# AUGUST 22, 2012

VIRGINIA: At a regular meeting of the Board of Supervisors for Hanover County held in the Board Room of the Hanover County Administration Building on the 22nd day of August, 2012, at 2:00 p.m.

Present: Mr. G.E. "Ed" Via, III, Chairman
Mr. W. Canova Peterson, Vice-Chairman
Mr. Sean M. Davis
Mr. Wayne T. Hazzard
Mrs. Angela Kelly-Wiecek
Mr. Aubrey M. Stanley
Mr. Elton J. Wade, Sr.
Mr. Cecil R. Harris, Jr., County Administrator
Mr. Sterling E. Rives, III County Attorney

**Call to Order**

At 2:00 p.m., the Chairman called the meeting to order. All Board Members were present.

**Invocation**

Mr. Stanley gave the invocation.

**Pledge of Allegiance**

Mr. Wade led the Pledge of Allegiance.

**Approval of Board of Supervisors' Minutes – July 25, 2012**

The Chairman asked if there were any additions or corrections to the minutes. Hearing none, entertained a motion.

Mr. Hazzard made a motion to approve the minutes – July 25, 2012, seconded by Mr. Davis.

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

Minutes Approved.

**Consideration of Amendments to the Agenda**

The Chairman asked if there were any amendments to the Agenda. Hearing none, moved on to Citizens' Time.

**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 come forward.

Mr. Mike Craven, Mechanicsville Magisterial District, came forward to address the Board related to exertional heatstroke issues, to bring awareness and look for support and leadership of the Board.

Mr. Hazzard asked if Mr. Craven had been to the school board and Mr. Craven advised not yet. Mr. Hazzard and advised that he should start with the school board.

Seeing no one else come forward, the Chairman closed Citizens' Time.

**Consent Agenda**

On a motion by Mr. Stanley, seconded by Mr. Hazzard, the consent agenda was approved with the exception of the items to be considered removed.

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

Consent Agenda Approved.

**Budget Appropriation - $3,276,079 - Reappropriation of the Fiscal Year 2012 Budget (Consent Agenda)**

On a motion by Mr. Stanley, seconded by Mr. Hazzard the Board approved the budget appropriation of $3,276,079 to FY13 for various funds and departments.

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

## COUNTY OF HANOVER, VIRGINIA
**Budget Supplement Detail**

Department: Various
**General Fund**
Expenditures:

| | |
|---|---|
| Additions to Expenditures | |
| General Fund | |
| Operating | 512,004 |
| Capital | 227,175 |
| | 739,179 |
| School Fund | |
| Operating | 2,536,900 |
| | 2,536,900 |
| Total additions to expenditures | $ 3,276,079 |

Revenues
Additions to Revenues
General Fund

| | |
|---|---|
| State Revenues | 24,449 |
| Federal Revenues | 7,082 |
| PY Fund Balance | 707,648 |
| | 739,179 |
| School Fund | |
| Recovered Costs | 9,900 |
| Federal Revenues | 1,019,000 |
| PY Fund Balance | 1,508,000 |
| | 2,536,900 |
| Total additions to revenues | $ 3,276,079 |
| Net change to funds | $ 3,276,079 |

Motion Approved.

**Request for Authorization to Advertise a Public Hearing – Department of Public Utilities - Quitclaim of Atlee Road Water Storage Tank property, GPIN 8706-11-5021 (Chickahominy Magisterial District) (Consent Agenda)**

On a motion by Mr. Stanley, seconded by Mr. Hazzard, the Board authorized advertisement of a public hearing on September 12, 2012 for the disposal of property consisting of a 0.450 acre property, GPIN 8706-11-5021.

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

Motion Approved.

**Request for Conditional Use Permit Extension – CUP-2-11, Fairmount Memorial Baptist Church (Henry Magisterial District) (Consent Agenda)**

On a motion by Mr. Stanley, seconded by Mr. Hazzard, the Board approved the extension request for CUP-2-11, Fairmount Memorial Baptist Church for one (1) year or until August 31, 2013, subject to the original conditions of approval.

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

Motion Approved.

**Appointments**

08 22 12 Consent Agenda Appointments / Reappointments approved as recommended.

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

| COMMITTEE NAME | NON-DISTRICT APPT | DISTRICT | FIRST NAME | LAST NAME | TERM LENGTH | EXPIRATION | # OF MTGS HELD IN LAST 6 MOS | # OF MTGS ATTENDED IN LAST 6 MOS | WILLING TO BE REAPPOINTED: YES/NO/ PENDING | Recommendation By APPLICABLE BD MEMBER |
|---|---|---|---|---|---|---|---|---|---|---|
| Cannery Advisory Committee | | South Anna | Connie | Alexander | 1 year | 08/31/12 | 1 | 1 | YES | Mr. Hazzard recommends reappointment |
| Board of Equalization | * | N/A | M. Gordon | Johnson | 3 Years | 02/28/13 | | | Yes | Mr. Via recommends the reappointment of Mr. Johnson moving forward to the Circuit Court Judge |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Historical Commission | * | ARB | George | Condyles | 2 Years | 06/30/12 Resigned | | | ARB Recommends Alison Ross | Mr. Via recommends the appointment of Alison Ross as ARB Rep to Historical Commission |
| Lewistown CDA | * | N/A | C. Lee | Hilbert | 4 years | 10/01/12 | | | | Mr. Via recommends reappointment |
| Local Board of Building Code Appeals | * | N/A | Robert | Lampkin, Jr. | 1 year | 09/30/12 | | | | Mr. Via recommends reappointment |
| Local Board of Building Code Appeals | * | N/A | Joe | Lawson | 1 year | 09/30/12 | | | | Mr. Via recommends reappointment |

Motion Approved.

**Adoption of Proclamation – Eagle Scout – Christopher Laidlow, Beaverdam Magisterial District**

On a motion by Mr. Stanley, seconded by Mr. Hazzard, the Board adopted the proclamation.

**PROCLAMATION**

WHEREAS the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS Christopher Laidlow is a resident of the Beaverdam Magisterial District in Hanover County, Virginia, and a graduate of Patrick Henry High School; and

WHEREAS on the 30th day of November, 2011, Christopher Laidlow attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor Christopher Laidlow carried out a community project for B.A.R.K. (Bandit's Adoption and Rescue of K-9's) to erect flood lights for their exercise yard in Hanover County; and

WHEREAS Christopher Laidlow of Boy Scout Troop 505 which meets at New Highland Baptist Church has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout; and

WHEREAS the Hanover County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important service they provide to the youth of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors hereby extends its congratulations to Christopher Laidlow and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

The members of the Board of Supervisors voted to adopt this Proclamation as follows:

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

Proclamation Adopted.

**Adoption of Proclamation – Eagle Scout – Matthew C. Bishof, Chickahominy Magisterial District**

On a motion by Mrs. Kelly-Wiecek, seconded by Mr. Hazzard, the Board adopted the proclamation.

**PROCLAMATION**

WHEREAS the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS Matthew C. Bishof is a resident of the Chickahominy Magisterial District in Hanover County, Virginia, and a senior at Atlee High School; and

WHEREAS on the 17th day of April, 2012, Matthew C. Bishof attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor Matthew C. Bishof carried out a community project by constructing a storage shed for the Hanover County Animal Control Dog Park; and

WHEREAS Matthew C. Bishof of Boy Scout Troop 505 which meets at New Highland Baptist Church has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout; and

WHEREAS the Hanover County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important service they provide to the youth of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors hereby extends its congratulations to Matthew C. Bishof and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

The members of the Board of Supervisors voted to adopt this Proclamation as follows:

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

Proclamation Adopted.

**Adoption of Proclamation – Eagle Scout – Carson F. Thomas, Chickahominy Magisterial District**

On a motion by Mrs. Kelly-Wiecek, seconded by Mr. Hazzard, the Board adopted the proclamation.

**PROCLAMATION**

WHEREAS the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS Carson F. Thomas is a resident of the Chickahominy Magisterial District in Hanover County, Virginia, and a graduate of Atlee High School; and

WHEREAS on the 20th day of March, 2012, Carson F. Thomas attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor Carson F. Thomas carried out a community project by constructing an outdoor classroom for the Patrick Henry YMCA; and

WHEREAS Carson F. Thomas of Boy Scout Troop 505 which meets at New Highland Baptist Church has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout; and

WHEREAS the Hanover County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important service they provide to the youth of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors hereby extends its congratulations to Carson F. Thomas and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

The members of the Board of Supervisors voted to adopt this Proclamation as follows:

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

Proclamation Adopted.

**Adoption of Proclamation – Eagle Scout – Michael Joseph Sweeney, III, Chickahominy Magisterial District**

On a motion by Mrs. Kelly-Wiecek, seconded by Mr. Hazzard, the Board adopted the proclamation.

**PROCLAMATION**

WHEREAS the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS Michael Joseph Sweeney, III, is a resident of the Chickahominy Magisterial District in Hanover County, Virginia, and a senior at Atlee High School; and

WHEREAS on the 16th day of April, 2012, Michael Joseph Sweeney, III, attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor Michael Joseph Sweeney, III, led in a community project with The Giving Heart organization by collecting clothes in Hanover County and distributing them to over 300 people in need; and

WHEREAS Michael Joseph Sweeney, III, of Boy Scout Troop 505 which meets at New Highland Baptist Church has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout; and

WHEREAS the Hanover County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important service they provide to the youth of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors hereby extends its congratulations to Michael Joseph Sweeney, III, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

The members of the Board of Supervisors voted to adopt this Proclamation as follows:

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

Proclamation Adopted.

**Adoption of Proclamation – Eagle Scout – Andrew D. Kimberlin, Henry Magisterial District**

On a motion by Mr. Davis, seconded by Mr. Hazzard, the Board adopted the proclamation.

**PROCLAMATION**

WHEREAS the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS Andrew D. Kimberlin is a resident of the Henry Magisterial District in Hanover County, Virginia, and a senior at Hanover High School; and

WHEREAS on the 21st day of February, 2012, Andrew D. Kimberlin attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor Andrew D. Kimberlin carried out a community project by organizing a Book Drive for the Friends of the Hanover Branch of Pamunkey Regional Library and then organizing and implementing their annual Book Sale with unsold books and materials distributed to classrooms for preschool and public school teachers in need of reading supplies and the mature reading and audio materials provided to senior communities at Covenant Woods, Heritage Green Assisted Living, Hanover Manor Assisted Living and the Ashland Nursing and Rehabilitation Center; and

WHEREAS Andrew D. Kimberlin of Boy Scout Troop 505 which meets at New Highland Baptist Church has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout; and

WHEREAS the Hanover County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important service they provide to the youth of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors hereby extends its congratulations to Andrew D. Kimberlin and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

The members of the Board of Supervisors voted to adopt this Proclamation as follows:

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

Proclamation Adopted.

**Adoption of Proclamation – Charles G. "Bear" Carneal (Beaverdam Magisterial District)**

On a motion by Mr. Davis, seconded by Mr. Hazzard, the Board adopted the proclamation.

**PROCLAMATION**

WHEREAS Charles G. Carneal began his fire service career by joining the Ashland Volunteer Fire Company in 1976 where he was tagged with the nickname "Bear"; and

WHEREAS Charles G. "Bear" Carneal served Ashland VFC as President and Treasurer; and

WHEREAS Charles G. "Bear" Carneal was hired as Hanover County's first Equipment Services Officer on February 13, 1984; and

WHEREAS Charles G. "Bear" Carneal was promoted to Logistics Officer on July 1, 1991; and

WHEREAS Charles G. "Bear" Carneal was promoted to the rank of Captain on July 1, 1994; and

WHREAS during his tenure in the Department's logistics division, he took part in specialized training to include apparatus purchasing and maintenance and fire apparatus testing and became certified in the Virginia Department of Fire Programs (VDFP) for Officer I and Level II State Instructor; and

WHEREAS Charles G. "Bear" Carneal was later certified as Adjunct Instructor and in 1993 received certification as an Instructor Level III for Virginia Department of Fire Programs (VDFP); and

WHEREAS under the leadership of Captain Carneal, Hanover County invested millions of dollars in fire apparatus, equipment, hose, breathing apparatus, radio equipment, and protective clothing creating a modern well equipped fire department; and

WHEREAS on September 3, 1996, Captain Carneal was chosen to be the second Deputy Chief for the Hanover Fire Department; and

WHEREAS Deputy Chief Carneal provided critical leadership for the Fire and EMS Department in many emergencies including over six (6) hurricanes and eight (8) Federal declared disasters; and

WHEREAS Deputy Chief Carneal was a key contributor in major initiatives such as the new Public Safety Radio System; and

WHEREAS Deputy Chief Carneal has served as the in-house expert for Emergency Management and particularly for his knowledge of the North Anna Nuclear

Response Plan leading to twelve (12) years of perfect performance in testing by FEMA; and

WHEREAS Deputy Chief Carneal has demonstrated through action all of the best qualities of a Hanover County employee for the past twenty-eight (28) years; and

WHEREAS Deputy Chief Carneal has been key to the success of the Hanover County Fire and EMS Department through quiet leadership, mentoring and by holding the respect of everyone he has touched in his long service to the Department and the County; and

WHEREAS Deputy Chief Carneal will retire from active service with Hanover County on September 30, 2012.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors, on behalf of the citizens, wishes to express its sincere appreciation to Deputy Chief Charles G. Carneal for his twenty-eight (28) years of dedicated service and leadership to the County of Hanover and the citizens he served calling attention to his example as emblematic of the values the County holds dear; and

BE IT FURTHER RESOLVED that the Hanover County Board of Supervisors hereby names Charles G. Carneal as Honorary Deputy Chief Emeritus of the Hanover County Fire and EMS Department.

The members of the Board of Supervisors voted to adopt this Proclamation as follows:

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

Proclamation Adopted.

**Update on J. Sargeant Reynolds Community College Activities**

Dr. Gary Rhodes, President, of J. Sargeant Reynolds Community College (JSRCC) briefed the Board on (JSRCC) recent and upcoming activities, also present Mark Creery and Ann Marie Lauranzon (JSRCC Board Members from Hanover) and referred to the fact sheet handed out (On file with the Board's records). Mrs. Lauranzon and Mr. Creery briefly addressed the Board.

**Dominion Power Update**

Ms. Iris Holliday, Manager, Regional State and Local Affairs, of Dominion Virginia Power introduced their presentation today would cover the June 29th Storm Event Tornado Service Restoration. Introduced Mike Frederick, Director of Planning, Reliability and GIS Services who made the presentation. Also present were Dan Blackwell, Director of Customer Solutions, Kathy Vick, Manager of Reliability, Rick Cesca, Manager of Operations.

Mr. Frederick, came forward to present information June 29th Storm Event Tornado Service Restoration. The restoration and recovery strategy was reviewed as: Transmission Lines; Substations; critical services; main circuits, residential lines; individual transformers; services. Regarding vegetative management Mr. Frederick

advised they are spending about 2.5 times system wide on vegetation management program as they did ten years ago as this is extremely important in an overhead system. Regarding undergrounding the system – in 2005 the FCC did a study that resulted in if all of the Virginia system was undergrounded it would mean about $300 per month to an individual customer's bill. It is a much more capital intensive requirement up front and requires right of ways that overhead easements do not allow them to have and they would have to get easements to convert and is one of the most difficult things to do as 1-2 individuals who do not want to participate can derail a route plan. Strategic undergrounding continues to be looked at. Next steps:

- ❑ Continue investment in reliability-improvement programs and tree trimming activities
- ❑ Improve accuracy of Estimated Restoration Times
- ❑ Improve "Callback" process, verifying restoration of service
- ❑ Continue to strengthen partnerships with state and local emergency managers and jurisdictional leaders

The Chairman asked if Board members had questions. Mr. Stanley – thanked DVP Staff for the job they do. Vegetative management getting trees away from the lines helps.

Mrs. Kelly-Wiecek - $300 per month for underground - how long would a customer be billed. Mr. Frederick advised it depends on how rate proceedings advance but it would be that fee for a long time. Mrs. Kelly-Wiecek mentioned a group of constituents with reliability issues when there are not catastrophes, criteria for when you would consider something not up to standards. Mr. Frederick advised there are regional liability managers and staff that assess customer liability on a continuing basis. Chronic experience customers with repeated outages, aging assets, analysis is ongoing

challenged by what we need to do and money for what we have to do. Complaints may be filed with the regional reliability manager.

Mr. Harris thanked Ms. Holliday and the DVP team and it was great to see them at the EOC. The partnership strength during the last event helped us to clear the roads within 24 hours. The Chairman thanked DVP Teams for all they do.

**Capital Region Collaborative Update**

Mrs. Kelly-Wiecek, CRC Board Member Representative, briefed the Board on recent and upcoming activities of the Capital Region Collaborative and reviewed the publication Building the Framework for Regional Collaboration.

Mrs. Kelly-Wiecek introduced Bob Crum, Executive Director of the Richmond Regional Planning District Commission and Wendy Burtner-Owens, Project Manager for the Capital Regional Collaborative.

This is a report about our region, from the citizens of our region. This report gives us a baseline of community perception about important issues.

Bob Crum and Kim Scheeler presented at 85 public meetings with a wide range of audiences: CEO's, homeless folks, non-profits, essentially any group that was interested…

In addition, there was a scientifically based telephone survey and an online survey. The region spoke – there were over 8,000 residents who were happy to give their opinions and input. By comparison other regions talked with 1,000 residents or 2,000 residents, thus we feel that this is very comprehensive.

All of the municipalities were represented thus the information received is appropriately weighted and covers the entire region.

Overall, we heard that the Richmond Region is a great place to live, very little traffic congestion, that we are situated conveniently close to the beach and the mountains… and Washington DC, etc. We have great entertainment opportunities. The history is compelling.

Regional collaboration is not recognized as a strength. For us to become a premier metropolitan area, we must get better at collaborating across municipal boundaries, as well as sector lines – business and nonprofit and government in all of the priority areas. When presented with a laundry list of regional issues and priorities, Workforce Preparation and Job Creation were the top concerns – regardless of demographics of the respondents. In other words, we cut the data in a number of different ways: by municipality, gender, age, etc. and these were always the two top concerns.

Regional Priorities

1. Job Creation
2. Workforce Preparation
3. Quality Place
4. Coordinated Transportation- noted that public transportation can only go where supporting infrastructure, planning and density can support it. If and when those factors are in place it makes sense to look at and where possible coordinate transit strategically from local and regional perspectives.
5. Healthy Community
6. James River
7. Social Stability

Mr. Bob Crum – in referring to the Rivers of the Richmond Region Public Access Guide for James River and all residents within the Richmond Region. Noted Meade Westvaco financed 30,000 copies and was a great public private partnership. Gave out copies of the collaborative priorities. Will place in the lobby for residents as well.

Mr. Hazzard regarding the statement to level playing field for educational opportunities across the region and asked if it has been discussed how this will be done. Mrs. Kelly-Wiecek advised the workgroup will submit info. Mr. Hazzard curious as to how to achieve the goal. Mr. Crum advised have models for success such as Hanover. Problems are not with elementary school but middle school level and are where concerns begin.

Mr. Davis asked what were Richmond and Henrico paying per pupil. Parent involvement is key in Hanover. Concerned with level the playing field definition. Mrs. Kelly-Wiecek advised helping others raise the bar. Discovered that workgroups have tentacles into other workgroups keeping parental involvement is key.
Ms. Wendy Burtner Owens came forward and advised take what community said, take workgroups and look at the perceptions from the community and now subject matter experts will come in and review.

**Presentation of Preliminary Year-End June 30, 2012 Financial Report**

Mrs. Kathy Seay, Director of Finance and Management Services, presented the preliminary year-end financial report for June 30, 2012, which provides a projection for the General Fund activity. Staff reviewed the financial report with the Board's Finance Committee on August 22, 2012, and discussed the highlights with the Board. The

County's audited financial statements for the fiscal year-end are generally reviewed with the Finance committee at the first regular meeting in November, and presented to the Board at the second meeting in November. A copy of the report is on file with the Board's records.

FY 2012 General Fund Projection: Projected Operating Balance

As reported in May, the County projects that FY12 General Fund revenues will be less than originally budgeted by $4.0 million, which will be offset by expenditure savings of $10.8 million. An additional $2 million in expense savings above what was anticipated in the May report is due to lower reappropriations and increased School expenditure savings. The County will end this fiscal year with a positive operating balance of $6.8 million, or 3.3% of budgeted General Fund expenditures.

• $2.5M or 2.7% of the Revenue decrease is attributable to Real property tax revenue down as forecast based on the decrease in the 2012 assessments.

Highlights of the changes in other Key Revenues include:

• Personal property tax revenue—Up $620K or 2.7%: New vehicles sales have remained stable. The consistent strength of new car sales exceeded our budget estimate and offset other Revenue declines.

• Sales taxes are projected to be down by $424K or 2.5%. We are being impacted by refunds that we are being charged by the State for sales tax revenue that was passed to us from other localities. We achieved our FY12 forecast and are on track to meet the FY13 growth projections.

• County savings include an accrual for the estimated impact of the County's Voluntary Separation Program.

The $6.8 million operating balance and the additional amount available from unassigned provide the $7.3 million available for use, of which, $4.9 million has been included in

the fiscal year 2013 adopted budget to fund FY 2013 County and School operations and $2.4 million is available for assignment for future budget needs.

At this time, the General Fund's Unassigned Fund Balance is projected to remain at 12.6% of budgeted revenues at June 30, 2012. By Board policy, the County's General Fund maintains a minimum *Unassigned Fund Balance* of at least 10% of budgeted revenues to protect against unanticipated expenditures or revenue shortfalls, with a higher targeted percentage to maintain its triple AAA rating and lowest possible interest on capital projects.

Assignments Summary

Based on available operating balance funds, the Preliminary County Administrator Assignments are $5.8M for Education, Public Safety, Five Year Financial Plan and Capital Improvements. The year-end assignment balances to be reflected in the Comprehensive Annual Financial Report (CAFR) are estimated to be approximately $2.4M which will include encumbrances and reappropriations.

The CAFR will be presented in November at the conclusion of our annual audit.

No questions from the Board.

**Request for Authorization to Advertise a Public Hearing – Parking Ordinance Amendment, Ordinance 12-04: Parking Revisions Phase 2**

Mr. David Maloney, Acting Director of Planning, reviewed the Board of Supervisors directed the Planning Department to undertake a review of the parking regulations of the Zoning Ordinance in 2009. The Phase 1 Amendment authorized for advertisement by the Board in February 2009 and adopted on July 22, 2009, provided updated parking calculations, use classifications and congregate parking for shopping centers. This Phase 2 update is intended to provide clarity and improved ease of use of the parking regulations while increasing design flexibility and facilitating compatibility with other ordinance updates and anticipated regulatory changes to storm water

management requirements. In the future, a proposed Phase 3 review will consider any changes that would be necessary to address the anticipated State mandated stormwater management regulations.

Consistent with previous Ordinance updates, staff utilized a technical review team to assist with the Parking Ordinance update. The Technical Review Committee included Planning staff, a representative of the County Attorney's Office, two local developers, an engineer, and two landscape architects, all of whom have project experience in Hanover County. Staff held five meetings with the Committee to review and edit the proposed changes.

- ❖ Staff utilized a Technical Review Committee in preparing this ordinance update
- ❖ A group of 5 professionals with land development project experience in Hanover County met with Planning and County Attorney office staff 5 times to draft the update
- ❖ The "citizen" members of the Technical Review Committee were:
- Clarke Jones, Jones Realty and Construction Corporations
- Mark Claud, Commonwealth Commercial Partners
- Paul Hinson, Koontz - Bryant
- Doug Cole, CiteDesign
- Mark Georgallis, McKinney & Company

The proposed Phase 2 ordinance amendment incorporates a comprehensive update to the parking regulations. Changes were made to bring the ordinance up to date with current industry and area standards as well as ensure conformance with changes made in conjunction with other recent Zoning Ordinance amendments such as the Business Districts update. Some notable changes made by the Staff in concert with suggestions made by the Technical Committee include:

- Phase 2 ordinance amendment incorporates a comprehensive update to the parking regulations
- Some notable changes made by the Staff in concert with suggestions made by the Technical Committee include:
  - Updated parking space requirements to reflect new uses adopted in the amendments to the Business Districts, as well as to better reflect current parking needs
  - On-site parallel parking spaces are defined and may now be used to satisfy required parking
  - More realistic and less intensive loading space requirements
  - Requests for shared parking, reduced parking, and parking on a separate zoning lot will be allowed under an administrative review process rather than the SE process
  - Modifications to the Overlay Urban Development (OUD) District landscaping requirements to provide additional design flexibility without relaxing overall standards
- A future Phase 3 review will consider any changes that would be necessary to address the anticipated State mandated storm water management regulations

*Staff Recommendation:*

- **Authorization** to advertise Public Hearing – Ordinance 12-04

A summary memorandum and black-line copy of the proposed Ordinance Amendment (showing all changes) is on file with the Board's records.

Mr. Stanley aesthetics of landscaping are nice however we need to look at vegetation being trimmed. Mr. Maloney – measured clear zone at entrances, low vegetation or vegetation with high canopy it may not always be maintained. As we go through formal public hearing process we can look at improving safety. Mr. Stanley noted the space seems small also for parking of larger vehicles.

Mr. Via whose responsibility to come back and trim. Mr. Maloney does not have maintenance provision in ordinance if the office is aware can approach property owner as a courtesy. Mr. Via most of these are private.

Mrs. Kelly-Wiecek asked what happens if trees die, do they have to replace. Mr. Maloney advised if we think a planting is within ordinance standard, office operates on complaint basis. Cannot think of too many instances where we have to enforce landscaping as it maintains property value.

Mr. Hazzard – looking at how trees grow, in curves and intersections – Mr. Maloney will be happy to look at planning standards.

Mr. Hazzard Authorization to advertise Public Hearing – Ordinance 12-04, seconded by Mrs. Kelly-Wiecek.

3:13 p.m. - Mr. Rives left the meeting.

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

Motion Approved.

**Presentation of Hanover County Website Redesign Strategies**

Mr. Kirk Baumbach, Director of Information Technology, presented an Overview of the strategies for redesigning the County's website. The overview provided the Board with: a brief assessment of the current website; the process for

designing the new site, including opportunities for Supervisors to provide input and direction; and critical success factors for completing the effort.

3:14:56 PM – Mr. Rives returned to the meeting.

Mr. Baumbach asked for suggestions of district representatives from Board Members, surveys will also be placed for public comment.

Mrs. Kelly-Wiecek made comments related to plan for content management system and offered her assistance if needed.

Mr. Hazzard – comments related to scope, please have some individuals who are not so computer literate users in the focus groups.

Mr. Davis rather than providing information, business community is looking for permits, fee schedules while out in the field and mobile and include those individuals in focus groups and designs, these are things they need to do to operate their business day to day.

Mr. Baumbach welcomes any names or suggestion of participants.

Mr. Peterson – keep the website clean and simple

Mr. Via and Mr. Harris generally discussed the involvement by the County Administrator's Office and this is a chance to have an electronic suggestion box.

**Presentation - Water Conservation Measures and Drought Status Update**

Mr. Steven Herzog P.E., Director of Public Utilities, reviewed the water conservation measures included in the Hanover County Code Section 23-10 that Public Utilities would invoke in response to low flows in the James River, if demands exceeded

system capabilities, or other emergency conditions. Mr. Herzog also reviewed the current status of the drought in our area and flows in the James River.

3:40 p.m. - Mr. Davis left the meeting.

3:50 p.m. - Mr. Davis returned to the meeting.

No questions from the Board.

**Request for Authorization to Advertise: Ordinance No. 12-10 – Amendments to Grass Cutting Ordinance**

Item overview Ordinance No. 12-10 would amend Chapter 18, Article III, Sections 18-22 through 18-27 of the Hanover County Code to address the substantial increase in "tall grass" complaints received by the County, in large part due to the increase in foreclosed properties and abandoned dwellings. The amendments clarify that the provisions of this Article applicable to the cutting of weeds shall also apply to the cutting of grass. Additionally, the proposed amendments (1) eliminate the requirement that all complaints alleging violations of this Article be in writing, (2) amend the provisions related to notice of a violation of the provisions of this Article, and (3) provide for the collection of costs and expenses incurred by the County in the enforcement of this Article. The proposed amendments will also result in the ability to achieve compliance much sooner than the current practice.

Mr. Richard Bartell, Chief Building Official, advised this revision to the ordinance will make it easier for the citizens and for staff. It will do away with written notice; staff waiting on receipt that the notice is delivered certified mail (this may take two months if there is no response); codifies how money is collected from the property owners. This will make response times by staff much quicker.

Mr. Via are there a lot of instances. Mr. Bartell stated yes - all foreclosed properties or those that have not gotten to foreclosure yet.

Mr. Hazzard how about in A-1. Mr. Bartell not expanding coverage at this time.

Mrs. Kelly-Wiecek stated this is a great concern and has constituents that are in favor.

Mr. Peterson – question about penalties being enacted have had quite a few in his district. Not sure about second violation $200 per day. Mr. Bartell advised we only had 15 repeat offenders in the last year out of 120 complaints. The repeat offender is not a high rate. We work with those that have extenuating circumstances without having to take legal action.

Mr. Peterson 7 days 200 per day that may be a little too heavy handed. Mr. Bartell limited by statutory authority and use penalties available.

Mr. Rives clarified there are several issues penalties sections attached to grass cutting apply to violations of trash, debris and other hazard issues and in some circumstances may be more serious. Staff has never sought to collect for civil penalties. The goal is always to get compliance, we send out a contractor to cut grass where necessary and bill the owner for the cost of cutting the grass and do not go for civil penalties. This has changed in last several years due to foreclosures and banks do not care until ready to sell and at the suggestion of board members we have put in graduating penalties. This is language from state code including 50-200 range. Mr. Peterson shall constitute and may not constitute. Mr. Rives we have discretion and judge has discretion on what he will award. Explained that occupied property is 100 and

does not graduate. There is an anomaly in state law that explains that – we have combined the two authorities. The height of grass where we take action is 15 inches and could go to 12 inches and may be something you want to consider.

Mr. Peterson made a motion to Authorize Public Hearing to Adopt Ordinance No. 12-10, Amending Chapter 18, Article III, Sections 18-22 through 18-27 of the Hanover County Code.

Mr. Hazzard what do we do about South Anna and Beaverdam and how would we enforce. Mr. Rives stated we are bound by state law as well because the enabling legislation in 15.2-901 states that in counties where the population density is less than 500 persons per square mile this authority can be exercised only in areas zoned for commercial industrial residential use and we are about 200 people per square mile and not close to density required and don't have authority. The other section applies to lots less than .5 acre in size. We do not have many options. Mr. Hazzard and Mr. Via generally discussed we will not go to the legislature for this.

Mr. Rives clarified if you want flexibility advertise to 12 inches as you cannot decrease from what you advertised.

Motion amended by Mr. Peterson to advertise at 12 inches, seconded by Mrs. Kelly-Wiecek.

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

Mr. Davis stated we were spending significant amounts of tax payer money, reviewing complaint properties, sending out notices; we cut grass, send bill. We will never recoup with penalties the amount of money we have to use to enforce.

Motion Approved.

**Legislative Workshop - 2013 Session of the General Assembly**

4:12:21 PM Mr. Wade and Mrs. Kelly-Wiecek left the meeting.

4:13:50 PM Mrs. Kelly-Wiecek returned.

4:14:48 PM Mr. Wade returned.

Mr. Sterling Rives, County Attorney, advised this workshop will provide the Board with the opportunity to begin discussion of its legislative agenda for the 2013 session of the General Assembly, the expected role of the Board's Legislative Committee, meeting with Hanover's General Assembly delegation and the scope of reports from staff to the Board during and after the session. The County Attorney presented information on the status of the development of the VACo and RRPDC legislative agendas. Finally, several possible legislative items proposed by staff for consideration by the Board were presented. Copies of the 2012 Legislative Agendas of Hanover County, RRPDC and VACo are on file with the Board's records.

Noted the downsizing the County Attorney's office will be facing and a change in staffing levels for a time period during the GA session. Will need help from County Administrator's office from time to time. Noted that legal work will take precedence over GA work.

4:15:55 PM Mr. Peterson left the meeting.

4:18:52 PM Mr. Peterson returned to the meeting.

Consider if you want this type of format, specific requests, statements and over-riding policy statements as these give guidance to staff when responding to questions posed by legislators. Mr. Rives asked if there was Consensus to stay with format similar.

Consensus received.

Mr. Rives advised board to look between now and 9/12 meeting to review policy statements so we can move forward with putting together an agenda.

Mrs. Kelly-Wiecek questioned proceeding with legislative subcommittee meeting before the next meeting. Mr. Rives how do we use the legislative committee. Last year all of the board was interested and dealt with whole board.

Comments related to Legislative Committee – needing to communicate with the full Board by Mr. Stanley. Mr. Hazzard gets items to legislative committee. When would we present this? Mr. Rives typically meeting with legislators after VACo conference – after second Tuesday in November and as soon as possible after that. Could adopt in early sept or oct and amend as necessary. Mr. Peterson encouraged that they are also with regional partners. VACo legislative agenda we need to know where we stand before VACo conference. There is an urgency to get this under way.

Mr. Harris – confirmed the Legislative Committee composition –Mr. Hazzard-Chairman, Mrs. Kelly-Wiecek and Mr. Via - Mr. Davis-Alt.

Mr. Harris – have committee meeting first and then determine when to return to

the board.

Mr. Rives review of possible items for legislative agenda, board members noted items of interest and had a discussion with Mr. Herzog & Mr. Rives regarding water impoundments related to Lake Anna. Mr. Rives asked that all items be submitted to him prior to the next discussion on this topic in September.

**Closed Session – Section 2.2-3711(A)(7) –**

1. Consultation with legal counsel regarding status of condemnation of avigation easement - Hanover v. Tolanda Carter Hardy et al.
2. Consultation with legal counsel and staff regarding proposed development agreement for project in Northlake Business Park

**Closed Session**

Mr. Peterson moved that the Board of Supervisors go into Closed Session pursuant to the following: Closed Session – Section 2.2-3711(A)(7) –

1. Consultation with legal counsel regarding status of condemnation of avigation easement - Hanover v. Tolanda Carter Hardy et al.
2. Consultation with legal counsel and staff regarding proposed development agreement for project in Northlake Business Park

Seconded by Mr. Hazzard.

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

Motion approved.

Board Members entered Closed Session at 4:50 p.m. At the conclusion of the Closed Session, all Board Members returned to the Boardroom, and the Chairman called the regular meeting back to order at 5:53 p.m.

**Certification of Closed Session**

Mr. Peterson moved that the Board of Supervisors certify that during the Closed Session only public business matters lawfully exempted from the open meeting requirement of the Freedom of Information Act and only such public business matters as were identified in the motion for the Closed Session were discussed.

Mr. Hazzard seconded the motion.

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

Motion approved.

**Recess**

5:53:16 p.m. the Board went into recess.

**Reconvene –**

7:00 p.m. All Board members were present.

**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 come forward.

Seeing no one come forward, the Chairman closed Citizens' Time.

Mr. Peterson recognized three little league teams present from Atlee, Mechanicsville Boys and Girls that reached the state championship games in their groups. Mechanicsville Boys and Girls won state championships and went on to a good showing in North Carolina. Mr. Hazzard noted the girls softball team from Rockville was also state champions and will join the board at a future meeting.

**Planning Public Hearings**

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

C-5-12(c) ERIC LEABOUGH AND KEVIN LEABOUGH, Request to rezone from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, on GPIN 6798-17-4760, consisting of approximately 11.2 acres, and located 400 feet east of the intersection of Pony Farm Road (State Route 702) and Brickview Lane (Private Road) in the SOUTH ANNA MAGISTERIAL DISTRICT. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit the creation of one (1) additional building lot for a family member for a gross density of one dwelling unit per 5.60 acres.

Mr. Maloney presented this request, displayed the General Parcel Map, reviewed the executive summary –

*Executive Summary:*

- The rezoning would create 2 building lots for family:
  - Parcel A – 5.0± acres
  - Parcel B – 5.0± acres
- The lots will have access from a proposed 50' easement to Pony Farm Road

displayed the conceptual plan.

*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. Hearing none, opened the public hearing and asked if anyone wished to address the Board in favor or in opposition to this request.

Mr. Eric Leabough, Applicant, came forward and offered to answer any questions. No questions from the Board.

Seeing no one else come forward, the Chairman closed the public hearing and asked if Board Members had any questions, hearing none, entertained a motion.

Mr. Hazzard made a motion to approve C-5-12(c), seconded by Mr. Stanley.

**ORDINANCE C-5-12(c)**

**OWNER OF RECORD:** ERIC LEABOUGH AND KEVIN LEABOUGH

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of **APPROVAL** of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 22nd day of August, 2012, and advertised in the ***Hanover Herald-Progress*** once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by the rezoning of the property described as GPIN 6798-17-4760, consisting of 11.2± acres located 400 feet east of the intersection of Pony Farm Road (State Route 702) and Brickview Lane (Private Road), (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, subject to the following conditions

which were proffered by the Applicant on July 30, 2012, and accepted by the Board:

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Leabough Concept Plan," dated June 18, 2012, and sketched by Eric Leabough utilizing a survey developed by "The Bay Companies".

   *Exception: This condition shall not preclude minor adjustments, to the property line and/or the driveway location, due to topographical, environmental and other factors and circumstances that may be beyond the Property Owner's control.*

2. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, drainfields, or drainage facilities.

   *Exception: This condition shall not prevent the removal of trees that may be necessary to provide adequate clearance around each home to prevent trees, their limbs and other debris from being within a distance of being able to fall upon the structure(s), thereby causing damage, in the event of major wind storm and/or other major weather events. The owner(s) shall preserve trees to the greatest extent possible.*

3. Wetlands Certification. The Owner agrees to submit a wetlands certification for the property to the Hanover County Department of Public Works for its review and approval along with the submission of an application for a Family Division. The Family Division shall not be approved if the owner fails to submit a wetlands certification that is acceptable to the Department of Public Works.

4. Perenniality Study. The Owner agrees to submit a perenniality study for the property to the Hanover County Department of Public Works for its review and approval along with the submission of an application for a Family Division. The Family Division shall not be approved if the owner fails to submit a perenniality study that is acceptable to the Department of Public Works.

5. Family Division. The property shall only be divided for family, in accordance with Article II, Division 5 of the Hanover County Subdivision Ordinance. 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.

BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

The members of the Board of Supervisors voted to approve Ordinance C-5-12(c), Eric Leabough and Kevin Leabough, as follows:

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

C-5-12(c) Approved.

**SPECIAL EXCEPTION**

SE-15-12 FAY-MAC L.L.C. (ATLANTIC FENCE SUPPLY, INC.), Requests a Special Exception Permit in accordance with Title I, Article 5A, Section 6.6 of the Hanover County Zoning Ordinance to allow exceptions from multiple development requirements in the Overlay Route One Corridor District on GPIN 7788-16-5677, consisting of approximately 5.35 acres, zoned M-2, Light Industrial District, and located on the southeast quadrant of Washington Highway (U.S. Route 1) and Sadisco Drive (Private Road) in the ASHLAND MAGISTERIAL DISTRICT.

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

*Executive Summary:*

- This site is located in the Overlay Route 1 Corridor District (the Overlay); therefore, it is subject to additional development standards
- The site was recently expanded and brought into compliance with some of the Overlay standards

- The current proposed expansion to create additional warehouse space is significant enough to require the site to be brought into compliance with the remaining standards as follows:
    - Fences shall be located in the side and rear yard only
    - Parking areas in the front yard shall be paved and curb and gutter shall be used around and within the parking area
    - Outside storage shall be permitted only in side or rear yards
    - Storage areas shall be screened from view from all major thoroughfares

❖ The Zoning Ordinance includes language that allows the Board to approve exceptions from the Overlay standards

*Planning Analysis:*

❖ The site was developed several years ago with parking (gravel), fencing and storage of materials within the front yard; therefore, requiring the Overlay standards would result in significant hardship for the applicant

- The majority of adjacent sites consist of industrial uses that have been in existence for many years and do not meet the Overlay standards

*Recommended Conditions:*

❖ Condition #2 in the staff report recommends that the applicant connect to public water and sewer prior to issuance of a certificate of occupancy

- Staff has learned that public sewer is not available at the property line; therefore, staff recommends a revised Condition #2 that requires connection only to public water at this time (the board was given a copy of the August 21, 2012 Staff Memo Changes to staff's recommended Conditions of Approval (Exhibit 2 of 2)

Sketch plan was displayed and the buildings to be expanded were referred to. A photo of the decorative fence was displayed and the fence runs along the entire frontage of the property. There are areas of storage within the front yard and there is a vegetative buffer immediately behind the fence.

*Staff Recommendation:*

❖ **APPROVAL** subject to modified Condition #2

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 to this request.

Seeing no one come forward, the Chairman closed the public hearing and asked if Board Members had any questions, hearing none, made a motion.

Mr. Via made a motion to approve SE-15-12, seconded by Mr. Peterson.

**RESOLUTION**

WHEREAS the Board finds that, in its opinion, as a matter of fact, such exception will not substantially affect adversely the uses of adjacent and neighboring property.

NOW, THEREFORE, BE IT RESOLVED that Fay-Mac, L.L.C./Atlantic Fence Supply, Inc. are granted a Special Exception Permit in accordance with Title I, Article 5A, Section 6.6 of the Hanover County Zoning Ordinance to allow exceptions from multiple development requirements in the Overlay Route One Corridor District on GPIN 7788-16-5677, consisting of approximately 5.35 acres, zoned M-2, Light Industrial District, and located on the southeast quadrant of Washington Highway (U.S. Route 1) and Sadisco Drive (Private Road) in the Ashland Magisterial District, subject to the following conditions:

1. The site shall be developed in substantial conformance with the sketch plan, titled "Atlantic Fence Supply, Inc. – Requested Special Exceptions," dated June 25, 2012 and prepared by Advanced Engineering, LLC.

2. The applicant shall connect to public water prior to issuance of the Certificate of Occupancy for any proposed floor area expansions.

3. The applicant shall obtain site plan approval prior to any future building expansions.

4. The applicant shall obtain all necessary permits prior to construction.

5. All development and use of the Property shall comply with all federal, State and local statutes, ordinances and regulations.

The members of the Board of Supervisors voted to approve this resolution as follows:

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

SE-15-12 Approved.

**REZONINGS**

C-20-04(c) AM. 1-12 TL HUNT, L.L.C. (RUTLAND), Requests an amendment to the proffers, conceptual plan, and elevations approved with rezoning request C-20-04(c), TL Hunt, L.L.C., et al., on GPIN 8706-03-2706 (part), consisting of approximately 10.30 acres, to be rezoned from M-1(c), Limited Industrial District with conditions, to RM(c), Multi-Family Residential District with conditions, located on the west line of Atlee Road (State Route 637) at its intersection with Combs Drive (State Route 2181), and GPINs 8706-03-6972 (part) and 8706-24-3693 (part), consisting of approximately 19.83 acres, to be rezoned from R-5(c), Multiple-Family Residential District with conditions, to B-3(c), General Business District with conditions, and B-O(c), Business Office District with conditions, located on the west line of Chamberlayne Road (U.S. Route 301) at its intersection Rutlandshire Drive (State Route 2320) in the CHICKAHOMINY MAGISTERIAL DISTRICT. The subject property is designated on the General Land Use Plan Map as Industrial, Commercial, Suburban General (2-4 dwelling units per acre) and Suburban High (4-8 dwelling units per acre). The proposed zoning amendment would permit commercial and office uses and the relocation of 138 dwelling units with no change in the overall dwelling unit density of the community.

Displayed the General Parcel Map; the proposed layout for the townhouse units was displayed, Atlee Road was pointed out, the YMCA building, entrance into the property aligning with Combs Drive and there will be secondary means of

ingress/egress through the remaining industrial portion of the property; elevations were displayed, with regard to the current R-5 area

*Executive Summary:*

- In 2004, the Rutland development was rezoned to include RS, R-4, B-3 and M-1 Districts; multiple amendments have occurred, including one in 2007 that rezoned a portion of the R-4 District to R-5, which is the subject of this request
- This request is to:
  - Relocate the offices planned for the M-1 District to the area currently zoned R-5
  - Rezone the R-5 District to B-O and B-3
  - Relocate 138 units approved for the R-5 District to a portion of the M-1 District and rezone that to RM
  - Remove the age restriction from the 138 units

*Land Use:*

- The land use designations and permitted density were established with the 2004 rezoning
  - Since 2004, the overall uses within the community and residential density have remained unchanged
  - No density changes are proposed with the current request

*RM District Conceptual Plan:*

- The submitted conceptual plan and elevations meet all of the requirements of the RM district
  - Roads will be private
  - The required common open space and recreational spaces are met using the credit provision in the RM ordinance
- The plan was approved by the Planning Commission as the preliminary subdivision plat; it was noted that CUP-1-11 (YMCA) for the multi-purpose fields within the RM area must be revoked or must expire prior to construction plan approval for area of the CUP

*B-O and B-3 Districts:*

- 17.83 acres are proposed for B-O, Business Office District and 2.0 acres are proposed for B-3, General Business District
- The B-O District allows office and limited retail opportunities
  - The B-O District has been utilized in locations that are appropriate for commercial uses, but where conventional retail uses may not be compatible with nearby residential uses
- The B-3 district provides for a wide variety of commercial and retail uses, and requires special development standards for uses that are generally more intensive

*B-O and B-3 District Conceptual Plan:*

- There will be two points of access to the site; one from Rutlandshire that was previously approved and one from Route 301 that will require VDOT approval

- The Route 301 entrance includes a turn lane with adequate length and spacing between Rutlandshire Drive and Shannon Road to the north
- A proffered evergreen buffer will be provided between the office uses and the adjacent residential area

Conceptual Layout was displayed for B-O and B-3, the area at the bottom is the two acres to be rezoned to B-3 while the remaining area will be zoned to B-O Business Office.

The right in right out entrance from 301 as well as the secondary right in / right out from Rutlandshire and the full movement driveway from Barnfield.

*B-O and B-3 Proffers:*

- Conceptual plan
- Architecture & Materials
- Loading Space Screening
- HVAC Screening
- Limited Permitted Uses (Conv. Stores and Restaurants as CUPs)
- Preservation of Trees
- Lighting Height Limited to 25'
- Signage Limitations
- Minimum of 60,000 sq. ft. of commercial space
- Evergreen screen (as shown on plan) closet to the residential dwellings.

*RM Proffers:*

- School Cash Proffer – The applicant has proffered a school cash proffer for the 138 townhouses since they will no longer be age restricted and removal of the age restriction is in conformity with the Board's proffer policy.
  - The amount is $4,319.00 per unit
  - This amount matches the value of the school proffer at the time of zoning in 2004 .

Proffers applicable to all subject properties:

- Right-of Way Dedications
- Road Construction and Phasing Schedule associated with turn lanes into the project from Combs Drive.

*Recommendations:*

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

The Chairman asked if Board Members had any questions,

Mrs. Kelly-Wiecek asked about the HVAC screening is there one for trash or dumpsters. Mr. Maloney advised it is required by ordinance and typically we do not get proffers where there is an ordinance in place that otherwise addresses it. Mr. Maloney advised the ordinance typically specifies full screening of outdoor dumpsters typically by fencing or some type of masonry wall, screened on four sides with service door for trucks to service the dumpster units. Doors should be closed and invisible from surrounding property. There are no maximum number of dumpsters that can be located on site and is up to the designer or property owner to position / locate them.

Mr. Peterson what was allowed in the original zoning of the parcel when it was zoned R-4. Mr. Maloney area rezoning to commercial. Mr. Maloney was zoned for R5 for age restricted multi-family units. Mr. Peterson – R-4 – Mr. Maloney applicant was proposing a modification to elevations and layout and based on design requirements for R4 and R5 districts they felt it appropriate to change from R4 to R5 to switch types of housing and development standards associated with housing. Same type of housing whether R4 or R5. Mr. Maloney advised throughout all the original zoning and subsequent amendments there has been no change in residential density.

Mrs. Kelly-Wiecek clarified the original age restricted homes called for 4 story apt buildings – Mr. Maloney do not have original number.

Mr. Rives cash proffers for RM district 4,319.00 for schools is that for 2004 or inflated to present value by cost of living. Mr. Maloney 2004 and inflated at time of building permit by cost of living. Mr. Rives clarified not from 2012 to building permit but from 2004 to building permit and asked if that was everyone's understanding, Mr.

Maloney advised the applicant could speak for themselves but that is staff's understanding and intent.

The Chairman asked if Board Members had any questions, hearing no further questions, opened the public hearing and asked if anyone wished to address the Board in favor or in opposition to this request.

Mr. Dan Schmidt, President, HH Hunt Communities, Beaverdam Magisterial District, came forward to present. Rutland Master plan was displayed; Master plan with proposed rezoning, taking out four story condominiums as could not find buyers as originally thought in 2004, the proposed office space – they have been successful in selling some of the office space along Atlee Road Extended but the buyers want better visibility as the land is tucked in behind some the existing office in the YMCA and buyers are asking for better visibility. If we move residential to the back and put it well located between the new YMCA and the current retail Kroger shops etc. that is a great place for residential. It is not a great place for condos but good for affordable high quality town homes and is what is being proposed. If some of the existing 60,000 sf is moved onto Route 301 the marketability of that land and that produce increases dramatically - primarily for medical office. Proposed two story, 1500 sf ($180,000 + depending on upgrades added) townhomes were displayed outside and interior spaces; Proposed commercial/office existing were displayed; there is one piece of property on the corner they are proposing to zone to B-3; benefits of rezoning; community feedback update: agreed to school proffer ($4,319.00) total feel this should be exempt from proffers as it will not generate school kids; tax revenue and other fees; infrastructure by HH Hunt; evergreen buffer between the closest neighborhood cul de sac and the closest

office building which is about 208 ft. from the building to the lot line and is an improvement from the old case where it listed 140 ft and these buildings will be one story rather than four stories with less activity as it will be an office use and quiet on the weekends, sidewalks/trails – there will be upon completion four miles of sidewalks and trails (within the next year as development occurs around the lake will complete the lake trail); financial benefit to HOA-this changes $23,000 annually upon full build out to the HOA in assessments and 65,000 in capital contributions; additional signage; directional signage was displayed for residential area so folks know they are transitioning from commercial to residential and to keep children playing in mind and to slow down speed of vehicles; proposed commercial layout buffer was displayed; sidewalks and trails should be completed by next summer; HOA income comparison. Mr. Schmidt mentioned the number hours spent with staff, board representative, community meetings and they have tried to communicate and listen and be good corporate citizens of Hanover County and Mr. Schmidt respectfully requested approval.

Ms. Portia Bagby, Chickahominy MD, Rutland Community, zoning ordinance notification for public hearings in paper and signage has to be posted on the property conspicuously give the date/time/location and nature of the hearing. Signage was never posted on the property and request deferral until signage is complied with. HOA expenses are for development and not related to the HOA.

Mr. Peterson stated he did see a sign at the site today on Rutlandshire Drive. Ms. Bagby yes it is a small sign with phone numbers but does not state date and time of public hearing.

Dr. Jack Viak, Cold Harbor Magisterial District, stated he is opposed and was also speaking in opposition on behalf and his daughter and request one year deferral on granting rezoning and on behalf of Rebecca Cassele (daughter), read letter from her. Vote no today to request changes to secondary roads through VDOT. Wait one year.

Elaina Broschus, Chickahominy MD, VDOT laws Chapter 527 - traffic study has not been completed; crossing 6 lane Atlee Road extension is not safe; encourage HH Hunt to evaluate alternate housing options in what is currently zoned as a residential area on 301. It is ironic that they cannot get curbside recycling in their community but can have the rug pulled from under them as they were sold one thing and it is now being changed.

Jim Ellis, Chickahominy, Craney Island, in support of those in opposition. Future connectivity does not seem viable.

Lindsey Masouras, Chickahominy, opposed, concerned about impact on traffic and streets, Rutlandshire has traffic issues now speeding, if the number of vehicles increases down that road there would be increased safety concerns and property value of those homes next to commercial.

Chip Rockmire, Chickahominy Magisterial District, Rutland in favor to see more growth in Rutland to offset dues from HOA, buffers proposed on 301 will help;

Erin Olson, Chickahominy, Rutland, opposed HH Hunt has not communicated and they are making false statements related to the trails; senior housing; pool and meeting with residents' surveys etc.

Monty Evans, Cool Spring Forest, next door to Rutland and lived there before the property was developed. Concerned this is not the community that Hunt promised

when they first zoned it. Homes have been downgraded and question wisdom of 138 townhomes next to the railroad track. As an employee of a railroad understand dangers with homes that are close to railroad tracks, make sure a secure barrier is there so children and animals may not cross; would like decent restaurants, chicken joints do not count; clearing lots totally of trees is a concern as it does not preserve wildlife.

Kendrick Griffin, Chickahominy, Rutland, question statements/assumptions from today and other meetings. Combs Road is a curved road near the pool and they use it as a cut through flying through going to Kroger and those folks going to and from the pool cannot be seen due to the curb; businesses leave three trips per day and cut through vehicles; when the extension goes through they will have to cross major road to get to the pool, they don't think it will bring more children – that is incorrect as these are perfect for single parents or parents with small families as they are affordable; bought into the community for walking trails and do not want the type of businesses they propose backed up to walking trails.

Edward Coleman, Chickahominy, Rutland, request one year delay, not opposed to senior living, keep it residential as those who bought over the last several years were making their decision based on residential and not commercial use. Sidewalks and trails are not what promised. 12 month delay is most appropriate plan of action.

Joe Burns, Rutland, home backs to proposed change area, requested delay. Was advised that there would be homes and neighbors there and if a gas station comes, can't sell home, don't let developer off the hook this easily, undesirables usually hang out at a gas station that will be in his back yard with his children and he does not deserve that. Protect him as that is what you were elected for.

Sandy Thurston, Rutland, please consider deferring this for one year. Reiterated as previous speakers did the impacts that would affect property and potential resale of property, Atlee Road Extended with four lanes of traffic is a great concern, school traffic in the morning and high school students that will put a lot more traffic, please allow us to look at that impact before 138 town homes are added.

Applicant Rebuttal – Dan Schmidt, Appreciate all comments, understand the frustrations as we have all lost during the decline - the market will return; take exception to changing the game as staff operates at the highest level of integrity, talk straight and speak honest, schedules change and things have slowed down; on a project that takes multiple years there are multiple zoning cases to change the uses as circumstances change and as products change. Mr. Viak letter related to critical mass, we have critical mass over 200 residents, 527 study was not required by VDOT, county wants balance of commercial/residential and would not like commercial converted to residential by moving this to 301 there is a better chance for the balance, connectivity to railroad tracks – have connectivity to the adjacent parcels, communication try to do a good job, sent out letters to all residents related to June 6th community meeting, placed in newsletters and sent emails, Mr. Evans downgraded homes, economy has pushed everybody down there are smaller homes everywhere, Mr. Griffith – Combs Road there is more traffic and should be alleviated when Atlee extended is completed; Mr. Coleman residential on 301 traffic is always a concern single family there is not an option; develop commercial property and may develop this office park we are not fly by night developing.

Chairman closed public hearing.

Mrs. Kelly-Wiecek reviewed many discussions with staff – began by getting clarification on the following items mentioned by citizens during the public hearing:

527 Study – Mr. Maloney – applicants did comply with 527 in 2004; office specifically traffic study 244,000 of office space was projected originally, 527 regulations drafted they have to be submitted at time of zoning application plans can change at time submitted and rezoned. Dropped to 204,000 approvals were approved was less in 2004, in 2007 applicant made adjustments changed from R4 to R5 and adjustments to M1 commercial they dropped sf even more from 204,000 to 173,000 sf. With this request today 104,000 of the 173,000 is going to be replaced with townhouse units. 70,000 of office has been constructed in the project. The applicant has proffered no less than 60,000 sf combined for the B-3 and OS property. The bottom line is the volume of traffic dictated by the sf has been decreased dramatically from the original 527 study anticipated. 130,000 sf – Mr. Maloney substantial decrease in traffic generated by office use, age restricted will create 2-3 vehicles per unit with slight increase, when proffered looked at 527 study turn lanes and capacity and road network is somewhat overbuilt for what is being developed. 527 regulations state when traffic expected to exceed 5,000 per day and they are nowhere near that. We did follow 527 processes and were designed with 2004 estimates in terms of land use and there is significant and adequate capacity within the roads. Combs Drive noted that combs drive is shown as a 60 ft minor collector on the County's major thoroughfare plan, Atlee road is shown as 100 ft right of way road and as the board is aware there is a project currently under way to extend Atlee road and tie it into Atlee station road. Staff knew when the thoroughfare plan was developed and this particular road network was planned a number

of years ago and well before this project that the extension of Atlee Road would in all likelihood disrupt the connection of Cool Spring Road and Combs Drive was planned and ultimately designed and built to allow the future connection for Cool Spring Road and 301 and what will become Atlee Road extended tied into Atlee Road to accommodate that dislocation that would occur as a result of the Atlee Road Extension. These are planned thoroughfare roads designed to carry project traffic and regional traffic and were planned well in advance of project and as a result of the project one of the negotiations with the applicant was to actually construct the roads in accordance with the regional thoroughfare plan. Mrs. Kelly-Wiecek asked when Atlee Road extended is completed in the future and not within the next year do we not expect that traffic coming down cool spring that the more direct route will be to go up as opposed to Combs. Mr. Maloney it will not carry the bulk of the traffic but it will continue to carry traffic from Cool Spring Road and allow portions of this neighborhood to have access to Cool Spring Road as well. Atlee Road extended completion 2016. Mrs. Kelly-Wiecek asked Mr. Mr. Maloney to review concern by Ms. Bagby posting of signage. Mr. Maloney outlined procedures, signs contain information that property will be rezoned and phone numbers and sign number and give that number to staff. Do not post actual date on sign as do not know when it will occur, as with this case it was deferred 60 days by the Planning Commission. There are not the staffing levels to constantly go into the field to change dates on signs. The information is available by calling the office.

Mr. Rives in addition Ms. Bagby is correct there is that provision in county zoning ordinance regarding posting of the property and time, date and place of the hearing. Mr. Rives noted is not part of state law. State law requires advertisement in a

publication of general circulation in the County and the mailing of notice to all adjacent property owners. This is an additional provision and it applies only to the hearing before the planning commission and not the hearing before the board of supervisors. Mr. Maloney makes a good point that the information is provided through the sign and is available to anyone who is interested in knowing what the sign pertains to in addition if there were a challenge to the rezoning the court would look at whether the people who were objecting to the rezoning had actual notice and if there was actual notice of the time, date and place of the hearing a court would be likely to find that the omission of details from the sign, even if that is what happened, would be a harmless error and consistent with State law and similar cases involving public notice and publication in the newspaper.

Mrs. Kelly-Wiecek referenced the – Rutland Signage now entering Rutland Residential is it a permitted sign, will it be upgraded later. Mr. Maloney it is HH Hunt's intent to make it permanent and is permitted under sign ordinance changes allowing additional directional and instructional signage for residential properties. Is consistent with recently adopted regulations and there is no reason that it could not be made a permanent sign within the community. Mrs. Kelly-Wiecek asked Mr. Maloney to describe the buffering between the train tracks and town homes is it a fence? Mr. Maloney – does not recall specific buffering and deferred response to the applicant for specificity. Mr. Rideout, Applicant Representative, speaking from the audience advised it is a chain link fence and the applicants have a plan (not finalized yet) for wax myrtle buffer on top of a berm or privacy fence but nothing finalized yet – still in planning stages.

Mrs. Kelly-Wiecek referred back to the 2004 – 2005 timeline to be clear there has been no major rezoning other than R4 to R5 and was not changed from commercial to residential it was a designation within the residential. Mr. Maloney stated correct and he may have misspoken in the date earlier – he said since 2004 no increase in density, the increase actually declined in 2007 so to clarify there was a slight decrease in density from 2004 to 2007. Mrs. Kelly-Wiecek asked prior to 04 this area was shown for multiple uses on General Land Use Plan. Mr. Maloney stated the General Land Use Plan Map did and still does show areas for industrial generally aligning along railroad tracks, commercial along frontage of 301, a variety of densities including 2-4 units per acre and 4-8 units per acre. The general land use map is just that a general land use map and all of the uses anticipated by the land use map are included in this project. The positioning with the project may be a little different than what the general land use map shows but all of those uses are included in the project and are consistent with the variety of land uses shown for the property.

Mr. Peterson – are all items being asked for in full compliance with current comp plan. Mr. Maloney – in compliance with Comp Plan and applicable zoning ordinances. Mr. Peterson – ravine behind homes at the end of the cul de sac on route 301. Mr. Peterson then noted the Board had a previous case where screen fencing was placed as a buffer where both sides were higher and folks could look across the screen. Is there assurance that elevation of screening will be at visual level and not placed in the ravine? Mr. Maloney – cannot address question as Staff do not have grading plans, buffering is intended to be supplemental. There is wooded area and bottom land can debate distance between buildings residential. From perspective of staff the buffer is intended to

supplement existing vegetation and not necessarily function as a screen to block view and not prepared to answer this evening whether it will obstruct view.

Mrs. Kelly-Wiecek – thanked residents for inviting her and Mr. Padgett on Monday to express their concerns and for coming out tonight to express concerns. Asked those concerned to stand and they did so. Mrs. Kelly-Wiecek reviewed points of consensus this is an important community, success and completion is also important, there is one existing business site in Rutland that has not proceeded as any of us would have liked and not ideal in appearance or impact and do not want to call it out. Monday we tried to find a comparison and there is none because Rutland is unique. It was the guiding principal for what later became the mixed use designation in the comp plan; it developed at the same time although Rutland was approved before the mixed designation came to be. Don't all agree on communication process there was an effort on HH Hunt but it broke down. There was not sufficient county presence at the first two community meetings and residents did not feel heard and gives all great heartache. Not all agree on the necessity for this rezoning at this time. A business case has been made although it is not palatable and you may not agree with it. Difference of opinion related to what our options are – number were offered Monday and hope you feel Mr. Maloney had addressed specifically related to the traffic study and why we would proceed not without an additional traffic study. Community meeting concerns brought up on Monday were reviewed for benefit of full board. Cut through traffic that comes down Rutlandshire Drive to past the houses to Route 301 and that would increase if there were businesses at the end of that road that included any kind of convenience factor (restaurant, convenience store or gas stations). Speeding is mentioned as a problem

now and Mrs. Kelly-Wiecek advised that she called the Sheriff and they will move the trailer to remind people of the speed limit and have Sheriff out during bus routes for first two weeks of school as is with policy – two week window. Other concerns were not items that the board can act on such as size of the pool, sales center still has materials and they reflect what the current zoning is and that is why we are here to reflect change and move forward. Mrs. Kelly-Wiecek asked the County Attorney to advise what the role of this board is on this project. Many emails asked the Board to make HH Hunt build what they said would be built. Mr. Rives reviewed the Board cannot require that any property owner develop in a certain way. Mr. Rives stated through zoning ordinance and approval zoning the county can establish what are the permitted uses and under what conditions they are permitted, the county cannot require what can be built only what cannot be built. Mrs. Kelly-Wiecek advised this brings us back to the Board's role and it is her position with this answer it is not our board's role or any government's role to insist that the private sector build something that they do not believe there is a market for or that they cannot sell. Board role is to hear concerns and protect property rights, to offer some measure of protection in situations like this. With the continuing concerns about noise, traffic, the overwhelming concerns made about appropriate uses in this rezoning. Mrs. Kelly-Wiecek then issued the compromise motion: move forward approving changes, but that we prohibit any fast food, gas stations or convenience stores at the B3 parcel at Rutlandshire and Route 301. This would prohibit this outright at the end of Rutlandshire. Mr. Schmidt states that is not his ideal and is a compromise position. Reiterate that is a good compromise as those uses are not appropriate for Rutland or the community.

Mr. Rives asked if staff had Mr. Schmidt signed modified proffer #6. Would need that following uses may be permitted with conditional use permit.

Mr. Rives clarified he was asking if the applicant had submitted a modified proffer #6 deleting the last three lines which say that the following uses may be permitted with a conditional use permit: convenience stores, restaurants and gas stations. The ordinance requires that there be a signed proffer statement amending that. Mr. Rives advised that state law provides that proffers may be modified after the public hearing by the applicant or someone with power of attorney for the applicant. Mr. Schmidt signed the modified proffer #6. Mr. Rives advised that the limitations provided in the County ordinance consistently with state law is that proffers may be modified to add additional restrictions on the development, not to eliminate proposed restrictions, that would go back through the process and having another public hearing. If the modification is to impose an additional limitation or to eliminate a permitted use as is the case here then that modification may be made at the public hearing by the applicant by signing an amended proffer.

Seconded by Mr. Peterson.

**ORDINANCE C-20-04(c), AM. 1-12**

**OWNER OF RECORD:** T.L. HUNT, L.L.C. (RUTLAND)

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of **APPROVAL** of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 22nd day of August, 2012, and advertised in the ***Hanover Herald-Progress*** once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by the rezoning of the property described as GPIN 8706-03-2706(part), consisting of 10.30± acres located on the west line of Atlee Road (State Route 637) at its intersection with Combs Drive (State Route 2181), (a detailed description is filed with the Board's papers) from M-1(c), Limited Industrial District with conditions, to RM(c), Multi-Family Residential District with conditions, and by the rezoning of the property described as GPINs 8706-03-6972(part) and 8706-24-3693(part), consisting of 19.83± acres, located on the west line of Chamberlayne Road (U.S. Route 301) at its intersection Rutlandshire Drive (State Route 2320), (a detailed description is filed with the Board's papers) from R-5(c), Multiple-Family Residential District with conditions, to B-3(c), General Business District with conditions, and B-O(c), Business Office District with conditions, subject to the following conditions which were proffered by the Applicant on August 1, 2012, amended August 22, 2012, and accepted by the Board:

**APPLICABLE TO B-3 and B-0 ZONED PROPERTY**
**(GPINS 8706-03-6972 and 8706-24-3693)**

1. Conceptual Plan. The Property shall be developed in general conformity with the conceptual plan attached titled, "Rutland Commercial Park," dated April 27, 2012, revised May 29, 2012, and prepared by Youngblood Tyler and Associates, PC, (the "Conceptual Plan") provided that the Property Owner may adjust internal roads, lot lines and structures, and other engineering detail subject to the approval of the Planning Director, which adjustments are necessary to effectively design the Property based on final engineering.

2. Architecture. The building elevations shall be in general conformity with the architectural drawings titled "Crescent Retail Cavalin – Timberlake," prepared by Baskerville and drawings titled "Rutland Center," prepared by Dayton and Thompson Architects, example photographs provided with the zoning request. The property shall be developed with a unified architectural theme. Tenants will be permitted to include prototypical or corporate identification architectural elements in the design of their building or space. The standard of compatibility may be met through scale, materials, forms, and/or colors which may be embodied in

architecture that is colonial as well as traditional. Retail and business structures shall be designed to meet the following general standards: elevations of proposed structures shall be submitted to the Planning Director for review and approval prior to final approval of site or subdivision plan for any structure in the commercial component of the project; adjacent facades will be compatible with each other with architectural features being continued whenever they can be observed by the public from within the project or from public roads and adjacent properties, and architectural features such as setbacks, changes in building materials, and canopies or differences in roof height will be used to add visual interest; exterior walls fronting a promenade will not exceed one hundred (100) feet in length without altering the appearance of the building(s) by using a mixture of compatible building materials or, alternatively, by providing a variance in façade of at least two (2) feet.

3. Materials. Building materials utilized for the front and side facades of the buildings shall be limited to brick, split-face block, metal, fluted block, tile, concrete tile, dryvit or other simulated stucco (E.I.F.S.), real or simulated wood and/or glass. Metal may be used for not more than fifteen (15) percent of front and side building façade material, exclusive of window frames and door frames. Standard concrete masonry block shall not be used for the front and side facades of any building.

4. Loading Areas. Services and delivery loading docks/spaces will be located at the rear of structures, and if such facilities are not substantially blocked from view from the public roadways, or adjacent residential uses, they will be treated with architectural elements or decorative fencing and/or evergreen landscaping to screen their visibility from the public roadways, in accordance with Article 7, Section 2A.

5. HVAC. Any mechanical units placed on the rooftops of buildings shall be screened by architectural features which are compatible with building façade architecture. Screening shall be designed so as to block such units from view by persons on any public streets immediately adjoining the B-3 zoned property, or from adjacent residential uses.

6. Permitted B-3 Uses. Uses of the property shall be limited to the following, which incorporates the permissible uses from the referenced B-1 and B-2 uses:

- Animal hospital or clinic for small animals conducted entirely in a soundproof building.
- Arts and craft stores.
- Bakery, retail.
- Banks and other financial institutions (without drive-through window).

- Bicycle sales and repair shops.
- Catering or delicatessen business.
- Clinics.
- Clothing stores.
- Copy and print store.
- Data processing center, internet service providers (ISPs), search portals, and related services.
- Dry cleaners.
- Electronics and appliance sales or repair.
- Exam preparation and tutoring.
- Fabric stores.
- Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical, gas, sewer, or water service, and pipelines, conduits and transmission lines located within the suburban service area as depicted on the phased suburban development plan in the county comprehensive plan and used to connect to the public water and sewer system owned by the county, but not including buildings, treatment plants, pumping or regular stations, substations, and power transmission lines which are permitted as conditional uses.
- Fitness center (indoor only).
- Flower shops only.
- Furniture stores.
- Hardware stores.
- Health supplement stores.
- Hobby, toy and game stores.
- Home furnishing stores.
- Hospitals.
- Musical instrument and supplies stores.
- Office supplies and stationery stores.
- Offices, business, governmental, medical or professional.
- Packaging and mailing services.
- Paint and wallpaper stores.
- Personal service establishment.
- Pet shop or animal grooming establishment.

- Restaurants
- The permanent placement or removal of clean earth fill, including all related excavation and filling activities, provided:
  - If the placement or removal is done in connection with the development of a property and the clean earth fill is being relocated on the same property, such placement or removal shall be permitted when it is done in furtherance of an approved site plan or construction plan.

  - If the placement or removal is done in connection with the development of another property and the clean earth fill is either being transported to or from the property, such placement or removal shall be permitted when the source and destination of the clean earth fill are properly permitted with the applicable state and local regulatory authorities.
  - If the placement of fill is not being done in furtherance of an approved site plan or construction plan and the average depth of clean earth fill being added is greater than one (1) foot, the property owner shall record a plat, approved by the director of public works, showing the locations where the fill has been placed. This plat shall be recorded in the office of the clerk of the circuit court of the county, within thirty (30) days of the conclusion of the placement or filling activities on the property.

- Pharmacies and drug stores.
- Photographic processing or blueprinting.
- Printing, publishing and engraving.
- Shoe repair shops.
- Sign printing and graphics store.
- Sound recording industries.
- Sporting goods stores.
- Sports and recreation instruction (indoor).
- Studios for artists, photographers, sculptors, or musicians, to include instruction.
- Tailors.
- Tobacco stores.

7. Preservation of Existing Trees. Trees may be removed without replacement within the area of any road or utility easement on site, or of the footprint of the building, parking lot, or entrance to the site, and within twenty (20) feet of the foundation of a structure and areas required for driveways and parking areas. The proposed development shall be designed to minimize the disturbance or destruction of any existing healthy trees on the remainder of the site. No healthy tree with a caliper of fifteen (15) inches or greater, measured six (6) inches from the ground, shall be removed from the thoroughfare buffer north of the proposed Route 301 entrance unless such trees are replaced. No replacement tree shall have a caliper less than three (3) inches, and the total caliper of replacement trees shall equal or exceed the total caliper of trees fifteen (15) inches or greater removed from the site. These replacement trees shall be in addition to any other required landscaping.

8. Lighting. The Property Owner shall provide lighting at a height of not greater than twenty-five (25) feet in height, and such lighting shall be so arranged as to reasonably protect adjacent properties from direct glare or hazardous interference.

9. Signage. All freestanding signage shall be monument style. Retail tenants will be permitted to show their standard logo and colors on building and panel signage. In addition, the following standards shall apply:

**B-3 District:**

- Should the site be developed for multiple tenants, any freestanding sign shall be a multi-use design per the B-2 District standards; and,
- Wall signs for retail and office spaces may utilize wall signs in accordance with B-2 District standards.

**B-O District:**

Should the site be developed for multiple tenants, any freestanding sign shall be multi-use design per the B-O District standards.

10. Minimum Square Footage. The Property Owner shall provide a minimum of 60,000 s.f. of office/commercial development within the B-3/B-O Districts.

11. Evergreen Screen. The Property Owner shall provide an evergreen screen between the commercial structures and the adjacent residential uses as shown on the conceptual plan.

**APPLICABLE TO RESIDENTIALLY RM ZONED PROPERTY**
**(GPIN 8706-03-2706)**

12. Cash Proffer. The Property Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to the issuance of each building permit for the Property of the townhomes, the amount of four thousand, three hundred and nineteen and 00/100 dollars ($4,319.00) per townhouse built on the Property, plus an amount representing the amount of increase in the cost of living per year to the day of payment. The funds shall be used for the purposes of completing capital improvements relating to the development allowed by the rezoning and included in the County Capital Improvement Program for schools. In the event funds are paid and are not used for such capital improvements, the County shall return the funds paid to the Property Owner or his successors in titled. This proffer shall be interpreted and administered in accordance with the policy adopted by the Board of Supervisors on January 26, 2011.

**APPLICABLE TO ALL PROPERTY**

13. Dedications. Whenever the Property Owner is required to make any dedication of property interests consistent with the Concept Plan, such dedication shall be free of costs and free of any legal encumbrances that would interfere with the use of the dedicated property for the purposes for which such dedication is made.

14. Road Construction and Phasing Schedule. The Property Owner shall construct a left turn lane from Cool Spring Road to Combs Drive in accordance with VDOT standards and specifications (the "Cool Spring Improvements") as follows:

A. The Property Owner shall, on or before December 31, 2012:
   1) record the right-of-way necessary for the Cool Spring Improvements; and,
   2) submit construction plans that meet VDOT and County requirements.

B. Should the Cool Spring Improvements not be completed on or before August 31, 2014, or prior to recordation of the 420th building lot, whichever occurs first, the Property Owner shall enter into a Performance Agreement and post adequate surety for the completion of the Cool Spring Improvements.

BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

The members of the Board of Supervisors voted to approve Ordinance C-20-04(c), Am. 1-12, T.L. Hunt, L.L.C., as follows:

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

C-20-04(c) AM. 1-12 Approved with modification to Proffer #6.

**Announcements**

No announcements.

**Adjournment**

At 8:53 p.m. the Chairman adjourned the meeting to September 12, 2012 – Hanover County Administration Building – 2:00 p.m.

G E Via, III

CHAIRMAN