else wished to speak. No one spoke.

Mr. Leadbetter announced that he would not be present for the CIP meeting due to a future obligation. But he would study his portion and provide questions to the Chairman.

Mr. Padgett asked if the regular March meeting could accommodate the CIP presentation and public hearing.

Mr. Garman advised that the Bell Creek Road and Pole Green Road project request is tentatively scheduled to be on the March agenda.

### **ADJOURNMENT**

The Chairman announced that the next meeting is scheduled for March 13, 2014, at 7:00 p.m. for the Capital Improvement Program, with the regularly scheduled meeting on March 20, 2014. There being no further business Madam Chairman adjourned the meeting at 9:35 P.M.