

# Hanover County, Virginia

## Land Use Map

### Legend

-  Agricultural
-  Rural Village
-  Suburban Transitional
-  Suburban General
-  Suburban High
-  Multi-Family
-  Commercial
-  Multi-Use
-  Mixed-Use (LC/HR)
-  Mixed-Use (HC/LR)
-  Business-Industrial
-  Industrial
-  Limited Industrial
-  Planned Business
-  Destination Commerce
-  Flood Plain

### C-2-15

Baldwin Family Limited  
Partnership, et al.

Rezone A-1 to M-2

Limited Industrial & Destination  
Commerce Land Use

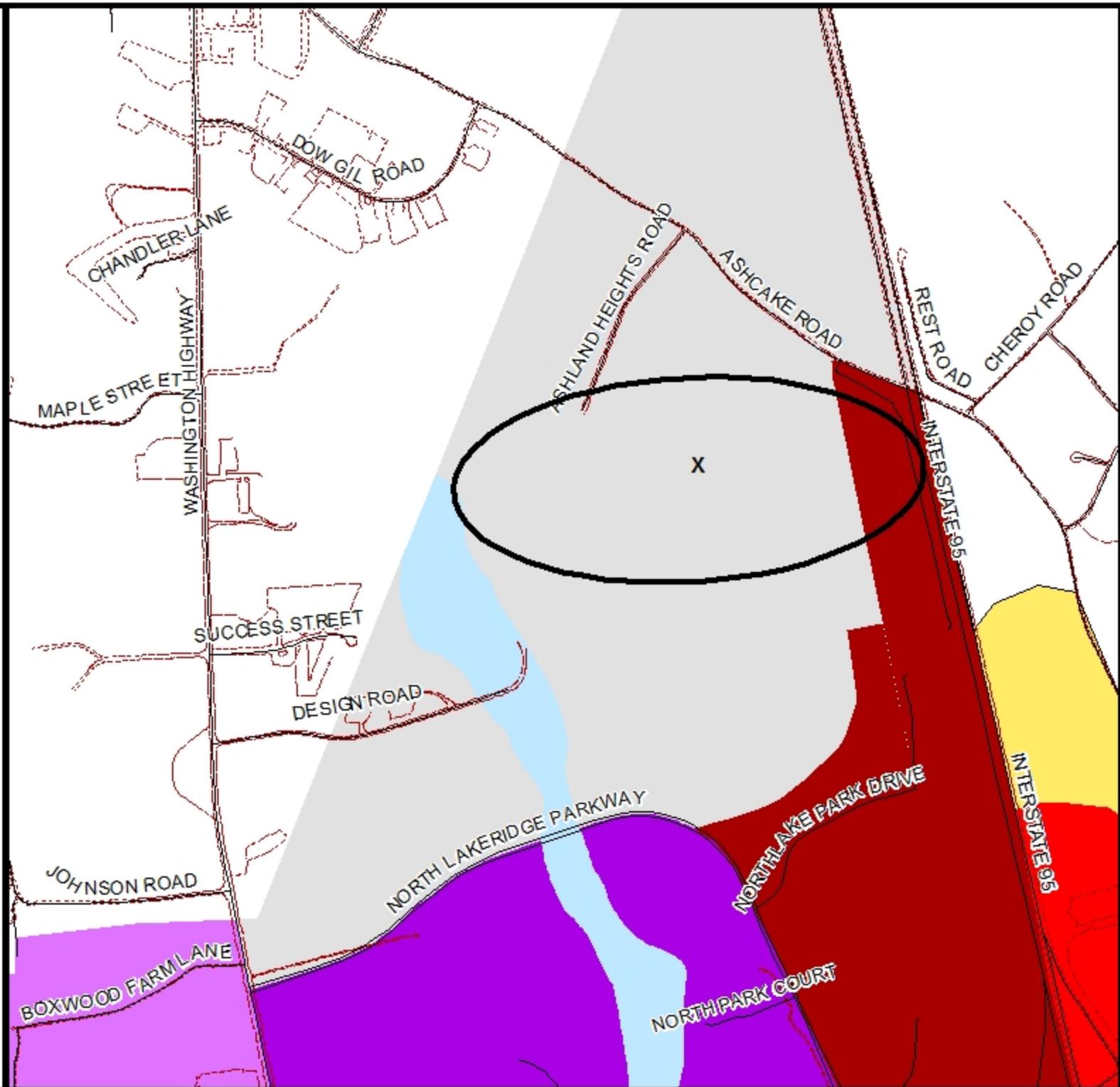
OPIN's: 7789-42-6349; 7789-22-7554 et al.

Ashland Magisterial District



1 inch = 1,000 feet

January 06, 2015



**Hanover County,  
Virginia**

**General Parcel Map**

**Legend**

- Roads
- Water
- Trees
- - - Private Road
- Structures
- Parcels

**C-2-15**

Baldwin Family Limited  
Partnership, et al.

Rezone A-1 to M-2

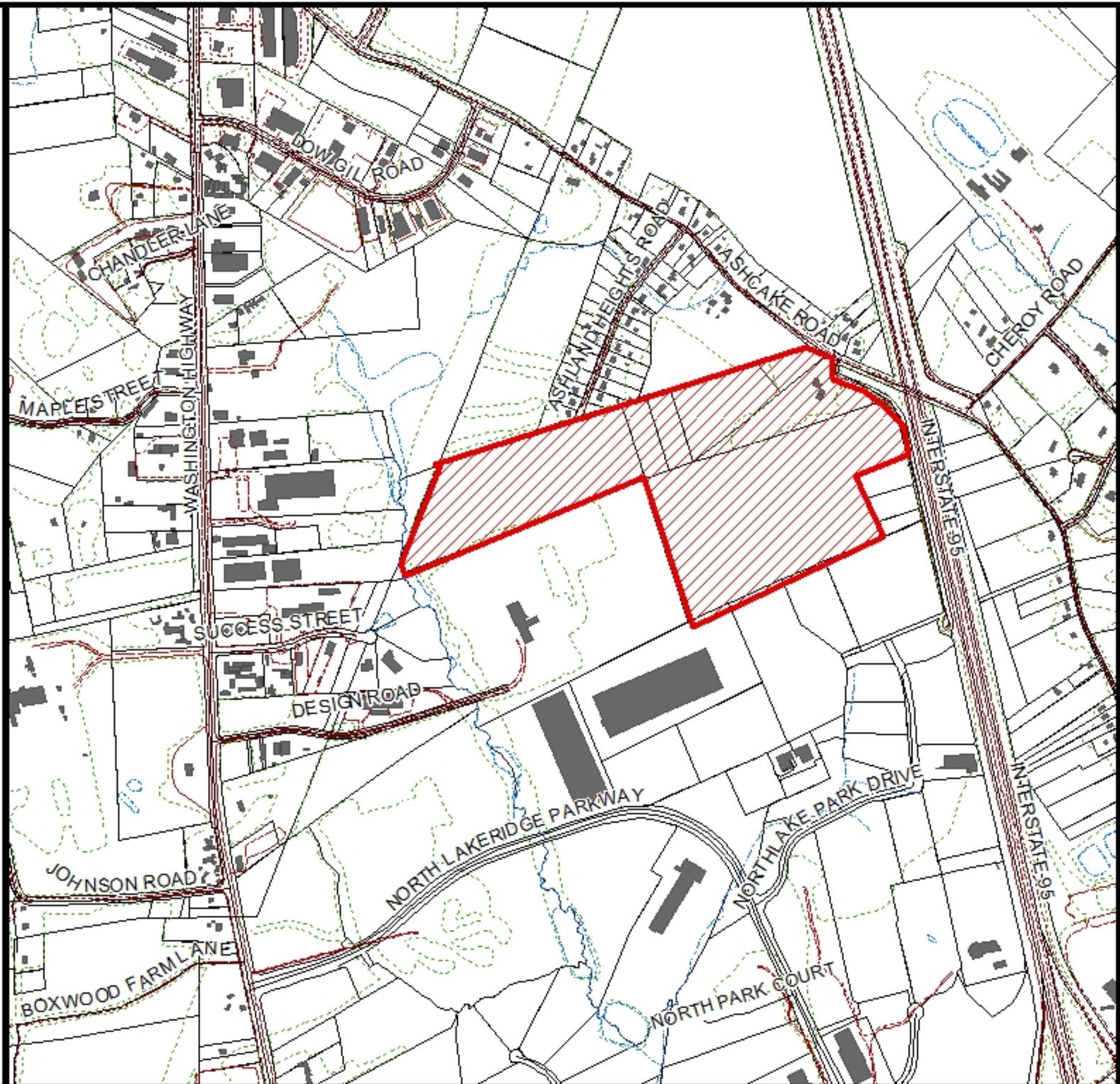
GRIN's: 7789-42-6349; 7789-22-7554 et al.

Ashland Magisterial District



1 inch = 1,000 feet

January 06, 2015



# Hanover County, Virginia

## Zoning Map

### Legend

— Roads	 R-4
- - - Water	 R-5
- - - Private Road	 R-6
▭ Parcels	 RM
 CUP	 MX
 A-1	 B-1
 AR-1	 B-2
 AR-2	 B-3
 AR-6	 O-S
 RC	 B-0
 RS	 M-1
 R-1	 M-2
 R-2	 M-3
 R-3	

### C-2-15

Baldwin Family Limited Partnership, et al.

Rezone A-1 to M-2

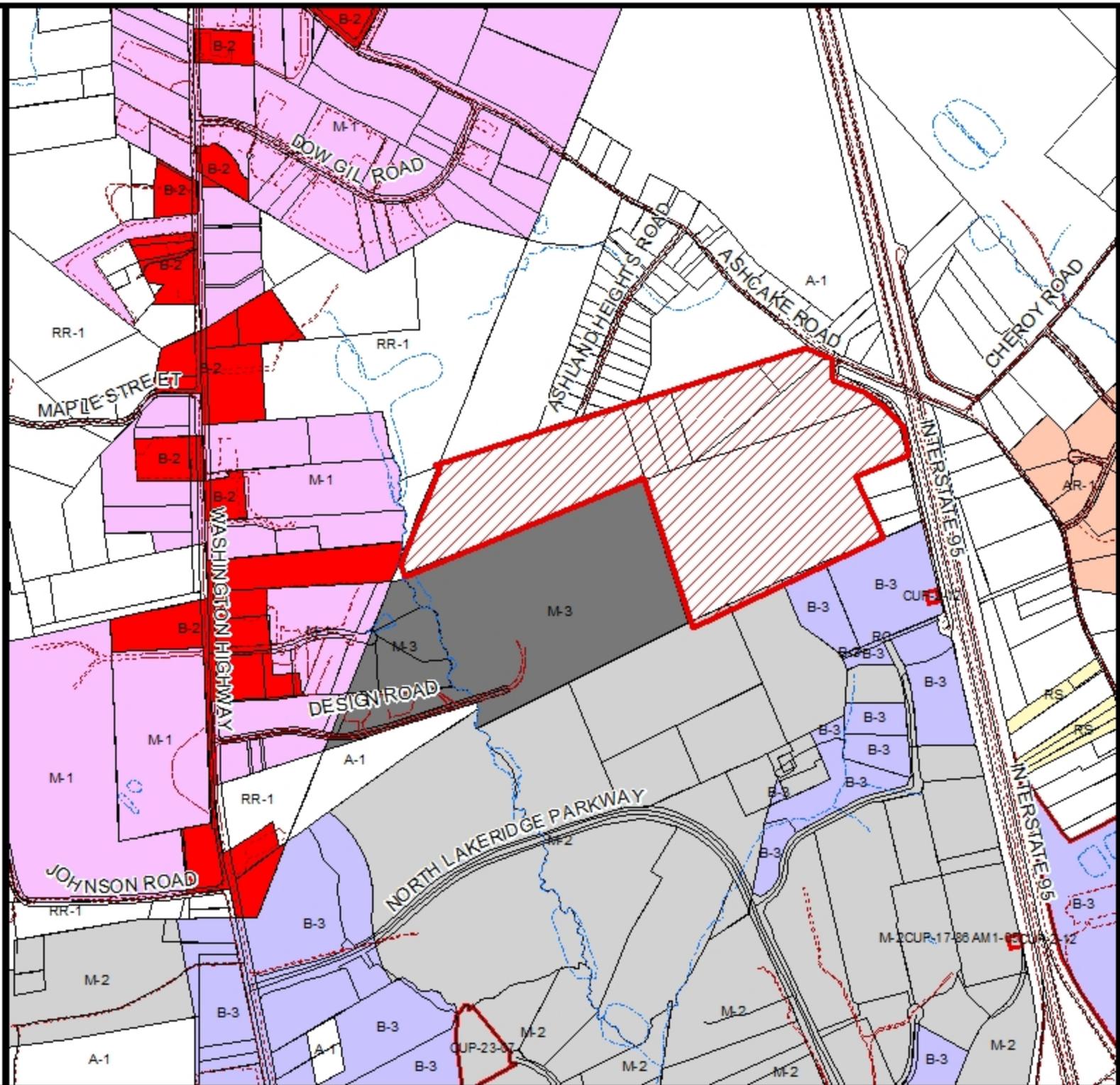
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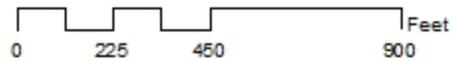
Ashland Magisterial District



1 inch = 1,000 feet

January 06, 2015





# C-2-15(c), BALDWIN FAMILY LIMITED PARTNERSHIP, ET AL.

Industrial Rezoning Report  
Ashland Magisterial District  
PC Meeting Date: March 19, 2015



## Overview

Current Zoning	A-1, Agricultural District
Requested Zoning	M-2(c), Light Industrial District with conditions
Acreage	95.93
Location	Generally on the south line of Ashcake Road (State Route 657) at its intersection with Long Road (State Route 95)
GPINs	7789-32-7910, 7789-32-8994, 7789-43-2172, 7789-22-7554, 7789-43-8140, 7789-43-7491 and 7789-42-6349
General Land Use Plan	Limited Industrial and Destination Commerce
Major Thoroughfare Plan	Ashcake Road is shown as a Minor Collector road w/60' ROW
Suburban Service Area	Inside
Case Planner	Claudia Cheely

## Executive Summary

The applicants compiled these properties for investment purposes and have had them enrolled in the County's land use taxation program. However, with the recent changes to the State Code regarding land use taxation, the applicants now wish to rezone their property from A-1, Agricultural District, to M-2(c), Light Industrial District with conditions, so that the property can be actively marketed, which the County's Economic Development Department supports. After zoning, this property could remain in land use until a change in use occurs. This zoning request is speculative and no specific layout is proposed. The applicants envision that this property will be developed in the future for commercial uses such as hotel/motel, office or industrial uses. Access points have been identified on the conceptual plan, and part of that consideration includes a required connector road between North Lakeridge Parkway and Ashcake Road. The applicants have provided proffers to address the speculative nature of this proposal, as well as roadway improvements, including provision of the connector road.

## Staff Recommendation

**APPROVAL** subject to the submitted proffers, dated March 5, 2015, and conceptual plan, titled, "Baldwin and Downing-Gillman Properties, Hanover County, Exhibit A," dated January 2, 2015, and revised February 26, 2015.

## Planning Analysis

Pursuant to recent changes in the State Code and the subsequent changes to the Hanover County Ordinance, the owners of the subject property are requesting rezoning so that the property can be actively marketed, while still being enrolled in the County's land use taxation program. When the property is developed and the use changes, the property would no longer be eligible for enrollment in the program, and roll back taxes would then be due. The roll back tax that was imposed previously with a rezoning action inhibited property owners from being able to rezone for marketing purposes. This change in the land use taxation code will assist the Economic Development Department, which seeks available zoned property to market to potential commercial and industrial users seeking a location within the County.

To address this issue, the applicants have provided Proffer No. 3, which incorporates the provisions of Hanover County Code, Section 22-17.1(a), which allows land use taxation to continue until such time as the land is developed for certain land use categories: Manufacturing, transportation and warehousing, professional, scientific and technical services, hotels and motels, and professional offices.

Prior to taking action on this request, the Board will need to make a finding that all proposed uses fit within the categories described above. For informational purposes, a copy of Section 22.1-17(a) is attached.

### *Comprehensive Plan*

This request achieves the following objectives of the Comprehensive Plan:

- Contributes to compact and contiguous development that maximizes the efficient use of public facilities;
- Contributes to a viable business/employment center that attracts and retains businesses;
- Contributes to a diverse local economy that provides and expanding tax base and employment opportunities for Hanover citizens.

### *Compatibility with Surrounding Area*

With the exception of existing residential development in the Ashland Heights Subdivision and a few other frontage lots located on Ashcake Road between Interstate 95 and Dow-Gil Road, the area around the subject site is in industrial land use and/or is shown for that on the General Land Use Plan Map. In addition, most of the developed property from the area around Dow-Gil Road to Route 1 is zoned M-1 or B-2. South of the subject property, parcels are zoned M-2, M-3 and B-3.

The property is mostly shown for Limited Industrial, but does have a small area of Destination Commerce land use designation, so could potentially be developed for uses that are similar to others along Interstate 95 in the Northlake Industrial Park. The types of uses envisioned for this site exist or are planned for the area south of the property in Northlake Industrial Park. The properties on the north line of Ashcake Road are also shown for Light Industrial use. With the increased buffer and fencing to be provided to Ashland Heights Subdivision and only one point of access to Ashcake Road as

as proffered by the applicants, staff expects that the use of this property once developed will not have significant impact on the existing residential community.

### *Conceptual Plan*

The conceptual plan submitted is speculative, so does not include a development layout. However, it does show all the subject properties and the possible points of access. The only property frontage providing access to a state road is along Long Road at its intersection with Ashcake Road. The plan also shows a 60' access easement connecting Design Road to the subject property for one possible point of access. There are also possible access points through other adjacent parcels, including one at the north crossing the Harris property to Ashcake Road, and the other is at the south east end of the site, which would cross Northlake property to connect to Harley Club Lane. Finally, the conceptual plan shows the location of the proffered 40' buffer next to the Ashland Heights subdivision.

While this request is speculative, the subject property is within the Suburban Service Area, so any future development will initiate all site plan requirements when development plans are submitted, as well as the requirements of all development review agencies, including Public Works, Public Utilities and VDOT. When the Property is to be developed, the site plan(s) will have to address all County, State and federal requirements. At this time, the developer will also have to identify the location of the connector road between Ashcake Road and North Lakeridge Parkway.

### *Elevations*

No elevations have been provided. However, proffers have been submitted that provide for quality building materials, for architectural details that will improve the appearance of the future structures and for mechanical equipment screening. The Director of Planning will review all elevations during site plan to determine whether the structures meet the proffered standards. It is anticipated that the character of the site will be similar to the Northlake Development.

### *Transportation*

It was agreed among the applicants, staff and their representatives that the potential uses of the subject property would trigger the need for a traffic impact analysis (TIA). The applicants have proffered to conduct this study prior to the first site plan approval. Proffer No. 5 establishes when the study must be done, and that it include a master plan depicting the internal circulation. The study shall also include a phasing plan for the installation of the improvements, and in no case shall the level of service for the roads evaluated in the TIA fall below LOS D in any phase of development. The Owners shall install all recommended road improvements and traffic control improvements as recommended in the TIA, which shall be designed and constructed to VDOT standards and specifications. The applicants have also proffered that Ashland Heights Road shall not be used for access to this property, and that the applicant request a "No Thru-Traffic" sign at that road's access to Ashcake Road.

The proffers do set the access points at those locations shown on the conceptual plan, and dedication of 50' of right-of-way shall be provided to the County or VDOT along Ashcake Road.

## *Community Meeting*

The applicants held a community meeting on March 16, 2015. The issues raised at the meeting included the following:

- Ashland Heights Subdivision has a stub road that could provide access to the subject property. The residents of that subdivision were adamantly opposed to that connection being made as they did not want commercial traffic using their subdivision road;
- The residents of Ashland Heights Subdivision requested an increased buffer where their subdivision is adjacent to this future development. They also requested vegetation that discourages trespassing;
- The meeting attendees did not think Ashcake Road in this area was adequate for truck traffic;
- The meeting attendees were not comfortable with the speculative zoning; they wanted to know what was going to happen prior to zoning approval;
- The meeting attendees requested that the developers place a sign at the entrance to Ashland Heights that indicated that their subdivision road had “no outlet”.

The applicants have provided proffers to address most of the citizen concerns, including the buffer, vegetation or a six-foot fence to discourage pedestrians trespassing into Ashland Heights, access and that they will initiate the process with VDOT to place and construct a sign at the entrance to the Ashland Heights subdivision that indicates “No-Thru-traffic”. The conceptual plan shows all possible points of access, which does not include a connection to Ashland Heights Road.

## **Agency Analysis**

There were no substantive comments from the reviewing agencies. Since a conceptual plan has not been provided or a user identified, all federal, State and local regulations will be required to be met when plans of development are submitted for site plan review.

The Historical Commission did state that the historic home on the property will definitely be impacted as its removal will occur when the site is developed. They recommended that staff negotiate the usual proffer language regarding on-site historic structures: 1) that the structure be offered for relocation off-site; 2) if not relocated, then professionally salvaged for its historic materials; and 3) that staff be allowed to document the home prior to its salvage and demolition.

## **Proffers**

Staff recommends approval of the submitted proffers, submitted on March 5, 2015. A summary of the proposed proffers is provided below:

1. Utilities – Public water and sewer will be provided.
2. Utility Lines – New utility lines will be installed underground; existing transmission lines are excluded from this requirement.

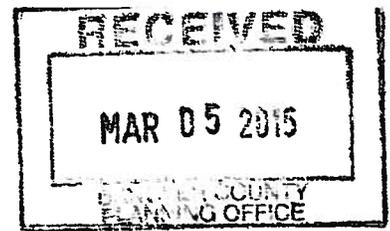
3. Uses – Only uses in the categories listed in Section 22-17.1(a) are permitted, including Special Exception and Conditional Use Permits listed under the zoning district regulations.
4. Architectural Treatment – The applicant has proffered quality building materials, for architectural details that will improve the appearance of the future structures and for mechanical equipment screening. The Director of Planning will review all elevations during site plan to determine whether the structures meet the proffered standards.
5. Transportation Improvements - The applicants have proffered to conduct a Section 527 Traffic Impact Analysis prior to the first site plan approval. The proffer establishes when the study must be done, and that it include a master plan depicting the internal circulation. The study shall also include a phasing plan for the installation of the improvements, which must be constructed to accomplish at least a LOS D in any phase of development, and the applicants are responsible for construction of all improvements recommended by the TIA. The applicants have also proffered that Ashland Heights Road shall not be used for access to this property, and that the applicant request a “No Thru-Traffic” sign at that road’s access to Ashcake Road.
6. Buffer - The applicants have proffered a 40-foot buffer, with supplemental vegetation or a six-foot fence to discourage pedestrians trespassing into Ashland Heights
7. Historic Resources - The applicants have proffered the following pursuant to the Historical Commission’s recommendation:

Prior to application for a demolition permit for the historic structure located on GPIN 7789-43-8140, 12183 Long Road, the Owner shall advertise in a regional newspaper for two successive weeks a free offering of the historic structures for its movement to another site. If there are no respondents, the Owner shall allow any historic materials in the structures to be properly salvaged. Prior to any demolition or removal of materials, the Owner shall allow County staff to enter the structures for the purpose of photographic documentation for placement in the County’s historic survey file for the Thomas House, VDHR # 42-5024.

CDC/sm/HTE

**Attachments**

- Maps (land use, vicinity, zoning, aerial)
- Historical Commission Recommendation
- Approved Proffers/Elevations/Conceptual Plan
- County Traffic Study
- Application Materials
- Agency Review Comments
- 527 Traffic Study
- Citizen Correspondence
- Photographs
- Proffers /Conceptual Plan



ORDINANCE C-2-15(c)

**OWNER OF RECORD:** BALDWIN FAMILY LIMITED PARTNERSHIP, DOWNING-GILMAN, L.L.C., AND PETTUS W. GILMAN AND R. LEE DOWNING

The undersigned, Baldwin Family Limited Partnership, Downing-Gilman, LLC and Pettus W. Gilman and R. Lee Downing, individually, each as owners of parcels designated GPINs 7789-32-7910, 7789-32-8994, 7789-43-2172, 7789-22-7554, 7789-43-8140, 7789-43-7491, and 7789-42-6349 (“the Property”), voluntarily agree for themselves respectively, and their respective agents, representatives, successors and assigns (collectively “the Property Owner”) that, in the event the Property is rezoned from A-1, Agricultural, to M-2, Light Industrial District, General Business District, the development and use of the Property shall be subject to the following conditions:

1. Utilities. Public water and sewer facilities shall be used for the development of the Property.
2. Utility Lines. All utility lines, such as electric, telephone, CATV, or other similar lines shall be installed underground, except (a) for major transmission lines, (b) existing lines that now traverse the Property.
3. Uses. Only the uses within the categories of uses set forth in Section 22-17.1(a) of the Hanover County Code, as may be amended, shall be permitted, which includes the following categories:
  - A. Manufacturing;
  - B. Transportation and warehousing;
  - C. Professional, scientific and technical services;
  - D. Hotels and motels; and
  - E. Professional offices.

Nothing herein shall preclude the Owner from applying for any special exception permits or conditional use permits available pursuant to the Hanover County Zoning Ordinance provided the use is consistent with those uses listed in Section 22-17.1(a) of the Hanover County Code.

4. Architectural Treatment.
  - A. Materials used for buildings on the Property shall be brick, stone, precast architectural concrete (including tilt-up panels), split face block, architectural metals, metal and glass curtain wall, metal curtain construction systems, or synthetic stucco or other materials determined to be of comparable quality by the Planning Department at the time of site plan review.
  - B. The architectural treatment for any wall facing a public right-of-way shall include architectural details, fenestration, or other features that will create architectural interest and not appear as a blank wall. Wall surfaces of each building (whether front, sides or rear) that are visible from any public right-of-way shall be similar in architectural materials to other walls of the building.

- C. Any mechanical units on the Property shall be screened, and if on the roof, screened by a parapet wall that is an integral component of the building. 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.
5. Transportation Improvements. To provide for an adequate roadway system, the Owner shall be responsible for the road improvements as required below.
- A. Prior to the first site plan approval on the Property, the Owner agrees to undertake a Traffic Impact Analysis (TIA) in accordance with County policies and applicable Virginia Department of Transportation (VDOT) regulations. The scope of the TIA shall be mutually reviewed by the Owner, Hanover County, and the Virginia Department of Transportation; however, the Director of Planning shall make the final determination regarding the scoping of the TIA. The TIA shall include trip generation forecasts for project build out. The TIA shall provide recommendations to ensure that traffic operations as a result of the proposed development will be sufficient to maintain a minimum service level “D” across the road network identified in the TIA.
  - B. The TIA shall include a master plan depicting the internal circulation, which shall be submitted to the Hanover County Planning Department for its review and approval. The master plan shall include provisions for the following potential points of ingress and egress:
    - i. Design Road and its intersection with U.S. Route 1
      - a. Should Design Road be utilized for ingress and egress to the property (other than for access used exclusively for emergency access), it shall be designed and improved to VDOT standards from the property to U.S. Route 1;
    - ii. A future connection to Harley Club Lane; and,
    - iii. The proposed entrance from State Route 657.
  - C. The TIA shall include a phasing plan for the installation of improvements. The phasing plan shall be based on projected daily vehicle trips and PM peak hour trips. In no case shall the level of service for the roads evaluated in the TIA fall below LOS D in any phase of development. The Owner agrees to install all recommended road and traffic control improvements as recommended by the TIA. The exact design and dimensions of these improvements shall be determined at the time of site plan approval, and they shall be designed and constructed to VDOT standards and specifications.
  - D. There shall be no access permitted from the Property to Ashland Heights Road. Prior to site plan approval for any site plan proposing to access Ashcake Road, the Owner agrees to initiate the process with VDOT for placement of a “No Thru-traffic” warning sign to be located near or at the entrance to Ashland Heights Road from State Route 657. Should the sign be approved by VDOT, the applicant shall be responsible for the cost of the sign and its installation.

- E. The location of all access points into the Property shall be in general conformity with the conceptual plan titled "Baldwin and Downing – Gilman Properties, Hanover County, Exhibit A," prepared by McKinney and Company, dated January 2, 2015, and most recently revised February 26, 2015, or as recommended and approved during site plan review based on the traffic impact analysis.
  - F. Dedication of Right-of-Way. The Owner agrees to dedicate 50 feet of right-of-way from the centerline of Ashcake Road (State Route 657) to the property for future road widening, free of cost to the County, upon request of the County or VDOT.
6. Buffer. The required buffer adjacent to Ashland Heights subdivision shall at a minimum be 40 feet in width and it shall be designed in accordance with the standards set forth in Section 26-266 of the Hanover County Zoning Ordinance. In addition, the Buffer shall be supplemented with:
- A. Landscaping consisting of holly, elaeagnus or other such vegetation to deter pedestrian access; or,
  - B. A six foot high screening fence shall be installed along the length of the Buffer.
7. Historic Resources. Prior to application for a demolition permit for the historic structure located on GPIN 7789-43-8140, 12183 Long Road, the Owner shall advertise in a regional newspaper for two successive weeks a free offering of the historic structures for its movement to another site. If there are no respondents, the Owner shall allow any historic materials in the structures to be properly salvaged. Prior to any demolition or removal of materials, the Owner shall allow County staff to enter the structures for the purpose of photographic documentation for placement in the County's historic survey file for the Thomas House, VDHR # 42-5024.

BALDWIN FAMILY LIMITED PARTNERSHIP

By: \_\_\_\_\_

Name: \_\_\_\_\_

Official Title: \_\_\_\_\_

Date: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA,  
COUNTY OF HANOVER, to-wit:

I, \_\_\_\_\_, do hereby certify that the foregoing Proffers were  
acknowledged before me, \_\_\_\_\_, \_\_\_\_\_ (Official Title), on behalf of  
BALDWIN FAMILY LIMITED PARTNERSHIP, this \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_(SEAL)

Notary Public

My Commission Expires:     /     /  
My commission ID#: \_\_\_\_\_

DOWNING-GILMAN, LLC

\_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Official Title: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA,  
COUNTY OF HANOVER, to-wit:

I, \_\_\_\_\_, do hereby certify that the foregoing Proffers were  
acknowledged before me, \_\_\_\_\_, \_\_\_\_\_ (Official Title), on behalf of  
DOWNING-GILMAN, LLC, this \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public (SEAL)

My Commission Expires:     /     /  
My commission ID#: \_\_\_\_\_

PETTUS W. GILMAN

\_\_\_\_\_

Date: \_\_\_\_\_

By: Pettus W. Gilman

COMMONWEALTH OF VIRGINIA,  
COUNTY OF HANOVER, to-wit:

I, \_\_\_\_\_, do hereby certify that the foregoing Proffers were acknowledged before me, PETTUS W. GILMAN, this \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public (SEAL)

My Commission Expires:     /     /  
My commission ID#: \_\_\_\_\_

R. LEE DOWNING

\_\_\_\_\_ Date: \_\_\_\_\_

By: R. Lee Downing

COMMONWEALTH OF VIRGINIA,  
COUNTY OF HANOVER, to-wit:  
{00326499;v6}

I, \_\_\_\_\_, do hereby certify that the foregoing Proffers were acknowledged before me, R. LEE DOWNING, this \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_(SEAL)  
Notary Public

My Commission Expires:     /     /  
My commission ID#: \_\_\_\_\_

