

HANOVER COUNTY PLANNING COMMISSION

January 20, 2012

Shown below is a preliminary summary of actions that were taken by the Hanover County Planning Commission January 19, 2012. Detailed minutes in draft form will be presented to the Planning Commission for approval at a future date.

PLANNING COMMISSION MEMBERS:

Mr. C. Harold Padgett, Jr., Chairman, Chickahominy Magisterial District
Mr. Joseph D. O'Connor, Vice-Chairman, Cold Harbor Magisterial District
Mrs. Janet S. Binns, South Anna Magisterial District
Mrs. Edmonia P. Iverson, Beaverdam Magisterial District
Mr. T. Wade King, Mechanicsville Magisterial District
Mrs. Elizabeth W. Moorhouse, Henry Magisterial District
Mr. Steven T. Trivett, Ashland Magisterial District

HANOVER COUNTY PLANNING STAFF

David P. Maloney, AICP, Acting Director
John A. Bender, Deputy Director
J. Keith Thompson, Principal Planner
Lee W. Garman, Principal Planner
Mary B. Pennock, Principal Planner-Project Manager
Dennis A. Walter, Sr. Assistant County Attorney

Meeting called to Order

Mr. Padgett, the Chairman, called the meeting to order at 6:30 p.m. **All Commission members were present.**

Approval of Minutes

Upon a motion by Mr. Trivett, seconded by Mrs. Binns, the Planning Commission voted to approve the minutes from the December 8, 2011, regular meeting.

Upon a motion by Mrs. Moorhouse, seconded by Mr. King, the Planning Commission voted unanimously to approve the minutes from the December 8, 2011, workshop meeting.

ADMINISTRATIVE AGENDA

Conditional Subdivision Amendment

Glebe Hill Subdivision, Henry Magisterial District (COMMISSION ACTION)

Mr. Maloney briefly presented this request to amend the Conditional Subdivision Plat and defer construction and bonding of the crossing of Crump Creek.

Upon a motion by Mrs. Moorhouse, seconded by Mr. Trivett, the Planning Commission voted **UNANIMOUSLY TO APPROVE THE GLEBE HILL SUBDIVISION AMENDED**

PRELIMINARY PLAT SUBJECT TO THE CONDITIONS AS OUTLINED IN THE STAFF REPORT.

Site Plan Amendment

SPR-9-00, AM. 1-11, HANOVER MEMORIAL PARK, Cold Harbor Magisterial District (COMMISSION ACTION).

Mr. Maloney briefly presented this request for approval of the architectural elevations for the proposed permanent office building.

Upon a motion by Mr. O'Connor, seconded by Mrs. Moorhouse, the Planning Commission voted **UNANIMOUSLY TO APPROVE THE ARCHITECTURAL ELEVATIONS FOR SPR-9-00, HANOVER MEMORIAL PARK SUBJECT TO CONDITIONS AS OUTLINED IN THE STAFF REPORT.**

The Commission recessed at 6:46 P.M.

Meeting Reconvened

The Chairman, Mr. Padgett, called the meeting back to order at 7:00 p.m. All members were present.

Citizens' Time

No one addressed the Commission during Citizens' Time.

Mr. Padgett read the Rules of Order for a public hearing and explained the Expedited Agenda.

Mr. Maloney read the case on the Expedited Agenda.

C-2-01(c), AM. 1-11, HALCO, L.L.C., Requests an amendment to the proffers approved with rezoning request C-2-01(c), Am. 1-04, Robert E. and Emma Lee Davenport, on GPIN 8705-63-1244, consisting of approximately 2.34 acres, zoned B-2(c), Community Business District with conditions, and located on the south line of Meadowbridge Road (State Route 627) approximately 1,200 feet east of its intersection with Atlee Road (State Route 638) in the **MECHANICSVILLE MAGISTERIAL DISTRICT.** The subject property is designated on the General Land Use Plan Map as Commercial. The proposed zoning amendment would permit modifications to the proffers to allow business, governmental and professional offices in addition to medical offices. (PUBLIC HEARING)

Mr. Maloney briefly presented this request to amend the approved proffers with C-2-01, AM. 1-04, Danny Shaban in order to expand the permitted uses to include business, governmental and professional offices within a newly constructed 19,000 sq. ft. building and provide that a wood fence be erected along the rear of adjacent Lot 6 in Mayfield Farms subdivision. Staff recommended approval subject to the proffers submitted, dated December 28, 2011.

Mr. O'Connor advised the Chairman that he wished to speak to the applicants' representative.

Mr. Padgett asked the applicants' representative to come forward.

Ms. Laura Early, an attorney representing the applicant, came forward.

Mr. O'Connor stated that his aunt Mrs. Willis had sent an e-mail expressing concern with the fence screening not being between her property and the development. She also expressed concern that the original property owner had planted trees which had died and they had also damaged the trees on her property by cutting the roots.

Ms. Early advised that the fencing along the southern line had already been replaced over by lot 6 and the new applicant has hired a landscaper to remove the dead trees.

Mr. O'Connor asked Ms. Early to contact Mrs. Willis to address her concerns.

Ms. Early said she would.

Mr. Padgett opened the public hearing and asked if anyone else wished to speak. Seeing no one come forward, he closed the public hearing.

Upon a motion by Mr. King, seconded by Mrs. Moorhouse, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-2-01(c), AM. 1-11, HALCO, L.L.C. SUBJECT TO THE SUBMITTED PROFFERS DATED DECEMBER 28, 2011, AS OUTLINED IN THE STAFF REPORT.**

INDIVIDUAL PUBLIC HEARINGS

C-7-11(c), HELEN F. AND RILEY B. LOWE, ET AL. (HHHUNT CORPORATION), Request to rezone with conditions from A-1, Agricultural District and R-1, Single Family Residential District, to RS(c), Single Family Residential District, on GPINs 7880-83-0625, 7880-84-9165, and 7880-84-9468, consisting of approximately 63.4 acres, and located on the east line of Woodside Lane (Town of Ashland road) approximately 350 feet north of its intersection with East Patrick Henry Road (State Route 54) in the **BEAVERDAM MAGISTERIAL DISTRICT.** The subject property is designated on the General Land Use Plan Map as Suburban Transitional (1-2 dwelling units per acre). The proposed zoning amendment would permit the creation of 160 residential units for a gross density of 2.53 dwelling units per acre. (PUBLIC HEARING)

Mr. Maloney advised that the applicants had requested a deferral.

Upon a motion by Mrs. Iverson, seconded by Mr. Trivett, the Planning Commission voted **UNANIMOUSLY TO DEFER C-7-11(c), HELEN F. AND RILEY B. LOWE, ET AL. (HHHUNT CORPORATION) UNTIL THE FEBRUARY 16, 2012 MEETING.**

CUP-6-11, SUSAN AND ROBERT LLOYD, AND CHARLSIE AND JON RICHARD LLOYD, Request a Conditional Use Permit in accordance with Title I, Article 5, Section 1.5.14, of the Hanover County Zoning Ordinance to permit a recreation facility on GPINs 6799-73-7339 and 6799-64-9219, consisting of approximately 120.25 acres, zoned A-1, Agricultural, and located on the east line of the intersection of Pinhook Road (State Route 617) and Turkey Road (State Route 1025) in the **SOUTH ANNA MAGISTERIAL DISTRICT.** The subject property is designated on the General Land Use Plan Map as Agricultural. (PUBLIC HEARING)

Mr. Maloney presented this request for a conditional use permit which would allow a recreational facility. This request was deferred last month in order for the applicants to hold a second community meeting. The second community meeting was held on January 5, 2012 at the Rockville Library. Concerns of the citizens that attended included: Lack of specificity regarding the proposed use of the 15,000 sq. ft. building; use of the property for haunted hayrides and weddings; traffic on Pinhook Road; and in general, negative impacts that arise from the proposed uses.

Mr. Maloney stated that subsequent to the November meeting, staff revised the recommended conditions to address hours of operations for the sound amplification for weddings and associated activities; the commercial entrance shall be constructed to VDOT standards and signage shall be erected to prohibit parking on Pinhook Road and property entrance drive; and the applicants shall construct a 200 foot right turn taper along Pinhook Road. Staff recommended approval of this request.

Mr. Padgett asked if the applicant wished to make a presentation.

Mr. Scott Courtney, a Civil Engineer with Resource International represented the applicants. He talked about the two community meetings and the concerns and issues that the area residents have regarding this proposal for a recreation facility and how the applicants have consciously designed this project to mitigate the impacts as much as practical.

Mr. Courtney explained that the proposed 15,000 sq. ft. building and the produce stand are by-right uses; however, the applicants wish to be able to sell produce and products not grown on the premises; have corn mazes, pumpkin patches, strawberry and wildflowers available for picking; having animals for children to visit; and having haunted hayrides. The applicants wish to have weddings and receptions and noted that this has always been in their application. He stated that the County's noise and lighting ordinances will apply and they will abide by them. He said the proposed 15,000 sq. ft. building is shown on the sketch plan as a place of gathering and assembly for the hayrides and for use during inclement weather. It will also be used for education for school children in groups and potentially for storage of farm equipment. He stated that drinking or smoking would not be allowed at their events.

Mr. Courtney stated that this project is about agribusiness, which is a commercial business for profit. The face of agriculture and agribusiness is changing in order to try and help farms survive. He advised that the applicants were considering some other items that will be of benefit to the community; however, they were not ready to discuss them at this particular time.

Mr. O'Connor asked Mr. Courtney to elaborate on what other items the applicants have in mind and why they were not prepared to discuss it at this time.

Mr. Courtney explained that they have questions for staff regarding if they reduce the maximum square footage to be used in the 15,000 sq. ft. building, whether the parking requirements would be reduced.

Mr. O'Connor reiterated that the residents wish to hear about all of their plans.

There was general discussion between the staff and Commission regarding the County's requirements for parking spaces being based on square footage or based on the percentage of the building.

The lights went off in the Board Room. Mr. Padgett declared a recess at 7:20 P.M. The meeting was called back to order at 8:14 P.M. All members were present.

Mr. Padgett opened the public hearing and asked if anyone wished to speak in favor of this request.

Nine people spoke in favor of this request. They felt that allowing this request will be a positive for the community as it would create seasonal jobs, have great opportunities for family get-togethers; bring revenue to the County; and hopefully help save farms by allowing them to bring in additional revenue. They also spoke highly of the applicants and what good neighbors they are.

Mr. Padgett asked if anyone wished to speak in opposition of this request.

Eleven people spoke. All but two of the speakers stated that they were in favor of the agricultural component of this request. Concerns expressed were with the impact of increased traffic and road safety; noise and light pollution due to having weddings, receptions, amplified music and the haunted hayride and not having security during these events; questions regarding what the 15,000 sq. ft. building was going to be used for; the possibility of corporate and/or parties being held in the building; negative impacts on their property values; trash and litter; drinking alcohol on the premises which could lead to people trespassing on their property and perhaps committing crimes; smoking on the premises which may pose a fire hazard; with the use of the property being expanded beyond what is being requested; and with what seemed to be changes in the application. Residents asked for a reduction of the speed limit on Pinhook Road.

Mr. Padgett closed the public hearing.

Mr. Maloney stated that the initial request did include weddings and receptions and the application was modified and the scope of the proposal did change as the County was reviewing it. So the staff's recommendations did not end where they began just like this application, or the thinking of many of the citizens as well as the thinking of the Commission. That's part of the process, which allows for modifications and recommendations to be altered, based on information as it becomes available.

Mr. Maloney stated that staff initially recommended no amplified sound on site; however, based on information that became more apparent to staff and following a field visit to the property with the applicants' representative, Mr. Courtney, Planning Commissioner Mrs. Binns, and Board of Supervisor Mr. Hazzard, staff is recommending that amplification be permitted but the amplification can occur only with weddings and during specified hours. The hours of operation for weddings have been shortened from what was originally recommended in response to community concerns.

Mr. Maloney stated regarding the citizens request to lower the speed limit on Pinhook Road, that the County has no direct authority regarding speed limits. Speed limits are set by the Virginia Department of Transportation; however, the Commission and the Board can request a speed study be performed along Pinhook Road and staff will pass that message along to VDOT if the Commission wishes.

Regarding citizens' concerns that the property uses could be expanded beyond the scope of what is being considered tonight Mr. Maloney explained that there are specific uses listed in this application and if this application is approved and the applicants undertake activities beyond those specifically listed in this CUP, that would be a criminal misdemeanor on the part of the applicants and the County can take legal action against the applicants.

There was general discussion between the Commission Members and the staff.

Mrs. Binns thanked the applicant, the applicants' representative, the staff, her fellow Commissioners and the community. She said the community has been very diligent in letting staff and the Commission know of their concerns and how they feel about this project and that their input is very important. She appreciated all of the comments, phone calls, and e-mails from the community letting her know what good neighbors the Lloyds are. She said she has lived in Rockville all of her life and she knows this community, loves this community and the Lloyds are a wonderful family and has known them for a long time; however, this request is not about who turned in the application, it is about **land use**.

Mrs. Binns reminded the residents that no matter what happens tonight, when this case goes to the Board of Supervisors, the process will start all over again because the Board makes the final decision. She said this is the process and she supports it wholeheartedly.

Mrs. Binns advised that she had received phone calls yesterday from citizens who were upset due to the distribution of a letter to the community that looked like it had been sent from her. Someone had given her the letter and she read part of the letter to the audience. She advised that she was not in any way involved with this letter, she was not aware of it and that she would never try to influence a decision on this case or any other case.

Mrs. Binns explained that the applicants were asking for three things in their request: 1) to sell produce that is not grown on the premises; 2) to have haunted hayrides; and 3) to hold weddings. She said she felt that part of this request is reasonable and part of it is not. She said she was in full support of selling produce and the right to sell produce that is not grown on the premises and the location is perfect for this. She supports the educational aspect of promoting farming and corn mazes, the hayrides out to the field to pick pumpkins, wildflowers, strawberries, and so forth. She said in taking the community's concerns with the other requests in this application, into consideration, she felt that this application would compromise the integrity of this community and the quality of life for its residents. She believed that these events would have a disproportionate impact on this surrounding community.

Upon a motion by Mrs. Binns, seconded by Mr. O'Connor, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND DENIAL OF CUP-6-11, SUSAN & ROBERT**

LLOYD AND CHARLSIE AND JON RICHARD LLOYD. Mrs. Binns stated that she supported the educational aspect of the request for promoting farming, corn mazes, hayrides out to the field to pick pumpkins, strawberries and wildflowers, etc. and having a produce stand for the sale of farm products grown on and off the premises.

The Commission took a recess at 9:45 P.M.

Meeting Reconvened

The Chairman called the meeting back to order at 9:50 P.M. *All members were present except Mrs. Binns who returned at 9:55 P.M.*

**ORDINANCE 11-12,
COMPREHENSIVE UPDATE OF USES IN THE BUSINESS DISTRICTS**

AN ORDINANCE to amend the Hanover County Code, Appendix, Title I, Zoning Ordinance, as follows:

Amending Article 2, Section 2, by adding definitions for the terms “dry cleaner,” “dry cleaning plant,” “fitness center,” “flea market, indoor,” “flea market, outdoor,” “fueling station, fleet,” “fueling station, retail,” “general contractor and repair shops,” “home center,” “microbrewery,” “pet shop or animal grooming establishment,” “promotional event,” “restaurant, carry-out,” “restaurant, fast-food,” and “utility trailer”; by amending the definitions of “convenience store,” “filling station,” “hotel, motel, motor court, tourist court or motor lodge,” “Laundromat,” “laundry,” “recreation facility, commercially-operated,” “restaurant,” and “shopping center”; and by deleting the definitions of “automobile service (or filling) station,” “boardinghouse (rooming or lodging house),” “motel, motor court, tourist court or motor lodge,” and “rooming house”; and

Amending Article 5, Section 1.5, to add and clarify certain uses that may be permitted in the A-1, Agricultural District with a conditional use permit;

Amending Article 5, Section 1.6, to clarify uses that are permitted in the A-1, Agricultural District with a special exception permit;

Amending Article 5, Section 9A, consisting of Sections 9A.1 through 9A.10, to provide for the purpose of the B-O, Business Office District; to add and clarify uses that are permitted in the B-O District by right, as a permitted accessory use, with a conditional use permit, and with a special exception permit; to provide for lot, yard and height regulations; and to provide for when other uses not specifically listed in the district regulations may be permitted in the B-O District;

Amending Article 5, Section 10, consisting of Sections 10.1 through 10.10, to provide for the purpose of the B-1, Neighborhood Business District; to add and clarify uses that are permitted in the B-1 District by right, by right with special standards, as a permitted accessory use, with a conditional use permit, and with a special exception permit; to provide for lot, yard and height regulations; and to provide for when other uses not specifically listed in the district regulations may be permitted in the B-1 District;

Amending Article 5, Section 11, consisting of Sections 11.1 through 11.10, to provide for the purpose of the B-2, Community Business District; to add and clarify uses that are permitted in the B-2 District by right, by right with special standards, as a permitted accessory use, with a conditional use permit, and with a special exception permit; to provide for lot, yard and height regulations; and to provide for when other uses not specifically listed in the district regulations may be permitted in the B-2 District;

Amending Article 5, Section 12, consisting of Sections 12.1 through 12.10, to provide for the purpose of the B-3, General Business District; to add and clarify uses that are permitted in the B-3 District by right, by right with special standards, as a permitted accessory use, with a conditional use permit, and with a special exception permit; to provide for lot, yard and height regulations; and to provide for when other uses not specifically listed in the district regulations may be permitted in the B-3 District;

Amending Article 5, Sections 13.6, 14.5 and 15.5, to make technical changes necessary to clarify that uses permitted with a conditional use permit in the A-1, Agricultural District remain permitted as a conditional use in the M-1, Limited Industrial District, the M-2, Light Industrial District, and the M-3, Heavy Industrial District;

Amending Article 5, Section 15.2, to provide that a mulch processing facility is a permitted use in the M-3, Heavy Industrial District;

Amending Article 7, Section 2B.3, to provide for standards for trees and shrubs that are used in buffers; and

Amending Article 7, Section 2B.4, to amend the current regulations applicable to buffers for industrial uses on certain properties zoned M-2 or M-3. (PUBLIC HEARING)

Mr. Maloney advised that the purpose of the ordinance is to modernize the following Business Zoning Districts as part of the Board's FY2012 Initiatives: B-O, Business Office District; B-1, Neighborhood Business District; B-2, Community Business District; B-3, General Business District.

Mr. Maloney said there was a Technical Committee comprised of Roger Bowers, an Attorney; Scott Courtney, a Civil Engineer; Bill Goodfellow, a Civil Engineer; and James Stanley, a Developer, along with staff, Gretchen Biernot, Senior Planner who served as Project Manager and John Bender, Deputy Director of Planning all who helped with this update.

Subsequent to the Commission workshops, a specific request was made to the Planning Staff to permit light construction equipment sales and rental in the B-3, General Business District. Staff brought this proposal to the Commission for consideration as part of the adoption of this ordinance, as well as alphabetizing the uses in the final product.

Mr. Padgett opened the public hearing and asked if anyone wished to speak in favor.

Mr. Tom Ball, with Bobcat of Richmond, stated that he wishes to relocate on Mechanicsville Turnpike. He explained that Bobcat equipment is a small line of equipment, with an operating weight of 13,000 lbs. which is sufficient for the things they are used for.

Mr. Scott Courtney, citizen of Hanover County and member of the Technical Committee and design community, said he appreciated the updates and efforts that were exhausted by going through each of the ordinances to update them. He hope the Commission would recommend approval of this update, including the addition of the request to permit construction equipment sales and rental in the B-3 District as presented.

Mr. Padgett closed the public hearing.

There was general discussion between staff and the Commission regarding light equipment sales and rental being allowed in the B-3 District either by-right or with a conditional use permit.

Upon a motion by Mr. King, seconded by Mrs. Moorhouse, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF ORDINANCE 11-12, COMPREHENSIVE UPDATE OF USES IN THE BUSINESS DISTRICT WITH THE RECOMMENDATION THAT THE SALES AND RENTAL OF LIGHT CONSTRUCTION EQUIPMENT COULD BE PERMITTED IN THE B-3 SECTION WITH A CONDITIONAL USE PERMIT, AND THE USES SHALL BE ALPHABETIZED IN THE FINAL PRODUCT.**

ADJOURNMENT

There being no further business the meeting was adjourned at 10:27 P.M. The next scheduled meeting is February 16, 2012 at 7:00 P.M.