

*June 20, 2013*

**VIRGINIA:** At a Regular Meeting of the Hanover County Planning Commission in the Board Auditorium of the Hanover County Government Building, Hanover County, Virginia, on Thursday, June 20, 2013 at 6:30 P.M.

**PRESENT:** Ms. Claiborne R. Winborne, Chairman  
Mr. Larry A. Leadbetter, Vice-Chairman  
Mr. Jerry W. Bailey  
Mrs. Edmonia P. Iverson  
Mr. C. Harold Padgett, Jr.  
Mrs. Ashley H. Peace  
Mr. Randy A. Whittaker

**STAFF**

**PRESENT:** Mr. David P. Maloney, AICP  
Mr. Dennis A. Walter  
Mr. John A. Bender  
Mr. Lee W. Garman  
Mrs. Betty S. Gray

**Meeting Called to Order**

Madame Chairman, Ms. Winborne called the meeting to order at 6:30 P.M. *All members were present.*

**Consideration of Agenda Amendments by Action of the Commission**

There were none.

**Approval of Minutes**

Upon a motion by Mr. Padgett, seconded by Mr. Leadbetter, the Planning Commission voted unanimously to approve the draft minutes of the **April 11, 2013, May 9, 2013** and **May 16, 2013** meetings with minor corrections to the May 16, 2013 minutes.

**EXPEDITED ADMINISTRATIVE AGENDA**

**Conditional Subdivision Amendment**

**WIN PLACE  
MECHANICSVILLE MAGISTERIAL DISTRICT  
(COMMISSION ACTION)**

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This is a request for a preliminary plat amendment to remove the 50 foot buffer and sidewalk along the frontage of AMF Drive in Win Place Subdivisions. The Board of Supervisors approved C-19-87(c) in July of 1987. The Subdivision Ordinance no longer has the requirement for a buffer and sidewalk. Staff recommended approval subject to conditions as outlined in the staff report.

Upon a motion by Mr. Whittaker, seconded by Mr. Bailey, the Planning Commission voted **UNANIMOUSLY TO APPROVE THE PRELIMINARY PLAT AMENDMENT FOR WIN PLACE SUBDIVISION SUBJECT TO THE FOLLOWING CONDITION DATED APRIL 18, 2013 AS OUTLINED IN THE STAFF REPORT:**

1. The development and use of the property, which is the subject of this subdivision amendment approval, shall comply with all Federal, State and local laws, regulations and ordinances.

The vote was as follows:

Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Leadbetter	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye
Ms. Winborne	Aye

The motion carried.

**Subdivision Ordinance Exception  
SOE-1-13, DIANE HUFNER (WADE SUBDIVISION)  
MECHANICSVILLE MAGISTERIAL DISTRICT  
(COMMISSION ACTION)**

This Subdivision Ordinance Exception (SOE) request is to eliminate the requirement that all utility lines be placed underground to the standards of Section 25-65 of the Subdivision Ordinance. This request is for a three (3) lot subdivision. Two lots contain dwellings but this lot does not.

Mr. Whittaker advised that after thorough review of the particular facts in this case he found that the exception provision #3 in the Subdivision Ordinance applies to this case. There are conditions

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that are peculiar to the site and these regulations are not applicable to the other properties in the subdivision. This one lot is essentially a infill lot in a generally completed developed residential area where the utility lines are above ground. It would not be consistent with the neighborhood to have this one lot bury the lines and in addition not burying the lines will *not* impact the visual effect of this neighborhood.

Upon a motion by Mr. Whittaker, seconded by Mr. Bailey, the Planning Commission voted **UNANIMOUSLY TO APPROVE SOE -1-13, DIANE HUFNER (WADE SUBDIVISION).**

The vote was as follows:

Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Leadbetter	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye
Ms. Winborne	Aye

The motion carried.

#### **MICELLANEOUS**

Mr. Whittaker announced that he had attended the CPEAV Legal Seminar given by Mike Chandler on May 30, 2013 in Staunton, Virginia. He gave a brief overview.

*The Commission took a break at 6:39 P.M.*

#### **Meeting Reconvened**

Madam Chairman 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.

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**PUBLIC HEARINGS**

**Requests for Deferral**

**C-16-07(c) AM. 1-13** **D&R PROPERTY DEVELOPMENT, INC.**, Requests an amendment to the proffers approved with rezoning request C-16-07(c), Am. 2-10, D&R Property Development, Inc., on GPIN 8706-66-9058, zoned R-4(c), Residential Cluster Development District with conditions, and located on east line of Chamberlayne Road (U.S. Route 301) approximately 700 feet south of its intersection with McKenzie Drive (State Route 1239) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

Mr. Maloney stated that the applicant has requested a deferral.

Upon a motion by Mr. Padgett, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO DEFER C-16-07(c), AM. 1-13 D & R PROPERTY DEVELOPMENT, INC. UNTIL THE JULY 18, 2013 MEETING.**

The vote was as follows:

Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Leadbetter	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye
Ms. Winborne	Aye

The motion carried.

**C-9-06(c) AM. 1-13** **ELM FIELD INVESTMENTS, L.L.C. (ELM FIELD)**, Requests an amendment to the proffers approved with rezoning request C-9-06(c), Am. 1-08, Dee Associates, L.L.C., on GPINs 7759-39-8459, 7759-38-2527, 7759-38-3460, 7759-38-6311, 7759-38-8273, 7759-48-0190, 7759-37-9897, 7759-37-6994, 7759-38-4072, 7759-38-1195, 7759-28-9393, 7759-28-8210, 7759-28-6055, 7759-27-5848, 7759-27-5527, 7759-27-5315, 7759-27-1255, 7759-27-1407, 7759-17-8739, 7759-18-5097, 7759-18-4286, 7759-18-5463, 7759-18-8357, 7759-18-9039, 7759-27-1938 and 7759-28-4335, zoned RC(c), Rural Conservation District with conditions, and located on the west line of Greenwood Church Road (State Route 657) approximately 1,200 feet north of its intersection with Greenwood Creek Drive (private road) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

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Mr. Maloney stated that the applicant has requested a deferral as another property owner in this request wishes to join in on the application to amend the proffers for their property.

Upon a motion by Mr. Leadbetter, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO DEFER C-9-06(c), AM. 1-13, ELM FIELD INVESTMENTS, L.L.C. (ELM FIELD) UNTIL THE JULY 18, 2013 MEETING.**

The vote was as follows:

Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Leadbetter	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye
Ms. Winborne	Aye

The motion carried.

Ms. Winborne asked if anyone wished to remove any of the requests on the Expedited Agenda. No one spoke; therefore, the requests remained on the Expedited Agenda. She read the Rules of Order for a public hearing and explained the procedure.

Mr. Maloney reviewed the cases on the Expedited Hearings.

### **Expedited Public Hearings**

**C-7-09(c)**     **HARRIS & DOUGLAS PROPERTIES, L.L.C.**, Requests an amendment to the proffers approved with rezoning request C-7-09(c), Ashland Properties, L.L.C., on **AM. 1-13** GPINs 7880-70-4924, 7880-72-4067, 7880-70-9482, 7880-71-9467, 7789-69-9500, 7789-59-1517, 7789-69-3553 and 7880-80-6263(part), zoned MX(c), Mixed Use District with conditions, located on the south line of East Patrick Henry Road (State Route 54) at its intersection with Woodside Lane (Town of Ashland road) and on the east and west lines of Mount Hermon Road (State Route 656) approximately 2,400 feet south of its intersection with East Patrick Henry Road (State Route 54) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

Mr. Maloney briefly presented this request to amend the cash proffers, 1, 2, and 13, which are all relevant to cash proffers, accepted with zoning case C-7-09(c), Ashland Properties, L.L.C. for

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parcels identified above. The cash proffer with this case was in the amount of \$10,391.00. The applicant has proffered extensive road improvements along U.S. Route 54 and therefore, was given a credit against the road proffer at the time of the original zoning. Staff recommended approval of this request subject to the modified proffer submitted with the staff report.

Ms. Winborne opened the public hearing and asked if the applicant was present and in agreement with the staff report. The applicant from the audience indicated he was in agreement. She asked if anyone else wished to speak regarding this request.

Mr. Allen Shia, representing EAI which owns a majority portion of the Ashland part of East Ashland, expressed concern regarding the exits on U.S. Route 54. He said in looking at the proffers for the applicant and for EAI there are intertwining a lot of the deals with stuff that is directly related and a lot that is not related especially on the roads. He said his thoughts were that they are “sort of” paying proffers as they develop dwellings. He said he thought that a “pot” would be created at some point so that whenever that point and time comes for U.S. Route 54, the interchange, the bridge or whatever needs to be done that money would be accessible for those individual developers to help offset the costs for developments further down the road or at that interchange. He said the proffers are the concern of the owner of this property. This was one entire project and now it has three different development owners. He asked for a deferral of the request.

Mr. Maloney said that the issues that Mr. Shia raised are legitimate concerns. He explained that when this project was originally considered and approved there was a single development entity responsible for both the portion of the project that is in Hanover County and the portion of the project in the Town of Ashland. One of the challenges with this project is that it does straddle the Town/County boundary. Therefore, we are dealing with two Planning Commissions, two governing bodies, and the Ashland Town Council with different sets of regulations and somewhat different planning

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policies. For the County's portion of the East Ashland project there are very extensive road improvements that were negotiated in lieu of a cash proffer back in 2009. And that essentially included ramp improvements to I-95 as well as phased in improvements to U. S. Route 54. The proffers that were accepted with that zoning for Hanover's component, breaks that project down into three distinct phases and in each phase the developer is entitled to a certain number of residential units and are required to provide a certain amount of square footage for the commercial component of that development. So, those road improvements will be developed as the project is phased-in in accordance with that proffered phasing. There is nothing in this case that diminishes or extinguishes the developers' requirement to fulfill those proffered obligations. He stated that the developers have not come in to request a modification of that phasing schedule. Therefore, what the Commission is considering tonight is just the component of the cash proffers dedicated towards other community facilities such as schools, parks, libraries and so forth. From staff's perspective the remaining improvements to address the road issues remain intact unless staff receives an application at some point in the future that changes that phasing.

Ms. Winborne asked if anyone else wishes to speak regarding this request. Seeing no one come forward, she closed the public hearing.

Mr. Padgett stated that the work for figuring out how much road proffers would be needed was done at the time this project was approved in 2009. He thought it would be interesting to know if the same numbers would come up if the figuring was done again.

Ms. Winborne asked if the applicant is asking for a recalculation of the proffers or asking for relief from other components that had been in the cash proffer formula.

Mr. Maloney answered that with the original zoning the road cash proffer was \$7,939.00 per single family residence. Staff calculated the credit to be just under \$4.8 million which was the total

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value of the proffers. He said the County understood that the cost of the improvements would likely at least equal \$4.8M and again that is a maximum credit. Staff does not want to put the County into a position or imply that if the improvements succeeded the \$4.8M the County would be obligated to pick up the difference. So, in the unlikely event that the improvements are less than \$4.8M then the applicant would still be obligated to pay the difference between the \$7,939.00 and what the net cost is once the cost of the actual improvements were implemented.

Mr. Padgett asked if the calculations done for other developments in the area took into account the \$4.8M anticipated from this.

Mr. Maloney answered that he believed this project and other projects are factored into the overall background growth. The improvements that staff included in the current road proffer methodology extend beyond the improvements anticipated by these proffers.

Upon a motion by Mrs. Iverson, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-7-09(c), AM. 1-13, HARRIS & DOUGLAS PROPERTIES, L.L.C. SUBJECT TO THE FOLLOWING PROFFERS DATED JUNE 4, 2013 AS OUTLINED IN THE STAFF REPORT:**

1. Phasing Plan: Development shall occur in accordance with the following phasing plan:

East Ashland Phasing Plan

Hanover County

	Residential Units	Square Footage
Phase 1	359	83,800
Phase 2	120	83,800
Phase 3	120	167,600

2. Transportation Improvements: The following transportation improvements shall be provided at the time of complete development of each phase as set forth in Proffer 3. Any improvement may be provided by the Owners earlier than the designated phase but the Owners shall not be required to provide the improvements prior to the phasing set forth in the Phasing Plan. [Note:

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Many of these improvements are also provided for in the proffers for the rezoning of the Property within the Town of Ashland.]

A. Phase I Improvements:

- (i) Widen eastbound Route 54 from the end of the existing taper from I-95 northbound to the intersection of Mount Hermon Road. The widening shall form an auxiliary lane that will serve as a free-flow channelized right-turn lane from Route 54 to southbound Mount Hermon Road.
- (ii) Mount Hermon Road/Frances Road/Route 54 Intersection
  - (a) Bond and install traffic signal (when warranted) at the intersection or convert Mount Hermon Road access to a right-in/right-out based on the final interchange design.
  - (b) If the intersection remains full movement, construct a westbound left-turn lane with 200 feet of storage and a 200 foot taper on Route 54 at the intersection of Mount Hermon Road/Frances Road.
  - (c) If the intersection remains full movement, construct an additional northbound left-turn lane (in addition to the current northbound left-turn lane that already exists) and construct a shared through/right-turn lane with 200 feet of storage and a 200 foot taper on Mount Hermon Road at Route 54.

B. Phase III Improvements:

- (i) At the time of the first site plan or construction plan submittal for Phase III development, the Owner shall widen Route 54 to a four lane section from Mount Hermon Road through the intersection with Entrance 2.
- (ii) The design shall be in accordance with VDOT standards and specifications.

C. Timing of Entrance Improvements. In addition to the Phasing set forth above, the improvements required for Entrances 1, 2, and 3 along Route 54, and Entrance 4 on Mount Hermon Road, shall be designed with the first site plan or construction plan for the section of the development each serves. Those improvements shall include the following:

- (i) Prior to installation of any traffic signals, and where required for internal roadways, such intersections shall be designed as a STOP control intersections.
- (ii) Site Entrance 1 and Route 54
  - (a) Construct a westbound left turn lane and an eastbound right-turn lane with 200 feet of storage and a 200 foot taper on Route 54 at the intersection of Site Entrance 1.

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- (b) Construct Site Entrance 1 as a five-lane roadway (two southbound lanes and dual left and one right northbound turn lane).
    - (c) Bond and install traffic signal (when warranted) at the intersection.
  - (iii) Site Entrance 2 and Route 54
    - (a) Construct a westbound left turn lane and an eastbound right-turn lane with 200 feet of storage and a 200 foot taper on Route 54 at the intersection of Site Entrance 2.
    - (b) Construct Site Entrance 2 as a four-lane roadway (two southbound lanes and one left and one right northbound turn lane).
    - (c) Bond and install traffic signal (when warranted) at the intersection.
    - (d) Construct a transition lane drop (four lane section to two lane section) east of the intersection of Site Entrance 2 and Route 54 from the outside through lane for a distance to be determined at the time of subdivision and/or site plan process.
  - (iv) Site Entrance 3 and Route 54
    - (a) Construct Site Entrance 3 as a two lane road.
    - (b) Construct a right-out only from Site Entrance 3.
  - (v) Site Entrance 4 and Mount Hermon Road
    - (a) Construct one westbound shared left/right-turn lane.
    - (b) Construct one in-bound lane.
- 3. Dedication of Right-of-Way: The Owners shall dedicate all right-of-way on the Property required for the transportation improvements identified herein for the new roads or needed turn lanes to be constructed, free of cost to the County and free of encumbrances, upon request of the County or VDOT. For existing roadways, dedication shall include along 50' of right-of-way from the centerline of East Patrick Henry Road (State Route 54) and 25' of right-of-way from the centerline of Mount Hermon Road to the property for future road widening, free of cost to the County, and free of encumbrances, upon request of the County or VDOT.
- 4. Tree Preservation: Existing trees of five (5) inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements and mass grading related thereto, driveways, drainfields, or drainage facilities. A clause including the text of this proffer shall be included in the required restrictive covenants for this development.

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5. MX 50' Residential Buffer: No structures shall be constructed within the area of the MX 50' residential buffer including fencing, decks, patios, playground equipment, etc. At the prerogative of the Owners, the buffer can be supplemented with additional vegetation beyond that which is required to be retained through the tree preservation proffer above. The 50' MX Residential Buffer shall be in an easement conveyed to the Homeowners' Association where the buffer crosses lot lines of individual lots, and shall be landscaped and maintained by the Homeowners' Association. A clause including the text of this proffer shall be included in the required restrictive covenants for this development.
  
6. Use Restrictions:
  - A. The following permitted and accessory uses for the MX district shall not be permitted.
    - (i) All listed manufacturing and compounding uses.
    - (ii) Nursery for growing or propagation of plants, trees, and shrubs.
    - (iii) Railroad spur tracks.
    - (iv) Laboratories, research, experimental or testing.
    - (v) Wholesale merchandising or storage warehouses or distribution center.
    - (vi) Agricultural and forestry, as permitted in the A-1 District.
  
  - B. The following conditional uses for MX district shall not be permitted.
    - (i) Railroad rights-of-way of any kind.
    - (ii) Convenience store with a floor area of 5,000 square feet or greater.
    - (iii) Heliport or helistop.
  
  - C. The following special exceptions for the MX district shall not be permitted.
    - (i) Archery ranges.
    - (ii) Asphalt batching plants or concrete batching plants.
    - (iii) Commercial dog kennels.
    - (iv) Miniature golf courses or driving ranges.
    - (v) Raising for sale of birds, bees, fish, rabbits, and other small animals.
    - (vi) Rifle or pistol ranges, trap, or skeet shooting.

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- (vii) Sawmill or cutting timber not grown on the premises.
  - (viii) Cemetery for pets.
  - (ix) Frog or fish farms
  - (x) Mobile home for living quarters.
  - (xi) Equipment storage yards accessory to a business office.
  - (xii) Storage of commercial vehicles.
  - (xiii) Fences up to seven feet in height in the front yard.
7. Development Areas: The areas labeled “Development Area 01” and “Development Area 02” on the Site Overview sheet of the Master Plan for East Ashland, prepared by Lessard Group and Higgins & Gerstenmaier, dated 4/6/10, will be in general conformity with the Master Plan. These areas must comply with the “East Ashland Design Guidelines” dated April 6, 2010, but may be modified in accordance with the following requirements (based on the development of the whole Property) and as approved by the Planning Director:
- A. The number of multi-family units does not exceed 286 units.
  - B. There is a minimum of 64,600 square feet of office space.
  - C. There is a minimum of 45,600 square feet of office/retail space.
  - D. The road network remains relatively the same.
  - E. The same amount of open space is provided.
8. HVAC and Trash Receptacles: Mechanical units and trash receptacles shall be screened in a manner that is architecturally compatible, including materials and color, with the structure served. Any mechanical units placed on the rooftops of buildings shall be screened by architectural features which are compatible with the architecture of the building façade. The method of screening shall be included on the building elevations to be reviewed and approved by the Planning Director prior to site plan approval.
9. Low Impact Development (LID): The development shall incorporate LID techniques throughout the project. The exact methods to be used and that are feasible for the project shall be determined at the time of subdivision and/or site plan process.
10. Age Restriction: The dwellings identified at the time of site plan/subdivision approval are intended to be occupied only by person’s age 55 years and older and the occupancy of these dwellings shall comply with the provisions of the Virginia Fair Housing Law (found at Section 39-96.7 *et seq.* of the Code of Virginia). Persons under the age of 19 shall not be housed or

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domiciled and shall not reside on the Property. A covenant shall be recorded to limit the use and occupancy of the dwellings as specified above; the owners' association shall be responsible for the enforcement of the covenant.

11. Age-Restricted Unit:

- A. A minimum of twenty-two (22) age-restricted dwelling units shall be provided within the overall project (the Town of Ashland property and/or the County of Hanover Property).
- B. Any age-restricted dwelling unit shall be exempt from the payment of the Public School portion of the cash proffer (\$8,989) as set forth in Proffer 1 above.
- C. All Age-restricted units shall be identified on the site plan and/or construction plans prior to site plan and/or construction plan approval.

12. Entrance Opposite Woodside Lane:

- A. Acquisition. The Owners shall make a good faith effort to acquire GPIN 7880-72-5367 (the "Dyson Property") for the purpose of creating an entrance to the Property opposite Woodside Lane across State Route 54.
- B. Reservation of right-of-way for entrance. If the Owners acquire the Dyson Property, the Owners shall reserve a fifty foot right-of-way in the area generally shown on Exhibit A for the entrance opposite Woodside Lane. This right-of-way shall be dedicated by the Owners to Hanover County or VDOT upon request of the County or VDOT, free of cost and encumbrances restricting the right-of-way for road purposes. If, within the first 10 years after the date of this rezoning, the Board of Supervisors determines that this entrance road is required to serve the Property and VDOT approves all necessary permits, the Owners will construct a two lane road as generally shown on Exhibit A; provided however, the Owners shall not be responsible for the acquisition or dedication of right-of-way, other than that on the Property and the Dyson Property. If VDOT and the County approve the design for a public road, the right-of-way reserved shall be adequate for a two lane public road. If the Owners decide that a commercial entrance is to be utilized, the Owners shall reserve the right-of-way, as determined to be necessary by the County, for the commercial entrance. The reservation of right-of-way shall be determined and made at the time of site plan or construction plan approval for the affected section.
- C. Effect of reservation of right-of-way on Site Entrance 3. If the Owners reserve the right-of-way for an entrance opposite Woodside Lane, then construction of the road identified as Site Entrance 3 shall not be required; however, the owner shall reserve a fifty feet of right-of-way as generally shown on Exhibit A, and shall dedicate the right-of-way to Hanover County or VDOT upon request of the County or VDOT, free of cost and encumbrances restricting the right-of-way for road purposes.

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The vote was as follows:

Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Leadbetter	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye
Ms. Winborne	Aye

The motion carried.

**C-19-06(c) AM. 1-13 T. M. JOHNSON, INC. (BEULAH ESTATES)**, Requests an amendment to the proffers approved with rezoning request C-19-06(c), R.W. McDougale, on GPIN 8734-63-9628, zoned AR-6(c), Agricultural Residential District with conditions, and located on the east line of Beulah Church Road (State Route 633) approximately 400 feet south of its intersection with Glenharbor Lane (State Route 1714) in the **COLD HARBOR MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

Mr. Maloney stated that this request was for elimination of an existing \$11,246 cash proffer and adding a new proffer addressing transportation impacts in the amount of \$2,306. Staff recommended approval subject to the submitted proffers.

Ms. Winborne opened the public hearing and asked if the applicant was present.

Mrs. Peace advised that she had spoken to Mr. Johnson this afternoon and he was not feeling well and would be unable to attend tonight; however, he indicated that he is in agreement with the staff report.

Ms. Winborne asked if anyone wished to speak regarding this request. Seeing no one come forward, she closed the public hearing.

Upon a motion by Mrs. Peace, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-19-06(c), AM. 1-13, T.M. JOHNSON, INC. (BEULAH ESTATES) SUBJECT TO THE FOLLOWING PROFFERS AS OUTLINED IN THE STAFF REPORT:**

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1. **Conceptual Plan:** The property shall be divided in substantial conformity with the conceptual plan attached, titled "CONCEPTUAL PLAN SHOWING A PROPOSED DIVISION THEREON A PARCEL OF LAND LOCATED ON THE EAST LINE OF STATE ROUTE NO. 633," dated April 26, 2007, and revised June 4, 2007, and prepared by Alley, Sadler & Alley, Inc. The new two (2) acre lot will have access to Beulah Church Road by a private driveway, installed to meet VDOT standards, which conforms to the mandatory 500' sight distance.
2. **Dedication of Right-of-Way:** The Owner agrees to dedicate twenty-five feet (25') of right-of-way from the centerline of Beulah Church Road (State Route 633) to the property for future road widening, free of cost to the County, upon request of the County or VDOT.
3. **Contribution to Road Improvements:** The Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy for the Property, the amount of Two thousand Three Hundred Six and 00/100 (\$2,306.00) per single family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.
4. **Dedication of Sight Distance Easement:** Should sight easements be required by VDOT for the entrance to Parcel B, the Owner shall record such easement(s) and provide evidence of such recordation to the Planning Department prior to or concurrent with the approval and recordation of the subdivision plat.
5. **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 or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, drainfields, or drainage facilities.

The vote was as follows:

Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Leadbetter	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye
Ms. Winborne	Aye

The motion carried.

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**C-38-04(c)  
AM. 1-13**

**CREEKSIDE VILLAGE DEVELOPMENT, L.L.C. (CREEKSIDE VILLAGE),**

Requests an amendment to the proffers approved with rezoning request C-38-04(c), Am. 1-09, Creekside Village Development on GPINs 8725-41-0669, 8725-41-0698, 8725-41-0936, 8725-41-0939, 8725-41-1616, 8725-41-1635, 8725-41-1654, 8725-41-1683, 8725-41-1719, 8725-41-1785, 8725-41-1798, 8725-41-1822, 8725-41-1834, 8725-41-1846, 8725-41-1858, 8725-41-1984, 8725-41-1997, 8725-41-2800, 8725-41-2812, 8725-41-2824, 8725-41-2909, 8725-41-2951, 8725-41-2963, 8725-41-2975, 8725-41-2987, 8725-41-4771, 8725-41-4784, 8725-41-4795, 8725-41-5575, 8725-41-5588, 8725-41-5690, 8725-41-5707, 8725-41-5810, 8725-41-6602, 8725-41-6614, 8725-41-6627, 8725-42-0031, 8725-42-0034, 8725-42-0120, 8725-42-0142, 8725-42-0154, 8725-42-0156, 8725-42-0179, 8725-42-1199, 8725-42-1223, 8725-42-1252, 8725-42-1271, 8725-42-2011, 8725-42-2024, 8725-42-2090, 8725-42-2126, 8725-42-2154, 8725-42-2173, 8725-42-3069, 8725-42-3088, 8725-42-3102, 8725-42-3130, 8725-42-4007 and 8725-42-4035, zoned R-4(c), Residential Cluster Development District with conditions, and located on the west line of Creighton Parkway (State Route 615) approximately 1,000 feet north of its intersection with Mechanicsville Turnpike (U.S. Route 360) in the **HENRY MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

Mr. Maloney briefly presented this request to eliminate proffer #7, referencing a cash proffer in the amount of \$5,929.00 accepted with zoning case C-38-04(c) for the parcels identified above. In the original case there was a credit given against the road component proffer in exchange for the construction of Creighton Parkway extended north of U.S. Route 360, which left a remaining proffer for community facilities in the amount of \$5,929. In this instance the road improvements have been implemented and they are requesting elimination of the remaining \$5,929 of the road proffer. Staff recommended approval.

Ms. Winborne opened the public hearing and asked if anyone wished to speak regarding this request. Seeing no one come forward, she closed the public hearing.

Upon a motion by Mr. Bailey, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-38-04(c), AM. 1-13, CREEKSIDE VILLAGE DEVELOPMENT, L.L.C. SUBJECT TO THE FOLLOWING PROFFERS DATED MAY 29, 2013 AS OUTLINED IN THE STAFF REPORT:**

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**PROFFERS APPLICABLE TO R-4 PROPERTY**

1. The portion of the R-4 Property lying on the west side of Creighton Parkway shall be developed in substantial conformity with the Plan.
2. The existing buildings identified as A, S, and T on the recorded subdivision plat, titled Creekside Village, prepared by Balzer and Associates, Inc. and recorded on March 16, 2007, shall remain in substantial conformity with the elevations titled "Architectural Concepts Creekside Village Townhouses," dated September 14, 2004, and prepared by Edward H. Winks-James D. Snowa, Architects P.C. The recreation area shall be constructed as generally located on the Overall Illustrative Master Plan, dated September 21, 2004, with revision date March 26, 2007, showing area to be amended and plan entitled "Creekside Village" dated March 26, 2007, revised May 21, 2007, and prepared by Higgins and Gerstenmaier.

The remaining townhouse buildings shall be constructed in substantial conformity with elevations titled "Monte Carlo Front Elev." prepared by Ryan Homes and dated June 2009, and elevations titled "Monte Carlo Side and Rear Elevations," prepared by Ryan Homes and dated March 12, 2009, or with the elevations titled "Architectural Concepts Creekside Village Townhouses," dated September 14, 2004, and prepared by Edwards H. Winks-James D. Snowa, Architects P.C.. Architectural features such as side bay windows and side brick end facades may be optional on the elevations titled "Monte Carlo Front Elev. and "Monte Carlo Side and Rear Elevations."

3. Planning Commission shall review and approve the following to assure conformity with the conceptual plan prior to site plan and/or subdivision approval:
  - a. Site Layout for the residential R-4 development including landscaping and buffer details.
  - b. The freestanding signs on the Property shall be monument type signs, limited in number to two (2) and in area to a maximum of twenty square feet, and the location of any such sign shall be limited to one or both of the entrances as shown on the Plan. Signs shall not exceed eight feet in height.
4. The dwellings constructed on the Property shall be limited to townhouse dwellings on individual lots. The dwellings constructed on the Property shall consist of no more than one hundred (100) townhomes. A pool, cabana, volleyball area and other passive recreational amenities shall also be constructed.
5. As depicted on the Plan, the primary entrance will be from Creighton Parkway. A secondary entrance shall be provided by constructing a road segment that connects the residential portion of the Property with the adjacent commercial property as shown on the Plan.

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6. An irrigation system shall be provided for the community. Lawn areas within the common space as well as individual dwelling lot front lawns shall be irrigated.
7. The community shall include on-site passive amenities such as a trail or path, and neighborhood greens. Although final design and location may change, the minimum extent and character of such features shall be substantially as depicted on the Plan and on the additional exhibits entitled "Overall Illustrative Master Plan Creekside Village Townhouses," dated September 21, 2004, revised March 26, 2007, "Recreation Amendment Creekside Village" dated March 26, 2007, and "Mews Detail Creekside Village Townhouses." A pool, cabana and volleyball area shall be provided in substantial conformance with the "Creekside Village" plan. The facilities shall be constructed at the expense of the Property Owner, and shall be conveyed at no cost, and no liens and encumbrances, for ownership and maintenance by a Homeowners' Association, as described herein, with appropriate covenants established to ensure the continued funding of the ongoing ownership, operational, and maintenance responsibilities. All recreational facilities serving the Property shall be maintained by a homeowners' association.
8. Concurrent with the recordation of a subdivision for the community, a homeowner's association shall be established, to consist of the owners of the dwelling lots on the property, that shall have responsibilities for maintenance of common area and certain features on individual lots, and shall have responsibility for monitoring compliance with covenants and restrictions on the use of individual dwelling lots. The homeowner's association shall be required to employ at all time a firm or outside consultant to provide professional management services to assist the homeowner's association with its responsibilities.
9. Exterior of all foundations shall be clad in brick or stone.
10. Minimum house size shall be 1,250 square feet. The calculation of minimum floor area shall not include floor area devoted to garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure.
11. There shall be a cross access agreement between the owner of this R-4 development and the B-2 commercial development to the south. The owner, prior to final site plan and/or subdivision approval, shall record a cross access easement for the purpose of ingress and egress to the owners of the B-2 zoned property from the R-4 zoned property.
12. The portion of the R-4 property located east of Creighton Parkway shall be used solely for the BMP facility shown upon the Plan, and other passive recreational uses which may be permitted by the R-4 District regulations.
13. A landscaped hedge, and/or a low fence enhanced with landscaping shall be provided along the north property line of the R-4 portion of the property, with such hedge and/or fence designed and arranged so as to minimize the likelihood of pedestrian movement from the R-4 portion of the property onto the adjoining properties to the north. The

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selection of landscape materials shall be made based on the suitability of such materials to deter pedestrian passage through the hedge and/or fence line, and shall be subject to the approval of the Planning Commission at the time of preliminary subdivision review.

14. The Property Owner shall extend the existing fence on GPIN 8725-31-9218 (Liberty Christian Church) northwardly from its present terminus to the rear or northern line of the Property. Maintenance following construction of the fence insofar as it's abuts the B-2 land shall be the responsibility of the owner(s) of the B-2 property and insofar as it abuts the R-4 land shall be the responsibility of the owner(s) of the R-4 property.
15. All Basic, B-2 and B-3 proffers that were accepted with C-38-04(c), Robert L. Jones and Thomas M. Johnson, shall remain unchanged and continue in full force and effect.

The vote was as follows:

Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Leadbetter	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye
Ms. Winborne	Aye

The motion carried.

### **Miscellaneous Item**

Mrs. Peace stated there was a policy clarification memorandum from Mr. Maloney that she wished for him to expand on.

Ms. Winborne asked Mr. Maloney to explain the memorandum.

Mr. Maloney explained that at the last Board of Supervisors' meeting in response to an issue raised by Mrs. Mitchell regarding the period in which property owners had entered into contracts and the Board had provided staff with further policy guidance with respect to the current cash proffer policy and the transition between the old policy and the new policy. The Board of Supervisors rightfully noted that on November 28, 2012 there was an action to eliminate the then existing policy and there was also a Board action to allow applicants who had outstanding proffer commitments to come through the process and request an amendment. Therefore, there was a period of time between

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November 28, 2012 and March 13, 2013 in which the Board of Supervisors did not have an adopted cash proffer policy. Therefore, the Board has directed Staff to take under consideration requests for proffer amendments where the seller and purchaser entered into a valid sales contract in that interim period and if the applicant can provide a copy of the sales contract to the County demonstrating that it was a contract within that interim period the Board has guided staff not to negotiate a cash proffer. Staff believes it will be relatively a few number of cases in the grand total of the 4,000 outstanding lots that at one point we had on the books. This is a policy guidance and clarification not necessarily a policy change because when the Board considered the cases over the last month that is the first time that issue truly arose in a public setting. He reiterated that all proffers require a zoning amendment.

There was general discussion.

Mr. Whittaker thanked Mr. Maloney and staff for all of the hard work they have done.

Ms. Winborne agreed and thanked Mr. Maloney for the way in which staff has handled the extra work load.

**COMPREHENSIVE PLAN WORK SESSION** (There were approximately 15 citizens present)

Mr. Maloney explained that there are two issues pertaining to the General Land Use Plan Map. There are two alternative land use options for the area in the vicinity of Cedar Lane and U.S. Route 1. He reviewed the existing Comprehensive Plan, and alternatives 2 & 3. Alternative #2 shows Multi-Use along the front transitioning to 4 to 8 units per acre, transitioning east of Holly Hill Road to 1 to 4 units per acre with the industrial changing to Business-Industrial. With alternative #3, the only difference is the 1 to 4 transition east of Holly Hill Road, and the 4 to 8 designation is taken to the east line of Holly Hill Road.

Mr. Maloney explained that there were two other proposed changes that were presented to the Commission at the public hearing. One is in the vicinity of Mountain Road and Dunn Road, adding a

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Business-Industrial node at the intersection of Dunn Road and Mountain Road; and changing a “park” designation which does not equate to any land use on Elm Drive in the Old Mechanicsville area to an Industrial designation. He reviewed the current maps for Dunn Road and the Old Mechanicsville area.

Mr. Maloney explained there was a minor change to the Major Thoroughfare Plan Map. Staff had the County’s traffic consultant do an analysis of the existing Thoroughfare Plan and the consultant concluded that the existing Thoroughfare Plan would be sufficient to address transportation needs of the proposed land use changes. That analysis was reviewed by VDOT and they concurred in that assessment. Staff recommended that only the south east quadrant of a proposed Minor Collector generally circling the intersection of Mechanicsville Turnpike and Lee-Davis Road be eliminated. The south and western section would remain to be shown as a proposed road as there is a stub in from U.S. Route 360 and Lee-Davis Road but the “dots have not been connected” but the rest of the road is currently in place.

Mr. Maloney said to address concerns of residents along Old Telegraph Road that arose during the public hearing last week staff recommended that there be a strategy added to the Transportation Section which states *an access design study is recommended for Old Telegraph Road. The purpose of the access study is to look at appropriate and efficient alternatives for access from the Business-Industrial designated properties along Old Telegraph Road to Major Thoroughfares (U.S. Route 1 and Lakeridge Parkway) and to minimize traffic utilizing Old Keeton Road.* Staff believes this is an appropriate strategy to pursue should this Plan be adopted.

Mr. Maloney stated that staff is proposing an objective under Section 7, Economic Development. Staff recommended the following language be included in the Objectives: *Encourage private business investment which will benefit all Hanover citizens by: expanding the existing tax base;*

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*retaining and creating employment opportunities; increasing and expanding employment opportunities for the County's workforce with a goal of full employment.*

Mr. Maloney, at the request of the Commission, said staff has given much thought for alternative names for the Multi-Use designation and the Business Park designation. Staff proposed that "Multi-Use" be changed to "Office-Residential" and "Business Park" be changed to "Planned Business."

Mr. Maloney said staff recommended adoption of the resolution recommending approval of CPA-12-01 to the Board of Supervisors; however, staff is seeking direction from the Commission on the proposed text changes and more specifically to the land use map changes along the Cedar Lane/U.S. Route 1 intersection corridors.

Mr. Leadbetter advised that one item they did not discuss is the doubling of the density in the mixed-use.

Mr. Maloney explained that the draft Plan has a provision that density can be doubled up to a maximum of 15 units per acre which is really a reduction because under the current Plan and Ordinances in certain instances a property owner can request up to 30 units per acre. That reduction in maximum density is included in the Plan. He said an outstanding issue that the Commission has not provided much definitive direction to staff is a policy of do we maintain the existing land use policies by allowing the Mixed-Use development throughout the Suburban Service Area (SSA) with the exception of areas shown for industrial or is it the desire of the Commission to have a more targeted approach with Mixed-Use and restrict it to the areas in Multi-Use, Commercial and high density. Again those are areas in the Plan where we would anticipate more intensive development than conventional single-family residential. So the real question is does the Commission want to further

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restrict the applicability of the Mixed-Use district or keep it as flexible as it currently is the current Plan and in accordance with the current Ordinances.

Mr. Leadbetter stated that based on the information provided he would like to recommend that Mixed-Use be removed from the 1 to 4 density in the Suburban General District and keep it in the 4 to 8 dwelling units per acre. He did not believe it would be a good application in the Cedar Lane/Holly Hill area. But it may be other areas in the County that it would be applicable to that it would benefit. So, he thought it should be left in the 4 to 8 dwelling units per acre.

Mr. Maloney said of course, any questions regarding the applicability of a particular zoning district would be made at the time a specific application is reviewed. The appropriate time to make that definitive recommendation would be at some point in the future if we are faced with a Mixed-Use application in the Cedar Lane corridor.

Ms. Winborne asked Mr. Maloney if the Commission needed to make a motion to remove the Mixed-Use from the 1 to 4.

Mr. Maloney answered for purposes of this discussion she could get a consensus from the members but as part of a final motion it will have to be specifically included.

Ms. Winborne asked the Commission members if there was a consensus to remove Mixed-Use from Suburban General 1 to 4 units per acre.

There was a consensus.

Mrs. Peace, regarding the text changes for the Multi-Use, said she has a major problem of changing that term to Office Residential. She did not believe it articulates or clearly describes the intent of the Multi-Use designation. Office Residential says to her that someone can have office or residential, which is the exact opposite of what she was hoping they would have with Multi-Use which

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would be more planned developments and a mixture of commercial opportunities with a little bit of residential.

Mr. Maloney advised that some of this discussion is new to us and he wished to state that having coined the term Multi-Use he has a clear understanding of what that entails. Again terminology can be nuanced and the County does not want to be in a position to create any sort of question marks of what the intent is. So, in looking at the content and text of the Plan of the Multi-Use designation there is discussion about promoting office and employment based uses as opposed to retail. He did not believe they would envision a fairly minimal strip center with high density apartments. And using the strip center is a “fig leaf” to get the density. The intent is to permit retail uses to support the community and it really was intended to provide a broad mix not only for different residential options but different commercial options.

Mr. Maloney said the Commission has a couple of other name choices such as commercial-residential or business-residential. He added that a minor issue staff has struggled with on the Comprehensive Plan is there is not a business designation. There is commercial, office-service, business-park but not just a business designation. The County has three business districts and he suggested that if the Commission wants to make sure that the intent of the Multi-Use district is to provide a broader array of commercial enterprises perhaps it should be called commercial-residential.

Mrs. Peace stated that completely “erodes” this entire process. “You might as well have red and yellow because we started out with red and yellow and to me the Multi-Use with the purple really denotes a larger plan development that was commercially focused.”

Mr. Maloney advised that staff is comfortable with the term Multi-Use or any other names that have been suggested. Staff is trying to respond to comments made at various meetings where many residents are having a challenging time contemplating what Multi-Use means, as well as some of the

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Commissioners during the course of this discussion. So, it is up to the discretion of the Commission to decide.

Mrs. Peace reiterated that a new name with the new color denotes that it is an innovative land use and it is an educational process that people may not be familiar with the term but it does not mean they cannot become familiar with it. She said a great definition that is clear in the Plan is imperative.

Ms. Winborne said she has concerns because some folks are saying Mixed-Use and they mean Multi-Use and vice versa and because of that she raised the question to Mr. Maloney about providing some clarity. She felt that one of names needs to be changed.

Mrs. Peace reiterated that is where a definition comes into play and it is an educational process. She said she is very clear that they are two different land use designations. She expressed concern that they will lose the flexibility and the innovation that this land use brings to the Plan if they go back to just commercial and residential.

Ms. Winborne asked about the name "Planned Commercial Residential."

Mrs. Peace expressed concern with putting "residential" onto that land use category as residential is a minor component for the intent of this land use. The land use is really more for the large scale economic development projects and commercial projects.

Ms. Winborne said she understood it only had to be something like 20% or 30% commercial and the rest residential and she would not call that minor.

Mr. Maloney explained that under our Mixed-Use ordinance a project has to be no less than 20% commercial but no more than 50% commercial. Under the Multi-Use the policies and the Plan state a minimum for the first 100 acres of the project to be 50% commercial and the remainder residential. As a project increases over 100 acres, again for the first 100 acres it would be that 50/50 mix, for any additional acreage over 100 acres it would be minimum 30% commercial with the

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remainder residential. So, in all instances with the Multi-Use it is higher than the 20%. In fact Mrs. Peace is correct that the staff in developing this land use concept really did view it as an effort to promote very significant Economic Development investment within the County that could be supported by a readily accessible residential tax base.

Mrs. Peace said it could be 100% commercial.

Mr. Maloney said that was correct.

Ms. Winborne advised that she had just “flipped” the two districts again, as she was describing Mixed-Use instead of Multi-Use.

Mrs. Peace stated she was willing to compromise on a name but she would be very concerned about tagging residential onto it because that is the intent of this land use designation. “And we have spent a year trying to get to this place.”

Mr. Maloney reminded the Commission that staff was open to suggestions but he was not going to say they researched specific examples. Mr. Garman did a fairly extensive internet investigation to see how other localities throughout the Country termed Multi-Use type land use designations, as well as Office-Residential, Business-Residential, Commercial-Residential, Planned Mixed-Use all of those variations were utilized broadly by many different localities. Therefore, he could not choose a name and say “that’s the perfect name.”

Mrs. Peace asked about expanding the name “Multi-Use” to “Planned Multi-Use” development. She also thought they may as well go back to the term “Business-Park if they want to change that to “Business-Residential.” She said this is so critical and it is the essence of this entire Plan.

Ms. Winborne asked if she was saying she was ok with changing “Business-Park” to “Planned Business.”

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Ms. Winborne asked if any of the other Commissioners found Mixed-Use and Multi-Use confusing.

Mr. Bailey answered yes, he did. He said regardless of what it is called the color purple is not going to be changed on the map.

Ms. Winborne asked if he had any suggestions.

Mr. Bailey answered he did not have a preference in another name but he would like to see one of the names changed.

Mr. Maloney advised that Mr. Bender had suggested that the term Multi-Use be changed to Integrated-Use.

Ms. Winborne said she liked that.

Mr. Maloney said perhaps they could come back to this topic.

Mr. Whittaker advised that Mrs. Cooke mentioned Blended-Use.

Mrs. Peace advised that she had an issue with using the name Multi-Use for a year in all of the special meetings, in all of the community meetings and at the public hearing and she found it a total disservice that at the 11<sup>th</sup> hour they would be discussing changing the name with no public comment or input. She said it will be massively confusing.

Ms. Winborne stated that she did not share Mrs. Peace's same vision because this is an editorial clarification and not a matter of having public input. She said they are trying to resolve some confusion that some of the Commissioners have with these two designations.

Mrs. Peace stated she appreciated that; however, every single word that is in this document is of public interest and deserves an opportunity for the public to respond to it.

Mr. Maloney said regarding the term Blended-Use what immediately came to his mind is a concept where if a property owner/developer wanted to develop a particular property for primarily

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commercial purposes. Blended-Use does not lock them into just office or retail. There could be a blend of solely commercial or non-residential uses. Likewise there could be a blend of a multitude of commercial uses as well as a multitude of housing styles, types and densities. From his perspective it has some merit to be considered. He thought it addresses some of the points that Mrs. Peace raised as well as clarify the intent of the district or particular use as stated in the Comprehensive Plan.

Ms. Winborne said she liked Integrated-Use better than Blended-Use.

Mrs. Peace reiterated that she was extremely disappointed that this was not brought up earlier in the process as they have had a year to talk about other names or other options.

Mr. Leadbetter asked if there was a way to move around this issue and come back to it without affecting a possibility of a motion tonight.

Mr. Maloney said he did not believe so, as the recommendation the Commission will be sending to the Board of Supervisors will be a consolidated recommendation and to divide the resolution would be very confusing and awkward.

Ms. Winborne returned the “floor” back over to Mr. Leadbetter.

Mr. Leadbetter asked if there was a consensus on the Mixed-Use.

Ms. Winborne answered yes.

Mr. Maloney said he believed there was also a consensus on the name change from “Business-Park” to “Planned-Business.”

Ms. Winborne said yes.

Mr. Leadbetter asked if there was a consensus on the text amendments other than the two issues they were talking about.

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Mr. Bailey said the recommended language for Old Telegraph Road talks about an access design study. He asked if that study that will be performed by Hanover County or an outside independent firm.

Mr. Maloney answered that in all likelihood Hanover's transportation consultants will assist with that study. The transportation consultants have the technical expertise in terms of intersection and driveway spacing and they have data to evaluate environmental constraints, geometric considerations both horizontal and vertical curvature and so forth.

Mr. Bailey asked if that would be done at the time of development.

Mr. Maloney answered no because once this Plan is adopted this will be an action item and sometime within the next budget year or two staff would approach the Board of Supervisors to authorize that study.

Ms. Winborne asked if there was a consensus on the text changes.

There was a consensus.

Mr. Leadbetter made the following speech. "I would like to take a moment to thank all the citizens that participated in this update. Throughout the whole process a lot of y'all have been here from the time we started, a lot of people have come in as we progressed through the process and we have gotten a lot of valuable input from that and I think we have made a lot of adjustments that address some of those issues. So, I thank the citizens that have participated in this and also the ones that are not here tonight, and we appreciate everybody that participates. I would also thank the Planning Department especially Mr. Maloney, Mr. Bender, Mr. Garman, Mr. Walter, Mrs. Gray and Mrs. Mills for all the many hours of research and giving us all the information we have asked for and provided this entire process. I don't think many citizens in here or in the public really realize how much time that these planners put into this process. We are all here tonight in anticipation of a recommendation

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on this Comprehensive Plan. I feel it is very important not only to hear a recommendation but to know how and why we make the decisions we make.

Not speaking for the other Commissioners, I would like to share some of my thoughts and concerns throughout this process. 1) I believe every citizen, public and elected official that I have worked with throughout this process wants nothing other than what is best for Hanover County. 2) I feel maintaining property rights whether ½ acre or 100 acres is essential for us in keeping our freedoms. I believe the Government should not have control over property rights other than as they pertain to public safety, health and welfare of the citizens. Close your eyes and image a world without property... rights. 3) I found the hardest part of this job is finding the truth and the facts. We base our decisions on information obtained by citizens, Planners, Administrators, Property Owners, Businesses, Real Estate Affiliates, Media Sources and many others. Every piece of information we obtain I believe has its own bias. Whether it is intentional or not does not matter. What is important is we identify it and understand its effects. 4) I think so many times we all want to achieve the same end result but our disconnect in society is determining what is standing in the way of a resolution or in layman's terms (what is broke) this leads us to treating the symptom instead of finding a cure. This mentality also leads us to working apart and compromising instead of working together and collaborating which sounds similar but are miles apart in results.

I have some concerns: 1) One of my biggest concerns throughout this whole process is we spent the very first part of this process trying to explore and discussing ways to promote public input and I think we did everything we knew how to do with the tools we had to do them with. And I think this Comprehensive Plan has been advertised, published more than any that have preceded us in the past. And we still have had very minimal input. 2) With the minimal input also comes the lack of knowledge with our citizens. We need to get more people involved in what goes on in this County and

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especially in local Government. I would like to give an example of something that I have observed that kind of sums it up. One of our meetings we presented concerns expressed by many of our citizens obtained throughout the public meetings. We put the questions on the table and debated over the answers given by staff. I felt this was one of our most informing meetings and looked up to ask our media sources to help us emphasize some of those comments throughout the County, but there were none present when the night before they were all present including the TV stations reporting on the monkeys in Mechanicsville. I know the Comprehensive Plan is not as exciting as the monkeys and I am not trying to pick on the Media the fact of the matter is, we are all at fault. We are no longer interested in reading a paper or watching the news unless it has some element of entertainment or controversy in it. So, we pay attention to the things that affect a few and ignore things that impact us all. We all need to encourage all of our citizens to participate.”

Ms. Winborne echoed Mr. Leadbetter’s comments and thanked Mr. Maloney and the professional staff for the excellent job they have done in guiding us through this process. “I really appreciate everything you have done.”

Mr. Maloney thanked the Commission for their expression of appreciation.

Mr. Whittaker thanked everybody for attending the meetings, expressing their concerns and offering comments. He stated that it has been a long year for everyone and it probably has not been many hours that one or another of the Commission members has not been on the phone talking to each other or to the staff. He said anything the Commission asked for staff got for them and had it within a reasonable amount of time. He thanked the citizens who were present and agreed with Mr. Leadbetter that they hope to get more people involved to help them make decisions for the County.

Mr. Bailey thanked Mr. Maloney and staff. He said going back a year ago there were five new Commission members and without the staff’s professionalism and guidance it would have been a lot

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more difficult than what it has been. He again thanked Mr. Maloney and the entire Planning Department for their help.

Mr. Padgett agreed with the other Commission members.

Ms. Winborne thanked the citizens for their input the Commission has received. We received it not only with your presence at our meeting but we have received phone calls, e-mails and have duly considered all of our input.

Mr. Leadbetter advised that he had some conclusions. "1) There are 4 important components in the decision process: The Planning Department; Citizens input; Planning Commission; and Board of Supervisors. All 4 are vital parts of this process and bring a very different but essential value to the process. 2) I believe the focus of the Comprehensive Plan should be based on a 20 year population growth throughout the density concerns within the Suburban Service Area. It should be understood what density will allow, but not be based on specifics, on any perceived or hypothetical project. Density should not be so defined as to dictate the specific requirements that would pertain to any particular project, this not only infringes on the property rights it eliminates future options that may benefit the surrounding community. The rezoning cases are the best and appropriate time to address the concerns of a particular project and its impacts on the community. 3) It is important for all the citizens to keep Hanover a rural County. The Suburban Service Area is the area designated to contain the higher density growth keeping sprawl out of the designated rural areas of the County. This by its own nature will eventually diminish rural character in the Suburban Service Area. I also feel we have a responsibility to protect the existing communities from these impacts to the best of our abilities.

My colleagues have asked me to lead the motion in our recommendation of the Comprehensive Plan. We have two outstanding issues, one with the definition of the Multi-Use and the other issue is with the Cedar Lane area maps. These maps have been our biggest challenge throughout this process.

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I have not given any of the other Commissioners any indication as to which map I may or may not support. I did this intentionally because I do not want them to feel any obligation or influence from me to support this motion because it is in my district or because of the work I have done. I believe sometimes when you are heavily involved in an issue it has a potential to distort your view. I don't feel this is the case but this is my way of eliminating that possibility. So, I ask my fellow Commissioners to vote with their best judgment if we come to a vote, to benefit the majority of the citizens we serve." He asked to see the maps on Cedar Lane.

Mr. Maloney presented the existing land use map, alternative 2 and alternative 3.

Mr. Leadbetter asked Mr. Maloney to go through the existing densities in each of these areas on the existing map.

Mr. Maloney reviewed the existing map and alternative 2. If alternative 2 were adopted there would be a proposal for Business-Industrial and that is an area designated for business and industry. The Comprehensive Plan does not contemplate a Mixed-Use development to be inserted into an area shown for Business-Industrial. The Multi-Use could be comprised of exclusive Business-Commercial uses or of a combination of business and commercial uses. The density for the residential component could be up to 15 units per acre. He reviewed the densities for the areas and the proposed policy changes as discussed regarding the applicability of the Mixed-Use. He said in alternative 3 the only fundamental change is the change of the 2 to 4 designation. The 4 to 8 would be extended to Holly Hill Road, which means all of the area between the boundary of the Multi-Use and Holly Hill Road would be eligible for consideration of Mixed-Use.

Mr. Leadbetter asked what the requirements are for buffers on these two roads.

Mr. Maloney explained that the requirements for buffers are generally a 50 foot of vegetative buffer along Cedar Lane because it is shown as a Major Thoroughfare. Along Holly Hill Road that

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buffer would be reduced to 25 feet because although it is a public road it is not considered a Major Thoroughfare.

Mr. Leadbetter asked if that included the utility right-of-way.

Mr. Maloney answered no. The ordinances state is that the buffer is measured from the ultimate right-of-way, which means Cedar Lane is shown as a future 100' Major Collector Road, so the Plan anticipates 50 feet of right-of-way on either side of the road for a total of 100 feet of right-of-way width. There may only be a 30 foot of prescriptive easement that exists now. So, if the County considers a development proposal for property that had frontage on Cedar Lane, staff would typically negotiate with the applicant to dedicate right-of-way in accordance with the Major Thoroughfare Plan, which would be 50 feet from the center line of Cedar Lane into the property. A development would have to begin measuring their buffer at the edge of that ultimate right-of-way. So, the buffer begins 50 feet from the center line and then it extends an additional 50 feet into the property. That is a minimum. And all the standards in the Zoning Ordinance are minimum standards. If there is a reasonable rational the Commission and the Board can recommend and negotiate standards that exceed the minimums that are articulated in the Ordinances.

Ms. Winborne said in looking at alternative #2 the buffer is the same no matter what color is on the map. That is a minimum of 25 feet and it could possibly be more.

Mr. Maloney said that was correct.

Mr. Whittaker asked if they are taking out the Multi-Family that is on the existing map.

Mr. Maloney answered yes. Actually in many areas of the County the existing Multi-Family will be eliminated. And part of it is in response to potential economic impacts. The staff in the Comprehensive Plan has long recognized there is a need for a variety of housing types and densities. Under the current plan someone can come in and develop Multi-Family as a stand-alone. With

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changes to the proffer policies and changes to market conditions we have tried to build incentives that encourage that commercial investment to help off-set the costs. One of the objectives of the Multi-Use is we absolutely want to encourage a variety of housing types and densities. But in the current Plan for that developer that wants to develop higher density residential, there will be opportunities to do that. They are a little more targeted with the Multi-Use designation, but if we are going to absorb that higher density residential we also want a significant off-setting commercial component to assist with the potential financial impacts.

There was general discussion regarding the potential of having a 30 unit per acre project in Hanover County. Staff and the Commission were in agreement that a 30 unit per acre project is not something that would be reasonable for Hanover County.

Mr. Padgett said in looking at alternatives 2 or 3 those lines are conceptual. He asked if staff had some distance in mind for the lines.

Mr. Maloney answered no. He had made a comment in a previous workshop and Mr. Walter “gently chastised” his choice of words somewhat when he had made the comment that these are “arbitrary” lines. From a pure geographic perspective there is nothing on the ground, there is no hard property line, road, or drainage ditch that absolutely designates a line. However, the lines in the transitions do mean something and we would intend that at some distance closer to U.S. Route 1 there will be a more intensive Multi-Use type development to a slightly higher residential development knowing that as we approach Holly Hill Road we would not expect to see 4 to 8 units per acre absolutely abut Holly Hill Road. So, somewhere in this area there is consideration of a specific development proposal we would expect that transition of uses in density, and it would be a judgment call for the Commission at the appropriate time to determine what the depth and distance of that transition is in relation to existing roadways and so forth.

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Mr. Maloney continued by saying in looking at alternative 3, there is a “judgment” call to be made between the 4 to 8 and the Multi-Use, but that “judgment” call is simplified somewhat because the 4 to 8 does butt Holly Hill Road. It would be a reasonable approach to adjust that Plan to place a variety of dwelling units, maybe transitioning no more than 2 units per acre near the periphery of the project so it does blend with a largely residential community but rather than 8 units per acre toward the interior of the project maybe a little higher density like 10 units per acre. In looking at the yield of units throughout the entire 50 acres, the average density would still be no more than 8 units per acre. He stated that the distinction between what this Plan suggests and what can be accomplished in this Plan is really minimal at best. He said they can get to the same place, appropriate transitions, appropriate blending in terms of architecture, density and aesthetics with both land use scenarios. From a staff perspective, not to be taken as a recommendation, alternative 2 introduces a slightly higher level of complexity and uncertainty than alternate 3.

Ms. Winborne asked if roads are fixed boundaries.

Mr. Maloney replied that staff typically interprets physical boundaries such as roads or creek beds as definitive boundaries. And staff typically recommends that be honored very closely.

Mr. Leadbetter said road impacts from any project that would be in this area would be proffered into the development or initiation of the site drawing.

Mr. Maloney said that is correct. And staff would base our recommendations with regard to necessary improvements on the underlying Thoroughfare Map. As part of all of our Zoning districts the applicant is required to provide elevations and the layout. Our Ordinances require that the development be constructed in substantial conformity with the application.

Mr. Leadbetter advised that he has been trying to figure out which would be the best way to go. He said “We have decreased the maximum density by half in the entire County. We have eliminated

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on the other side of Holly Hill Road the 1 to 4 density as long as we go with the recommendation of not allowing the mixed-use concept. So, the main issue is where to put this boundary.” He said he was leaning towards the alternative 3 map because he believes there are enough constraints to keep the boundary lines to where they will be acceptable and compatible with the existing community. However, he still wished for his fellow Commissioners to vote or recommend what they believe is the best alternative.

Mr. Bailey agreed from the standpoint as Mr. Maloney mentioned alternative map 3 has one non-definitive line, map 2 has two non-definitive lines, and the existing map has multiple non-definitive lines; therefore, his choice would be alternative map 3.

Mrs. Iverson also agreed that alternative map 3 is better and said that most of the people she has talked with liked this map.

Mr. Padgett and Mr. Whittaker both agreed they liked map 3 as well.

Ms. Winborne thanked Mr. Leadbetter for all of his hard work, research and his time with constituents.

Mr. Leadbetter stated that he wished there was a solution that everybody would be happy with but he did not believe that would happen. He said “I’ve tried to do the best of my ability to make it as compatible as we could, and I hope everybody appreciates that.”

There was a brief discussion between Mr. Padgett and Mr. Maloney regarding the south/east and north/west quadrant around Lee-Davis road.

Ms. Winborne, coming back to the “nomenclature,” said she did not share Mrs. Peace’s point of view regarding Multi-Use. She pointed out that as Mr. Bailey mentioned the definition does not change nor does the color on the map. She respected Mrs. Peace’s concerns but she questioned

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whether they could find language that folks could agree upon or if she wanted to poll the Commission for consensus.

Mr. Padgett advised he did not have a problem with the term Multi-Use because Mixed-Use has been around for a while and it had not occurred to him that others were having difficulty as it was not mentioned to him until tonight. He agreed with Mrs. Peace that using the Multi-Use term for a year he did not feel good about changing it at the 11<sup>th</sup> hour.

Mrs. Peace concurred with Mr. Padgett. She reiterated that the Multi-Use term should stay as it is. She stated that her husband is a lawyer and English Major and he tells her every day that words have meaning. She said they have been using this term with the public for the last year and at any point someone could have raised a concern that it was confusing or that they should change the term to something else. She felt that the definition is extremely clear in the text. She mentioned that another option to try to mitigate some of the confusion would be to look at the Mixed-Use term and maybe come up with a clarifying term later on in the process when it comes to the Zoning Ordinance. She encouraged the Commission to keep moving forward otherwise, if they could not come to some agreement to continue to use Multi-Use she would suggest deferring the vote until next month's meeting.

Ms. Winborne reiterated that she and Mr. Bailey find the term confusing. She asked Mr. Leadbetter for his opinion.

Mr. Leadbetter agreed that the two terms, Mixed-Use and Multi-Use are confusing but he did not want to defer action on the Comprehensive Plan. He asked Mr. Maloney what is involved in changing Mixed-Use in the Zoning Ordinance.

Mr. Maloney replied that it is a relatively minor Ordinance Amendment. He said there is a subtle distinction between Multi-Use as defined in the Comprehensive Plan and describe in the Mixed-

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Use Ordinance. Under the Comprehensive Multi-Use designation as staff has stated on numerous occasions, if a property owner wants to develop their property completely for business they may. In the Mixed-Use Ordinance there has to be a minimum of 20% residential. So, if we were to adopt the term Multi-Use in the Comprehensive Plan and also adopt a name change in Mixed-Use that leads to the possibility of further confusion because Multi-Use in the Comprehensive Plan does not mean the same thing as Mixed-Use and from his perspective changing the term Mixed-Use would probably be the worst solution.

Ms. Winborne inquired what Mrs. Iverson's opinion was.

Mrs. Iverson replied "in as much as the use is going to be what the use is I would be comfortable leaving them just the way they are Multi-Use and Mixed-Use."

Mr. Whittaker stated that it has been confusing but since he has only been on the Commission for a little over a year he would get used to it.

Mrs. Iverson added that she believed the public would get used to it as well.

Ms. Winborne stated that as it stands there are 3 folks who think it is confusing; therefore, she asked if there was a consensus as a group to leave the term as Multi-Use.

Mr. Leadbetter said he believed it would give them more time to revisit the Mixed-Use term and then come up with an appropriate name that suits instead of trying to resolve it now.

Mr. Maloney mentioned for them to "bear in mind" that this is a new land use designation and nobody may ever choose to implement it.

Mr. Leadbetter explained that the problem is when they go to public meetings and so forth it is confusing for some of the Commission members as well as to the public so, they spend so much wasted time trying to explain it.

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Mr. Padgett replied that Mixed-Use is pretty much a generally accepted definition that he has seen in lots of places.

Mr. Maloney agreed.

Ms. Winborne said there seems to be a consensus on that.

Mrs. Peace applauded Mr. Maloney for coming up with this brand new land use. She felt that it is one of the most innovative land uses that she has ever seen and she hoped staff submitted it for some type of planning award.

Mr. Maloney thanked Mrs. Peace for her comments.

Ms. Winborne said since Mr. Leadbetter had the decisions out in South Anna she asked him to make the motion.

Mr. Maloney said for purposes of clarity, he believed the Commission has agreed by consensus the following: 1) the land use alternative for Cedar Lane will be alternative 3; 2) keep the Business/Industrial designation at the intersection of Dunn Road and U.S. Route 33; 3) remove the “park” designation in the area of Elm Drive in Old Mechanicsville; 4) keep the Thoroughfare change as discussed in place; 5) revise the text to discuss the transportation strategy for Telegraph Road, U.S. Route 1, and Lewistown Road; 6) keep the Multi-Use designation but change “Business Park” to “Planned Business;” 7) include the proposed text changes for the Economic Development objectives; and 8) remove Mixed-Use from a zoning alternative in the 1 to 4 dwelling units per acre land use classification.

Ms. Winborne asked if there was a consensus from the Commission members on what Mr. Maloney just summarized.

All were in agreement.

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Mr. Maloney offered a suggested motion to approve the Resolution recommending the resolution to the Board of Supervisors with modifications as stated by staff.

Mr. Walter suggested the motion could be recommend the adoption of the Resolution with staff recommendations as outlined by Mr. Maloney, if all Commission members were in agreement.

Upon a motion by Mr. Leadbetter, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND THE ADOPTION OF THE RESOLUTION FOR THE COMPREHENSIVE PLAN FIVE YEAR UPDATE 2012-2032, WITH RECOMMENDATIONS AS OUTLINED BY MR. MALONEY.**

The vote was as follows:

Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Leadbetter	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye
Ms. Winborne	Aye

The motion carried.

Mr. Maloney stated that plenty of praise has been spread around this evening and he congratulated the Commission on all of their hard work on this Plan. He said with everything that they are facing from an overall economic perspective, financial perspective, our local financial challenges and uncertainties these are very challenging issues that we are dealing with and he appreciates the concern expressed by all of the residents and their time and input. The State Code states that the Planning Commission shall prepare and shall recommend a Plan to the Board of Supervisors and although he and staff certainly gave you all a “push” to get this process started he commended the Commission for taking true ownership of the Plan as required by State Law. “You have done an excellent job and thank you for all of your support.”

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Ms. Winborne thanked Mr. Maloney for his comments and again thanked all who attended tonight's meeting and all who participated in this process.

**ADJOURNMENT**

There being no further business Madam chairman adjourned the meeting at 9:02 P.M.