

Shown below is a preliminary summary of the actions taken by the Hanover County Board of Supervisors on February 27, 2013. Detailed minutes in final form will be presented to the Board for approval at a future date.

HANOVER COUNTY BOARD OF SUPERVISORS

DRAFT SUMMARY MINUTES

**Hanover County Administration Building
Board Room**

February 27, 2013

I. Call to Order

At 6:00 p.m., the Chairman called the meeting to order. All Board Members present.

A. Invocation

Mr. Davis gave the invocation and gave a special thank you to the brave men and women who protect us in this County who are willing to run into burning buildings to save our citizens and protect our children.

B. Pledge of Allegiance

Mr. Hazzard led the Pledge of Allegiance.

C. Approval of Board of Supervisors Minutes – January 9, 2013 and January 23, 2013

The Chairman asked if there were any additions or corrections to the minutes of January 9, 2013 and January 23, 2013. Hearing none, entertained a motion for approval.

Mr. Davis made a motion to approve the minute from January 9, 2013 and January 23, 2013, 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

II. Consideration of Agenda Amendments

The Chairman asked if there were any agenda amendments. Hearing none, moved on to the next item.

III. Citizens' Time

The Chairman opened Citizens' Time and offered to anyone who wanted to address the Board of Supervisors for up to five minutes on any matter within the scope of the Board's authority that is not on the agenda for that meeting to please come forward.

Oscar Walker, Ashland MD, came forward to distribute a handout to the Board - The School Staff Surge, Decades of Employment Growth in America's Public Schools.

Amy Brewer, Ashland MD, turned in a card related to funding for schools. The Chairman advised Ms. Brewer that since school funding would be discussed in the budget presentation she would need to come to another meeting when it is not part of the agenda.

Seeing no one else come forward, the Chairman closed Citizens' Time and moved ahead in the agenda to presentations.

V. Presentations –

1. Sheriff's Office CALEA (Commission on Accreditation for Law Enforcement Agencies) award - Mr. W. Craig Hartley, Jr., Deputy Director / Chief of Staff, CALEA, Colonel Hines & Staff came forward. Mr. Hartley then read and presented the award (this is the fourth award the Sheriff's Office Staff have received in this category). Colonel Hines briefly addressed the board and stated this award is because of the businesses, citizens and community groups we work with. That is why Hanover County Sheriff's Office is as successful as we are. Colonel Hines thanked Mr. Hartley, the Board and Mr. Harris.
2. Proclamations - Eagle Scouts –
Board Members came forward to present proclamations as follows:
 - A. Chad Moyers Foltz, Ashland Magisterial District – Boy Scout Troop 505 – presented by Mr. Via.
 - B. Thomas Lee Bevan, Chickahominy Magisterial District – Boy Scout Troop 503 – presented by Mrs. Kelly-Wiecek
 - C. Michael John McGuckin, Henry Magisterial District – Boy Scout Troop 503 – presented by Mr. Davis.

The Chairman then returned to the consent agenda.

IV. Consent Agenda

The Chairman entertained a motion for approval of the Consent Agenda with the items to be considered removed.

Mrs. Kelly-Wiecek made a motion to approve the Consent Agenda, seconded by Mr. Davis.

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

Consent Agenda Approved.

A. Appointments

Consent Agenda Appointments 02 27 13

COMMITTEE NAME	NON-DISTRICT APPT	DISTRICT	FIRST NAME	LAST NAME	TERM BEGINS	TERM LENGTH	EXPIRATION	Willing to Serve Another Term	Recommendation By APPLICABLE BD MEMBER
Hanover County Council on Aging		Beaverdam	James	Dorschel	03/01/12	1 year	02/28/13	YES	Mr. Stanley recommends reappointment effective 03/01/13
Social Services Advisory Board		Henry	Victoria	Hutto	10/22/08	4 years	10/31/12	YES	Mr. Davis recommends reappointment for a second full term 11/1/12 expiring 10/31/16

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

Appointments Approved as Recommended.

B. Adoption of Proclamation – Eagle Scout – Rooker Thomas Shurley Henrico County

Board Sheet Background: It is requested that the Board of Supervisors adopt the attached proclamation congratulating Rooker Thomas Shurley in attaining the rank of Eagle Scout on November 5, 2012, the highest award granted by the Boy Scouts of America. Eagle Scout Shurley is a member of Boy Scout Troop 534 which meets at Fairfield Presbyterian Church in Hanover County, Virginia.

On a motion by Mr. Wade, seconded by Mr. Davis, the Board of Supervisors adopted the proclamation.

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.

VI. County Administrator's Proposed Fiscal Year 2014 Budget – Mr. Harris

Board Sheet Background: Presentation by Cecil R. Harris, Jr., County Administrator, of the County Administrator's Proposed Fiscal Year 2014 Budget.

Staff will distribute the full budget document at the conclusion of Mr. Harris' presentation.

Mr. Harris reviewed this Fiscal Year 2014 budget, we are seeing signs that our local economy is beginning to stabilize and we all hope this prolonged recession will soon be behind us. We expect our growing revenues to increase by **1.3%** in FY14. This positive news, however, is tempered by the continued reductions in our real estate values for this budget year.

Four years of budget reductions have required us to become more efficient. However, we have also had to reduce many of the service levels we take pride in and are known for. While we would like to begin restoring certain services, at our current tax rate we can only maintain what we have until our revenue growth is more significant and sustainable.

In concluding his presentation, Mr. Harris noted this proposed budget attempts to sustain major services without raising property taxes on our citizens. We have worked hard to achieve operational efficiencies and this budget continues that focus with the consolidation of the county and schools finance operations, along with outsourcing a significant portion of our grounds maintenance functions. This budget does not propose real estate tax increases on our citizens. However, if the recovery assumptions contained in our five-year plan are not achieved, **just maintaining** our current service levels will require some future increases in funding sources. We

cannot continue to survive without additional funding sources and maintain services it is just that simple.

It is our hope that we have seen the bottom of the real estate recession and that going forward our citizens will see an appreciation in their homes and businesses. This, along with our economic development efforts, keeps me positive about the County's future.

Mr. Harris expressed his appreciation to the dedicated Budget staff and senior County and School leaders, whose efforts truly epitomize Hanover County's spirit of teamwork.

Mr. Harris then introduced Mrs. Wright for the review of the upcoming budget workshop schedule for the month of March to discuss advertising requirements.

Mrs. Kelly-Wiecek and Mr. Harris discussed the service level that was stated the reference was in the five year financial plan and if recovery assumptions do not come thru as we would anticipate for FY15, not FY14 which is in front of the board now – the operating budget. We will not be able to maintain the service levels that we currently enjoy today.

VII. Request to Set Public Hearings and Authorization to Advertise the Notices of Public Hearings on the County Administrator's FY14 Proposed Budget and Related Items – Mrs. Wright

Board Sheet Background: It is requested that the Board of Supervisors establish the date, time, and location for the public hearings on the County Administrator's proposed budget and authorize the advertisement of the public notices for the budget, tax rates and related items as detailed in the attachment. The County Administrator recommends the public hearings be held in the Boardroom of the Administration Building on April 3, 2013, at 7:00 p.m. The Board may approve any rate or fee at or lower than the advertised rate or fee amount. If authorization to advertise is granted, the Board may adopt the budget on April 10, 2013.

Public hearings as recommended and authorized the advertisement of the public notices for the County Administrator's FY14 Proposed Budget, Five-Year Capital Improvement Plan, Five-Year Financial Plan, tax rates and related items at 7:00 p.m. on April 3, 2013, in the Boardroom of the Administration Building.

Mrs. Shelly Wright, Budget Division Director, came forward to address the Board.

The County Administrator recommends that the public hearing be held on April 3rd at 7 p.m. This public hearing will be for the FY14 budget, 5-Year CIP, 5-Year Financial Plan, 2013 tax changes, and the water and sewer capacity fee increases.

Public Hearing –

April 3, 2013 at 7:00 p.m.

- FY14 Proposed Budget
- FY14-FY18 Capital Improvements Program
- FY14-FY18 Five-Year General Fund Financial Plan
- 2013 Tax Rates
- Water & Sewer Rate Increase

FY14 Budget Process Presentations

3/13/13

- Revenues
- Compensation & Benefits
- Agency Presentations – Sheriff, Schools, Public Utilities & Commonwealth’s Attorney

3/27/13

- Five-Year General Fund Financial Plan
- Capital Improvements Plan
- State Update
- Potential Amendments

We will be before the Board again on March 13th to go over the revenue and compensation and benefits components of the budget. The agency heads from the Sheriff’s Office, Schools, Public Utilities, and the Commonwealth’s Attorney’s Office will also make presentations.

Then, on March 27th we will review the Five-Year General Fund Financial Plan, the Capital Improvements Plan, and the budget related impacts from the last General Assembly session. Finally, we will recommend technical amendments to the FY14 budget based on any recent information received.

4/3/13

- Public Hearings

4/10/13

- Adopt and Appropriate FY14 Budget
- Adopt Five-Year GF Plan
- Adopt Five-Year CIP
- Adopt Ordinances, Tax Rates and Resolutions

On April 3rd, we will hold the public hearing followed by adoption and appropriation of a final budget on April 10th.

The public notice actions are as follows;
FY14 Proposed Budget

Budget for All Funds - \$372.6M

- 1.3% or \$4.8M million increase

Budget for General Fund - \$208.1M

- 0.2% or \$390k million decrease

This first public hearing includes the proposed budget.

The proposed budget for all funds is \$372.6 million and the proposed budget for the General Fund is \$208.1 million.

The next public hearing is on the

CAPITAL IMPROVEMENTS PLAN

Funding Sources:	FY14	FY15	FY16	FY17	FY18	Total
	\$	\$	\$	\$	\$	\$
General Funds	5,750,499	8,791,516	9,934,000	11,568,979	13,131,367	49,176,361
						\$
Long-Term Debt	1,000,000	697,000	208,000	29,355,000	31,385,000	62,645,000
						\$
Other Sources	11,763,073	10,475,329	15,093,940	15,823,501	10,487,810	63,643,653
	\$	\$	\$	\$	\$	\$
Total by Year	18,513,572	19,963,845	25,235,940	56,747,480	55,004,177	175,465,014

Expenditures:	FY14	FY15	FY16	FY17	FY18	Total
	\$	\$	\$	\$	\$	\$
General Government Admin.	995,000	2,157,000	1,475,000	2,005,000	1,670,000	8,302,000
						\$
Public Safety	1,582,000	886,000	3,056,000	2,414,120	1,784,826	9,722,946
						\$
Public Works	1,739,700	3,348,700	2,787,000	3,248,000	3,323,000	14,446,400
						\$
Human Services	-	-	-	-	500,000	500,000
Parks, Recreation & Cultural	50,000	-	-	-	-	50,000
						\$
Non-Departmental	445,000	711,203	200,000	759,859	2,550,541	4,666,603
						\$
Education	3,300,000	4,590,000	4,702,000	31,850,000	35,833,000	80,275,000
						\$
Airport Fund	174,950	490,000	4,008,614	5,290,556	-	9,964,120
						\$
Utility Fund	10,226,922	7,780,942	9,007,326	11,179,945	9,342,810	47,537,945
	\$	\$	\$	\$	\$	\$
Total by Year	18,513,572	19,963,845	25,235,940	56,747,480	55,004,177	175,465,014

Five Year GF Financial Plan

A public hearing will be held on the FY14 proposed Five-Year General Fund Financial Plan

- Balanced in all 5 years
 - FY14 - \$208.1M
 - FY15 - \$211.0M
 - FY16 - \$216.2M
 - FY17 - \$222.6M
 - FY18 - \$230.7M

2014 Proposed Tax Rate Changes

	2012	2013
Personal Property	\$3.57	\$3.57

Aircraft	\$0.50	\$0.50
Qualifying Volunteer and Rescue Vehicles	\$1.78	\$1.78
Qualifying Disabled Veterans Vehicles	\$1.78	\$1.78
Machinery and Tools	\$3.57	\$3.57
Merchants' Capital	\$1.90	\$1.90
Generating Equipment	\$0.55	\$0.81
Real Property	\$0.81	\$0.81
Mobile Homes	\$0.81	\$0.81
Recycling Service District	\$23.38	\$24.00
Atlee Manor Sewer Service District	\$780.00	\$780.00

- Included in the 7 p.m. public hearing are the 2013 proposed tax rate changes.
- The Generating Equipment rate is a tax that applies to the equipment owned by power generating companies. This rate is being set to the amount allowed by statute and is equal to the revenue received prior to the change in the valuation methods.
- The Recycling Service District tax is increasing as the result of an increase in the contracted cost.
- **It is important to note that these rates may be adopted at or below the advertised rate, but not above.**
- All of these advertisements will be published on March 21st.

2014 Proposed Rate Changes

Public Utilities Ordinance 13-03 Water and Sewer Fees

- Water consumption fee increase of 5%
 - Sewer consumption fee increase of 1%
 - Average annual increase = \$16.38
 - Capacity fee increase of 2.5%
- Also included in the public hearing is the 2013 proposed ordinance to increase the water and sewer fees for the Department of Public Utilities.
 - Ordinance 13-03 amends the County Code to increase the water and sewer consumption fees. This fee adjustment would increase each monthly residential bill on average by \$1.98 for water and \$0.75 for sewer.
 - This also includes a capacity fee increase of 2.5%.
 - This ordinance change will be published on both March 21st and March 28th.

The Chairman asked if there were any questions, hearing none, entertained a motion.

Mr. Via made a Motion to set public hearings as recommended and authorized the advertisement of the public notices for the:

- FY14 Proposed Budget
- Five-Year Capital Improvement Plan
- Five-Year Financial Plan
- Tax Rate Changes
- Ordinance 13-03 (water and sewer rate increase)

at 7:00 p.m. on April 3, 2013, in the Boardroom of the Administration Building.

Seconded by Mr. Hazzard.

Motion Discussion:

Mrs. Kelly-Wiecek and Mr. Peterson generally discussed the budget advertisement schedule.

Mr. Rives clarified that what Ms. Wright indicated before is that the board would have the option after having the public hearing on the budget to make adjustments to the proposed budget but would not have the option of having a tax rate higher than whatever tax rate is advertised. It would have the option of having a tax rate that is lower than the advertised tax rate so it is important to note that constraint. You could not increase the tax rate over what is advertised.

Mr. Peterson asked if at the public hearing that folks wanted to change the rate to go higher we would have to re-advertise and do it at another meeting. Mr. Rives you run into a big time constraint because the public hearing on the budget as proposed would be on April 3rd and you run into constraints that the budget has to be adopted by April 30th / schools budget by May 1st and in order to get tax bills out in a timely manner to give people time to respond time may be actually earlier than that. Mr. Harris added further clarification as to the Treasurer's time line.

Hearing not further comments the Chairman called for the 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.

VIII. Update: Hanover County Business and Residential Development Road Improvements Transportation Policy – Mr. Flagg

Mr. Mike Flagg, Director of Public Works, came forward to present this item. A copy is on file with the Board's records.

Board Sheet Background: This 2013 Transportation Policy sets forth Hanover County's policy for addressing transportation impacts along the County's major thoroughfares arising from new business and residential development. The purpose of the policy is to establish a consistent course of action in support of the overall capacity, safety, and operation of the County's road system. This policy is intended to integrate with the County's overall Transportation Policies and provide guidance to staff and the development community in negotiating roadway improvements and associated components necessitated by new development and growth.

Following the elimination of the cash proffer policy by the Board of Supervisors on November 28,

2012, the County Administrator and staff were directed to develop a revised approach for addressing short-term and long-term transportation impacts resulting from new development. The revised approach focuses on a project-specific relationship between development and roadway impacts, considers existing baseline traffic contributions, and incorporates provisions for lower-than-expected short-term growth rates. For developments of 50 lots and more the policy anticipates the submission of a traffic study, a project-specific review and negotiations based on projected traffic impacts. For developments of fewer than 50 lots the average road improvement cost calculation will be used as a starting point for negotiations. Adjustments may be made in response to identified traffic considerations. The methodology is financially constrained and includes an approach to leverage state and federal transportation funding to the maximum extent possible. The Board of Supervisors Community Development Committee reviewed the draft policy on February 18, 2013 and recommended forwarding the policy to the full board with a recommendation of adoption on February 27, 2013 with the stipulation that existing cash road proffers for approved cases will not be increased if they are less than the target amount.

Mr. Flagg reviewed the Transportation Policy for Land Use; Thoroughfare Plan and Project Development Methodology. A map of the existing and proposed projects was displayed; Candidate Project List; Project Methodology – Key assumptions for a blended proposal and starting point; Base Proffer- Average Starting Point; Traffic Impact & Contribution; Trip Case Studies – 50 Lots; Financial contributions/Management

The Chairman asked if Board Members had any questions.

Mr. Flagg, Mr. Maloney, Mr. Rives and Mr. Harris responded to board member questions.

7:57:28 PM Mr. Davis left the meeting.

7:59:27 PM Mr. Davis returned.

Mr. Peterson advised that this item was scheduled to start at 6:45 and be over at 7:00 it is now 8:00 p.m. and we have people here for public hearings and it is time to decide to move on or further discussion and respect those here tonight for public hearings.

Mr. Wade made a motion to Defer the Hanover County Business and Residential Development Road Improvements Transportation Policy to March 13, 2013 board meeting, seconded by Mr. Via.

Mrs. Kelly-Wiecek does 3/13 schedule allow for that. Mr. Harris advised yes if it is the board's desire we could use that time for this discussion. Mr. Hazzard we should work on through to take care of it.

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 to defer approved.

8:08:17 PM Recess

8:16:36 PM Reconvene

All Board Members present.

7:00 p.m. IX. **Public Hearing – Department of Public Utilities – Quitclaim of Surplus Portion of Utility Easements on GPINs 8715-73-2563 and 8715-73-4922, owned by Covenant Woods (Mechanicsville Magisterial District) – Mr. Nannery**

Board Sheet Background: Va. Code Section 15.2-1800 requires that a public hearing be held prior to disposal of surplus property.

Hanover County owns utility easements on the parcels identified as GPINs 8715-73-2563 and 8715-73-4922 owned by Covenant Woods. Previously existing utilities within the portions of the utility easements proposed to be quitclaimed have been abandoned in conjunction with the Phase III expansion of the facility. As a result, these portions of the easements are no longer needed. Public Utilities has received a request from Covenant Woods that Hanover County quitclaim its interest in this surplus portion shown on the attached plat as “Portion of Existing 20’ Utility Easement (DB. 2350 PG. 671) To Be Vacated”.

Public Utilities recommends conveying ownership of the surplus portion of the utility easements to Covenant Woods via quitclaim deed.

Approve the disposal of surplus property consisting of a portion of utility easements on GPINs 8715-73-2563 and 8715-73-4922 to Covenant Woods as shown on the attached plat by quitclaim deed

Mr. Herzog, Director of Public Utilities, came forward to present this request as Mr. Nannery had a family commitment. Covenant Woods is currently expanding their facility it has been a long time in the making and later than expected. An easement for an existing water line conflicted with some of their proposed improvements. They designed a relocated water line and on 2/9/11 the Board authorized the public hearing to vacate this easement but the public hearing was put on hold until the water line was actually relocated which has not occurred. A new easement has been recorded and Staff are now comfortable with vacating the easement. The slide showing where the water line has been relocated and the encroachment of the existing or proposed building that has actually been constructed now. A plat of vacation the hatched area is the portion of the easement that the board would be vacating if they passed the resolution that they prepared for the Board. Recommended action was reviewed.

The Chairman asked if Board Members had any questions. Hearing none, opened the public hearing and asked if anyone wished to address the Board in favor or in opposition.

Seeing no one come forward, the Chairman closed the public hearing and asked if Board Members had any questions. Mr. Peterson made a motion to Approve the disposal of surplus property consisting of a portion of utility easements on GPINs 8715-73-2563 and 8715-73-4922 to Covenant Woods as shown on the attached plat by quitclaim deed, 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

Motion Approved.

X. Planning Public Hearings – Mr. Maloney

Mr. David Maloney, Director of Planning, came forward to present the Planning Public Hearings.

Request for Deferral

C-20-04(c) AM. 2-12 TL HUNT L.L.C., Requests an amendment to the proffers approved with rezoning request C-20-04(c), TL Hunt L.L.C., on GPINs 8706-03-6972 (part), 8706-05-2108, 8706-05-7373, 8706-14-6138, 8706-14-6270, 8706-14-6316, 8706-14-6367, 8706-14-7230, 8706-14-7317, 8716-14-7358, 8706-14-8221, 8706-14-8271, 8706-14-8308, 8706-14-8358, 8706-14-8399, 8706-14-9211, 8706-14-9261, 8706-14-9430, 8706-14-9482, 8706-15-1273, 8706-15-3675, 8706-15-4681, 8706-15-4814, 8706-15-4881, 8706-15-5557, 8706-15-5757, 8706-15-6422, 8706-15-6477, 8706-15-6523, 8706-15-6715, 8706-15-6781, 8706-15-7277, 8706-15-7521, 8706-15-7658, 8706-15-8321, 8706-15-8367, 8706-15-8626, 8706-15-8692, 8706-15-9263, 8706-15-9402, 8706-15-9569, 8706-23-0791, 8706-24-0230, 8706-24-0273, 8706-25-0321, 8706-25-0367, 8706-25-0526, 8706-25-0593, 8706-25-1570, 8706-25-2204, 8706-25-2330, 8706-25-2447, 8706-25-3404, and 8706-15-1168, zoned RS(c), Single Family Residential District with conditions. This is also a request to amend C-20-04(c), Am. 1-12, on PIN 8706-03-2706 (part), zoned RM(c), Multi-Family Residential District with conditions. All parcels are within the Rutland community, generally located on the west line of Chamberlayne Road (U.S. Route 301) at its intersection with Atlee Road (State Route 638) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**. The proposed zoning amendment would eliminate the cash proffer.

A copy of the Schedule of Notification and February 27, 2013 Staff Report is on file with the Board's papers. (Exhibit 1)

Mrs. Kelly-Wiecek advised that during recess the representatives from TL Hunt requested a deferral on their Rezoning case that was scheduled for this evening. Mrs. Kelly-Wiecek then made a motion to defer **C-20-04(c) AM. 2-12 TL HUNT L.L.C.**, seconded by Mr. Davis.

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 of **C-20-04(c) AM. 2-12 TL HUNT L.L.C** approved.

Conditional Use Permit

CUP-9-02 AM. 1-12 SHALOM BAPTIST CHURCH TRUSTEES, Request an amendment to a Conditional Use Permit in accordance with Chapter 26, Article 3, Section 26-20.21 (formerly Title I, Article 5, Section 1.5.21) of the Hanover County Zoning Ordinance to permit incorporation of an adjacent parcel into the area of the Church's Conditional Use Permit for church related uses and activities, on GPINs 8724-39-5325 (current parcel) and 8724-38-4994 (new parcel), together consisting of approximately 7.92 acres, currently zoned A-1, Agricultural District, located on the southeast quadrant of the intersection of Mechanicsville Turnpike (U.S. Route 360) and Adams Farm Road (State Route 830) in the **MECHANICSVILLE MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Commercial and Suburban General (2-4 dwelling units per acre). *A copy of the Schedule of Notification and February 27, 2013 Staff Report is on file with the Board's papers. (Exhibit 1)*

Mr. Maloney presented this request, displayed the General Parcel Map,

Executive Summary:

- Shalom Baptist Church has an existing CUP that was approved in 2002, for 3 phases of development
- In 2008, the Church amended the CUP with changes to the layout of the parking lot and drive aisles
- To date, none of the structures shown with the original CUP have been constructed, and approx. half of the 2008 parking lot modifications have been completed

- In 2008, a SE permit was approved to allow the classrooms within the church structure to house a preschool independent from the Church
- The Church also has a SE permit (SE-32-99) for the modular unit at the rear of the parking lot for use as temporary classroom space

Planning Analysis:

- The purpose of this request is to add an adjacent parcel to the area of the CUP, to allow the use of the existing ranch style dwelling for church activities:
 - Bible study
 - Sunday school classes
 - Retreats

Recommendations:

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

The Chairman asked if Board Members had any questions. Hearing none, opened the public hearing and asked if anyone wished to address the Board in favor or in opposition.

Seeing no one come forward, the Chairman closed the public hearing and asked if Board Members had any questions.

Mr. Peterson made comments in support and advised he was there for meetings with the neighbors and there were no objections and everyone was supportive. Mr. Peterson moved for approval of **CUP-9-02 AM. 1-12**, seconded by Mr. Wade.

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

CUP-9-02 AM. 1-12 Approved.

Rezoning

C-15-12(c) MARILYN A. SMOLEN, Requests to rezone from A-1, Agricultural District and B-1, Neighborhood Business District to AR-6(c), Agricultural Residential District with conditions on GPIN 8718-19-0138, consisting of approximately 2.39 acres, and located on the west line of Georgetown Road (State Route 651) approximately 700 feet south of its intersection with Hanover Courthouse Road (U.S. Route 301) in the **HENRY MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Commercial. The proposed zoning amendment would create a conforming lot with one dwelling.

A copy of the Schedule of Notification and February 27, 2013 Staff Report is on file with the Board's papers. (Exhibit 1)

Mr. Maloney presented this request, displayed the General Parcel Map,

Executive Summary:

- The B-1 zoning is located on the rear of the property and is the result of the 1974 Comprehensive Zoning
- The parcel is located at the far edge of the commercial node
- The applicant applied for a new residential building permit in December 2012
- It was discovered that the proposed house and garage were located within the B-1 zoning

- The AR-6 district would allow the property to be designated as a conforming lot

The applicant has proffered the following:

- Dedication of Right-of-Way
- Applying for a demolition permit for the existing house within 90 days of issuance of a CO for a new dwelling

Recommendations:

The Planning Commission and staff recommend **APPROVAL** subject to the submitted proffers

The Chairman asked if Board Members had any questions. Hearing none, opened the public hearing and asked if anyone wished to address the Board in favor or in opposition.

Seeing no one come forward, the Chairman closed the public hearing and asked if Board Members had any questions.

Mr. Davis made a motion to approve **C-15-12(c)**, 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

C-15-12(c) Approved.

C-4-07(c) AM. 1-12 ANNA AND KENNETH THOMPSON, Request an amendment to the proffers approved with rezoning C-4-07(c), Major Carol Hughes, on GPIN 8706-08-7218, consisting of approximately 1.85 acres, zoned RS(c), Single Family Residential District with conditions, and located at the terminus of Britewood Circle (State Route 1466) approximately 950 feet west of its intersection with Blakeridge Avenue (State Route 1465) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Suburban General (2-4 units per acre). The proposed zoning amendment would eliminate a portion of the family division proffer.

A copy of the Schedule of Notification and February 27, 2013 Staff Report is on file with the Board's papers. (Exhibit 1)

Mr. Maloney presented this request, displayed the General Parcel Map,

Executive Summary:

- The subject property was originally rezoned to RS with conditions in April 2007 to allow for a family division

- The applicant at the time submitted the standard family division proffer
 - The proffer requires a family member to hold title to the new lot for at least 3 years following certificate of occupancy
 - The applicant received family division approval in June 2007 (SOE-15-07)
- The applicant has not built a house on the lot and is now interested in selling the lot to a non-family member
- The family division proffer must be amended to allow the lot to be sold

Planning Analysis:

- The language of the original Proffer #4 is stated as follows:
 - Family Division - The property shall only be divided for immediate family, in accordance with Title II, Section 7-1(2) of the Hanover County Code. ***Title to the newly created lot shall be held by the family member to whom the property was sold or given for at least three (3) years following the issuance of a Certificate of Occupancy, unless the lot is the subject of an involuntary transfer caused by foreclosure, death, judicial sale, condemnation, or bankruptcy***
- Family divisions in the RS District are exempt from the requirement to connect to public water and sewer
 - Public water and sewer are not available to the subject property
- The subject lot could only have been created through the family division process
- The applicant did have the option of combining the lot back into the original parcel from which it was divided but that original parent tract has subsequently been conveyed to another property owner.

Proffers:

- Conceptual Plan
- Dedication of Right-of-Way
- Tree Preservation
- Family Division – revised proffer language outlined in the staff report
- Wetlands Certification
- Perenniality Study

Sketch plan displayed showing the parent tract which contains the existing structure .672 acres which fronts on Cool Spring Road and the one plus acre parcel which is the subject of this rezoning which has access from Britteewood Circle.

Recommendations:

The Planning Commission and staff recommend **APPROVAL** subject to the submitted proffers.

The Chairman asked if Board Members had any questions. Mr. Via and Mr. Maloney discussed the background of this request and Mr. Maloney advised there was a meeting held several years ago subsequent to the zoning being approved when the family stated they thought they could not comply with the requirements of this proffer and during those conversations with the previous director (Mr. Maloney was in the meeting) the applicant was advised in other instances we have interpreted a property owner retaining a property for period of no less than five years fulfills their obligation under the family division requirements of the County and in good faith they waited and have

applied to be relieved of proffer obligation. In responding to Mr. Via's question on whether this will set a precedent Mr. Maloney advised no there have been 1-2 similar cases previously.

Hearing no further questions, the Chairman opened the public hearing and asked if anyone wished to address the Board in favor or in opposition.

Seeing no one come forward, the Chairman closed the public hearing and asked if Board Members had any questions.

Mrs. Kelly-Wiecek made a motion to approve **C-4-07(c) AM. 1-12**, seconded by Mr. Davis.

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

C-4-07(c) AM. 1-12 Approved.

C-11-05(c) AM. 1-12 GODSEY PROPERTIES, INC. ET AL., Requests an amendment to the conceptual plan approved with rezoning request C-11-05(c), Godsey Properties, Inc., on GPINs 8744-14-6869, 8744-05-4148, 8744-26-1500, 8744-04-4466, 8744-04-2912, 8744-04-4891, 8744-04-6982, 8744-04-8818, 8744-05-3393, 8744-05-5071, 8744-06-5280, 8744-06-6363, 8744-06-7636, 8744-06-9872, 8744-15-5863, 8744-15-9614, 8744-16-1814, 8744-16-2858, 8744-16-6022, 8744-16-6285, 8744-16-9086, 8744-25-0628, 8744-25-1756, 8744-25-2930, 8744-26-1674, 8744-26-2101, 8744-13-3879, 8744-14-0030, 8744-14-3054, 8744-15-4652, 8744-26-2810, 8744-14-3913, 8744-05-3479, 8744-06-3090, 8744-06-6580, and 8744-05-2129, consisting of approximately 194.5 acres, zoned RC(c), Rural Conservation District with conditions, and located on the north line of Crown Hill Road (State Route 632) at its intersection with Madison Estates Drive (private road) and Tall Cedars Lane (private road) in the **COLD HARBOR MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit reconfiguration of the subdivision lots, and a reduction in the size of the preservation lot.

A copy of the Schedule of Notification and February 27, 2013 Staff Report is on file with the Board's papers. (Exhibit 1)

Mr. Maloney presented this request, displayed the General Parcel Map,

Executive Summary:

- ❖ This request was originally approved with:
 - 1 large preservation lot (lot 22)
 - 29 lots that ranged from 0.82 to 1.37 acres in size

- ❖ An additional 4.2-acre lot was created to preserve the historic home, outbuildings and cemetery
- ❖ Earthworks were preserved on the preservation lot and common open space
- ❖ The proposed increase in lot size is intended to address challenging topography, which results in difficulty siting homes

Planning Analysis:

- ❖ The area for the proposed expansion of lots is being drawn from the preservation lot and the common open space
 - The net result of the reconfiguration of lots was the creation of a larger preservation lot, but the common open space is reduced
- ❖ Staff has notified all owners that if this request is approved, a resubdivision plat must be prepared and recorded, which must be signed by all property owners in the subdivision and the trustees
- ❖ With this amendment, the proposed conservation area meets the requirements of the RC District

Historical Commission:

- ❖ Determined the preservation of the earthworks and vista from Crown Hill Road were greatly endangered by the original proposal
- ❖ Expressed concern about preserving the concepts behind RC rezonings and the dangerous precedent this amendment might set
 - The plan has been modified since the Commission’s review, and the lots sizes have now been reduced to preserve the vista from Crown Hill Road and conditions have been proffered to protect the earthworks

PROFFERS

- | | |
|--|---|
| • Cash proffer | • Drilled deep wells |
| • Foundation materials | • VDOT road standards |
| • House size | • Tree preservation |
| • Dedication of ROW | • Highway Marker |
| • Installation of signage for the protection of the earthworks | • No clear cutting on both sides of entrance road |
| • Pull off for Civil War Marker | • Side or rear loading garages |
| • No disturbance of historic features | • Restrictive Covenants to protect the non-RPA wetlands |

Recommendations:

The Planning Commission and staff recommend **APPROVAL**, subject to the submitted proffers and conceptual plan

The Chairman asked if Board Members had any questions. Mr. Via what was size of original preservation lot. Mr. Maloney 52.63 acres and it is actually increasing to almost 87 acres and they are adjusting boundaries and some of the area of the existing preservation lot will be transferred to some of the lots but they are also adding area to the preservation lot as well. The conservation area required by the ordinance is 119 acres. The total conservation area that was provided in the approved plan was 151 acres so they exceeded the minimum by a significant amount. They are reducing the conservation area somewhat down to 143 acres but again it is still significantly greater than what the RC District requires. All of the changes are in compliance with the RC District calculations and in fact exceed the minimum requirements for the district. Mr. Via want to make it clear what is going on with preservation lot. Wetlands or unbuildable. Mr. Wade stated a mistake has been made by the County by putting in that the reconfiguration of the subdivision lot and a reduction in the size of preservation lot and some folks may interpret this to seem that we are making it smaller and that is not what happened. Mr. Maloney clarified these lots are now part of preservation lot (lot 19 has been expanded somewhat and showed the lot line and some area is being added to the lots and staff did not intend to insinuate that we are actually reducing the acreage of the preservation lot but a portion of the existing boundary of the preservation lot is going into some of the adjacent lots if that clarifies the point. Mr. Via asked if the area added to preservation lot unbuildable or in the wetlands. Mr. Maloney some area slopes and would have presented challenges to build on and gave examples of the topography. Mrs. Kelly-Wiecek asked about the spot for the civil war marker is this area surrounding battlefield entrenchments. Mr. Maloney – yes and there will be commemoration.

Hearing no further questions, the Chairman opened the public hearing and asked if anyone wished to address the Board in favor or in opposition.

Seeing no one come forward, the Chairman closed the public hearing and asked if Board Members had any questions.

Mr. Wade stated when the development came back for review a few years back the property in front were wide open fields and at the public hearing citizens were concerned that they would lose the sight of the open fields by putting houses there. The Godsey Property representative said no we will go in the back and put it behind a tree line and there is a good development there. Mr. Wade advised he had several people call and emailed that they were concerned that the preservation lot was going to be made smaller and was a house going to be built on the preservation lot and that is where the mix up was.

Mr. Wade then made a motion for approval of **C-11-05(c) AM. 1-12**, 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

C-11-05(c) AM. 1-12 Approved.

9:30 p.m. XI. **Announcements**

Mrs. Kelly-Wiecek advised that Jack Stockhausen recently received an invitation to accept commission appointment to West Point Academy. Jack has been a volunteer and a wonderful member of the community.

10:00 p.m. XII. **Adjournment** —

At 8:48 p.m., the Chairman adjourned the meeting to March 13, 2013, Hanover County Administration Building – 2:00 p.m.