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**VIRGINIA:** At a **Work Session** of the Hanover County Planning Commission on the Comprehensive Plan Changes on Thursday, October 17, 2013 beginning at 4:00 P.M.; followed by a **Regular Meeting** of the Hanover County Planning Commission beginning at 6:30 P.M. in the Board Auditorium of the Hanover County Government Building, Hanover County, Virginia.

**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. Frank Harksen  
Mr. John A. Bender                                      Mr. Steve Herzog  
Mr. Dennis A. Walter                                    Mrs. Mary Pennock  
Mrs. Betty S. Gray                                        Mr. Ryan Fletcher

**WORK SESSION ON COMPREHENSIVE PLAN UPDATE**

Madam Chairman called the workshop meeting to order at 4:03 P.M. All members were present.

Mr. Maloney explained that this is a workshop to discuss proposed changes to the General Land Use Plan Map and Public Facilities Map that were recommended by the Board of Supervisors as part of their action to adopt the most recent Comprehensive Amendment to the Comprehensive Plan on September 11, 2013. Since the proposed modifications were not discussed as part of the Commission's deliberations during the review of the Comprehensive Plan these proposed changes do have to be specifically addressed by the Planning Commission. Also, because the Board did not adopt the recommendations of the Commission in the areas being discussed tonight, the Land Use designations for the areas being considered did not change from what was adopted in 2007.

Mr. Maloney stated that the proposed changes include:

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- A **Planned Business** designation in an area generally located between U.S. Route 33 and Greenwood Road, west of Winns Church Road.

Mr. Maloney advised that the map that was adopted kept the land use designation for this area generally 2 to 4 units per acre. The proposal from the Board of Supervisors is to change that area to Planned Business which would extend the commercial designation east of U.S. Route 33.

Ms. Winborne asked to see the map.

Mr. Maloney said Planned Business was shown west of U.S. Route 33, between Greenwood Road and U.S. Route 33 is currently shown at 2 to 4 dwelling units per acre.

Ms. Winborne said the new plan would then move Planned Business all the way over to the road.

Mr. Maloney replied to Greenwood Road that is correct.

Ms. Winborne asked if there is an opportunity for residential in the Planned Business.

Mr. Maloney answered that under the current Comprehensive Plan the area highlighted (pointing to the map) would be appropriate for residential use generally in the density of 2 to 4 units per acre. He said the land use designation for that area did not change. This is consistent with what was adopted in the 2007 Comprehensive Plan. Under the proposed Plan the land use designation would change from residential to Planned Business, which can accommodate a variety of Commercial uses. It could be rezoned to any of the conventional zoning districts, B-1, B-2, B-3 potentially M-1, and Business Park. The difference between Planned Business and areas shown for smaller commercial uses is the concept that it is intended for larger tracts of land to either be zoned or smaller tracts of land assembled to allow for a larger business environment.

Mr. Maloney said regarding residential uses within the Planned Business the only opportunity to include residential as a component of a zoning request would be through the Mixed-Use Zoning Ordinance. He said based on the proposed amendments to the Mixed-Use (MX) District a minimum of

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35% of the land area would have to be designated for commercial with the remainder residential. The maximum density that could be achieved in the Planned Business would be 15 units per acre. So, only through the MX zoning could an applicant include a request for residential development in areas shown for Planned Business.

Ms. Winborne asked if Planned Business is a new name.

Mr. Maloney replied yes, the previous name was Business Park and as part of the Commission's deliberations and recommendation to the Board, the Board adopted the name change from *Business Park* to *Planned Business*.

Ms. Winborne said Mr. Maloney mentioned in his discussion that someone could come in with a Business Park. She asked if that is a zoning designation.

Mr. Maloney replied that it is really a specific use, such as Business Park or Commercial Park or Commercial development; typically a larger scale, as opposed to a corner convenience store, which may only utilize a couple acres of land. He said typically it will be 25 or more acres and would have multiple business uses, with common developmental standards and landscaping requirements and so forth. Under the Business Park Ordinance and under the Mixed-Use Ordinance there are very specific design elements that have to be incorporated as part of that zoning request. But they are governed by the Zoning Ordinance itself.

Mr. Leadbetter asked if there are any differences between the Business Park and the Planned Business designations.

Mr. Maloney replied there were no differences.

Mrs. Peace asked for clarification purposes that these new recommendations are directly from the Board of Supervisors.

Mr. Maloney answered yes they are.

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Mr. Padgett asked what was accepted and what was not accepted by the Board.

Mr. Maloney replied essentially what was not accepted was for the proposal to add the Multi-Use Designation in this area (pointing to the map). There was some Multi-Use east of U.S. Route 33 and west of U.S. Route 33 in addition to the Business Park. So, essentially they just did not accept the change to Multi-Use in those areas east and west of U.S. Route 33.

Mr. Padgett asked if there is Multi-Use elsewhere.

Mr. Maloney replied yes, there are other areas shown for Multi-Use primarily in the vicinity of Bell Creek and Pole Green roads, Creighton Parkway, and some north of the Doswell area.

Ms. Winborne said the lighter yellow on the map means the density changed on the east side of Greenwood Road.

Mr. Maloney replied yes on the east *and* west side of Greenwood Road.

Ms. Winborne stated that was a change from the 2007 Plan and what the Commission recommended.

Mr. Maloney said some of it is a change. He explained that there were some areas along Ashland Road at 1 to 2 units per acre but for the most part she was correct. This area (pointing to the map) was changed from 1 to 4 units per acre to 1 to 2 units per acre. But again although that is a change to the Plan as recommended by the Commission it is not specifically the subject of the Commission's decisions this evening. He said "it was a change in the land use."

There was general discussion regarding the approximate acreage for Planned Business in this area.

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- A **Planned Business** designation generally located on both side of Cedar Lane west of U.S. Route 1 and both sides of Lakeridge Parkway south of Licking Hole Creek.

Mr. Maloney stated that this change is an area along Cedar Lane west of U.S. Route 1. He said specifically there is an area shown for Industrial, Office Service and an area shown for Multi-Family. The proposal from the Board is to change the various land uses in those 3 areas to Planned Business. Likewise, along Lakeridge Parkway there is an area shown for Multi-Family, Office-Service, and an area shown for Industrial, and with the exception of the Multi-Family, the Industrial and Office-Service would be shown as Planned Business.

Mrs. Peace asked if the Planned Business would allow Industrial uses.

Mr. Maloney answered yes, lighter Industrial uses.

Ms. Winborne asked Mr. Maloney to point out the apartments, which he did.

Mr. Maloney explained that “we paint these areas with a broad brush” and although certainly individual parcels could be assembled staff would have no serious expectation that a viable residential development such as the Lakeridge apartments would be removed in favor of industrial.

Mr. Whittaker said “but it could” happen.

Mr. Maloney advised that this Plan would support that but staff would not encourage nor expect as a practical matter for that to occur.

Mr. Whittaker said so it is highly unlikely.

Mr. Maloney said that is a fair statement. He said regarding a question about the U.S. Route 33/Hylas area, the Commission recommended all of this area (pointing to the map) be shown as 1 to 4 units per acre and the Board changed it to 1 to 2 units per acre, which is generally in-keeping with the 2007 Plan.

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Mr. Maloney said Mr. Bender had corrected him regarding the location of the apartments. On the map he pointed to where they believe Lakeridge apartments are and said he had oriented too far to the east. He apologized.

- The **Suburban High (4-8 dwelling units per acre)** designation on the west line of Bell Creek Road, south of Pole Green Road.

Mr. Maloney said this is a relatively minor request for the Pole Green Road interchange with Bell Creek Road. The recommendation of the Commission was to designate all of this area (pointing to the map) Multi-Use and the Board has requested the Commission to consider a change to a portion of this area to 4 to 8 units per acre. That would be confined to the west side of Bell Creek Road up to Beaverdam Creek. The Commission recommended this quadrant of the intersection for Multi-Use and the Board maintained it as 4 to 8 units and commercial which is consistent with the 2007 Plan.

Ms. Winborne asked how it is decided where one district ends and another starts.

Mr. Maloney replied the General Land Use Plan is a very general designation. If a rezoning request was received and in fact a parcel extended from up here (pointing to the map) easily the Commission could say it is generally shown for residential use.

Ms. Winborne thanked Mr. Maloney.

Mr. Whittaker said he thought this was a great change.

Mr. Bailey asked in looking at the "PC Recommended" map the little red square at Pole Green Road and Bell Creek if that is what the Board wants to add.

Mr. Maloney replied they adopted it. This intersection was shown as a commercial node with some 4 to 8 and so this (pointing to the map) is what the Board adopted for this area because it really did not represent a material change from the 2007 Plan it did not need to come back to the Planning Commission.

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Mr. Bailey advised that in looking at the map that says "PC recommended" that does not show the red square he was talking about.

Mr. Maloney stated that the existing Plan generally designated that intersection as a commercial node, so it was not a change from what existed.

Mr. Padgett asked the reasons for the changes there.

Mr. Maloney said it was his understanding regarding this area that after talking with Mr. Peterson there was a general feeling from him and the Board members that although they could envision some level of commercial and residential development in this area particularly along AMF Drive, once you get past a certain point on Bell Creek Road headed south towards Mechanicsville Turnpike that area is generally residential in nature and he believed there was a concern as to the practical market support for commercial along that section of Bell Creek Road and saw it as an opportunity to add some of the residential density in an area largely characterized by residential uses.

- A **Proposed Wastewater Pump Station** symbol located between I-95 and the CSX rail line and south of the South Anna River.

Mr. Maloney explained that the Proposed Wastewater Pump Station is essentially north of Hickory Road, south of Old Ridge Road, west of I-95, east of U.S. Route 1, and north of the Town of Ashland. He reviewed the location of the proposed Pump Station on the map. He explained the need for a Comprehensive Plan Amendment for the Pump Station. He said our Utility System, primarily the above ground pump station, treatment plants and so forth, is considered public facilities. And in accordance with the Code of Virginia prior to a zoning request for a public facility or prior to site plan approval for a public or community facility the Planning Commission needs to make a finding that that facility is in conformity with the Comprehensive Plan; specifically, the Public Facilities component of the Comprehensive Plan. In this specific instance the area in question is shown for a combination of industrial uses, Planned Business uses and Destination Commerce Uses. The property in question is

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highlighted generally here (pointing to the map) in this location. That property not only is shown and planned for industrial it is zoned for M-2, zoned in the 1990's. He said the Commission actually heard a case within the last year or 1 ½ years to amend the zoning for that subject property. The zoning was Brooks and Company the development, which they are now calling Graymont, in the early planning phase. The owners of the property, plan to develop this for an industrial park. Under the original zoning in the 1990's there was a requirement to connect to public utilities. The Utilities are not readily available to the site right now. So, the applicants requested a zoning to allow the use of private wastewater treatment [in other words septic tanks] on site and it was approved. After giving that some additional consideration the applicants have now indicated they would rather connect with the utility system. This area of the County does not naturally drain to a treatment facility, so in order to do that they are requesting to build a pump station. The drainage shed in this area is fairly small but it will serve an area a little larger than the subject property.

Mr. Maloney explained that it will collect wastewater in the future and pump it back to the Ashland Treatment Plant. However, before the applicants can request a CUP and start construction they need a change in the Comprehensive Plan. Their request for this change came fairly late in the process and so the Board did send this back to the Commission for consideration. He advised that "just for the record" he has seen some e-mails and he could not even begin to understand the source of these e-mails but apparently there is an e-mail "floating" around the community that somehow the purpose for this Pump Station is to accommodate High Density Residential Use which is absurd. This property is zoned, has been zoned and is planned for Industrial Use.

Ms. Winborne asked who will own the Pump Station.

Mr. Maloney advised that the Pump Station will be built by the developers, who have submitted plans for construction. The Pump Station will be constructed to County Standards and

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specifications, and once completed it will be dedicated to Hanover County for operation and maintenance. So, it will become part of the County's Public Utility System.

Mr. Leadbetter inquired if that is a normal procedure for the developer to actually build the Pump Station.

Mr. Maloney replied it is not routine but it is not uncommon. There have been a number of instances where Pump Stations have been constructed by developers in order to serve property. They will have to meet all of the County's engineering specifications.

Mr. Padgett stated that the pipe line will also need to be built in conjunction with this.

Mr. Maloney said that was correct. They will have to construct a force main and just like any other utility extension it is typically done at the developer's expense and those lines are located within easements that are dedicated to Hanover County and will be owned and maintained by Hanover County once constructed.

Mr. Maloney advised that there are some changes to the proposed Mixed-Use Ordinance. Specifically, the changes are elimination of consideration of Mixed-Use zoning in areas designated 1 to 2 and 1 to 4 units per acre. The changes include limiting the maximum density from what would currently be 16 units per acre to 8 units per acre in areas designated for 4 to 8 units per acre. It includes a change to the policy that has a sliding scale for the mix of commercial and residential anywhere from 20 to 50 percent residential with the remainder to commercial with no less than 35% commercial and no more than 65% residential. So, that is more of a "hard and fast" ratio between commercial and residential development than the current ordinance allows and it also sets a maximum density in areas other than 4 to 8 which would include primarily Planned Business, and commercial land use designations from what is currently allowed under the ordinance at 30 units per acre and will

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cap it at 15 units per acre. All of those changes in one form or another were discussed by the Commission.

Mr. Maloney advised that the only major change in the land use policy from what the Commission recommended was allowing the Mixed-Use designation in areas shown 4 to 8. And the Board maintained the 4 to 8 but limited it to 15 units per acre, to ensure citizens where the Plan says 8 residential units per acre it would be no more than 8 units per acre. He added that all of these changes will be the subject of the Commission's public hearing later this evening.

Ms. Winborne thanked Mr. Maloney for his very thorough presentation. She asked Mr. Maloney if he want to make a presentation regarding the Freedom of Information Act (FOIA).

### **Freedom of Information Act**

Mr. Maloney said as the Commission is aware the County has received a Freedom of Information Request on a specific zoning matter, the proposed Theater at Hanover Village Shopping Center and because they did have a few minutes he suggested that this might be a good opportunity for Mr. Walter to provide the Commission a general refresher and overview of the FOIA requirements.

Mr. Walter advised that there has been a Freedom of Information (FOI) request and some of the request involved some documents that involved the Commission members. And most likely for many of the Commission members this was probably the first time that a FOI request came through where you were requested by members of County Staff to see if you had any records that were responsive to that.

Mr. Walter explained that when they became members of the Commission they should have received a big packet from him and one of the items that was in there was a copy of the Freedom of Information Act. Virginia has had a FOIA or something similar to it since the late 1960s. The basic intent of the FOIA is because the County Staff, County Boards and Commissions are doing the

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public's work and as such that work should be done in the open for members of the public who are both the beneficiaries of that as well as those for whom the County staff, Boards and Commission act, should be able to see what is going on. The FOIA over time has developed sort of into two different roots, one is the public meetings aspect, which the Commission is familiar with and it is a requirement that when public bodies meet that notice be given to the public so that they are aware of what is going on and that there be an opportunity to be heard in those instances. And records are kept so that folks afterwards can figure out what Public Bodies have done. So, that is why minutes are kept at every meeting, it is not a requirement that meetings be recorded but routinely here in Hanover we have audio recordings of meetings, so that if someone wants to come in and listen to a particular case they can. In public meetings nothing is done in secret, everything is done out in the open in a formal setting.

Mr. Walter said there is also the public records' side. That is something that the Commission probably does not see very much because for the most part the folks that keep public records are County staff members. The County Administrator overall is the custodian of County records. Each department has a custodian and for every department it is pretty much the department head. What the FOIA requires is that we basically keep records that are used in the transaction of public business. The general provision is that the public should have access to any documents or records that are created for the transaction of public business. There are certain times where it is probably not appropriate for documents kept for government entities not be released. For instance the Treasurer's Office retains information that contains personal information. The FOIA has a whole chapter in State Code which defines what public records are and basically it is as broad of a definition as it can be because the intent is for openness and transparency, it is basically, all writings or recordings, and anything that has physical nature to it. However or wherever it is stored that is used for the transaction of public business. If someone has a request to access all files, all writings including e-mail, and recordings to a

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particular request all they have to do is contact the County and fill out a FOI request. Requests come in somewhat regularly and the Commission does not really get much of a “heads up” on them because for the most part the Planning Department keeps the files.

Mr. Walter stated that public bodies are not required to create documents. For instance if someone wants to know what the potential for development is along a particular area it does not require Mr. Maloney and his staff to sit down and create something based upon information that they have. Or if someone wants particular statistics in an excel worksheet, staff would not be required to create that information. While there is transparency, which is what the FOIA is always pushing for there is also a recognition that it cannot go so far that it basically makes it so the government cannot work.

Mr. Maloney added that the State Code provides if someone comes in for a request the County has 5 business days to respond to that FOIA request. Sometimes, it takes a couple hours, other times it takes a couple days and sometimes it takes more than 5 days and then we have to get an extension for up to a week to reply. Documents most of the time contain personal information and State Code specifically list those documents which we would not provide to the public. So, there are documents that can be released and documents that cannot be released and staff has to go through those documents to see which items can be released and which cannot. The County’s Information Technology (IT) Department keeps track of e-mails. So, if somebody asks for e-mails we have to search our servers for that and that can be a simple process or a complicated one. Often e-mails involve non-County accounts. And sometimes that is because the individual sending it is someone who is not a County employee and sometimes the members of the County staff, Boards, or Commission are using e-mail addresses that are not on the County’s server.

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Mr. Walter advised that he wanted to remind the Commission if it involves a transaction of public business, we collectively have a responsibility to try to preserve that and there are a number of different ways that can be done. One way is to print out every e-mail and file it; another way is to make sure e-mails received are not deleted. His recommendation to the Commission was if they come across any documents they think involves the transaction of public business to not delete them. The Commission may want to let Mr. Maloney know they received a letter from an applicant or a citizen and send the letter to Mr. Maloney and that way it makes it into the file and staff can figure out whether or not it should remain confidential or not. He suggested if the Commission is using a home e-mail account they may want to use their County e-mail account for public business.

Mr. Padgett said e-mails that come into the County system are sent to us and he accesses it on his personal e-mail; however, when he responds he does not know if he is responding from his personal or county e-mail.

Mr. Maloney explained that at the beginning of their term there was a request for each of the Commission members to have an e-mail account set up on the County server and that was done. He believed for the previous Planning Commissions there was a County e-mail address that was set up but in fact it forwarded those e-mails to their personal e-mail accounts. All of the Commission members as of approximately 1½ years ago have individual e-mail accounts on the County System. He believed that some of them use those e-mail accounts fairly diligently while others may still be using personal e-mails. He said he has discussed with Madam Chairman about scheduling a workshop next month and include folks from the County's IT department to give the Commission information on how to properly access their e-mail from the County's system. He said for those that do use a Smart Phone with the exception of the newer Blackberry devices, it is a relatively simple process so they will have all access to the server through their smart phone device, which is what he does. So, all of his business related

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e-mails have a separate account that is tied to the server so his personal and business are not linked in any way. He believed that IT will be able to set that up so they can have access through their smart phones as well. He advised that they will review that in more detail how the Commission will access using a regular computer as well as discuss opportunities to link their smart phone into the County's server as well.

Mr. Maloney advocated that after next month they will become more familiar with how to access their County's e-mail and use that for all of their official business as Planning Commissioners. He noted it will be much easier for them and the County to track emails if there is a FIOA request in a future matter.

Ms. Winborne asked if they could delete e-mails after they are given to the County.

Mr. Walter suggested that this runs into the Public Record Act which is a separate Act that the General Assembly has adopted that is basically not a "hard and fast" rule but it creates schedules for how long public documents are to be kept. There are some documents and records that are kept forever. For instance all final zoning matters, records that the County Administrator has are retained forever. There are other types of documents that the Library of Virginia says has to be retained only for 2 - 5 years and then it can be discarded. For instance Building Inspections only retains building permits for 2 years. For documents that involve zoning cases the retention time is pretty long. He suggested that if they have produced something in response to a case before they delete it to check with somebody on County staff and make sure they have a copy in case something comes up in the future.

Ms. Winborne thanked those citizens that came to the workshop.

The Commission recessed at 5:14 P.M.

### **Reconvened**

Madam Chairman called the meeting back to order at 6:31 P.M. *All members were present.*

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## **Approval of Minutes**

Upon a motion by Mr. Padgett, seconded by Mrs. Iverson, the minutes of the September 19, 2013 were approved with minor corrections.

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

There were no requested changes to the Agenda.

## **ADMINISTRATIVE AGENDA**

### **Proffered Elevation Review**

**SPR-25-07, AM. 1-13**

**KROGER AT RUTLAND COMMONS  
BUILDING ADDITION AND PHARMACY KIOSK  
CHICKAHOMINY MAGISTERIAL DISTRICT  
(COMMISSION ACTION)**

Mr. Maloney briefly presented this proffered elevation review request for a building addition and pharmacy kiosk. The Commission was provided with the proposed elevations and the background information. The staff was available to make a full presentation if the Commission desired.

Ms. Winborne thanked Mr. Maloney.

Mr. Padgett thought that this is a “pretty straight forward” case and he did not see any need for a formal presentation. He said this is a very fine Kroger store and he has been looking forward to it since Rutland was approved years ago and this will increase the size of the store almost 50 percent. He said the design is in-keeping with what is already there. He asked when they expected this to be finished.

The applicant from the audience replied that the total construction would be approximately 10 to 11 months.

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Upon a motion by Mr. Padgett, seconded by Mr. Leadbetter, the Planning Commission voted **UNANIMOUSLY TO APPROVE SPR-25-07, AM. 1-13, KROGER AT RUTLAND COMMONS, BUILDING ADDITION AND PHARMACY KIOSK SUBJECT TO THE FOLLOWING CONDITIONS AS OUTLINED IN THE STAFF REPORT:**

1. The building shall be constructed in substantial conformance with the blackline architectural elevations date July 29, 2013, titled Kroger R-515 Expansion Exterior Elevations received in the Planning office on September 23, 2013 and prepared by Robertson Loia Roof Architects and Engineers as well as the color rendered elevations, dated September 23, 2013 and prepared by Robertson Loia Roof Architects and Engineers, and shall be in accordance with the color scheme, building materials and façade design noted on these approved elevations.
2. The pharmacy drive thru kiosk shall be constructed in substantial conformance with the color rendered elevations dated July 29, 2013, titled Enlarged Plans and Details: Pharmacy Drive Thru, received in the Planning Office on September 23, 21013 and prepared by Robertson Loia Roof Architects and Engineers, and shall be in accordance with the color scheme, building materials and façade design noted on these approved elevations.
3. The developer shall obtain final site plan approval prior to the commencement of any work on this site.

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.

The Commission recessed at 6:36 P.M.

### **Reconvened**

Madam Chairman called the meeting back to order at 7:00 P.M. *All members were present.*

### **Welcome and Pledge of Allegiance**

Mr. Leadbetter led everyone in the Pledge of Allegiance.

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**Citizens Time**

No one addressed the Commission during Citizens Time.

**PUBLIC HEARINGS**

Ms. Winborne read the Rules of Order and explained the procedure.

Mr. Maloney advised that the following two requests were for a cash proffer amendments.

Ms. Winborne asked if anyone wished to speak against either of these cases. No one spoke.

**Expedited Hearings**

**C-29-03(c) AM. 3-13 SANDRA AND RAYMOND MCDOWELL, ET AL. (MOUNT HERMON FARMS)**, Request an amendment to the proffers approved with rezoning request C-29-03(c), Arthur L. Traylor, Jr., on GPINs 7799-32-8407, 7799-32-4145, 7799-32-6288, 7799-12-1109 and 7799-32-3760, zoned RC(c), Rural Conservation District with conditions, and located on the south line of Mount Hermon Road (State Route 656) at its intersection with Campbell Creek Road (State Route 1071) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

Mr. Maloney reiterated that this request was for a cash proffer amendment. The applicant is requesting to replace the existing cash proffer in the amount of \$8,700 with a cash proffer in the amount of \$2,306 in accordance with the Board's Transportation Impact Proffer Policy. Staff recommended approval subject to modifications of the proffers submitted by the applicant.

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

Upon a motion by Mrs. Iverson, seconded by Mr. Leadbetter, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-29-03(c), AM. 3-13, SANDRA AND RAYMOND MCDOWELL, ET AL. (MOUNT HERMON FARMS) SUBJECT TO THE FOLLOWING PROFFERS DATED SEPTEMBER 27, 2013 AS OUTLINED IN THE STAFF REPORT:**

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1. The Property 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.
2. Exterior foundation of houses shall be of brick or stone construction unless the house is constructed of synthetic stucco (DriVit) in which case the foundation may be of like material. Above the foundation exterior of the houses shall be constructed of brick, stone, synthetic stucco (DriVit), premium vinyl siding or concrete-based siding material (Hardi Plank).
3. Minimum house size shall be 2,500 square feet. Minimum floor area shall not include garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure.
4. There shall be no removal of trees of five-inch (5") or larger caliper in the required rear and side yard area of each building lot, as defined by the Zoning Ordinance, with the exception of dead or diseased trees. This, however, shall not prevent the removal of trees necessary for construction of improvements, driveways, utility easements, drain fields, drainage facilities, wells, swimming pools, or basketball or tennis areas. In addition, this shall not prevent the removal of trees for open areas in the Common Open Space areas as shown on the Conceptual Plan. No trees five inches (5") in caliper or greater may be cleared in the remaining area of the Common Open Space with the exception of clearing necessary for the installation of utilities.
5. The Property Owner agrees to dispose of or stabilize all fill material located on the Property in compliance with all applicable federal, state, and local guidelines and regulations. The Property Owner shall also provide a Groundwater Risk Analysis as recommended in the memo prepared by the County's Environmental Consultant EEE on May 5, 2004, to determine the potential for any risk to groundwater and well contamination. The Property Owner shall submit a remediation plan ("the Plan") and Groundwater Risk Analysis or Groundwater Sample Analysis with the construction plans for the project. The Plan shall indicate the steps the Property Owner will undertake to properly dispose of, remediate, or stabilize the areas of unconsolidated fill or contamination. The Plan and the Groundwater Risk Analysis or sample shall be submitted to Hanover County no later than one year following rezoning. The Plan shall include cost estimates for the removal and disposal of any necessary material, the stabilization of the consolidation fill areas and, should the results of the Groundwater Risk Assessment or sample indicate a risk to human health or the environment, the remediation of ground water and/or contaminated soils in accordance with applicable guidelines and/or regulations. The Plan shall be reviewed by the Department of Public Works. The Property Owner agrees to modify the Plan as required by the Department of Public Works. The Property Owner acknowledges that the Department of Public Works shall only approve the Plan if the Plan meets all federal, state, and local requirements and guidelines, and the Plan

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results in the complete remediation of the conditions and eliminates the risk to human health or the environment resulting from the fill activity.

All remediation work described herein shall be bonded as a subdivision improvement in an amount determined by the Department of Public Works to be adequate for the completion of the remediation work. The location of all fill areas on the Property shall be shown on the final record plat for the Property. No building permits shall be issued by the County until all remediation work has been completed on the Property.

Should any unidentified fill material be discovered on the Property during the design or construction phase, the owner shall dispose of this fill material in conformity with all federal, state, and local statutes, regulations, and standards.

6. The Property Owner agrees to dedicate twenty-five (25') feet of right-of-way from the centerline of Mount Hermon Road (State Route 656) to the Property for future road widening free of cost to the County, upon request of the County or VDOT.
7. The Property Owner shall build the internal road to VDOT standards and specifications for residential subdivisions and the internal roads shall be dedicated to VDOT for maintenance and acceptance into the State highway system.
8. The Property Owner shall provide an ingress and egress easement as shown on the Conceptual Plan to the owner of GPIN 7799-11-7150. A deed of easement shall be recorded prior to or concurrently with recordation of the Subdivision Plat.
9. The Property Owner, his successors or assigns shall have developed a timber management plan for the timber located on the Preservation area and the Common Open Space areas as shown on the Conceptual Plan titled "Mt. Hermon Farms, Beaverdam District, Hanover County, Virginia, Conceptual Plan" by Resource International, LTD., dated December 15, 2003, (herein referred to as the "Timber Plan"). Said Timber Plan will be delivered to the Hanover County Planning Office prior to construction plan approval. Any thinning of timber recommended by the Timber Plan to be done immediately will be carried out prior to issuance of any building permits. The Owner, his successors or assigns reserve the right to cut, thin or otherwise remove timber from the said Common Open Space and Preservation Area as the Timber Plan and any of its amendments may recommend.
10. The Property Owner shall provide a drilled deep well upon each lot. Should production from the deep well prove inadequate for requisite household use with respect to either quantity or quality, a shallow well may be used.

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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-46-04(c) AM. 1-13 JAMES E. BOWLES BUILDER, INC., (BRAXTON ACRES, SECTION B),** Requests an amendment to the proffers approved with rezoning request C-46-04(c), James E. Bowles Builder, Inc., on GPINs 8743-72-1613 and 8743-62-8235, zoned AR-6(c), Agricultural Residential District with conditions, and located on the east line of Market Road (State Route 630) approximately 300 feet south of its intersection with Range Road (State Route 814) in the **COLD HARBOR MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

Mr. Maloney stated that this was a request to eliminate the current cash proffer \$9,741 and replace it with a cash proffer in the amount of \$2,306 in accordance with the Board's Transportation Impact Proffer Policy. Staff recommended approval subject to the amended proffers as submitted.

Ms. Winborne opened the public hearing and asked if the applicant was present. The applicant was not present; therefore, it is assumed he is in agreement with staff recommendation. She asked if anyone wished to speak, seeing no one come forward, she closed the public hearing.

Upon a motion by Mrs. Peace, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-46-04(c), AM. 1-13, JAMES E. BOWLES BUILDER, INC., (BRAXTON ACRES, SECTION B) SUBJECT TO THE FOLLOWING PROFFERS DATED SEPTEMBER 27, 2013 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 "Sketch of Proposed Division of Land Located on Route No. 630 Cold Harbor District Hanover County, Virginia," dated January 6, 2005, and last revised January 21, 2005.
2. Dedication of Right-of-Way: The Owner agrees to dedicate twenty-five feet (25') of right-of-way from the centerline of Market Road (State Route 630) to the property for future road widening, free of cost to the County, upon request of the County or VDOT.
3. 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.
4. Access: The Owner agrees that the only access to the Property shall be from the proposed 50' ingress and egress easement and that there shall be no access to the Property from State Route 630 (other than the aforesaid easement), and that a covenant to that effect shall be included in the deed(s) conveying the property, or any lot subdivided from the property.
5. Contribution for Road Improvements: The Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy for GPINs 8743-72-1613 and 8743-62-8235, 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.
6. Structure Exterior: No cinder block, cement block or asbestos shingles shall be permitted for the finished exterior of any structure.
7. Foundations: All houses shall have brick, stone, stucco or DriVit type finished foundations.
8. Minimum House Size: Each house shall have the following minimum finished floor areas as follows below:

1 Story	-	1,500 square feet
1½ Story	-	1,700 square feet
2 Story	-	2,000 square feet

Minimum floor area shall not include garages or breezeways in any category. Floor area should be measured along the exterior walls of the structure.

The vote was as follows:

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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 speak regarding any of the following requests under the expedited cases. A man in the audience said he wished to speak regarding C-11-12, George A. Oley, III ET, AL. Ms. Winborne advised that case would be moved to the individual hearings.

### **EXPEDITED CASES**

**C-22-92(c) AM. 1-13** **MCDONALD'S CORPORATION**, Requests an amendment to the proffers and conceptual plan approved with rezoning request C-22-92(c), George A. Hase, III, on GPIN 7796-91-5579, consisting of approximately 1.33 acres, zoned B-2(c), Community Business District with conditions, and located on the northwest quadrant of the intersection of Chamberlayne Road (U.S. Route 301) and Leon Lane (State Route 1364) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Commercial. The proposed zoning amendment would permit layout modifications to allow for two outside order stations and menu boards for the existing drive-through service. (PUBLIC HEARING)

Mr. Maloney presented this request for an amendment to the proffers and conceptual plan approved with rezoning C-22-92(c). The property consists of 1.33 acres and is zoned B-2(c), Community Business District. The zoning amendment would permit a modification to the layout in order to provide for two drive-thru order stations. And it also amends the proffer related to amplified sound for the business. Staff recommended approval subject to the revised conceptual plan and proffers submitted with this rezoning request.

Ms. Winborne opened the public hearing and asked if the applicant was in agreement with staff recommendations. The applicant from the audience said yes he was in agreement. She asked if there

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was anyone present that wished to speak either in favor of or in opposition to this request. Seeing no one come forward, she closed the public hearing.

Mr. Padgett asked the applicant to come forward to review the traffic pattern.

Ms. Gloria Fry, attorney representing the applicant came forward. She explained the changes made in the traffic circulation. The new plan has a one way traffic circulation on the north part of the property and a two-way circulation on the southern part. The new plan does allow traffic to enter and exit off of Leon Drive.

Mr. Padgett stated that this is probably one of the busiest acres in Hanover County and the traffic flow should be as efficient as possible.

Upon a motion by Mr. Padgett, seconded by Mr. Leadbetter, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-22-92(c), AM. 1-13, MCDONALD'S CORPORATION SUBJECT TO THE CONCEPTUAL PLAN DATED APRIL 23, 2013, REVISED JULY 24, 2013 AND THE FOLLOWING REVISED PROFFER SUBMITTED ON AUGUST 27, 2013.**

Revised proffer #1 to read:

1. Restaurant Development Plan: The development of Parcel 1 shall be in substantial accord with (i) the conceptual plan entitled "McDonald's – Comprehensive Site Plan," dated April 23, 2013, and last revised July 24, 2013, prepared by Parker Design Group, attached as Exhibit "A," and (ii) the elevations prepared by Roland E. McPherson dated June 22, 1992, last revised December 12, 1992 (Sheets A4 and A5), attached as Exhibits "B." All exterior wall surfaces (above finished grade) shall be brick and/or glass (except to the extent that other materials are used for windows, doors, trim, signage, architectural decorations or design elements). The roof shall be covered with cement shingles (example – External Slates).

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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.

Ms. Winborne asked if anyone wished to speak against this next set of expedited cases. No one spoke.

**CUP-4-13 KINGDOM LIVING FELLOWSHIP INTERNATIONAL, INC.,** Requests a Conditional Use Permit in accordance with Section 26-130.1 of the Hanover County Zoning Ordinance to permit a church on GPIN 8707-63-6862, consisting of approximately 0.60 acres, zoned B-3, General Business District, and located in the southwest quadrant of the intersection of Patrick Henry Boulevard (State Route 753) and Chamberlayne Road (U.S. Route 301) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Commercial. (PUBLIC HEARING)

Mr. Maloney presented this request to allow an existing building to be used as a church. It is located approximately 0.60 acres, is zoned B-3 and is located at the intersection of Patrick Henry Boulevard and Chamberlayne Road. He pointed out that this particular building was used as a church previously and the owners, at the time requested that the conditional use permit be rescinded so that a business could move in if they wanted. The new occupant is a church. Staff recommended approval subject to the condition outlined in the staff report.

Ms. Winborne opened the public hearing and asked if the applicant was present and in agreement with the staff recommendations. From the audience the applicant said yes, she was in agreement. Ms. Winborne asked if anyone else wished to speak in favor of or in opposition to this request. Seeing no one come forward, she closed the public hearing.

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Upon a motion by Mrs. Iverson, seconded by Mr. Bailey, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF CUP-4-13, KINGDOM LIVING FELLOWSHIP INTERNATIONAL, INC., SUBJECT TO THE FOLLOWING CONDITIONS AS OUTLINED IN THE STAFF REPORT:**

1. All church services shall be located in the existing structure. No additional structures shall be added to the site without an amendment to this conditional use permit.
2. Seating in the sanctuary space shall be limited to 48 seats.
3. All requirements of the Public Works Department, Public Utilities Department, the County Health Department, and the Building Inspector's Office shall be met.
4. All development and use of the Property shall comply with all Federal, State and local statutes, ordinances and regulations.

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 advised that the next three expedited hearings are combined.

Mrs. Peace advised that since she is related to the applicant she would recuse herself from the following three cases due to the possibility of conflict of interest. Mrs. Peace left the dais to sit out in the audience with the citizens.

Ms. Winborne opened the public hearing and asked if the applicant was present. The applicant was not present; therefore, it is assumed that the applicant is in agreement with staff recommendations. She asked if anyone else wished to speak regarding any of the following requests for the Historic Polegreen Church Foundation. Seeing no one come forward, she closed the public hearing.

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**CUP-18-95 AM. 1-13 HISTORIC POLEGREEN CHURCH FOUNDATION, INC.,** Requests an amendment for the purpose of rescinding its Conditional Use Permit for a museum and memorial park on GPINs 8726-11-5231 and 8726-10-8577(part), consisting of approximately 6.15 acres, zoned A-1, Agricultural District, and located on the southeast quadrant of the intersection of Rural Point Road (State Route 643) and Heatherwood Drive (State Route 1750) in the **HENRY MAGISTERIAL DISTRICT.** (PUBLIC HEARING)

Mr. Maloney presented this request for a conditional use permit to be rescinded. There are two separate zonings governing this property, a conditional use permit and a special exception. Both are being requested to be rescinded; however, as the Commission is aware only the Board of Supervisors can act on the special exception and therefore, is not included in the Commission's hearing this evening.

Upon a motion by Mr. Bailey, seconded by Mr. Padgett, the Planning Commission voted **6 TO 0, Mrs. Peace recused herself, THAT CUP-18-95, AM. 1-13, HISTORIC POLEGREEN CHURCH FOUNDATION, INC., BE RESINDED ALONG WITH ANY SUBSEQUENT AMENDMENTS.**

The vote was as follows:

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

The motion carried.

**ORDINANCE 13-07  
POLEGREEN CHURCH HISTORIC PRESERVATION OVERLAY DISTRICT**

**AN ORDINANCE** to amend the Hanover County Code, Zoning Ordinance, Section 26-224, to add the Polegreen Church Historic Preservation Overlay District to the list of Historic Preservation Overlay Districts, and to adopt regulations governing the Polegreen Church Historic Preservation District. (PUBLIC HEARING)

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Mr. Maloney stated that in place of the conditional use permit the Church is requesting, and staff is recommending, that the entire property be placed within a Historic Preservation Overlay and that district will be enacted through Ordinance 13-07. The Overlay will establish the zoning regulations by which this property will be allowed to develop in the future. If approved, because the property is within a historic overlay, any changes to the exterior of existing structures or proposed additional structures would have to be reviewed by the Architecture Review Board to assure historic consistency.

Upon a motion by Mr. Bailey, seconded by Mr. Padgett, the Planning Commission voted **6 TO 0, Mrs. Peace recused herself, TO RECOMMEND APPROVAL OF ORDINANCE 13-07, POLEGREEN CHURCH HISTORIC PRESERVATION OVERLAY DISTRICT.**

The vote was as follows:

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

The motion carried.

**C-8-13(c) HISTORIC POLEGREEN CHURCH FOUNDATION, INC.,** Requests to rezone from A-1, Agricultural District, R-2, Single Family Residential District, and AR-2, Agricultural Residential District, to A-1 (HPO), Historic Preservation Overlay District with conditions, R-2 (HPO), Historic Preservation Overlay District with conditions, and AR-2 (HPO), Historic Preservation Overlay District with conditions, on GPINs 8726-10-8577, 8726-11-8050, 8726-10-5965, 8726-11-5231, 8726-12-9262, 8726-01-7385, 8726-00-6782 and 8726-00-7381, consisting of approximately 111.05 acres, and generally located on both sides of Rural Point Road (State Route 643) at its intersection with Heatherwood Drive (State Route 1750) in the **HENRY MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Suburban General and Agricultural. The proposed zoning amendment would permit the creation of a local historic preservation district. (PUBLIC HEARING)

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Mr. Maloney explained this request was to rezone the property of Historic Polegreen Church to the Historic Overlay and it would then be the *Polegreen Church Historic Preservation Overlay District*. The property is currently zoned A-1, Agricultural, R-2, Single Family Residential and AR-2, Agricultural Residential. There are several GPINs involved with this request, which consists of approximately 111.05 acres.

Upon a motion by Mr. Bailey, seconded by Mrs. Iverson, the Planning Commission voted **6 to 0, Mrs. Peace recused herself, TO RECOMMEND DENIAL AS SUBMITTED BUT TO RECOMMEND APPROVAL OF C-8-13(c), HISTORIC POLEGREEN CHURCH FOUNDATION, INC., SUBJECT TO THE RECOMMENDED CHANGE TO THE PROFFER LANGUAGE, AND APPROVAL OF ORDINANCE 13-07, POLEGREEN CHURCH HISTORIC PRESERVATION OVERLAY DISTRICT SUBJECT TO THE FOLLOWING PROFFER AS OUTLINED IN THE STAFF REPORT:**

1. **[REVISED]** Dedication of Right-of-way: Upon request of the County or VDOT, the Owner agrees to dedicate to the County or the Commonwealth of Virginia, free of cost and free of encumbrances, 100 feet of right-of-way in the location shown on the Hanover County Major Thoroughfare Plan map titled; "Appendix: T-2, Creighton Parkway Phase 2 (CPA 12-01)," for future road construction purposes.

The vote was as follows:

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

The motion carried.

Mrs. Peace returned to the dais.

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**INDIVIDUAL HEARINGS**

**C-11-12(c) GEORGE A. OLEY, III ET, AL.**, Request to rezone from R-1, Single-Family Residential District to B-1(c), Neighborhood Business District with conditions on GPINs 8705-42-1455 and 8705-32-9687, consisting of approximately 3.57 acres, and located on the north line of Meadowbridge Road (State Route 627) approximately 300 feet west of its intersection with Atlee Road (State Route 638) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Commercial. The proposed zoning amendment would permit medical office and retail. (PUBLIC HEARING)

Mr. Maloney presented this request to rezone which would permit a medical office and retail. The property is located on Meadowbridge Road west of its intersection of Atlee Road. It is currently zoned R-1, Single-Family Residential. The site contains 3.57 acres and is shown for Commercial on the General Land Use Plan Map. Approval of this request would permit the construction of a 35,500 square foot medical office building and pharmacy. This site meets the parking requirements. There is approximately 1,300 feet of undisturbed buffer located in the rear of the property. There is buffering and a screening fence proposed along the adjacent residential properties. The Virginia Department of transportation recommended right and left turn lanes into the site. There are cross-access easements to the adjoining properties which will allow future inter connection between this property and the adjacent properties. The applicant has proffered right-of-way dedication along Meadowbridge Road. There were community meetings held in May and September and in an effort to address the concerns of nearby residents, the applicant has proffered to develop a 25 foot landscape buffer to include 2 different varieties of evergreen trees and a 6 foot opaque fence along the property line adjoining the residential properties. The applicants have proffered to restrict the hours that the dumpsters could be serviced; limitations on the height of parking light lighting and they have proffered use of LED lighting for the actual fixtures. The applicants are limiting public access to a front entrance for the retail portion of the building, and they have proffered to aerate the stormwater facility to avoid standing water, which will be in compliance with the Virginia Stormwater Handbook. They have

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proffered not to include any drive thru facilities. He reviewed the conceptual plan. Staff recommended approval subject to the submitted conceptual plan and proffers.

Mr. Leadbetter asked what the aeration of the stormwater facility entails.

Mr. Maloney answered that typically some sort of a fountain is used to keep the water circulating to minimize its ability to become stagnant and with that fountain and the circulating water it also aerates the water which again prevents the stagnation.

Ms. Winborne opened the public hearing and asked if the applicant was present and wished to make a presentation.

Mr. Andy Condlin, representing the applicants, said the recent Comprehensive Plan shows this area for commercial and the subject property sits immediately adjacent to the existing 7-11 which is on B-3 zoning. He said Meadowbridge Road is more of a commercial/changing corridor and this request is for B-1, Neighborhood Business or retail on the front portion with some medical offices on the second story as the property slopes down, and it is actually three stories in the back because it picks up almost what might be referred to as a basement area, so the roofline is the same but it picks it up as the property drops back with the office in the back. He stated that Dr. Oley already has a dental facility in Henrico County and this project would be adding to that. He said the Oley family is also involved in a number of pharmacies and pharmaceutical businesses in the area that would also be a complement to their businesses as they move some of their offices and some of the retail stores to this location.

Mr. Condlin advised that in response to concerns expressed by the neighbors at the community meetings the applicant has slightly decreased the size of the building and decreased the number of parking in the back, which helped by being able to add that 25 foot buffer along the single-family residential and a 6-foot fence. There will be two staggered rows of trees with two different types of evergreen trees to help block any view of the parking lot. He said they tried to push the building up in

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order to get that parking lot effect along Meadowbridge Road and also to try and protect the neighborhood accordingly. He said as Mr. Maloney pointed out there are a number of things they have also changed including the dumpster hours and the BMP in the retail access and not having a drive-thru. An important change was also the type of lighting in the rear of the property by limiting the pole heights to 20 feet, using the LED sources and using .25 foot candle light at the property line. He said this request is appropriate given the staff recommendations, the Comprehensive Plan, the surrounding uses, and the protection that they have provided for the residential neighbors and he asked for a recommendation of approval.

Mr. Bailey asked what is on the property now.

Mr. Condlin replied that it is a rental home; however, ever since the 7-11 was built nobody wants to rent it and the owner has tried to rent it for a number of years.

Ms. Winborne asked if anyone wished to speak in favor of this request. Seeing no one come forward, she asked if anyone wished to speak in opposition.

Mr. Dale Bryant, Burnside Farms resident, stated that he was speaking on behalf of the residents that live on Newman Drive. He expressed concern with the lighting that might be visible in their neighborhood and possible runoff to a creek that is already prone to flooding. He said Spring Valley Road is closed quite often when there is a big rain. He expressed concern with the already heavy traffic in this area and with the residents of this area not being able to get out of their neighborhoods during rush hour traffic. He also expressed concern with potential for a significant amount of noise coming from this proposed project which will disrupt the peace and quiet of their neighborhood.

Ms. Winborne, in looking at the map and where Mr. Bryant lives, asked if his property is to the rear of the site behind this proposed request.

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Mr. Bryant answered yes; however, he was speaking on behalf of some of the residents that are directly in the area of the proposed request.

Ms. Winborne asked Mr. Condlin what is in the area that backs up to the creek.

Mr. Condlin replied it is an RPA area, it will remain undisturbed. He added that the area is over 100 feet wide and that is why they did not proffer to put up a fence or additional landscaping due to the already existing trees, and with the BMP they believe this to be an adequate buffer.

There was general discussion between Mr. Bryant and Ms. Winborne regarding the already heavy traffic along Meadowbridge Road and Atlee Road.

Mr. Bryant again expressed his concern with the pond on Spring Valley Road that floods every time it rains. He said there is also a creek behind his house that is subject to flooding as well, and he again expressed concern that the buffer would not be enough to control the noise, the lighting, water and crime.

Mrs. Caroline Cooke, Beaverdam District resident, stated that she wanted to express her on-going concern and passion about water and its cleanliness. She said with this being a sloping site and it is a great opportunity to encourage developers to have pervious pavement. She expressed concern with the paving of this entire area with asphalt as there will be a tremendous amount of water that comes off of this site. She said the Chickahominy River is already impaired and expressed concern with more nasty water from parking lots running off into the Chickahominy. She said one of the concerns with the Chesapeake Act is that we have to start cleaning up the water and she believed one of the ways to do it is with pervious paving. She understood Mr. Bryant's concern about flooding because he is in a low spot and the water runs right into the Chickahominy River.

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

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Mr. Whittaker pointed out that another citizen had raised her hand to speak.

Ms. Winborne apologized and reopened the public hearing.

Mrs. June Jackson, resident of Burnside Court, expressed concern with her property being in a low lying area and any drainage from the stormwater basin and that the parking lot would create even more water runoff. She said it is not 100 feet from her house to the creek. She said she attended the community meetings for this request but she was not sure all of her neighbors knew about this request or the community meetings. She wanted it noted that she is in opposition to this request.

Ms. Winborne asked if anyone one else wished to speak. There was no one. She asked Mr. Condlin if he wanted to use his rebuttal time.

Mr. Condlin stated that they sent out over 100 notices for the various meetings and it did include everybody in the area and he had talked to a number of folks. Regarding Mrs. Jackson's concern with the buffer he said that the buffer does go behind her property. He advised that he certainly remembered her from one of their first community meetings and that is one of the reasons they changed that buffer and added the landscaping, fencing and the lighting. With respect to the flooding concerns, currently the water drains off the pavement from the 7-11 and the other commercial areas and hits this property and floods. He advised that Mr. Jalbert, the Engineer for this project, had presented at the neighborhood meetings that being able to pick up this water on the site and putting it into the BMP not only will handle it from a storm quality but storm quantity as well. There is an existing easement and drainage facility that sits to the south side of the R-2, that will be abandoned and the new drainage facility will be able to pick up a lot of this drainage that comes off, not only Meadowbridge Road but also that commercial area. Therefore, it was a professional opinion that this will help with some of the flooding in that area because the water will run into a formal stormwater facility.

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Regarding traffic Mr. Condlin said they are making all of the improvements that were requested of them and that it is the opinion of VDOT and the County that the existing road network can handle the traffic that is going to be generated from this site. He said the pavement is a product of the parking regulations. There are two more parking spots needed that are required by Code as well as the type of paving.

Mr. Condlin said in looking at the Comprehensive Plan this area is for commercial use and the applicants have asked for B-1 zoning because it is a neighborhood business zoning district. He believes it is an appropriate zoning given all the uses surrounding it. He also believes it is appropriate to have a medical office with some retail to help serve the surrounding area including the Memorial Regional Medical Center accessory offices not as a pharmacy but offices for the pharmacy uses in the area.

Mr. Bailey said there are several other businesses along that area on Meadowbridge Road. He asked if some of the businesses are before or after Spring Valley Road.

Mr. Condlin answered they are after Spring Valley Road.

Mr. Bailey replied; therefore, it is all residential between this proposal and Spring Valley Road.

Mr. Condlin stated that they are mostly vacant lots but some are rental homes and some are occupied by the owners. He added that passed Spring Valley Road the B-3 starts. There are a number of businesses after that location that drove some of the Comprehensive Plan changes.

Mr. Padgett said he believed that most of the questions have been addressed by Mr. Condlin. He said there are several concerns that have been raised, which are fairly typical concerns when something new is being proposed and folks are not exactly sure what the impact is going to be. This project has been in the works for quite some time. Two community meetings have been held and he felt that there has been a very fine effort made on the applicants' behalf to address the concerns raised

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to the extent possible. The lighting will give a very low level of lighting at the borders and probably within the compound itself and regarding the stormwater runoff there are County Code requirements that have to be met.

Mr. Maloney stated that he believed there are a couple of aspects to the stormwater issue that deserve a little bit more conversation. Mr. Condlin pointed out any project that develops in the County is going to have to meet the County's current Stormwater Management Regulations and essentially those regulations state that no more water can leave the site after it is developed than what currently leaves the site prior to development. One of the other aspects of the County's Stormwater Management Regulations is that the design has to provide for adequate outfall and downstream channel. The engineering investigation is going to be undertaken at the time of site plan review and it will be reviewed by the engineering staff in the County's Public Works Department to make sure that it complies with applicable state and local regulations.

Mr. Maloney said that Mrs. Cooke brought up the issue of pervious pavement and with the new TMDL regulations on the horizon with implementation July 1, there is a little question that different and innovation ways in which Hanover County treats stormwater are going to have to be developed, investigated and implemented. In principle innovative measures such as pervious pavement, rain gardens and so forth, make a lot of sense. And he believed that virtually everybody on staff would agree with that we need to be more innovative and ultimately a direction that treats stormwater as a resource rather than a waste product; however, one of the challenges that has not been addressed is the long term maintenance of those facilities. If it is located on private property there has to be a mechanism in place to assure the long term maintenance of that Stormwater Treatment System. Mr. Flagg the Director of Public Works recently has modified some of those maintenance agreements; however, one of the challenges is if the system that is designed to treat the stormwater is no longer

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working then there would be no effective means of collection and treatment whatsoever. So, in the big picture, not necessarily in the context of this project, but again that long term maintenance is absolutely critical in maintaining these methods of stormwater management.

Mr. Maloney said as of July 1, the County's regional BMP program essentially as "we know it" is going away; however, that does not mean current basins will be closed down but the option for developers to pay into a regional system is no longer going to be available. It is very likely the County will be gravitating towards more innovative designs to treat stormwater than what is currently used. So, whether or not this particular project will have to comply will depend upon the timing of the engineering reviews and so forth. But new development after July 1<sup>st</sup> will have to comply with this set of phased in regulations and therefore over all in the long term we are moving in the direction that Mrs. Cooke is recommending. Again, with regard to this property the key point is it does have to be designed to meet current standards and the current site was not designed to meet stormwater standards.

Mr. Padgett thanked Mr. Maloney. He said regarding the traffic there are traffic peak hours just about everywhere. So, he did not believe anything can be done about that and he did not know whether that medical office building is going to contribute a lot towards those rush hour times. Regarding the noise, he did not see this project as a big noise maker. He added there are other things that could be put on this lot that would certainly have the opportunity for a lot more noise than a medical office building with a pharmacy in the front. He said the County does not decide where things go, "we just decide whether or not things are compatible." If it is consistent with the Comprehensive Plan then it is a business risk on the part of the developer. "If they want to put it there and there's three of them in a row, then that's up to them." He felt the applicant has done everything they can to address the residents' concerns. He added that there are other things that could go on that lot that could be far worse than this. So, it was his opinion that this project is consistent with the changing nature of the

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neighborhood, which has a hospital and a lot of medical facilities along this area and it is consistent with the Comprehensive Plan.

Upon a motion by Mr. Padgett, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-11-12(c), GEORGE A. OLEY, III ET AL. SUBJECT TO THE CONCEPTUAL PLAN DATED DECEMBER 16, 2010 AND REVISED OCTOBER 1, 2013 AND THE FOLLOWING PROFFERS DATED OCTOBER 2, 2013, WITH THE MINOR REVISION AS NOTED IN THE STAFF REPORT:**

1. **Conceptual Plan:** The Property shall be developed in substantial conformity with the conceptual plan attached, titled "Oley Brothers Medical/Office/Retail Buildings," dated October 1, 2012, last revised October 1, 2013, and prepared by Goodfellow, Jalbert, Beard and Associates, Inc. (the "Concept Plan").
2. **Buffer:** A minimum twenty-five (25) foot buffer shall be provided on the Property in the locations shown on the Concept Plan as a portion of the "Hatched Area." The twenty-five (25) foot buffer shall be planted with at least two types of evergreen trees, a minimum of six (6) feet in height at the time of planting, planted in a double row, staggered, a maximum of ten (10) feet on center as generally shown on the Concept Plan. A minimum of a 6' tall opaque fence shall be provided along the northern edge of such twenty-five foot buffer.
3. **Architectural Treatment:** The exterior wall surfaces (front, rear and sides) of any building shall be similar in architectural treatment and materials. The building constructed on the property shall have exposed exterior walls (above finished grade) of face brick, natural stone, glass stucco, DriVit, exposed aggregate concrete or an equivalent permanent architecturally finished material. No portion of an exterior wall surface visible from any adjoining property shall contain painted or untreated concrete masonry units, sheet or corrugated aluminum or metal, except that metal and/or aluminum may be incorporated for window and decorative treatments.
4. **Dedication of Right-of-way:** The Owner agrees to dedicate fifty feet (50') of right-of-way measured from the centerline of Meadowbridge Road (State Route 627) to the property for future road widening, free of cost to the County, upon a request of the County or VDOT.
5. **Entrances:** The Owner shall construct entrance improvements, including right and left turn lanes, in accordance with VDOT standards and specifications.
6. **HVAC Units:** Any mechanical units on the Property shall be screened, and if on the roof, screened by architectural features which are compatible with the building façade architecture. Screening shall be designed as to block such units from view by persons on

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any public streets immediately adjoining the Property, from adjacent residential uses. The method of screening shall be submitted at the time of site plan review.

7. Monument Signs: All freestanding signs on the Property shall be monument type, and shall include materials and design that are compatible with the proposed materials and architectural theme of the proposed structure.
8. Dumpsters: Dumpsters shall be emptied only between the hours of 8 a.m. and 7 p.m. Monday through Saturday, and 10 a.m. to 5 p.m. on Sundays. Dumpsters shall be screened with an opaque fence or screening wall so as not to be visible by persons on any public streets immediately adjoining the Property, or from adjacent residential uses.
9. Parking Lot Lighting: Light poles in the parking lot located to the rear of the building located on the Property shall be no taller than twenty (20) feet. All parking lot lighting fixtures to the rear of the building shall be from an LED lighting source or an equivalent source as determined by the Director of Planning at the time of site plan review. Light intensity shall not exceed 0.25 foot-candles above background levels, measured at ground level at the property line along the twenty-five (25) foot buffer.
10. Access: The owner shall provide a cross access easement (but no construction of such access) to GPINs 8705-42-3657 and 8705-32-0321 prior to site plan approval.
11. Retail Access: Public access to the retail portion of the building shall be limited to the front of the building.
12. Stormwater Facility: Any open, wet stormwater facility (BMP) shall be aerated to avoid standing water, provided that the design complies with the requirements and design criteria of the Virginia Stormwater Handbook.
13. Drive-Throughs: No drive through facilities shall be permitted on the Property.

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. Padgett thanked the citizens that came out and expressed their concerns regarding this request. He said he knew that Mrs. Jackson had attended the Community meetings. He reiterated that

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he understood their concerns; however, considering what can be developed there, he thought this project would be a better fit for the area.

### **Combined Comprehensive Plan Amendment and Ordinance Amendment**

**CPA-13-01 HANOVER COUNTY BOARD OF SUPERVISORS**, A proposed amendment to the Comprehensive Plan for Hanover County, Virginia, adopted September 11, 2013, pursuant to Section 15.2-2204, 15.2-2223 through 15.2-2232 of the Code of Virginia, 1950, as amended. The proposed amendment will be a change to the adopted Comprehensive Plan. The proposed changes to be considered by the Planning Commission are as follows:

General Land Use Plan Map - an amendment to change the land use designation from Suburban General (1-4 dwelling units per acre) to Planned Business in the vicinity located north of Mountain Road (U.S. Route 33), south of Greenwood Road (State Route 625), east of Ashland Road (State Route 623) and west of Winns Church Road (State Route 660) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. (PUBLIC HEARING)

General Land Use Plan Map - an amendment to change the land use designation from Limited Industrial to Planned Business in the vicinity of the northwest quadrant of the intersection of Cedar Lane (State Route 623) and Washington Highway (U.S. Route 1) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. (PUBLIC HEARING)

General Land Use Plan Map - an amendment to change the land use designation from Office-Service and Multi-Family (8-15 dwelling units per acre) to Planned Business in the vicinity south of the Cedar Lane (State Route 623) approximately 900 feet west of Washington Highway (U.S. Route 1) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. (PUBLIC HEARING)

General Land Use Plan Map - an amendment to change the land use designation from Office-Service and Limited Industrial to Planned Business in the vicinity of Lakeridge Parkway (State Route 782) south of Lickinghole Creek in the **SOUTH ANNA MAGISTERIAL DISTRICT**. (PUBLIC HEARING)

General Land Use Plan Map - an amendment to change the land use designation from Planned Business to Suburban High (4-8 dwelling units per acre) in the vicinity west of Bell Creek Road (State Route 642) approximately 1,700 feet south of Pole Green Road (State Route 627) in the **MECHANICSVILLE MAGISTERIAL DISTRICT**. (PUBLIC HEARING)

Public Utility Plan Map - an amendment to add a Proposed Wastewater Pump Station symbol in the vicinity between Interstate 95 and the CSX rail line south of the South Anna River in the **BEAVERDAM MAGISTERIAL DISTRICT**. (PUBLIC HEARING)

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Mr. Maloney presented this request from the Board of Supervisors to consider changes to the Comprehensive Plan and the General Land Use Plan Map dated 2012. There are several areas involved. The area between U.S. Route 33 and Greenwood Road, west of Winns Church Road in the South Anna District; both north and south side of Cedar Lane west of U.S. Route 1 in the South Anna District; both sides of Lakeridge Parkway south of Licking Hole Creek in the South Anna District; and the west line of Bell Creek Road, south of Pole Green Road in the Mechanicsville District.

Mr. Maloney advised there is also a request to consider a Proposed Wastewater Pump Station as part of the Utility Plan Map and that is located between interstate 95 and the CSX rail line south of the South Anna River in the Beaverdam District.

Mr. Maloney advised that these changes were remanded to the Planning Commission for consideration with the adoption of CPA-12-01, which is the 5-year update to the Comprehensive Plan. All of these changes are in areas that have access to the Major Thoroughfares existing or planned public utilities and they appropriately transition with surrounding neighborhood uses. He reviewed the General Land Use Plan Map and the above areas in question. The current plan shows the area in question along U.S. Route 33 for residential use and the proposal is to change it to Planned Business. In the vicinity of Cedar Lane the existing Plan shows the area as a combination of Industrial, Office Service and Multi-Family. Along Lakeridge Parkway the Plan shows for Industrial and Office Service. The proposal is to change the area along Cedar Lane to Planned Business as well as the area along Lakeridge Parkway. For Bell Creek Road the current Plan shows the area in question as Planned Business and the proposal is to change it to residential with a density of 4 to 8 units per acre.

Mr. Maloney explained the proposed changes to the Utility Map, which will add a pump station north of the Town of Ashland and west of I-95, and east of the rail line south of the river. The General

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Land Use Plan Map designates that area for a combination of Destination Retail and Industrial Uses with Planned Business to the east.

Mr. Maloney recommended that the proposed changes forwarded by the Board of Supervisors be recommended for approval.

Ms. Winborne opened the public hearing and asked if anyone wished to speak regarding the proposed changes for the South Anna District.

Ms. Nancy Young, Old Telegraph Road resident, asked staff to specifically address the General Land Use Plan Map dealing with Lakeridge Parkway.

Mr. Maloney advised the map for Lakeridge Parkway is on the screen now.

Ms. Young stated that she had an additional map she had sketched and she wished to distribute (filed with case file). She stated that she had the opportunity to speak with Mr. Leadbetter earlier in the week and she appreciated his taking the time to talk with her. She said she originally thought the Planned Business was going to be further north and so it would not really impact her neighborhood. She said starting at Licking Hole Creek most of that is already developed with limited industrial but moving south the property owned by Mr. Henry (5 acres) and Mr. Sawyer (26.92 acres) that is the acreage that is subject to change moving from light industrial to the Planned Business. Continuing to move to the south there is Mt. Air Properties (16 acres) and at one time that was supposed to be condos and later they wanted to do apartments. She said they are just a little neighborhood there and she expressed concern that Planned Business was just not the right fit for the surrounding area.

Mr. Leadbetter asked what the issues are with the Planned Business that she has a negative opinion of.

Ms. Young answered that she did not know in particular, but right now she sits with the Hopkins family at their pool and they are able to look into the woods and enjoy the area. She

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expressed concern that there could be a drug store built in that wooded area. She added that Board Supervisor Mr. Hazzard, has stood firm about not wanting apartments in the South Anna district. However, she expressed concern if the Planned Business designation is there and Mr. Hazzard is no longer in office where that would leave her neighborhood on Old Telegraph Road.

Ms. Lynn Yancy, resident of Dude Ranch Road and Gordon's Lane, stated that in August when there was talk about I-295 up to Stanley Store, the color maps presented did not have any roadways and she had asked for a map that showed her area and she felt like there is a lack of transparency. She said if there are proposed changes to the residential areas those residents need to know how the changes will affect their specific properties. She expressed concern that not enough information is getting to the homeowners.

Mrs. Patsy Utley, South Anna District, stated that her problem with Planned Business is apartments. Her understanding was under Business Park, which she assumed is the same as Planned Business someone can put up to 16 units per acre in 2/3 of the property, for a 65/35 mix. She said 50 acres is what the County wants someone to have but if someone has 30 acres that can be considered as well. She expressed concern that the County would allow an apartment complex on 3 of the most valuable pieces of property at the entrance into Hanover County; however, she did see it as a great location for some types of businesses on Lakeridge Parkway.

Ms. Lori Schutzbach, South Anna District resident, expressed concern that the Comprehensive Plan is being changed after the Board of Supervisors has already voted on it September 11<sup>th</sup> as she thought it could not be changed for another 5 years. She asked what the difference between Mixed-Use and Multi-Use is and she expressed concern that the Plan was being changed back to 8 to 15 units per acre on Cedar Lane, which she is opposed to.

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Ms. Winborne said the next item is in the Mechanicsville Magisterial District. She asked if anyone wished to speak regarding that item. No one came forward. She asked if anyone wished to speak regarding the proposed Pump Station in the Beaverdam Magisterial District. No one came forward. She closed the public hearing.

Mr. Maloney advised that he stated clearly during the workshop earlier this evening and again during his presentation, these proposals are from the Board of Supervisors and originated from the Board of Supervisors. He said as he stated during his presentation, the areas that are subject to review this evening the General Land Use Plan is not a change from the Plan that was adopted in 2007. He reiterated that the Board of Supervisors did not accept all of the recommendations from the Planning Commission. The proposals being presented this evening are from the Board of Supervisors and are for the Commission's consideration, as alternative land use scenarios from what currently exists and from what was adopted in 2007.

Mr. Maloney stated that there were a couple of comments that he took exception to, like Ms. Yancy's comment regarding "lack of transparency." He advised that there has been over 20 public meetings on the Comprehensive Plan not including the public hearings. Those meetings were advertised on the County's website, in the Mechanicsville Local, and in the Herald Progress. All the information throughout this Plan was on the internet, it was available in the Planning office, and it was posted on a Facebook page as well. Therefore, to suggest that somehow the County has "hidden the ball" and that this process has been non-transparent is not at all an accurate statement.

Mr. Maloney said regarding the concerns of multi-family dwellings, that is an issue the Commission and the Board will have to take on a case-by-case basis should a proposal for a Mixed-Use zoning come before them. He did not know one way or the other whether they would ever see such a proposal; but it is an option. It is important to remember that the area south of Cedar Lane is

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currently shown for both Office Service and Multi-Family. So, today without taking any action there is the possibility that Multi-Family zoning could occur along Cedar Lane. He said the map narrows the scenarios under which that zoning could occur. Under the *current* Plan somebody could apply for Mixed-Use zoning in the area shown for Office-Service and they could apply for stand-alone Multi-Family in the area further to the south. Under the *proposed* Plan the only opportunity for Multi-Family is through the Mixed-Use ordinance which as he explained also requires a significant commercial component. Likewise the area that is show for Multi-Family along Lakeridge Parkway is already zoned. Staff is not anticipating any additional Multi-Family as much of the area is shown for Office-Service. In that area under the *existing* Plan somebody could apply for a Mixed-Use zoning, and to the extent that there is support for Multi-Family, again that will be determined on a case-by-case basis. But to suggest that this Plan introduces more Multi-Family over what can be accommodated certainly in the southern half of the corridor again that is not the case. He said under the current Plan Multi-Family would not be supported to the north along Lakeridge Parkway. But again roughly the southern half of that corridor the opportunity currently exists.

Mr. Leadbetter asked if the density in the Cedar Lane area under the current Plan, which the Board has sent back to the Commission, is actually a decrease in density from what the Commission recommended.

Mr. Maloney replied from a density standpoint it is neutral because their recommendation was to limit the maximum density to 15 units per acre, and that would be the limit under this proposal and the 15 unit maximum density was a decrease from the 2007 Plan which allowed up to 30 units per acre. So, the maximum density was cut in half with the 2012 plan.

Mr. Leadbetter said correct but on the east side of Holly Hill Road the density was higher.

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Mr. Maloney replied yes, that is correct. It was 4 to 8 all the way to Holly Hill Road. And under the current proposal someone could ask for up to 15 units per acre in that area.

Mr. Leadbetter said that was actually cut back to 1 to 2 units per acre.

Mr. Maloney replied yes, 1 to 2 transitioning to 4 to 8. So, in the 4 to 8 unlike the recommendation of the Commission, under the *current* Plan in the 4 to 8 the maximum density is 8 units per acre. The Plan that the Commission recommended to the Board would have allowed up to 15 units per acre. Therefore, south of Holly Hill Road even if there were no change in this area the total density within has decreased dramatically from what the Commission recommended.

Mr. Leadbetter asked regarding the Lakeridge Parkway area that under the *current* Plan what types of commercial buildings can be built along that corridor now.

Mr. Maloney replied anything from more conventional business zoning to light industrial transitioning to light industrial to the north and essentially the same type of zoning. Essentially from roughly halfway between Sliding Hill and Licking Hole, the southern half could accommodate Mixed-Use and that opportunity would expand somewhat to the north under the *proposed* Plan.

Upon a motion by Mr. Leadbetter, seconded by Mrs. Iverson, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL CPA-13-01 HANOVER COUNTY BOARD OF SUPERVISORS.**

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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**ORDINANCE 13-13  
MX, MIXED USE DISTRICT REVISIONS**

**AN ORDINANCE** to amend the Hanover County Code, Zoning Ordinance, Sections 26-86, 26-91, 26-95, and 26-96 which provide for the purpose of the MX, Mixed Use District, the minimum district area and minimum areas for designated uses within the MX District, and the permitted density in the MX District, to provide that:

1. The MX District is available to properties located within the Suburban Service Area as identified in the Hanover County Comprehensive Plan and designated for use as Planned Business Park, Commercial, Suburban High, Multi-Family, Mixed-Use, and Multi-Use;
2. No less than thirty-five (35) percent, of the net developable area in a MX District will be used for Commercial or Industrial development;
3. The maximum permissible density for properties designated as Suburban High and Multi-Family on the General Land Use Plan of the Hanover County Comprehensive Plan shall be that eight (8) dwelling units per acre and fifteen (15) dwelling units per acre, respectively;
4. The permissible density within an MX District shall be fifteen (15) dwelling units per acre in areas designated as Planned Business or Commercial on the General Land Use Plan of the Hanover County Comprehensive Plan; and
5. The existing provisions allowing MX Districts to be served by private water and wastewater systems shall be repealed and that all MX Districts shall be served by public utilities.

(PUBLIC HEARING)

Mr. Maloney said there are several changes that are necessary to bring the Mixed-Use (MX) District in line with the recently adopted Comprehensive Plan. The MX District would still be applicable in areas shown for Planned Business, Commercial, Suburban High Residential (4-8 units per acre), Multi-Family, Mixed-Use and Multi-Use land designations. And the Mixed-Use is a land use designation confined to the Old Mechanicsville Small Area Plan.

Mr. Maloney stated that the maximum achievable residential density under any land use and zoning proposal with the MX would be 15 dwelling units per acre. The maximum achievable residential density in the Suburban High (4-8) would be limited to 8 units per acre. The ratio of commercial and residential uses would be modified from the current range of 20/50 percent commercial to a ratio that residential use does not exceed 65% of the total area of development within

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the MX designation. The draft ordinance incorporates the modifications that will be consistent with the adopted Plan. The MX district is available to properties located within the Suburban Service Area only and designated for Planned Business, Commercial, Suburban High, Multi-Family, Mixed-Use and Multi-Use. Again, no less than 35% of the net developable area in a MX district that would be used for commercial or industrial development.

Mr. Maloney stated that the draft provisions of the ordinance also require that all projects zoned to MX be served by public water. Under the current regulations there is a provision that private water and wastewater systems could be used. That provision is being eliminated from the district regulations. Staff recommended approval.

Ms. Winborne opened the public hearing and asked if anyone wished to speak regarding Ordinance 13-13, MX, Mixed-Use District Revisions. Seeing no one come forward, she closed the public hearing.

Upon a motion by Mr. Padgett, seconded by Mr. Bailey, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF ORDINANCE 13-13, MX, MIXED-USE DISTRICT ORDINANCE REVISIONS.**

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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**MISCELLANEOUS**

Mr. Maloney advised that if it is the Commission's desire to seek the IT training on Outlook, Access and e-mail management, the Commission may wish to consider a work session commencing at 6:00 p.m. before their regular November meeting.

Ms. Winborne asked for a consensus from the Commission members. All members were in agreement.

**ADJOURNMENT**

There being no further business Madam Chairman adjourned the meeting at 8:42 P.M.

The next regular meeting is November 21, 2013, with a work session beginning at 6:00 p.m. regarding instruction on how to utilize outlook e-mail accounts.