

HANOVER COUNTY BOARD OF SUPERVISORS ROUGH DRAFT SUMMARY MINUTES

Hanover County Administration Building Board Room

September 11, 2013

I. Call to Order

A. Invocation

B. Pledge of Allegiance

II. Consideration of Amendments to the Agenda

Motion by Mr. Davis to amend the consent agenda to add item:

IV. D. – Adoption of Proclamation – 9-10 Year Old 2013 Mechanicsville National All-Star Baseball Team – Virginia Little League State Champions

Seconded by Mr. Stanley.

Vote:

W. Canova Peterson	Aye
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

III. Citizens' Time

Annetta Carter; Mechanicsville MD, came forward to address the board related to transportation and requested information related to transportation services.

Chairman Peterson advised that he sent Mrs. Carter an email this morning that referenced the Transportation Guide and Senior Connections. Senior Connections works with Hanover County as far as transportation. The reality is that Hanover probably does not have the level of services requested but this is something that is being discussed within the Community Services Board and Social Services. Chairman Peterson also advised that Mr. Jim Taylor, Deputy County Administrator, will discuss what is going on with transportation with Mrs. Carter.

Seeing no one else come forward, the Chairman closed citizens' time.

IV. Consent Agenda

On a motion by Mr. Via, seconded by Mr. Hazzard, the consent agenda was approved.

Vote:

W. Canova Peterson	Aye
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

A. Adoption of Resolution – Acceptance of Streets into the Secondary System of Highways:

1. Northlake, Section One, Portion of Block A Amendment (Ashland MD)
2. Northlake, Section One, Portion of Block A and Section Three Amendment (Harley Club Drive) (Ashland MD)

B. Budget Appropriation - \$2,923,679 - Reappropriation of the Fiscal Year 2013 Budget

C. Treasurer's Outsourcing the Collection of Delinquent Personal Property Tax Accounts

IV. D. – Adoption of Proclamation – 9-10 Year Old 2013 Mechanicsville National All-Star Baseball Team – Virginia Little League State Champions

V. Bridging Richmond Presentation – Ms. Kelli Parmley, Executive Director for Bridging Richmond,

Ms. Kelli Parmley, Executive Director for Bridging Richmond will present information on this region-wide effort that is attempting to “bridge” educational efforts across all segments of the educational pipeline — early childhood, K-12, college/technical training, careers — and all segments of our region: the city of Richmond and the counties of Chesterfield, Hanover and Henrico. Its value is communication and coordination and accountability at all levels.

Kelli Parmley reviewed the connection with the Capital Region Collaborative. Bridging Richmond is a platform to have regional goals around education and workforce. Before facilitation of the workgroup began needs were reviewed as follows: high school graduates not being ready for college, trade school or job; lack of coordination amongst the multitude of training opportunities and organizations in our region; concerns about weak pockets of

educational opportunities. It took eight months working with a Dominion staff person and 50 other individuals from government, business, planning district commission, federal, K-12 partners, career and technical centers, community college and many others who formed the 6-8 month discussion. Community level goals and indicators were established to be accountable and focus efforts. A regional workforce survey was completed and analysis of the survey is just now starting. The task is to champion all segments of education from beginning to workforce. Third grade literacy is a key transition point in the educational career pipeline; getting through middle school successfully and being prepared to stay in and graduate from high school is another important transition segment and being prepared to graduate from high school and to be thinking about a pathway to a four year degree becomes another transition and once in the workforce there are a multitude of different perspectives within the workforce by which we have to think about organizing the work.

The report based on the evidence and research shows there are two broad ways to think about this from a regional perspective 1) for us to be competitive as a nation we have to have a high percentage of our population that has some form of post-secondary education (65%) and we are short of that and how do we think as a region how to invest and align and create opportunities to address such as associates degree or high or stackable credentials such as career readiness certificates of an indicator that you are career ready 2) we cannot only focus on four year degrees as not everyone is on that pathway and the national news reflects that in affordability. We do not have an organized system by which we can recognize and understand that 3-4 industry credentials (certifications) what does that qualify someone for and can a technical certificate be transferred later towards a two year degree and then leverage that towards a four year degree. How do folks work towards a four year degree and have a living earnable wage in between and it is becoming more important.

We need to think about improving educational attainment, addressing skill gaps, reducing achievement gaps and aligning workforce and economic development because if we do not have a talented workforce it is really hard to expand existing businesses and also attract new businesses. We do that regionally by thinking about having a shared set of goals, common indicators in terms of shared measurement, think about coordinating activity before creating new activity - we are program rich and system poor, coordinate the activity and improve communications so that you are talking horizontally and not vertically and establishing a backbone organization (Bridging Richmond).

Chairman Peterson noted that Hanover is represented by Dr. Wilson, Superintendent of Schools. Mr. Davis –with regard to certification what data is there on that from the employers as far as what they are looking for? Ms. Parmley we put out the framework and over the next year we will get the qualitative data by working with key industry leaders and partners – mid-skill level will be the focus. Mr. Davis follow up there may be other things they can work on as they are getting their bachelors and good data for us to have. Ms. Kelli Parmley we are looking into multiple pathways into four year degree.

Mrs. Kelly-Wiecek noted she has seen this presented in her role as the Board's representative on the Capital Regional Collaborative looking at education and the preparation and how it affects the workforce. Mrs. Kelly-Wiecek asked that Ms. Parmley to share and clarify the benchmarks

and regional indicators will be done by the PDC. Ms. Parmely stated that she and Mr. Crum have discussed this is an initial pilot project grant funded by the community foundation and an agreement has been discussed. Indicators have to be a connection to action items and the wealth of data from Mr. Crum's group and the work group will develop a score card that should focus around regional middle school years. Mrs. Kelly-Wiecek noted she serves on the Quality Assurance Subcommittee for the Capital Region Workforce Alliance we have data but there are barriers to getting the data out due to the government and wanted to know if Bridging Richmond will look at that federal/state level. Ms. Parmley stated Virginia has issues around data sharing and if people come to the table willing to problem solve and write strong memorandums of understanding and Bridging Richmond stand by rules of getting and sharing the data. The knowledge, wealth of innovative individuals is there and this can happen if good behavior is modeled. Bridging Richmond has aligned within the last year with a nine jurisdiction footprint, new leadership with alternating business and education chairs which has broadened things to connect better with positive direction. Mr. Harris noted that statewide the Virginia Chamber of Commerce has identified this workforce issue being one of their goals going forward. Mr. Harris asked Ms. Parmley what the relationship of Bridging Richmond is with greater Richmond Chamber and their initiatives related to workforce what is the relationship with bridging Richmond and greater Richmond chamber. Ms. Parmley referred Mr. Harris to the two page handout and characterized it that we have to attract talent to the region to meet short term needs; focus on recent HS / college grads to meet the 3-5 year time frame; what can we do differently in HS and we have to get them ready for the workforce and cluster by industry, finance, healthcare, advanced manufacturing and logistics. This will help them understand from business perspective what those workforce needs are. It is longer term than 1-2 years. Mr. Harris stated you have identified the targeted industries we have said in the Central Virginia area were our strengths what we are looking for in the business attraction area and some of our successes has caused some of the workforce challenges so if we can retrain folks into the logistics area or if we can encourage high school / college level to appreciate what the criteria is to be successful in those areas then we can affect the future of those businesses and make sure they stay successful. 21st century manufacturing demands high-tech skills and education or technical training beyond K-12. Mr. Harris also noted that individuals are not retiring and staying longer in the workforce. Mr. Peterson asked about the emphasis on the middle years – why pick those years instead of the ones needed now. Ms. Parmley stated if you abide by the rule that you can't boil the ocean and do everything at once, we have to know where there is energy and leadership already in the region across 9 jurisdictions to make things happen there have to be willing leaders. There is real energy in Richmond city around middle years and doing more in the out of school space – extended day time in order to have activities that are meaningful to kids, Mayor's task force on adolescent transition and and chesterfield wanted regional conversation about middle school in the region and how do we connect? Based on the summit held in July evidence suggests middle school is incredibly important particularly for career exploration. If we only think about successes in education K-Higher Education we are doomed because it is actually a community effort. We have a whole not for profit sector who has a whole lot of programming that has the potential to contribute to youths success. Student engagement is critical to success in the middle years and takes a nose dive from 5th grade to 8th grade. We have to work on hope, engagement and wellbeing which often happens in many places aside from school then you will not be successful in the long term creating systemic change. This is an exploration with the United Way CEO to assist in the early year space. It takes the leadership to explore this area. Mrs.

Kelly-Wiecek noted that serving on the Capital Region Collaborative Workforce Workgroup was also Mary Butler Eggleston. We made an effort to get perspectives on jurisdictions and experience levels and wanted to note that as Mrs. Eggleston was present. Ms. Parmley noted government perspective is important to the table as well.

VI. Update - Capital Region Workforce Partnership – Ms. Rosalyn Key-Tiller, Executive Director

Mrs. Rosalyn Key-Tiller, Executive Director of the Capital Region Workforce Partnership, will brief the Board on recent activities of the partnership and how this relates to jobs in the region.

Mrs. Kelly-Wiecek noted they make sure they are aligning what they do with business and economic development. That is a challenge as mentioned by the previous speaker. The major purpose is to make business their primary customer which includes economic development and set about putting things into place that would allow us to prepare the workforce they need. In doing that they are heavily involved with education – 2-4 year institutions and work with a variety of proprietary schools including the public schools. Trying to improve financial standing and where funds come from (primarily Federal funds) there are also several types of grants used. The Board’s mission for this year is to become a 501(c) 3 for the purpose of fundraising to serve the customer base. Request for proposals are issued throughout the year from WIV looking for service providers to do different things that provide skills training for adults. Adults 22 and older, charged with serving dislocated workers (downsized workforce or relocations), serve out of school youth 17 or older with a high school diploma and not engaged in any learning activity that would land a certificate making it easier to transition to a career pathway. Serve in school youth economically disadvantaged who are in the 12th grade/11th grade developing transition plans and assisting in implementing as developed with the school district. They have contracts in school districts so 12 graders complete 12th grade and get the GED and paying tuition as they transition to a 2-4 year, certification program and assist with financial aid. There are many ways to reach into the community and develop talent for job seekers and employers. They have partnerships with businesses in the community to be responsive to a business entity that it feels it needs to grow and more positively positioned in the world economy. There are programs for the disadvantaged that help ex-offenders; women with families transitioning to employment. Focused on the mature worker who lost jobs at 50-55 and have not been able to reconnect and the workforce centers is providing them with training and credentials to compete.

Mrs. Key-Tiller reviewed the results for the region (they touched over 31,963 individuals within the last 12 months) and then specifically those related to Hanover County:
FY12 Resource Workforce Center Services to Hanover County – Business Solutions Team Services – 5 Hanover County Businesses Received Direct Services (including the Vitamin Shoppe), Referred 76 Employment Candidates; Value of Services provided to Hanover Businesses - \$15,160, Job Seeker Services – 308 Hanover County Resource Center Customers, 63 WIA Enrollees from Hanover County.

Mr. Davis – \$6M fed funds, displaced worker program from the federal government was about \$104 billion. 6M budget with 8 jurisdictions and how does it parcel out per county? What other markers to show the return on investment. Mrs. Key-Tiller explained \$ by jurisdiction

determined by Hanover's 5% poverty rate and compare to other jurisdictions; two parts of the formula are based on unemployment rate. We are at less than 6%; areas of substantial unemployment by census tract. State gives allocation by adults etc. Hanover's share of the money is determined by partners. Mr. Davis asked what marker was not met. What is the goal of the influence of education Mrs. Key-Tiller explained the transition from HS to post HS and we have a youth council and did a study on what youth need and discovered they cannot meet the transition from HS to workforce. Mr. Davis financial contract is there a marker on how you can tell the assets towards those contracts have a return on investment? Mrs. Key-Tiller advised there are nine measures and explained each one. Mrs. Kelly-Wiecek asked if the 25% of kids in high school do not know where they are going after they graduate is it a regional number? Mrs. Key-Tiller stated it is regionally. Mrs. Kelly-Wiecek asked how many of Hanover students are testing below the 8th grade level. Mrs. Kelly-Wiecek stated there are very low numbers of Hanover youth having the need for this service and noted that Hanover County guarantees its high school degrees. If you graduate a Hanover graduate and they do not meet the expectation of a high school graduate the schools will take care of that because we guarantee performance. Mrs. Key-Tiller noted that they have a relationship with the schools that allows them to let the schools know and send the student back for the schools to help the student out and correct any deficiency.

3:15 p.m. VII. Update – Hanover County Public Schools – Dr. Wilson

Dr. Jamelle Wilson, Superintendent of Schools, will give a status of the recent Hanover County Schools opening as well as an update on the progress of the facilities improvements which were undertaken over the summer.

[3:17:07 PM](#) Stanley/AKW left

Dr. Wilson, noted the prior two presentations related to those she is happy to respond to those and glad that Mrs. Kelly-Wiecek did acknowledge the graduate warranty program and how the schools support recent graduates. Dr. Wilson thanked the Board Members who attended the convocation at Hanover High School, briefly touched on Congressman Cantor's visit to the Hanover Center for Trades and Technology and the positive discussions he had with students. Dr. Wilson noted that Mr. Davis, Mrs. Kelly-Wiecek and Mr. Hazzard attended as well. A video was displayed of the projects that were completed over the summer to improve the buildings and grounds of Hanover Schools.

[3:18:54 PM](#) AKW/Stanley returned

Dave Meyers and Mr. Buzzelli in charge of facilities – not present. Hanover hosted a Middle School Science, Technology, Engineering, and Mathematics (STEM) Academy which was a partnership with the Georgetown School, Hanover County Public Schools and the 4-H Club and was able to host 16 young people around those studies. As Mrs. Key-Tiller acknowledged there are career plans that are required to be developed by high school level. In Hanover County we have begun developing those career plans in middle school and we know that if children do not a plan or are not engaged and do not necessarily see themselves in a hands on opportunity then they are potentially lost until they find themselves. We are trying to maintain their engagement. That program at the Georgetown School was quite successful. We also learned that the Hanover Education Foundation has received a bequest from Robert and Helen Parker. Mr. Parker over 10

years ago met with a member of the Hanover Foundation and at that time did not seem interested in becoming involved. Mr. Parker was a graduate of Patrick Henry H.S. and upon his death the estate bequeathed to the school division a good portion of their estate with the idea that the corpus would never be touched but from the interest drawn from that corpus that scholarships will be made available to students from Patrick Henry H.S. and the first installment of over \$100,000.00 will award 5 scholarships and the stipulation is that the students must pursue education in the field of medicine, mathematics, business or the hard sciences. You never know when you are planting a seed that has taken hold, that is rooted and the school division must continue to plant those seeds and share the good work that they are doing. There is a partnership with Bon Secours called Project Search which will assist special education students who qualify to have employment at Bon Secours in an area preparing them to be an independent worker. Sixteen H.S. Students have been identified for this program.

Mr. Peterson comments and asked Mr. Harris and Dr. Wilson to scheduled next JEC. Mr. Harris noted that he and Dr. Wilson met this week and is currently looking at dates.

Mrs. Kelly-Wiecek noted the annual school visits this fall and stated the positive feedback she has received. Dr. Wilson noted the dates are 10/29 and 11/1 for annual school visits.

Mr. Davis commended the School Board, Dr. Wilson and her staff on the improvements.

VIII. Update on recent activities – Richmond Region Planning District Commission, Richmond Area Metropolitan Planning Organization - Robert A. Crum, Jr., Executive Director, Richmond Regional Planning District Commission

Mr. Crum, Executive Director of the Richmond Region Planning District Commission, will brief the Board on recent changes and activities.

Mr. Peterson wanted everyone to be aware that there are some significant changes that are being suggested in the planning organization which Hanover is a part of and we need to consider them before the organization takes action.

3:37:39 PM Davis left the meeting. 3:39 p.m. Davis returned.

Mr. Crum came forward to review the MPO and how to raise the organization to be a leader in regional transportation matters. Mr. Crum noted that Mr. Peterson and Mr. Davis are voting members on the board and noted that Mr. Vidunas, Traffic Engineer, Public Works is also a voting member on the MPO board. The MPO is designated by the federal government to be the state and federal designated organization for leading transportation planning and decision making in the greater Richmond region. To be a forum for cooperative transportation decision making and all the recommendations being provided for consideration are directed towards trying to strength the MPO as a forum for that cooperative transportation decision making. There is \$24M each year that needs to be decided how it will be spent. Recommendations: 1. Expand the use of consent agenda so regional policy conversations are the priority rather than process and technical issues. 2. Transforming membership

▶ Current:

- Majority of MPO Board comprised of full-time staff employees.

- Staff is unable to engage in regional policy discussions.
- ▶ Recommendation:
 - Elected officials should direct cooperative dialogue and regional decision-making.
 - Add Richmond District CTB Member to MPO Board to give voice to state's policy-making body.
 - Still propose staff come to the meeting in non-voting capacity but would need to be elected officials.
- 3. Expand the MPO Study Area to include the Richmond Region; this will coincide with PDC boundary and regional growth forecasting area; Mr. Crum explained the disadvantages would be loss of revenue sources but that they could look at new sources to replace; firmly believe that the \$24M will not be diluted and those with significant impact will rise to the top of the project ranking, the larger jurisdiction have more votes
- 4. Name Change to Richmond Region Transportation Planning Organization.

Mr. Peterson recognized that Joe Vidunas is here and noted his expertise and how important it is.

Mr. Hazzard noted and complimented Mr. Crum and his staffs for the willingness give over control of this board and recognize the elected officials should be making the decisions and it says a lot about your organization.

Mrs. Kelly-Wiecek asked Mr. Crum to confirm when you show the map of the current footprint and criteria. All of Hanover is included whereas only portions of new Kent and Goochland. Entire Hanover is included due to the nonattainment area. Mr. Crum reviewed this is related to how we define urbanized related to what is an urbanized area where the federal government will send us the transportation dollars.

Mr. Peterson – disadvantage on the areas that will lose \$58,000. David Williams from Powhatan is one county that is split and would lose the 58,000 what was their position. The admin of that money was more trouble than what it was worth and it was very important that they have the option of dealing with that.

Mr. Peterson asked Board Members to consider this and respond back to he and Mr. Davis before the first Thursday in November.

[4:01:39 PM](#) Recess.

[4:07:16 PM](#) Reconvene

IX. CPA-12-01, Five-Year Comprehensive Plan Update – Mr. Maloney

Board Sheet Background: An amendment to the Comprehensive Plan for Hanover County, Virginia, adopted March 28, 2007, pursuant to Sections 15.2-2223 through 15.2-2232 of the Code of Virginia, 1950, as amended.

On August 28, 2013, the Board of Supervisors held an advertised public hearing to receive

public comment on CPA-12-01, as set forth in the draft document titled “Comprehensive Plan Hanover County, VA, 2012-2032” dated June 20, 2013, which incorporates all changes as recommended by the Planning Commission.

Staff will be presenting modifications to the text and maps based on discussions by the Board of Supervisors at the work session on September 4, 2013.

Attached is a draft resolution for adoption, denial or adoption with modifications of the proposed Comprehensive Plan update CPA-12-01 as an amendment to the Comprehensive Plan for Hanover County, Virginia.

Mr. Maloney noted draft changes have been posted on the web per citizen request to Mr. Hazzard and that has been done. Board members have a copy at their place (Exhibit **).

- ❖ The Board of Supervisors conducted a public hearing on the draft Comprehensive Plan amendment on August 28, 2013 and a work session on September 4, 2013
 - Based on the discussion and direction from the Board at the work session, staff recommends the following modifications to the draft Comprehensive Plan that was recommended by the Planning Commission

Mr. Maloney reviewed the text changes:

- ❖ Text: Section 2 Future Land Use
 - Page 5, insert a designation definition for **Suburban Transitional Land Use (1-2 dwelling unit per acre density)**
 - Page 6, eliminate the policy allowing a maximum of 15 DU / Ac within a MX zoning district
 - With this change, the maximum achievable density within the Suburban High Land Use designation would be 8 DU/Ac
 - Page 7, insert language to better explain and clarify requirements for a master planned community for the **Multi-Use Land Use** designation and Based on board comments last week modified the multi-use land use ratios from 50/50 as follows:
 - Page 7, change the recommended ratio in the **Multi-Use Land Use** designation to generally fall within the ratio of 35% commercial and 65% residential
- ❖ Maps: General Land Use Plan Map – major change is redefining the area designated for multi-use (purple area) re-designating as planned business. We have also expanded that planned business designation north of US Route 33 and is the area in the alternative map lower right hand corner that is generally outlined in the black oval. Modified the densities area surrounding Meade Subdivision and reduced the densities from 1-4 units per acre to that suburban transitional designation 1-2 units per acre immediately adjacent to Meade subdivision.
 - Land Use alternatives for the following areas:
 - Hylas – U.S. Route 33
 - Cedar Lane – U.S. Route 1
- ❖ Pole Green Road - Bell Creek Road Maps: General Land Use Plan Map
 - Land Use alternatives for the following areas:

- Hylas – U.S. Route 33
- Cedar Lane – U.S. Route 1 – in moving to the map for the Cedar Lane Route 1 corridor – Mr. Maloney made a modification to the residential land use designation generally the area east of Holly Hill Road, south of Cedar Lane and west to Old Washington Highway is shown for 1-2 units per acre. That is similar to the recommended density in the current plan. We have kept the commercial corridor fronting Route 1 so that would not be a change from the existing plan and transitioning west from Route 1 we go from the multi-use and 4-8 unit per density to an area shown for planned business, transitioning down to 4-8 and further transitioning 1-2. The area to the north of Cedar Lane has changed from business industrial to planned business. We have also modified the land use designation along the southern portion of Lakeridge Parkway north of sliding hill road from light industrial also to business office.

Pole Green Road - Bell Creek Road - the Maps were displayed. The southeast quadrant of the intersection, the proposed plan shows that area for multi-use and the plan will remain unchanged as proposed it is currently designated 4-8 units per acre with a small commercial node at the intersection. Further south on Bell Creek Road and along the west line of Bell Creek the proposed plan shows the area for multi-use and at the request of Mr. Peterson that has been changed to a residential land use designation of 4-8. If you look at all the maps staff have highlighted specific changes with a black oval.

- Mr. Maloney began reviewing the changes to the land use maps and displayed each one as he reviewed the changes and noted that the changes have been designated on the maps with a black ovals: Route 33 / Hylas corridor – the area north of US Route 33, the area on the north side of cedar lane and the planned business designation south of cedar lane as well as the planned business designation along Lakeridge Parkway and the 4-8 designation on the west line of bell creek road. Those land use alternatives had not been considered by the planning commission. All the other changes in one form or another either reflects the existing plan or were considered by the Planning Commission. Those areas that were highlighted with the oval have not been considered by the Planning Commission and therefore before the Board can adopt a plan for those specific areas we will be recommending that they be sent back to the commission for further consideration and recommendation. With the changes highlighted, the general land use map was displayed. At the request of Economic Development that proposed pump station be added to the community facilities plan. That proposed **Pump Station is shown as a star on the map with an arrow pointing to it south of New Found River. To be** located between I-95 and the CSX rail line north of the Town of Ashland. There is zoned industrial property in that area that does not have ready access to utilities and that pump station would open that area up to future economic development opportunities.
- The **Planned Business** designation generally located between U.S. Rt. 33 and Greenwood Road, west of Winns Church Road
- The **Suburban High (4-8 DU/Ac)** designation on the west line of Bell Creek Road, south of Pole Green Road

- The **Planned Business** designation generally located on both sides of Cedar lane west of U.S. Route 1 and both sides of Lakeridge Parkway south of Licking Hole Creek
- The proposed **Pump Station** located between I-95 and the CSX rail line north of the Town of Ashland

Staff recommends ADOPTION of CPA-12-01 as an amendment to the Comprehensive Plan for Hanover County, Virginia, as set forth in the draft document titled “Comprehensive Plan Hanover County, VA, 2012-2032” dated June 20, 2013, incorporating the modifications as presented

Staff further recommends that the Board remand to the Planning Commission for consideration and recommendation, the following proposed map changes:

- The **Planned Business** designation generally located between U.S. Rt. 33 and Greenwood Road, west of Winns Church Road
- The **Suburban High (4-8 DU/Ac)** designation on the west line of Bell Creek Road, south of Pole Green Road
- The **Planned Business** designation generally located on both sides of Cedar lane west of U.S. Route 1 and both sides of Lakeridge Parkway south of Licking Hole Creek
- The proposed **Pump Station is shown as a star on the map with an arrow pointing to it south of New Found River. To be** located between I-95 and the CSX rail line north of the Town of Ashland.

Board Members asked questions of Mr. Maloney.

Mrs. Kelly-Wiecek– multi-use language draft revision, there were concerns expressed about what would really end up in multi-use what did it mean what were the projections that would prevent it from being thrown together amelioration and in the workshop we talked about the **conceptual** plan versus master plan. After speaking with citizens and working with Mr. Maloney to close the loop as this is a 20 year document and important to make it as clear as possible what the intention is today. Mr. Maloney how zoning ordinances function. Within the RS (residential single family district), RM (Residential multi-family district), MX (mixed use district) and BP (business park district). All of those districts have requirements for conceptual plan. The conceptual plan is a very detailed plan. Detailed to the point that if approved by the Board of Supervisors at the time of zoning it also serves as the subdivision plan. This is not just a generic sketch or bubble plan. All of those districts have very specific regulations for inclusion of open space, inclusion of amenities such as street lights, landscaping, they set forth requirements for pedestrian paths and sidewalks. They really contain the building blocks of what makes a strong community and a strong neighborhood. That is an ordinance requirement. The ability for a developer to opt out does not exist. If they want to move a project forward those conceptual plans have to be made part of the application. Very detailed. Several of our zoning districts specifically the conventional business districts and the industrial districts have no such conceptual plan requirements. Depending on the nature and location of those zoning proposals very often the staff will negotiate a conceptual plan and it may be very basic with regard to establishing locations for ingress and egress and off-site improvements such as turn lanes. It may be very detailed that it very clearly specifies the location and design of buildings and parking lots and so forth. That is negotiated on a case by case basis and there are a number of

factors that determine the level of detail when you negotiate those proffered conceptual plans. What the intent of the language with regard to a master plan is to link in those instances where a proposed zoning would otherwise require the detailed conceptual plan required by ordinance with perhaps a zoning district such as B-1, B-2, M-1, M-2 that has no planned requirements to make it very clear for developments within this area the more detailed proffered conceptual plan would be prepared that will then be used in conjunction and support of the required conceptual plan. What the words in the draft text state is the master plan for the community should follow the conceptual plan requirements of the various zoning districts where applicable and in addition to the ordinance requirements the master plan should be evaluated against the criteria set forth below. The special criteria have been in the draft plan from the time it was considered by the Planning Commission. In addition when a particular zoning district does not have a conceptual plan requirement, development of a detailed conceptual plan incorporating the desired design elements should be encouraged. Mr. Maloney noted this policy language points the applicant, planning commission in the direction that the expectation is a more detailed proffered conceptual plan will be included along with the required ordinance conceptual plans for consideration of a zoning application within an area designated for multi-use. Mrs. Kelly-Wiecek offered this to the consideration by fellow board members. Mr. Hazzard did not mention in Rt 33 / Hylas/ we lowered the density along Winns Church and Cedar Lane also? Maloney yes, showing much of that area 1-4 du acre and alternative plan would lower density 1-2 du in addition to the area around Meade mentioned earlier. Mr. Hazzard in the Telegraph Rd area we reduced density – southern portion. Mr. Maloney noted from 1-4 to 1-2. Mr. Hazzard mentioned as part of the Transportation policy aren't we adding a connector road between Lakeridge and Route 1. Mr. Maloney advised that has been in the plan and has been in the draft and to further that point to look at opportunities to enhance the transportation network and minimize traffic into that residential neighborhood the plan also has a policy recommending that we develop a corridor study for essentially the Lewistown, Route 1, Lakeridge corridors to see if we can tie the commercial areas in more cohesively to minimize traffic going into those residential communities. Mr. Hazzard one more clarifying point, with this alt plan there are no multi-use restrictions in south Anna. Maloney no multi-use in south Anna. Mr. Hazzard important that we have not allowed the doubling of density. Mr. Stanley noted that we have never approved 30 units and certainly would not but it is the ones that are 4-8 that could be doubled that turn a small area into a larger area and do not want us to miss an opportunity to take that out of the equation. Mr. Maloney emphasized that earlier on as part of the Planning Commission's consideration that maximum density under any land use or zoning classification was lowered from 30-15 and at that time the PC recommendation still included the ability to double density up to 15 units per acre. With these changes 4-8 means 4-8.

Mrs. Kelly-Wiecek asked about the connector road for Lakeridge and is there a better map for Telegraph Road. Mr. Maloney displayed the map and advised that the plan shows currently no part of old telegraph is designated as major thoroughfare. Under the current plan the entire corridor is shown as a 50ft local road. Under this current plan the concept is to designate this northern portion Old Telegraph Road to 60 ft. minor collector. We have identified a conceptual road alignment that would link Old Telegraph Road back to Route 1. It is the northern portion of Old Telegraph up to Lewistown Road that is designated more for commercial, business, industrial uses. The residential community is generally south of Old Keeton Road and the intent is for this traffic at some future time as a zoning request came in we would identify more

specifically that corridor, preserve the right of way, very possibly negotiate the actual improvement – east / west connector and that would collect more commercial/industrial traffic Old Telegraph Road to this point. Rather than divert further south to Old Keeton Road. In addition there were community transportation study concepts to tie Lakeridge Parkway to Old Telegraph to US Route 1 and those are valid concepts to look. The challenge to that is we have some fairly significant environmental challenges there and it is not a matter of if we can connect it, it is where. The further south that connection is made we start to avoid those environmental impacts, but we start to impact but impact residential community. At this high level it is difficult to determine the extent, location, alignment of that road but with a more detailed study in that area we will be able to more precisely define after the study. Mrs. Kelly-Wiecek asked Mr. Maloney to explain shutting the road off at the bridge. Mr. Maloney explained the southern portion of the road we expect to be disconnected but with this you would still have Old Keeton but we are adding this other connector so you would have two points and then ultimately the idea would be to connect over to Lakeridge Parkway. We would tie in all of this area with a more comprehensive and safer transportation network. Mrs. Kelly-Wiecek asked how far that is from the next comprehensive plan review. Mr. Maloney stated the study we could commence at any time and that would be a budget initiative as part of the ongoing budget decision making process and budget request and a couple of years out. At this point we are not aware of any zonings. We do know that there is some property that is potentially well positioned particularly in the northern end of that Old Telegraph corridor that lends itself well to Economic Development Activity so it is an initiative we want to undertake sooner rather than later and that will be better defined during the budget process.

Mr. Hazzard noted by doing this the intent then is that truck traffic on the southern part of Telegraph Road going to Keeton would strictly be local delivery. Mr. Maloney stated correct.

Mr. Peterson noted that there are a number of individuals present in the audience who were not in the workshop last week and asked Mr. Maloney to clarify the discussion that took place related to the ratio of residential business and industrial uses within the multi-use areas. The Planning Commission recommended those to be 50 percent commercial up to 100 acres and sliding scale beyond that. The discussion from last week has been recognized – the ratio of residential and business and industrial uses shall generally fall within the ratio of 35% commercial and 65% residential. That discussion was based on what is considered to be a basic, healthy economic situation within the community but also recognize that the comprehensive plan is a general plan in nature and the discussion was how you would set such a rigid calculation on a general plan and it was determined and requested that this be looked at in terms of keeping in mind the general context of trying to achieve within the multi-use a 35/65 and not tying it to a specific formula. Mr. Maloney advised that is correct. Mr. Peterson addressed map from Mechanicsville district along Bell Creek -Pole Green Road. For those that were not here last week the request Mr. Peterson made relative to that area which was shown as multi-use all the way which is currently shown as Business Park all the way in the current comprehensive plan. Mr. Maloney stated correct. Mr. Peterson continued the reason that would have to go back to the planning commission. This is a property that is bounded on the west by a stream that feeds down into Beaverdam Creek and goes behind AMF and commercial properties along the frontage road. On the west side of Bell Creek Road immediately across the road from Bell Creek Estates and Meadowgate subdivision. Mr. Peterson made the request that this be changed because this is an area that nobody wanted to put a business there because they could never get any customers to it

on this small two lane road and it is also separated by a natural feature of the stream which would keep it from being included as part of the businesses to the west and would also give a proper buffer to the residential areas.

Mr. Rives added one clarification regarding the multi-use land district following that conversation. Mr. Rives asked Mr. Maloney about the second change the chairman just referred to that states that the ratio of residential and business and/or commercial uses should generally fall within the ratio of 35 percent commercial and 65 percent residential. It is Mr. Rives understanding that in the multi-use district as it was discussed it could be all business or industrial or half and half. The anticipation is that it would not generally be more than 65 percent residential. This language implies that it should be 35/65. Mr. Maloney and Mr. Rives then discussed language and Mr. Rives asked if the language could be clarified to indicate it could be all commercial, it could be half commercial or it could be up to 2/3 residential. Mr. Maloney stated correct. Mr. Rives suggested that the percentage of residential uses should generally not exceed 65% of the total land area to make it clear that the commercial could be more than 35%. Mr. Maloney advised he will defer to Mr. Rives and the board if they feel such a clarification is appropriate. Mr. Peterson insertion of the word generally would but it into the context of able to make decisions based on cases as they come forward. It can be 100% business. Mr. Rives stating generally 35/65 implies that is the rough expectation. If the anticipation is that it could be all business or 2/3 business then maybe we should say generally the amount of residential should not exceed 65% of the total land there. Mr. Peterson asked Mr. Rives to draw this up while the board is discussing and Mr. Rives advised he is ready whenever the board needs the language.

Mr. Stanley stated comp plans are generally considered a guide and the board is required to update 5 years or at least take a look at them. Mr. Stanley stated that yes he has voted for a comprehensive plan and before he realized the ramifications that could come out of a comprehensive plan and before he had more experience. The comment made by an earlier presenter today that you cannot boil the ocean all at once. In 2007 we tried to boil the ocean all at once by adding all the SSA to the comp plan. We got some of it out in Beaverdam District west of Ashland and it became a better plan than it was. It still was not very palatable but he has gone along with it because it was the plan approved by the majority of the Board vote. With several more workshops this plan could be palatable too. I think Mr. Hazzard has done a good job listening to the constituents he represents to change things, his comments as that the Urban Service Area was put on those citizens in that area as they did not want to be in it. The last plan was a 4/3 vote, there were a lot of citizens speaking in opposition and the Board did not listen to the citizens then and he is not sure what we will do tonight and hopes it will be a 4/3 vote to not approve this plan. At the last public hearing only two citizens spoke in favor of the plan. Mr. Stanley is concerned with the multi-use designation; this will be more growth if allowed, not sold on the idea that rooftops bring economic development. 80 percent of the citizens in Beaverdam work in Henrico, Richmond or Fredericksburg and a lot of people do move into Hanover. Mr. Stanley stated 40 years ago he had to drive 20 miles to get a big mac and still has to do so today. Mr. Stanley is in support of parts of the plan and it has come together with some of Mr. Hazzard's changes but not in support of plan as it is today. With past boards we were trying to control growth and we will not control growth and some parts are good and our schools are

better because more individuals moved in, new ideas and things happen. In general if we left it as is because it was changed so much in 2007 we are adding to it right now.

Mr. Davis recognized those that have called emailed etc. Mr. Davis noted that he followed the 2007 comp plan and he received a lot of questions from folks back then as he is in the real estate business. Some major changes came to areas that affect him and he was torn as a citizen during that time as to whether it was a good move or not. He saw the need and likes the SSA and it was a bold move and it has passed. It was not as bad as some folks anticipated. Having looked at that plan and everything that took place then has not shaken out yet and from a business perspective nobody will be making some of the changes we are proposing now. Mr. Davis noted that he had spoken to Dr. Wilson, Superintendent of Schools and she noted that school planning was made around the 2007 comprehensive plan. Mr. Davis advised that as he deliberates he asks what is the need for any change that he may vote on. We have mixed use now and one of the things he likes about MX is Rutland and Bell Creek as they allow a higher density but you get to maintain the rural character. You have the shopping centers/retail and they work well in Hanover but Rutland was done through a series of MX zonings and that worked. Concerned with the Multiuse and where we circumvent the control that we have to rezone using mixed use. That just provides us some better zoning opportunities. Not really concerned with expedience and more concerned about getting it right. Multi-use allows more flexibility and when time is of the essence. There is nothing in this plan that we could not do tomorrow. It is not just administrative; it is not just a vote this Wednesday. That is the large concern, should this pass speaking on behalf of input from Henry District, people will reference the comprehensive plan. I should get my zoning although the comp plan is not zoning and we are very clear on that. I should get my zoning because this was the plan, this is what it says and this is the zoning, this is what you said you wanted and how do you tell me no. The no big change and no impacts then why do we change. There are some changes that are substantial and some are not. Mr Hazzard has done a great job and spent a lot of time in his district listening to his constituents. We could always change things and the large concern is he does not have a reason to vote for a change now. He feels if we tread into this area it is much harder to retract into areas of unknown. Would it not be a better position to say that if something came up we use what we have now currently to implement that zoning for Rutland that we have already approved? We have that ability now and is his thought process now. What can we accomplish with the new plan that we could not accomplish with the current plan. Have concerns with property owners on Route 1 they had long term plans, business plans and it has been slow going. Now that things are coming back around he has concerns about that area as some property owners do as well. Many of the revisionary measures are substantive. Some things Mr. Hazzard revised show that there has been a desire to not to have this change from a standpoint of if it is logical, why would I vote for this when there is nothing in this new plan that I can't do or the things that I can do, I don't think are good for Hanover at this time. No compelling reason to change and have not found a compelling reason to support this.

Mr. Stanley stated it is interesting that he has not received calls or emails by business people, realtors or developers. One call of attorney that represents developers and advised he would vote no. He feels all the experts have done a good job but there are other experts called citizens.

Mr. Hazzard added as a point of clarification for Holly Hill Road expanded the 1-2 further west to Old Washington Hwy. Maloney – yes. When this is in place there is an expectation to do this. We missed a doubling of density in the MX zoning and is a big item and he is being selfish and is trying to look out for South Anna. With the existing planning in place with MX zoning you can get up to 15 units and all complaints from the community were about residential growth and not commercial growth at all. That is something to consider. When it says 4-8, we mean 4-8, not 15. Mr. Maloney stated that is very clear in this revised document.

Mrs. Kelly-Wiecek stated that is a very compelling reason it is certainly compelling enough and it is crucial and compelling for her the reduction of the maximum from 30 to 15. Mrs. Kelly-Wiecek asked Mr. Maloney because the complaints are with residential – too much residential growth and the impact on services. We have established that it is commercial growth that allows us to pay for majority of services we must provide, public safety, schools, mandated services etc. The Economic Development Team experts had a seat at the discussion table. What was our maximum growth during the housing boom. Mr. Maloney – back to 1999 3.2%. Mr. Harris we never got above 3.4 and it was only for two years. Mrs. Kelly-Wiecek made the point that for her the reduction in high density to ensure not getting 30 units per acre was crucial to her. It came as a surprise to find that provision in there. Important to understand by the next time we will review it again this board will stand for re-election and you may have folks who want 30 units per acre and we have 4 new planning commissioners. Important to have a plan that gives the best chance going forward to protect concerns. We should be listening to input and unfortunately the vast majority of citizen input she received was based on the fact that they believed that the comprehensive plan somehow mandated apartments, called for low income housing and they were not aware of 30 units per acre possibility. After she explained this to the majority of the people who called her some were shocked and some said I was not aware of it and still vote no. Some who called concerned and said good points keep working on it and I trust you to make a good decision. Preservation of rural areas is another key theme that she hears from citizens all the time and the way that we preserve our rural areas which is a huge swath of the map that are not currently in rural conservation is to encourage density in the suburban service area whereby providing services is less expensive because we are set up to do so and it helps us to increase that density so that we don't have to expand the SSA in the near future to accommodate growth that we know will come. That is also a key point and pointed out to the board that at some point the SSA came to everybody. Prior to the institution of the SSA somebody, somewhere got it foisted on them. Even in Chickahominy there are folks who say when my parents built this house in the 40's it was a gravel road and now they are smack in the SSA. There are still some people in the Chickahominy MD but who have still had to come to grips with the fact that we are growing and no longer Mayberry in many parts of Hanover. As to the multi-use Rutland is a great example of what we can do with multi-use and the right plan and master planning and conceptual planning techniques. Sorry to see Multi-Use go in South Anna District along Route 1 as it could be beneficial but also pleased that these recommendations help to keep the 1-2 units per acre as a designation and reminded everyone for the record that at the very first comprehensive plan workshop last year she expressed a desire to keep that optional transitional area. It has been with a great deal of deliberation and concern that she has listened to each board members comments and reasoning and called each board member as a new board member to see if there was anything she might miss that was glaring and risky. Among the board members that have gone on record saying they do not support this they were not able to

tell her that she had missed anything in her assessment. Mrs. Kelly-Wiecek is in support unless further board comments compel otherwise.

Mr. Peterson stated it is very obvious that although the board has differing opinions, he is impressed that everyone has looked at this and come to conclusions based on true analysis of the things before us and not just arbitrary decision. Mr. Davis and Mr. Maloney generally discussed Rutland which is a form of a mixed use development and is comprised of a multitude of zoning districts, none of which are the MX mixed use district. Mr. Davis 30-15 it is really no change and we are trying to bank a promise on a hypothetical. Still no compelling need to change the comp plan when we can still do the things we need to do with the current plan.

Mr. Stanley changing from 50% to 65% will bring in more residents we are all on the same page as far as households and individuals. Economic development is a great tool but if you will have more people there to service then why have the economic development. It does not make any sense to bring in more economic development and use it up in services. Rural areas because of the 2007 plan the urban services area is bigger and you have opportunities for all this development there. Mr. Stanley advised the majority of calls he received were from Beaverdam district citizens. You have the same taxes no matter where you live in the county and Beaverdam citizens are concerned about taxes down the road, and impact on land. Runoff from all the developments and who will pay for that.

Mrs. Kelly-Wiecek asked any new development will have to meet newer standards and the cost for treating that runoff that will be borne by the developer. Mr. Stanley stated that does not change his mind.

Mr. Via stated a lot of work has gone into this update and then made the following motion: Move to adopt CPA-12-01 as an amendment to the Comprehensive Plan for Hanover County, Virginia as set forth in the draft document titled Comprehensive Plan Hanover County, Virginia 2012-2032 dated June 30, 2013 incorporating the following modifications presented by staff:

Text to include a designation definition for suburban transitional land use, the maximum achievable density within the suburban high land use designation would be eight dwelling units per acre, explanation of master plan community for the multi-use land use designation and change the recommended ratio in the multi-use land use designation to generally fall within the ratio of 35 percent commercial and 65 percent residential. General Land Use Map Land Use designations revised as presented September 11, 2013 in the general area of Hylas / US Route 33, Cedar Lane US Route 1, Pole Green Road, Bell Creek Road. In addition, remand to the Planning Commission for further consideration the planned business designation generally located between US Route 33 and Greenwood Road west of Winns Church Road. The suburban high 4-8 dwelling units per acre designation on the west line of Bell Creek Road south of Pole Green Road, the planned business designation generally located on both sides of Cedar Lane west of US Route 1 and both sides of Lakeridge Parkway south of Lickinghole Creek. The proposed pump station located between I95 and the CSX rail line north of the Town of Ashland.

Additional Changes to be incorporated:

1. Mr. Rives reviewed the suggested substitute language for Multi-Use Land Use; Draft Revision: Section 2 Land Use, Page 7, third sentence of the third paragraph (Exhibit 1 of 2) read: ***Within a multi-use development, the area zoned for residential uses generally should not exceed 65% of the total area of the development.*** Mr. Rives clarified the goal of the language to make it clear that it could be all commercial, it could be two thirds commercial, it could be half commercial but it could also be 65% of the area as residential. Mr. Rives this would be a substitute for the ratio 35/65. (Exhibit 2 of 2)

Mr. Via accepted this into his motion, Seconded by Mrs. Kelly-Wiecek.

2. Mrs. Kelly-Wiecek asked for further clarification that the following be inserted into paragraph three, first sentence and Mr. Via was ok with the following as stated by Mrs. Kelly-Wiecek: ***Residential uses may be but are not required to be incorporated into a multi-use development.***

The Chairman called for the vote and a poll of the vote:

Mr. Wade - No
Mr. Stanley – No
Mr. Davis – No
Mr. Via – Aye
Mrs. Kelly-Wiecek – Aye
Mr. Hazzard – Aye
Mr. Peterson – Aye

Motion carries 4-3.

MIXED USE ORDINANCE – DENSITIES OF THE COMPREHENSIVE PLAN JUST APPROVED.

Mr. Maloney reviewed the plan that was just adopted as it relates to mixed use. The mixed use ordinance is in conflict with respect to densities of the plan. It allows the 30 units the plan caps it at 15. Staff is requesting that the Board authorize the staff and Planning Commission to draft the appropriate modifications to the mx district so that the mx district and the plan mesh and that draft is advertised. It would be the intent to present both those few changes that you are asking the Planning Commission to Reconsider as well as the draft ordinance. Present simultaneously to PC and bring back to board later this year.

Motion by Mr. Via, seconded by Mrs. Kelly-Wiecek

Vote:

W. Canova Peterson	Aye
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion Carries.

Mr. Maloney – noted Lee Garman, Principal Planner and the tremendous work he has done related to the comprehensive plan. Mr. Hazzard added his thanks to Mr. Garman.

Mr. Peterson complimented the staff for all the hours and work dealing with a lot of moving targets. Thank you very much.

Mrs. Kelly-Wiecek apologized to Mr. Maloney on behalf of the people who have excoriated you in comments and tried to make a villain out of you and the rest of our Planning Department. I do not believe that you have anything but the best interests of the citizens at heart. You have been

accessible to us, accessible to her personally as she represented Chickahominy District and wanted to thank him also for that.

X. Recess

[5:13:49 PM](#) Recess

Reconvene - [7:01:36 PM](#)

XI. Citizens' Time

No one.

XII. Presentations Eagle Scout Drew Houck, Henry Magisterial District, Troop Number 555

Mr. Davis came forward and asked Eagle Scout Houck and his family to come forward. Mr. Davis read and presented the proclamation.

XIII. Public Hearing – Ordinance 13-06 amending Sections 20-27 and 23-26 of the Hanover County Code to revise the County's water and sewer oversize credit policy - Department of Public Utilities Public Hearing– Mr. Herzog

Board Sheet Background: Public Utilities (DPU) completed an evaluation of the County's water and sewer oversizing credit policy. This included a comparison of the County's policy to the policies of other Virginia localities. While no two localities' policies are the same, DPU determined that the County's current policy is more limited than the policies of other comparable Virginia localities.

The County's water and sewer oversizing credit policy is a tool available for the Board to manage development activity within the County. The current oversizing credit policy was implemented during a period when development activity was more robust and active. The goals of the current oversizing credit policy are to control and encourage compact and contiguous development within the Suburban Service Area (SSA). The proposed changes will increase the amount of oversizing credits available. The expected outcome of this change is that more property within the SSA, not necessarily contiguous with other developed property, will be attractive for development in support of the County's comprehensive plan and economic development goals.

The proposed amendment would change the basis for determining on-site oversizing credits from the difference in material costs only to the difference in construction costs, and the basis for determining off-site oversizing credits from the difference in material costs only to the difference in construction costs plus an additional 20 percent. The proposed amendment would also increase the time period during which credits could be used from 3 years to 5 years unless the Board approves a longer duration or an extension. Other minor administrative changes have also been included. versions of the proposed ordinance are attached.

Mr. Steve Herzog, Director of Public Utilities presented the Review of actions to date and the Credit Policy Comparison

- Public Utilities reviewed Hanover's current policy and compared with 9 other jurisdiction's policies

- May 13, 2013: Presented recommended changes to BOS Community Development Committee (CDC)
 - CDC generally supported and directed staff share proposal with the community for comment
 - June 5: Emailed draft to the 140± interested parties on the County's Quarterly Developer Meeting email list
- June 24, 2013: Reported back to the CDC
- July 2013: Revised draft in response to comments
- July 24, 2013: BOS authorized a public hearing

We looked at the credit policies for 9 other jurisdictions including the City of Richmond, Henrico, Chesterfield, Spotsylvania, Stafford, Albemarle, Loudoun, Fairfax, and Goochland

- Change basis for on-site credits
 - Change from difference in material costs to difference in construction costs associated with oversized lines
 - Example: 10,000 feet 8" sewer line oversized to 24"

Current policy (Material Cost Only):

10,000 feet x \$110/ft = \$1,100,000 credit

Construction Cost:

10,000 feet x \$220/ft = \$2,200,000 credit

- Increase standard period during which credits are valid
 - Increase from current three years to five years
 - Three year period was selected during more active development period
 - Five years seems more appropriate based on current levels of development activity
 - Extension can be approved by the BOS

Anticipated Outcomes

- Make Hanover's utility oversizing credit policy comparable to neighboring jurisdictions
- Make more property within the Suburban Service Area viable for development on public water and sewer
- Encourage development that is in accordance with the County's Comprehensive Plan
- Additional support for the County's economic development strategy

Summary of Changes

- On-site oversizing credits are based on the difference in construction costs
- Off-site oversizing credits are based on the difference in construction costs plus 20 percent
- Credits are valid for 5 years (BOS can approve longer period and/or extensions)

No questions from the Board. Chairman opened public hearing -

Mr. Charlie Redlinger, South Anna MD, P.E. speaking in support as it is fair to the County by getting lines built by the developers dollars within the suburban area and is fair to the developer who has to lay out the money to oversize the lines, attest to the fact this is a middle policy.

Motion by Mr. Via to approve Ordinance 13-06 amending Sections 20-27 and 23-26 of the Hanover County Code to revise the County's water and sewer oversize credit policy, seconded by Mr. Hazzard.

Vote:

W. Canova Peterson	Aye
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

XIV. Revisions to standard form Utility Service Agreement – Department of Public Utilities – Mr. Herzog

Board Sheet Background: Hanover County Code requires that a property owner wishing to construct an extension of the public water and sewer system enter into a contract with the County. A Utility Service Agreement (USA) which outlines the responsibilities of the County and property owner fulfills this requirement. A standard form USA, approved by the Board of Supervisors, is used for most projects, while certain unique projects have required non-standard USAs. If there are no changes to the Board-approved standard form USA, it can be executed by the County Administrator; however non-standard USAs must be approved individually by the Board.

If the Board of Supervisors adopts the proposed revisions to the County's water and sewer oversize credit policy, the standard USA must be revised to reflect the policy changes. The Board's approval of the attached updated standard USAs will allow the County Administrator to continue to execute standard form USAs.

In addition to revisions reflecting the changes in the County's water and sewer oversize credit policy, Public Utilities and the County Attorney's Office have identified minor changes to the standard form USA to make it easier to understand and to address questions and concerns of property owners. The most significant of these minor changes is to create two standard form USAs, one for projects with credits and one for projects without credits.

Both revised standard form Utility Service Agreements are attached to the Board record.

Mr. Herzog reviewed the utility service agreement is a contract between the property owner and the county and the property owner agrees to construct improvements in accordance with the county's requirements and the county agrees in return for that to accept the improvements into

the system and to provide service to the development. Almost all projects utilize a standard utility service agreement. The new language reflects the new ordinance 13-06 just adopted.

Mrs. Kelly-Wiecek made a motion to approve revised standard form Utility Service Agreements, seconded by Mr. Hazzard.

Vote:

W. Canova Peterson	Aye
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

XV. Planning Public Hearings – Mr. Maloney

Chairman reviewed rules of the Board of Supervisors for Planning Public Hearings.

Special Exceptions

SE-45-07

AM. 1-13 MCGEORGE ROLLING HILLS RV, Requests an amendment to a Special Exception Permit in accordance with Section 26-206 of the Hanover County Zoning Ordinance to allow unpaved parking areas in the front yard, on GPINs 7788-59-7285, 7788-60-0114, 7788-68-2980, 7788-69-1803, 7788-69-2400 and 7789-50-6060, consisting of approximately 30.17 acres, zoned M-2(c), Light Industrial District with conditions, located at the terminus of Sun Shade Lane (State Route 1328) and on the south line of the terminus of Northlake Park Drive (route number pending) in the **ASHLAND MAGISTERIAL DISTRICT**.

SE-46-07

AM. 1-13 MCGEORGE ROLLING HILLS RV, Requests an amendment to a Special Exception Permit in accordance with Sections 26-199 and 26-206 of the Hanover County Zoning Ordinance to allow placement of a non-ornamental fence more than four feet in height in the required front yard for security purposes, and to place the fence within 35 feet front yard setback, on GPINs 7788-59-7285, 7788-60-0114, 7788-68-2980, 7788-69-1803, 7788-69-2400 and 7789-50-6060, consisting of approximately 30.17 acres, zoned M-2(c), Light Industrial District with conditions, located at the terminus of Sun Shade Lane (State Route 1328) and on the south line of the terminus of Northlake Park Drive (route number pending) in the **ASHLAND MAGISTERIAL DISTRICT**.

Mr. Maloney reviewed the requests concurrently

Displayed the zoning map;

Planning Analysis:

- Both amendments show changes to the sketch plan layout to include:
 - An additional parcel
 - An additional structure
 - A new entrance from Northlake Park Drive
 - Relocation of the fence to accommodate the new features noted above
 - Altering the unpaved parking areas to accommodate new features

The applicant is requesting gravel parking, this is in the Ashland Overlay and an exception from the requirement to put in a hard surface due to the weight of the RV's and the heat rising from the asphalt. This is a necessary modification. They are showing a property line five feet from the curb and staff is recommending that property line be properly identified on the conceptual plan. There is a discrepancy on one of the distances as it relates to the fence and we are recommending that be corrected prior to site plan approval. The proposed layout was displayed and the area which is subject to these special exceptions are highlighted in gray. The proposed entrance road was pointed out and the existing structure, new structure as proposed. The area for display parking was pointed out and the fence in question will be behind a fairly well landscaped area and it will serve as security fencing for the display area.

- Staff noted minor revisions to the sketch are requested to correct a conflict with the notations regarding the fence location

Staff Recommendations:

SE-45-07, Am. 1-13

- Recommends **APPROVAL** subject to the conditions outlined in the staff report

SE-46-07, Am. 1-13

- Recommends **APPROVAL** subject to the conditions outlined in the staff report

Mr. Via asked will the fence have to be relocated due to distance off curb. Mr. Maloney stated some of the fence will have to be relocated and the final location will be 25 ft. from Northlake Park Drive. Mr. Via gravel and paving and if road relocated it will be asphalt. Maloney – The new entrance road from Northlake Park Drive will be asphalt as will the customer parking in front of the building. It is only the display area that will be gravel.

Chairman opened the joint public hearing.

Gibson Wright, Northlake, came forward to clarify we have met the applicant and he has agreed to put an opaque fence in front of chain link fence along the south line of North Lake Park Drive. Mr. Wright thought this was mentioned in the staff report but did not see it mentioned in the presentation or recommendation and wanted it noted for the record to be done by the applicant.

Bill Brenzer, Lone Wolf of VA, LLC, adjacent property owner came forward. The original design has two ingresses and they wanted to make sure that does not impact their property and they will still be available. Mr. Brenzer met prior to the meeting and their engineer assured Mr. Brenzer that this is good to go and so he is fine with the request as long as it does not impact his property with two entrances and exits.

Mr. Via asked about the screen in front of all this. Mr. Maloney advised there has been communication between applicants and Mr. Wright about supplemental screening and a fence in front of the fence and it is not part of staff recommendation and it is the prerogative of the board should you consider that but staff would leave that arrangement from the staff's perspective as a negotiated agreement between the various property owners. Mr. Maloney if you want the security fence screened it is your prerogative to add a condition that an opaque fence be constructed in front of that fence. Mr. Via asked what type of fence is proposed. Mr. Maloney clarified Mr. Wright said opaque fence but essentially it would be a board fence in addition to vegetation. From staff perspective there are two issues at hand and staff would not preclude that. If the board chose to approve this request as submitted by the applicant and at a later date the applicant chose to put up additional fencing that would not be a violation of this SE. It is Staff's understanding the purpose of the chain link is to provide security and this is a display lot and it would seem to be counterproductive to the property owners' purposes to screen a lot that is intended to display vehicles. As a compromise if it is the board's desire to minimize the appearance of a chain link fence, the use of a dark vinyl coated fence could be used to minimize upkeep and appearance of the chain link fence. Staff is not recommending additional fencing although it is a request that Mr. Wright and his development company have made to McGeorge but it is not reflected in the staff recommendation. Mr. Via asked how the McGeorge representatives feel about that. Mr. Maloney advised he could not speak on their behalf. Mr. Via if there is no extra fence there is vegetation included in the recommendation. Mr. Maloney advised the purpose of the vegetation is to create that buffer and soften the view, not screen it but soften the view and the appearance of the property.

Mr. Via made a motion to approve SE-45-07 with vegetation only and with chain link fence, seconded by Mr. Hazzard.

Mr. Hazzard asked about the dual entrance Mr. Brenzer mentioned - does it impact his property. Mr. Maloney not aware of anything that impacts entrance on the other side. North Lake Park Drive is a public road and internal road and does not serve through traffic, VDOT does have entrance spacing requirements but there is not anything as a result of this proposal that is going to preclude an entrance on the other side.

Mr. Davis wanted to be clear on the understanding with Mr. Wright and he has discussed with McGeorge. Mr. Davis wanted to know if there was anyone here representing McGeorge that can account for that conversation.

Mr. Mark Georgallis, McKinney and Company, came forward and prepared the plan for McGeorge. The current discussion is that McGeorge will accept using an agreement to put a board fence up along North Lake Park Drive. There is not formal agreement but will be eventually.

Vote:

W. Canova Peterson	Aye
Sean M. Davis	Aye
Wayne T. Hazzard	Aye

Angela Kelly-Wiecek	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

Approved.

SE-46-07

Mr. Via made a motion to approve SE-46-07, seconded by Mrs. Kelly-Wiecek.

Vote:

W. Canova Peterson	Aye
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

Approved.

SE-5-13 ATLEE RECREATION ASSOCIATION, INC., Requests a Special Exception Permit in accordance with Section 26-21.5 of the Hanover County Zoning Ordinance to allow outdoor displays and promotional activities up to nine (9) times per year, including community yard sales, corn hole tournaments, pumpkin and Christmas tree sales, and festivals in the spring and fall that include entertainment and vendor sales of crafts and food, on GPIN 7796-67-2788, consisting of approximately 9.76 acres, zoned A-1, Agricultural District, and located on the northwest quadrant of the intersection Staple Lane (State Route 1229) and Atlee Station Road (State Route 637) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**.

Maloney introduced this request, displayed the zoning map,

Executive Summary:

- These events will be advertised using appropriate media for each event
- The proposed events may include:
 - Up to 3 one-day cornhole tournaments
 - Up to 2 one-day community yard sales
 - 1 Christmas tree sale
 - 1 autumn pumpkin sale
 - 1 one-day spring festival
 - 1 two-day fall festival

Planning Analysis:

- The applicant does not anticipate having all of these events every year

- The applicant indicates that most of the events will be small scale and will occur completely on-site, including event parking
 - The exception may be the spring and fall festivals, for which they may need off-site parking at the schools
 - The schools have indicated they are amenable as long as use of facility policies are followed
- Staff does not anticipate that the proposed events will be incompatible with the community, but recommends a condition that the initial term of the Special Exception Permit be for 3 years, at which time the use will be reevaluated and is an administrative review process. The applicant has submitted various sketches and an example was displayed for board review on the Cornhole Tournament.

Staff Recommendation:

Recommends APPROVAL subject to the conditions outlined in the staff report

Mrs. Kelly-Wiecek do you have the other two sketches as there are different configurations based on the event and those can be addressed later. Mr. Maloney advised not in the presentation.

Opened public hearing

Jim Ellis, Chickahominy, Atlee Recreation Assoc., President, representing board of directors of ARA and over 200 households. This will allow interaction with the community further than the pool season. Feedback has been received from the community and ARA takes that seriously and wants to be responsive to that feedback.

Mr. Via – how much membership have you lost since the recession over last 4 years down by 100.

Opposition – no one. Public hearing closed.

Mrs. Kelly-Wiecek received calls on this few concerns about the scope of some of the projects. Additional conditions that were agreed upon right before the meeting:

General conditions if overflow parking goes over to the schools across the street we are concerned about pedestrian traffic crossing Atlee Station Road which can get busy. We are going to add a condition:

For those events requiring utilization of Hanover County public school property to accommodate overflow parking, Atlee Recreation Association will provide traffic control between the subject property and the public school property and such traffic control shall be coordinated with the Hanover County Sheriff's office.

Mrs. Kelly-Wiecek advised she had spoken to Sheriff Hines today to see if they had any concerns and Sheriff Hines does not have concerns as these all sounded like good community events.

The Pumpkin sale would be better served to occur during the fall festival so the pumpkin sale will be stricken for a total of eight events.

The Christmas tree sale similar to the pumpkin sale. We don't have any issue with events that are the primary responsibility of Atlee Recreation Center. We are concerned that utilizing a third party vendor turning this into more of a retail use and was not a precedent we wanted to set and is outside of scope of original intent of the property. We will strike the pumpkin sale and say that Christmas trees could be sold and we will limit the dates to be: the day after thanksgiving and stop Christmas Eve and all residual effects would have to be removed by noon on the 26th of December. Christmas tree sales shall be conducted by Atlee Recreation Center and these activities shall not be conducted by a third party vendor.

Community Yard sales shall occur no closer than 4 mo. apart and the sales shall be limited to the hours of 7:30 a.m. and 1:30 p.m. All materials brought to the site shall be removed immediately following the conclusion of the sale.

Mrs. Kelly-Wiecek then made a motion to approve with recommended changes, seconded by Mr. Via

Vote:

W. Canova Peterson	Aye
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

SE-7-13 **ADA M. CARON**, Requests a Special Exception Permit in accordance with Section 26-121.2 of the Hanover County Zoning Ordinance to allow a dwelling for use by the proprietor of a business on GPIN 8737-21-2945, consisting of approximately 1.0 acre, zoned B-2, Community Business District, and located in the southeast quadrant of the intersection of Studley Road (State Route 606) and Williamsville Road (State Route 615) in the **HENRY MAGISTERIAL DISTRICT**.

Mr. Maloney introduced this request, displayed the Zoning Map;

Planning Analysis:

- The applicant currently resides in the 810 sq. ft. apartment addition, which is attached to the rear of the store
- The apartment was constructed in the 1940's and has since become a liability for the owner due to the difficulty of obtaining property insurance
- The applicant is proposing to tear down the apartment and rebuild a 1,300 sq. ft. house behind the existing structure

- The total expansion of the structures on the property does not exceed 10% of the existing square footage; therefore, site plan review will not be required

Sketch Plan was displayed and Mr. Maloney pointed out the existing retail structure, addition to be removed and the location of the proposed dwelling.

Staff Recommendation:

Recommends **APPROVAL** subject to the conditions outlined in the staff report

[7:44:22 PM](#) Mrs. Kelly-Wiecek left.

[7:45:53 PM](#) Mrs. Kelly-Wiecek returned.

Chairman Peterson opened the public hearing – no one to address the board, public hearing closed.

Mr. Davis made comments in support of keeping the store open and then a motion to approve, seconded by Mr. Hazzard.

Vote:

W. Canova Peterson	Aye
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion Approved.

[7:47:22 PM](#) Recess

[7:54:25 PM](#) Reconvene

Joint Conditional Use Permit and Special Exception

CUP-3-13 HANOVER VILLAGE, L.L.C., Requests a Conditional Use Permit in accordance with Section 26-130.14 of the Hanover County Zoning Ordinance to permit a theater on GPIN 8724-08-2044, consisting of approximately 16.79 acres. The area of the Conditional Use Permit will be limited to approximately 8.66 acres. The property is zoned B-3(c), General Business District with conditions, and located on the south line of Mechanicsville Turnpike (U.S. Route 360) at its intersection with Sujen Court (State Route 1580) in the **MECHANICSVILLE MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Commercial.

Mr. Maloney introduced this request, displayed the General Parcel Map; Zoning Map;

Planning Analysis:

- The subject property was rezoned in 1987 to B-3(c), General Business District with conditions, in accordance with the comprehensive plan in effect at that time and noted that this property has been planned for business by Hanover County since 1972.
 - The approved proffers require a 4.019 acre buffer area between the subject property and the adjacent residential Brandy Creek subdivision
- The applicant has arranged the site to place most of the parking in front of the theater building, which will also serve as a physical barrier between the public parking and the adjacent residential
- The layout has increased the width of the natural buffer and shows supplemental landscaping at the rear property line to fill in gaps in the existing vegetation
 - The existing proffered buffer ranges from 70' to 170' wide
 - The proposed buffer ranges from 160' to 275' wide
- The elevations were displayed and show the following :
 - The structure will be constructed of stained split-faced block and stucco
 - The height will vary from 30' to 46' 4", with the entrance tower feature to be 52' 6" tall (requiring separate height exception)
 - All of the façades show use of the materials and colors as shown in the legend
 - Shows variations in setbacks and roof height to break up the façade

Transportation:

- There are 4 shopping center entrances and a 5th entrance that serves the rear of the site
- VDOT reviewed this request and has the following recommendations:
 - The current right turn lane from Brandy Creek Drive to the tire center shall be extended to the shopping center entrance to provide additional turn lane storage length
 - The applicant has shown the extended turn lane on the revised sketch plan as recommended by VDOT

Community Meetings:

- The applicant has held 2 community meetings, the first in May and the second in July
- Issues raised at the meetings included the following:
 - Safety issues and possible increase in crime
 - Traffic cutting through the adjacent residential neighborhoods
 - Noise from the traffic and theater patrons
 - Trash blowing into neighborhoods
 - People crossing buffer on foot from the site
 - Impacts to Sheriff's office

Conditions to address concerns:

- To address citizen concerns, the recommended conditions include the following:
 - The Brandy Creek entrance will be designed for right-in/left-out only and include signage to support that design – the entrance design is shown on the Applicants sketch plan

- Subject to VDOT approval, signage will be provided on Brandy Creek Drive to deter through traffic into the adjacent neighborhoods
 - Hours of operation are set and limitations on the number of premier screenings per month
 - Adult motion pictures not permitted as required by the zoning ordinance
 - A public safety plan shall be submitted prior to site plan approval, which staff will send to the Sheriff's Office for its review and approval – to the extent the modifications to that plan are appropriate, those modifications will be made as well.
- In addition, the concerns regarding noise, foot traffic and trash should be addressed by features shown on the sketch plan:
- Existing topography is a barrier (wetlands, pond)
 - Expanded buffer is being provided
 - Additional plantings along rear property line to provide screening and noise reduction
 - Customer parking in front of theater structure (helps to address conversational noise, traffic noise and trash)

The sketch plan was referred to and displayed (as submitted with the application). Mr. Maloney pointed out the primary entrance which is the existing entrance on Route 360, there is a secondary entrance on Brandy Creek Drive and this is the entrance that will be relegated to a right in and left out movement only and the applicant has shown the additional right turn lane as recommended by VDOT. The parking shown in the shaded areas will be designated employee parking, the public and patron parking will be in front of the structure. In addition to the theatre building itself they are proposing several pad sites presumably for restaurant, retail uses. Those sites are permitted by right and are not part of this conditional use permit application.

Recommendations:

The Planning Commission and staff recommend **APPROVAL** subject to the conditions in the revised staff report

Mr. Davis on the left out is there a physical barrier. Mr. Maloney advised it will be constructed as a channelized entrance and exit. If turning left they would have to drive over some sort of curbing and most individuals will not. Mr. Maloney advised he was remiss and then pointed out the additional area of screening and buffering. The shaded area is the area of the proffered buffer where the additional screen plantings and supplemental plantings will be planted to further obscure the view from the residents into the property. The shaded area is the area of the proffered buffer dating back to the rezoning, the additional area is the area being added as result of the project.

Mrs. Kelly-Wiecek asked about the condition of the area right now how much distance is there between the back of the building and homes behind it. Mr. Maloney several 100 ft. and it varies based on the orientation of the building it is probably 160-200 ft through the narrowest point. 275 ft. in the widest part. Mrs. Kelly-Wiecek asked if it is mostly vegetation. Mr. Maloney all vegetation now and there is a steep drop between the residential properties and the developed portion of the site. Mr. Maloney advised there is a fairly steep slope down and a fairly steep

slope back up the site and there is a lot of underbrush and vegetation within that area. Mrs. Kelly-Wiecek and Mr. Maloney generally discussed you would be looking down from neighborhood to the site. Mr. Maloney there was a pond and the dam structure may have been damaged during one of the storms so not sure of the condition but it is a wet swampy area. Mrs. Kelly-Wiecek asked if will be runoff from the theatre to neighborhoods. Mr. Peterson stated he walked the site and there is a good 20 ft. in elevation above the pond area. This is Brandy Creek that runs through there and there is a pond that was created by beavers and is shown on the plan. Mr. Peterson attended both of the neighborhood meetings and the reason the applicant has put the screening up adjacent to the property owners is because they are high on the hill and right now they have indicated they are concerned and are disturbed by lights from the other side of Route 360 already. If you put any screening below they would look right over top of it so the screening needs to be at the residential property elevation to provide proper screening to what is going on. That is an active stream and pond on site.

Mr. Maloney reviewed the SE-4-13

SE-4-13 HANOVER VILLAGE, L.L.C., Requests a Special Exception Permit in accordance with Section 26-336 of the Hanover County Zoning Ordinance to allow a building height up to 55 feet on GPIN 8724-08-2044, consisting of approximately 16.79 acres, zoned B-3(c), General Business District with conditions, and located on the south line of Mechanicsville Turnpike (U.S. Route 360) at its intersection with Sujen Court (State Route 1580) in the **MECHANICSVILLE MAGISTERIAL DISTRICT**.

Displayed the Zoning map;

Planning Analysis:

- This request is made in conjunction with CUP-3-13, Hanover Village, L.L.C., which is for a movie theater
- Structure height in the B-3 District is limited to 3 stories or 45'
- The proposed elevations for the theater show a portion of it that is 46' 4" in height, while the remainder of the structure is less than 40' in height
- There is also a tower feature at the entrance to the theater that is 52' 6" tall
- This request is to allow the building height to be up to 55'

Elevations were displayed.

Staff Recommendation:

Recommends **APPROVAL** subject to the conditions outlined in the staff report

Mr. Peterson does the height meet Fire/EMS standards and Mr. Maloney noted Fire/EMS were very involved in the review of the application and no comments were received to the contrary. Mr. Harris advised the three stories is within the equipment fire/ems has.

Mrs. Kelly-Wiecek asked for information on the lighting plan for this. Mr. Maloney advised that Staff do not have a detailed lighting plan at this time that is submitted at sight plan approval. Limitations on height of light fixtures to 35 ft. also have minimum lighting of the site itself and

maximum lighting at the property line. Lighting at the property line cannot exceed half foot candle and there are standards for uniform lighting throughout the entire parking field. The lighting has to be turned on at times of operation and hours of darkness. We have a direction lighting ordinance meaning all the light fixtures have to be full cut off and the fixture has to be designed to not allow light spill above a horizontal plain even with the bottom of that fixture. All the lighting will be downward directional and is by ordinance. The detailed lighting plan will be submitted at the time the site plan is submitted assuming this project is approved by the Board.

The Chairman opened the joint public hearing on both applications:

Mr. Condlin, Representative of Hanover Village, this will be a 12 screen facility for Carmike. Mr. Condlin noted this had unanimous approval of the Planning Commission and staff also recommends approval. This recommendation is not about revenue to the County but is an appropriate use of property and they looked at the current B-3 zoning and this will revitalize the currently challenged shopping center which has empty locations and is along Route 360. In order to maintain the services the County provides public safety, utilities, schools and host of services you need to have the right kind of growth and businesses provided for this county. It is a known fact from a local standpoint from economics that businesses provide more tax revenue than the services they use and it is the flip side for residential. This use is permitted in the B-3 as long as the conditional use permit is approved. The applicant is willing to accept the conditions, and Mr. Condlin has one question regarding the hours and otherwise accepting of the conditions tailored to this specific property for this specific use and is what the conditions are supposed to be for. In anticipation of the questions and the editorials in the newspapers and information that has been provided there are a number of questions by the community related to traffic, security, safety and hours. Mr. Condlin addressed the traffic and advised this is already a designed and planned for shopping center; per the ITE Code for traffic generation of a retail site that you can fit 100,000 sf big box on this site and the type of big box store would generate 360 trips during a peak p.m. hour. A movie theatre is going to generate 200 p.m. peaks in that hour. Most of the traffic generated from the movie theatre is off-peak hours and is beneficial. The applicant does realize there is a frustration with the existing traffic and they have provides for conditions to address the commitment to specific traffic improvements on Brandy Creek Drive otherwise with respect to VDOT having the authority to warrant the traffic studies. The other benefit is that this is cross access. There was a question about parking and the applicant has provided for cross parking, cross access to be able to get over to Lee Davis and provide for that flow of traffic to get it off the local roads within the shopping center itself with these five different entrances. While there is the frustration with the existing traffic the reality is this use is less than the typical retail that could otherwise operate without any conditions on there today. With respect to safety the reality is that there is a condition that instead of identifying the specifics of exactly what has to be done today, wait until the time that the applicant submits the site plan and let the experts, the sheriff, planning staff and the applicant can submit a safety plan and then staff and the sheriff can review and if they require something the applicant has to do it. This might include additional safety personnel, off duty sheriff officers, cameras as dictated by the Sheriff, a change with average in late night showings. If those safety concerns are not met by the applicant as dictated by the safety plan then the conditional use permit gets pulled. There is an operation management program that Carmike has related to emergency operations and public safety that all their

employees complete. This training is developed in conjunction with Homeland Security. The perception is that this is going to be a more dangerous activity than is the reality as you look at the number of calls for other jurisdictions with existing theatres. This is a business and it is in the best interest of the business to have a safe and inviting atmosphere and they will provide this by working with the Sheriff and the Sheriff may dictate requirements going forward. Related to the Hours the B-3 allows any business to go in there without any restriction and this is the nice thing about having a conditional use permit and it is intended to have conditions for hours. For a theatre to be active and competitive it is about the product which are primarily blockbuster premiers twice a year in the summer and the holiday season. They are staggered so that they come out in consecutive weekends. The conditions currently read that they will have three times a month after 11:30 p.m. The applicant is showing it Thursday – Friday and would like a change in that condition with an average as it is hard to get the timing during the months needed. This is an appropriate use of a property that is part of an existing shopping center that is challenged with vacant spaces and is a B-3 zoned property and designated commercial in the Comprehensive Plan along Route 360 corridor that has been designated for commercial development. The appropriate conditions have been submitted that reduce and eliminate the impact on surrounding properties as appropriate for this property and have met all jurisdictional prerequisites.

Mrs. Kelly-Wiecek asked about the premier limitations – early summer and holiday seasons – the movies would begin at 12:05 p.m. on Thursday and Mr. Condlin advised it is technically a Friday. Mrs. Kelly-Wiecek asked are there limitations on how many may appear at the same time or successive weeks. Mr. Condlin advised under the conditions as it stands there are only 3 times a month May-June; November-December. Mrs. Kelly-Wiecek no early Saturday; Sunday morning. Mr. Condlin only Thursday / Friday. Mrs. Kelly-Wiecek asked if you are agreeing with what the Sheriff Security Plan requires without knowing what that is. Mr. Condlin we believe the Sheriff to be reasonable and want it to be safe and it is an innovative way to do it as the Sheriff is the security expert and it give flexibility to have more security at the premiers. Mrs. Kelly-Wiecek followed up with a question related to the expense of the security and it will be at the expense of the applicant. Mr. Condlin advised yes it will be at the applicant expense, security cameras, how long footage is maintained, the number of employees on site and location.

Heather Muir, Mechanicsville, in support as the majority of the individuals opposed live in the neighborhood directly behind the proposed site and while their concerns are valid still feels in the best interest of the County as a whole to move forward with the project. Traffic will occur on off-times from the local businesses and schools and traffic light timing may be adjusted to accommodate that new traffic pattern after the business if built. Do not see how a well-lit, open patrolled parking lot will increase crime and how is it any different from any other parking lot in that area. Drug deals usually go down in dark abandoned areas much like the space that is there currently. Understand wanting Hanover to keep the small town feel but a theatre in this location will not impede on current landscape, not cause urban sprawl into parks or woodlands as the area is already a commercial area and the conditional use permit give the community some say related to the theatre and it will not with other businesses such as a low end motel that may increase crime.

Lisa Hyatt, South Anna, reading letter of a senior citizen from Hanover Village, we want a theatre as we are tired of driving to the West End to go to a movie theatre and believe having an

empty shopping center invites much more crime than a movie theatre. If you are looking to shut down crime centers try the Mid-Way across the street and as senior citizens and registered voters the support should not be centered only on one neighborhood who just does not want the traffic.

Joan Davis, New Hunter Road. The letter was entered into the record.

Teresa Ferrell, Mechanicsville, support and requested the Board to vote yes.

Trace Lloyd, Sonic, their business has suffered and this should help the local businesses. As a business manager in the area he knows the county regulations for lighting etc. and they will not let anything effect the houses, understands the residents behind cherish the land but this has already been zoned for business and the theatre owners are doing this the right way by having the community involved. If this is not allowed the other option might be worse.

Debbie Wetlaufer, Mechanicsville MD, Opposition, a developer can legally apply for a special use permit but a use is not a matter of right and give the County the opportunity to ensure that the use is desirable, appropriate and compatible with the area and to protect the surrounding residences, businesses, environmental resources and public infrastructure. This plan does not meet these criteria. This is not the right location for a theatre and not the time to add extra stress to the infrastructure. Oppose this plan because the Planning Commission failed to evaluate critical issues: did not have public safety impact statement when considering this, no traffic impact analysis was prepared, Sheriff Hines cautioned that the Sheriff's Office would discourage any initiative that would add to the current vehicular congestion at the Lee-Davis Road and Mechanicsville Turnpike Intersection or limit ease of access to travel corridors for nearby residents, no wetlands study has been received by the Army Corps of Engineers, no financial feasibility study has been conducted and if the movie industry declines how will the County repurpose an abandoned movie theatre. Ms. Weblaufer noted she is not against growth nor a movie theatre but expects responsible growth and a certain level of due diligence be met. This is not an appropriate location for a theatre and in talking with most residents they feel anything would be better than a movie theatre.

Paul Teal, Mechanicsville MD, Opposition, petition handed out, showed map of site, pointed out congestion of the site with the four exits. The planning report did not sufficiently consider crime and traffic. Sheriff Hines' report is significant to the traffic and crime aspects. Only one of the entrances pointed out by Mr. Maloney allow traffic to turn left onto Route 360 towards Mechanicsville and that requires crossing two east bound lanes of Route 360 to head west. Should a red light be placed there within 200 yards you come to the light at the head of Brandy Creek Drive and all that traffic trying to get out onto Route 360 as well. The drawing shows the other exit entrances must require traffic to cut through or in front of half the existing shopping center impacting the bank, auto parts store, card store and the tractor supply store to get to an overburdened Lee Davis Road and that entrance or exit is directly across from the other shopping center on Brandy Hill which houses other businesses. Should a movie patron elect to exit next to the bank on the third exit they only have one option to enter at 360 and Brandy Creek Drive exit point. Now you are at the same red light where three exits entering. The exit in front of the tractor store in front of Lee Davis Road should not be considered an exit point as the small entry point by Walgreens impacts their customers negatively as well and further ties up the light at Lee Davis because you are not able to exit there. Brandy Creek residents utilizing stores in the shopping center will not be able to come up Brandy Creek Drive as they have for years and get

into that shopping center, let alone in the future go into Sonic. Looping out or cutting through the shopping center are the only alternatives. Asked if the developers of the movie theatre are aware of how many times during the year Brandy Creek loses their electricity and the inconvenience they endure as they lose power at the drop of a hat even in a minor rainstorm for 6 hours. How will traffic be handled when the street lights lose power? Will movie patrons return after leaving the theatre with a terrible traffic experience? The proper entrance infrastructure should be put in and the electrical underground.

Mrs. Mickey Jennings, Mechanicsville MD, Opposition, noted a letter received from a board member discussing supporting the citizens and asked the board to support the citizens and vote in opposition.

Sean Davis, noted the letter was in reference to Eminent Domain / property rights. Mrs. Jennings noted she was quoting a general statement Mr. Davis was saying as far as backing citizens.

David Jennings, Mechanicsville MD, Opposition, not against commercial development or broadening the tax base. Two concerns are still the traffic, potential crime, pointed out item 4 on the map entrance for Brandy Creek, left turn out only. Another compromise was offered in the first community meeting with the attorney for the developer. If you turn left out of there only you go up to the shopping and come back out through Brandy Creek so you really have not done anything but pour concrete and put up signs you can't enforce because you don't have enough manpower now to do the job that needs to be done in Hanover County. Noted calls for service to Regal Cinema in Virginia Center Commons, Stony Point Shopping Center, quoted statistics in the Sheriff's statement within a one mile radius from the site 4,966 calls for service were received between 7/2012 and 7/2013 and this movie theatre will add on top of that. Of the top four accident locations in Hanover County one is Mechanicsville Turnpike and Lee Davis Road is number two. There is no traffic control for the main exit and no control of the traffic on the exit off of Brandy Creek Drive. Mentioned the additional police precinct at Virginia Center Commons Mall that Henrico has approved. The compromise from the first meeting was rejected as it would resolve 95% of the issues we are dealing with and contain the problems on the property as opposed to running them back into the subdivisions. Some property owners are selling and the zoning may allow for this but this is not the way to broaden the tax base.

T. Wade King, Mechanicsville, former Planning Commissioner for Hanover County. Lives one mile from the site. Concerned with lagging movie industry and what will you do with an empty building in coming years, asked the board to consider another use of this land such as multiple business, town home residences, high class apartments, multi-purpose open space, less parking space paved over to add to the drainage, permanent residents there 24 hours a day, business owners and customers being the bulk of the traffic spread throughout the day and not at peak movie hour times and not into the wee hours of the morning. A walkable community where the residents can walk to get what they need for daily living, multipurpose space where kids and adults can play, event and meeting space. These uses would be far more compatible with the surrounding neighborhood. Asked the Applicant to develop as a mixed use district zoning. Remand back to the planning commission so more community planning may be held.

Jacob Johnson, Mechanicsville, wetlands behind the site, trash is a concern, smoking etc., Student at Lee-Davis and talked to other students and their discussions determined that movies are too expensive and they would rather watch on phone or streaming on computers. Leave Hanover the way it is and vote against the plan.

Herb Chittham, Cold Harbor, read letter sent to Times Dispatch related to whose property rights take precedent? Developer or Residents/Businesses. Reiterated traffic, crime concerns. Not against a movie theatre but against a theatre in this location. Opposition.

Mary Lee Wilburger, Henry, opposition. Welcome and encourage Hanover Village to come to Hanover County but take their business over to the Route 301 as the traffic is backed up from her street all the way to the Toyota dealership so she knows first-hand as times goes on it is getting worse and worse unless we plan to spend more money to put up more lights to widen Mechanicsville Turnpike. Reiterated again they would love to have Hanover Village here but go to another location.

Rebuttal Applicant, Andy Condlin, stated the applicants don't take opposition lightly nor their comments. Community meetings were held with good discussion and a lot of these are emotional responses and some are based on fact. There are competing interests. The applicant looked at closing Brandy Creek Drive, close the access with respect to wanting to have cross access for benefit for security levels police/fire and cross access back and further among the businesses and is the whole idea of a shopping center. Mr. Condlin noted apartments were mentioned and he will not be bringing apartments to the property. United Dominion Realty Trust actually owns the property and they develop apartments. They would love to put apartments here and apartments that a lot of folks have objected to. This has been in the comprehensive plan for commercial and that is what it is there for. Wetlands and Army Corps of Engineers you do not delineate wetlands until site plan process and they will have to be protected and cannot be violated. Applicant has generally determined where the wetlands are as the shaded area and increased the buffer. There is almost 4.5 acres of a buffer behind the property. Reference to movie industry dying and Carmike, 2012 -13 was largest year ever 200 Billion industry. It has been on the rise as well as attendance. This is cheapest entertainment compared to bowling and sports. Carmike is trading at \$19 share and Barons recommends it for investment. Roads – VDOT has reviewed with improvements and stated these roads with improvements will be able to accommodate the traffic. Again, this is less of an impact than a big box user; security – any use of a property, farm use, home, empty storefront will cause a need for services. The question is - does it offset with tax revenue and offset with the conditions to be able to offset any of the impacts on the neighborhood. Will it be any worse than any other use. Some uses yes, some uses no. This is a good and appropriate use for property designated commercial since the 1970s and located on a commercial corridor designated in the comprehensive plan, B-3 existing shopping center.

Public Hearing closed.

Mr. Hazzard advised he is concerned about traffic.

Access for neighborhoods behind, and can see the traffic pattern becoming congested as one movie lets out and folks are leaving and others entering for the next showing. No problem with the movie theatre, it is the traffic.

Mrs. Kelly-Wiecek asked for an explanation of the ingress/egress and the benefit of the right in/left out.

Mr. Peterson asked Mr. Maloney to explain.

Mr. Maloney – returned to exhibit turned in by residents. There are a number of entrances: at the Walgreens; adjacent to Walgreens; Lee Davis Highway; right in right out entrance onto Route 360; full movement entrance on Route 360 and currently there is a full movement entrance proposed to be a left in / left out entrance. This is a single shopping center and there is cross access from Lee Davis to Brandy Creek and at the various entrance points out to Route 360. There are multiple opportunities for traffic from all of the businesses to disperse onto the adjacent public roads. Several of those intersections are signalized being Lee Davis and Brandy Creek and full movement at the main entrance. The concern with the right in left out had to do with cut through traffic raised by residents in the nearby subdivisions. They were concerned that traffic coming east would cut through those neighborhoods as there is a connection out to Walnut Grove Road through Brandy Creek. Their concern was traffic further east would use Brandy Creek as an entrance in creating additional traffic into the shopping center rather than navigating further east on Route 360 or Lee Davis Road – left in traffic/left out traffic. There was a recommendation by Mr. Jennings at the community meeting and he inquired could Brandy Creek Drive be disconnected and cul de sac at Brandy Creek crossing. For those residents it would be closed off and they would not have direct access from Brandy Creek into the theatre. That was looked at in a meeting with Sheriff staff, VDOT, planning, works, Mr. Peterson there consensus that was creating a very dangerous situation as it would have forced all traffic to single point of Lee Davis Road rather than dispersion at two intersections. That concept was rejected but staff did recognize cut thru traffic concern to minimize other traffic utilizing Brandy Creek it was offered by the Planning Commission to create the entrance as right in and left out and it does not preclude through movements from the Brandy Creek neighborhoods to still access Route 360 but it does preclude the cut through traffic. Their questions on how they get to the shopping center Brandy Creek has five roads that interconnect to Lee Davis Road so there is an opportunity through the neighborhood to access the shopping center. There is also an opportunity to access the shopping center from Brandy Creek to Route 360 into the primary entrance onto Route 360 again there is an opportunity for traffic to disperse throughout the site, three roads have ingress and egress points. Lee Davis, Route 360, Brandy Creek. There are several opportunities for the residential traffic to disperse between Brandy Creek and Lee Davis to access the site and it minimizes the likelihood that there will be significant cut through traffic entering the theatre as a result of the proposed modifications to that driveway.

Mr. Davis asked Mr. Maloney to return to the overhead plan – entrance number 1 on the overhead plan – this is ingress and exit and heavily used and backs up currently. Not opposed to the theatre but we need to do the best that we can. Is there a way to mitigate, entrance 2 and 3.

Mr. Davis have we looked at the traffic patterns. Mr. Maloney – short distance from 3 the light at Brandy Creek and Mr. Maloney clarified this is a weave movement or where you have to cross lanes of traffic to turn left. The shopping center is zoned B3 as Mr. Condlin pointed out as part of staff rev with VDOT peak is less than what is permitted by right. No detailed traffic analysis

performed on this and not aware at any point where we are looking at a reduction in peak hour traffic that we would perform such an analysis. This theatre is producing fewer peak hour trips than if retail use came on line. Convenience services which are separate land use classification under the IT trip generation manual. We are reducing the volume of traffic not aware of any operational policy that requires us to undertake an impact study when traffic is reduced. There is nothing to warrant a detailed study and we did review in depth with VDOT and the recommendations of VDOT are incorporated in the staff conditions. As far as ingress/egress, stacking and safety their recommendation focused on Brandy Creek Drive.

Mr. Hazzard know it is not during peak time but unlike shopping events they are all leaving at one time and this is the big issue 5:00 or 7:00 as Brandy Creek / Lee Davis are main access. The traffic is still a concern. Do want a movie theatre and concerned about traffic and impact.

Mr. Peterson asked Mr. Maloney to display the large scale map of the area.

Mrs. Kelly-Wiecek asked Mr. Condlin to confirm the number of screens, how many seats in each screen. Mr. Condlin – 12 screens and 100-500 seats per screen and they stagger the times. *Mrs. Kelly-Wiecek asked the audience to please remain respectful of the speakers as she understands everyone's emotions on the matter but this is serious business and she is trying to get answers for those concerned.* Mrs. Kelly-Wiecek continued with her questions and comments. The times are staggered do you have information if can seat 100 how often do you have sell outs on those screens where 75% of the capacity on those screens is met. Mr. Condlin – no. Mrs. Kelly-Wiecek stated if the theatres were all filled to capacity and let out at the same time it would be a nightmare. Mr. Condlin stated these are staggered movie times. Mrs. Kelly-Wiecek asked if we have any assurance that these will be staggered. Mr. Condlin it makes business sense because you do not want everyone there at one time to buy a ticket, refreshments. The same movie may be staggered by 25 minutes to allow for flow of traffic in and out. Mr. Condlin specifically asked the Carmike reps when do they set the schedule and they are set a week prior based on how the movies are running, more popular ones and bringing in the new shows. The applicant response was we are trying to move people in and out of the theatre but the parking lot as well. Mrs. Kelly-Wiecek returned to the number of 360 trips per hour for permitted use for retail. Mr. Condlin from the traffic engineer, looking at IT Code based on 100,000 sf. footprint of various retail restaurant businesses. Mrs. Kelly-Wiecek asked 200 trips per hour pm peak hour. Mr. Maloney clarified there is an am peak hour and pm peak hour and not a defined hour, any hour in that 4-6 p.m. time frame in the evening that generates the most traffic. IT Traffic engineers has a complex land use code and they plot the number of studies, average, regression analysis, statistical analysis to come up with peak hour calculations based on field study, industry based studies. Mr. Condlin added that time period on the weekends is higher for the movie theatre whereas the weekend for retail is dispersed more throughout the weekend and is opposite on the weekday. The rear entrance behind access point from behind the shopping center on Lee Davis is also another reliever from Lee Davis Road. If that property ever develops the applicant is providing for an access point so they can connect into there and would go behind the shopping center to create that reliever. Mr. Maloney stated it was negotiated and shown on conceptual plan, there is an outparcel and the staff have negotiated and the applicant agreed they will provide a stub from their driveway to this property line and as this property develops at a later

date there will be cross access out to Lee Davis at another location. It is contingent upon the development of the adjacent parcel.

Mr. Wade – previous board denied the theatre off of Creighton Road Extension. Creighton Road was a better in and out traffic pattern than what is here. Mr. Wade would like a traffic study. Not in support of this at this time.

Mrs. Kelly-Wiecek and Mr. Hazzard noted they had other comments/questions. Mr. Peterson requested to get a motion on the floor for further discussion.

Mr. Peterson thanked all those who have communicated all across the board for and against. Thanked everyone who has been involved and participated in this. Thanked the members of the community for expressing themselves. Thanked the applicant as they have been receptive and open.

Legalities and impacts were reviewed from all angles, what is the zoning and comp plan history of this site, precedents of requested uses in the area, what alternatives could happen on site, what would be the economic development impacts to this site, what is the potential impact criminal activity related to a theatre, traffic implications. The site is zoned B3 with the only condition buffer for the rear of the site. It was rezoned B3 in 1987 from A-1 and multi-family R-5. Shown on the comp plan since 1972 as a commercial site, looked at precedents for theatres in the area and found that previous boards and planning commission have approved 2 in the same proximity west of Clock Tower Shopping Center, second location approved near Pizza Hut and Shoney's, reviewed zoning ordinances and what was allowed there by right without the county being allowed to apply any conditions such as a big box, large convenience store 24-7, open kennels by right within a subdivision ordinance, advantage of this are the conditions that can be put in place, economic impact – revenues anticipated – annual \$100,000 per year, create 60 jobs, this will cause a significant impact on existing infrastructure (barring roads). Criminal activity is not a concern as our law enforcement is second to none.

Mr. Maloney and Mr. Peterson discussed the sheriff has to sign off on a safety and security plan and is in the conditions and the applicant has agreed to those. Moving all the public areas to the Route 360 side makes it very visible and a place where inappropriate activity would easily be spotted and remedied immediately and by doubling the space in the back and no one will be able to run across a pond.

Mr. Peterson stated the peak traffic is a supposition and not from a traffic study and is a critical concern that needs to be assured. Important before approved that traffic impacts will be mitigated without expense to Hanover and asked Mr. Maloney to draw up an additional condition to read.

Mr. Maloney read the condition. A traffic analysis for the entrances located on Route 360 and the turn lanes along Route 360 at its intersection with Brandy Creek Drive shall be prepared by the owner and approved by Hanover County and VDOT prior to site plan approval. Should the traffic impact analysis determine additional improvements to either the east bound right turn lane or west bound left turn lane are warranted such improvements shall be shown on the final site

plan and shall be constructed as part of the development of the property. All such improvements shall be designed and constructed to VDOT standards and specifications.

Mr. Condlin in concept agrees with analysis – VDOT turn lane analysis, will look at the impact as caused by applicant's use. The question is whether that is a turn lane warrants analysis which is different than a traffic impact study. A full 527 study - need clarification on what is expected. Mr. Maloney stated staff contemplate a traffic impact analysis for entrances and as part of that analysis staff will work with VDOT and the applicant to scope the study, prepare the assumptions with regard to projected traffic from project as well as background traffic, establish a horizon year 5-10 years out. Growth rate for background traffic meaning that would include traffic not generated just from the site but additional traffic to adjacent networks as a result of future growth and development generally and using standard traffic engineering measures those assumptions would be analyzed, warrants reviewed and this condition would require that if improvements to intersections or turn lanes into the project are warranted then they would be designed and constructed as part of the proposed development.

Mr. Condlin looked at the IT will accept as the fact is that they are looking not at the entire area and studying Lee Davis / Route 360 up and down. The applicant will be looking at the turn lanes within and the access points into the site and are comfortable with that. Mr. Maloney stated the Chapter 529 study this would not be warranted. The traffic thresholds which are 3,000 per day and are not approaching those numbers. Mr. Peterson this would assure us that any impact the theatre has would not create any worse conditions than already exist on 360 and if they do they will correct impact and Mr. Maloney clarified with respect to turning movements. Mr. Peterson asked Mr. Condlin about the times of the showings. The applicant was requesting averaging the number of showings over the year. Right now the conditions call for 36 showings. Mr. Peterson asked Mr. Condlin if they will adjust the condition to allow no more than four per month but no more than 24 for the full year (decrease from 36 per year). Mr. Condlin stated the applicant is ok with that condition.

Mr. Peterson reiterated points mentioned earlier, such as confidence in the security plan as oversight is with Sheriff; have concerns with traffic and timing and recognize the fact the property has been zoned as the comp plan conditions have been in place for 40 years and concerned with other uses that could go there; screening would improve the situation behind the facility as it would give evergreen screening to cut out the lights that residents currently mention as light disturbance; it is a right as someone mentioned earlier – property rights and the people have the right to develop as long as they properly protect the people around them from their impacts; when looking at everything and the fact that the applicant is willing to work and agreed to the traffic study and construction.

Mr. Condlin – This is the first time the applicant heard about Brandy Creek Drive some people concerned that should be a full working access versus a channelized movement. Would it be possible if the traffic study says that makes the situation better to have a full working access for people to come in is it possible to have that as part of the condition to amend that so it is not required. Only because the question was raised and is a balancing act some individuals want it and some do not and the Applicant tried to accommodate and not sure we satisfied that. Peterson advised Mr. Condlin discussed that with the neighbors in the community meetings and that was at the request of the citizens of Brandy Creek that the applicant do something to

mitigate the people driving through Brandy Creek to change that and allow people to make the turn into Brandy Creek – no that cannot be an option without bringing it back through public hearing. Mr. Condlin said fair enough and the applicant will commit to the commitment made. Mr. Peterson stated he talked with people from Travelers Run who did not want that because they want to continue to use that access to shopping center but the people in Brandy Creek trump those in Travelers Run when it comes to this particular intersection as they are closest to it.

Mr. Peterson made a Motion to approve CUP-3-13 subject to the addition condition read by Maloney for traffic study, condition #2 with times to reduced number of annual night showings to 24 with maximum of 4 per month and Case SE-4-13.

Mr. Via comments that if the traffic study works out then this theatre could be a catalyst to make the shopping center vibrant but existing businesses also and bring more businesses, Mr. Via seconded the motion.

Extension of the meeting

Mr. Via, made a motion to extend the meeting, seconded by Mrs. Kelly-Wiecek.

Vote:

W. Canova Peterson	Aye
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

Meeting Extended.

Discussion of the motion – continued

Mr. Hazzard recommended deferral, back to the planning commission. Concerned about the traffic as he travels through the movie theatre traffic at Short Pump and there is no residential community around there and he knows how bad the traffic is when the movie theatres are letting in and out for showings. The applicant also may not realize what it will cost to do the road work until after the study is done. Mr. Hazzard is truly concerned, and noted he wants the economic development but does not want it to be a burden on the community behind it. Not worried about the buffers just the traffic and without a proper study he does not feel good about voting on this. Mrs. Kelly-Wiecek extended the second friendly amendment. Mrs. Kelly-Wiecek is very encouraged by what Mr. Peterson has recommended and encouraged by the approach of the applicant to step out on a limb and agree to things that we may not know where they go until the study is completed. Do not want to see this die based on emotion because a movie theatre is a good idea and she would like to keep her movie dollars in Hanover. Mrs. Kelly-Wiecek has a long list of questions and she will hold those until a later time. Mrs. Kelly-Wiecek wanted to be

clear to the members of the audience that we have the potential to get the answers needed and partner with the applicant.

Mr. Harris asked Mr. Hazzard to state his motion again. Mr. Hazzard restated he is recommending deferral.

Mr. Maloney stated to get the study ready the 4th wed. in October and sufficient time to complete and review the study.

Mr. Davis asked how many people in the audience were opposed to the impact of the theatre and opposed to a theatre only. Only 2 individuals were opposed to a theatre no matter what. Mr. Davis stated this is why it is important to address the impacts.

Mr. Condlin advised they also are dealing with the contract whims of the seller and would go beyond due diligence. The concern is that whatever the requirements are they are whether it is before or not, now or after the approval, they still have to do the same thing. Those improvements that are required they have done in order to build this. That is the traffic analysis and it will say the same thing one way or another and applicant prefers to go forward tonight with the condition about the traffic analysis due to meeting seller impacts.

Mr. Peterson stated that was the reason for his motion because they have to do whatever it takes to mitigate their impact.

Mrs. Kelly-Wiecek asked if we vote and this does not pass. How long is it 1 year before it can come back? Mr. Maloney stated one year.

Mr. Condlin asked for the October meeting dates and Mrs. Kelly-Wiecek encouraged the applicant to defer and the applicant representative agreed to 30 days.

Mr. Peterson with draw motion, Mr. Via withdraw second.

Mr. Hazzard motion to defer to October 9, 2013, seconded by Mrs. Kelly-Wiecek.

Mr. Stanley not in support as that does not give enough time and the study can come back and everything will look fine and then the citizens do not have any more chance for input. We have heard some very good comments from former police officers, planning commissioners and maybe the Sheriff's Office wants to get involved in this. To Mr. Stanley the best study is those individuals that travel those roads every day. Mr. Stanley does not travel them every day so he does not know but these folks do. Mr. Stanley will not support the 10/9/13 date.

Mr. Rives stated a public hearing on this application has already been held but a second public hearing could be held at the time the traffic study comes back if that is the pleasure of the board.

Mr. Peterson advised he would not have a problem with a second public hearing if we have a traffic study completed that can identify any impacts. Mr. Rives noted we need to know that so we can properly advertise.

Mr. Harris noted we advertise two weeks out so this is a tight deadline. Mr Maloney noted the Planning Staff will be available to work with the applicant to scope the study; the question is the timing of the engineer completing the work. The fourth Wednesday in October is a more achievable date.

Mr. Condlin stated 10/23/13 we have to talk to the seller etc.

Mr. Peterson made a motion to defer to 10/23 with an advertised public hearing and traffic study completed, seconded by Mr. Via.

Vote:

W. Canova Peterson	Aye
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

Deferral to 10/23/13 Board of Supervisors meeting with another full public hearing.

Mr. Hazzard stated he hopes the applicant will talk with the community a little more.

9:45 p.m. XVI. Announcements

None

10:00 p.m. XVII. 10:10:13 PM Adjournment – September 28, 2013 – Hanover County Administration Building – 6:00 p.m.