



I.-C.

Agenda Item

**County of Hanover**

**Board Meeting: November 25, 2014**

**Subject:** Approval of Minutes –  
September 24, 2014  
October 8, 2014  
October 22, 2014

**Summary of  
Agenda Item:** The minutes of September 24, October 8 and October 22, 2014 are included in the packet to be approved.

**County  
Administrator's  
Recommended  
Board Motion:**

A motion to approve the Board of Supervisors meeting minutes of September 24, October 8 and October 22, 2014

# **HANOVER COUNTY BOARD OF SUPERVISORS**

## **MINUTES**

### **Hanover County Administration Building Board Room**

**September 24, 2014**

VIRGINIA: At a regular meeting of the Board of Supervisors for Hanover County held in the Board Room of the Hanover County Administration Building on the 24<sup>th</sup> day of September, 2014, at 6:00 p.m.

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

#### **I. Call to Order**

The Chairman called the meeting to order at 6:00 p.m. All Board members were present.

- A. The invocation was given by Mr. Davis.
- B. The Pledge of Allegiance was led by Mr. Hazzard.
- C. The Soul Seekers of Mechanicsville sang the National Anthem. The Chairman presented the group with a Proclamation recognizing their service to the community.

The Chairman asked the family members of William T. “Pat” Patrick to come forward. He presented them with a Proclamation recognizing Mr. Patrick’s achievements and years of service to the community.

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**II. Consideration of Agenda Amendments**

The Chairman asked if there were any agenda amendments. Hearing none, moved to citizens' time.

**III. Citizens' Time**

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

Ms. Tracy Keck, Ashland Magisterial District resident and parent of Hanover High School student, came forward to voice concerns about a program denied to her son by the school.

Seeing no others come forward, the Chairman closed citizens' time.

**IV. Consent Agenda**

Mr. Via made a motion to add an additional reappointment to *Item IV.- A – Committee Appointments* of the consent agenda. The motion was seconded by Mr. Hazzard.

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

Motion approved.

Mrs. Kelly-Wiecek made a motion to approve the consent agenda as amended, seconded by Mr. Hazzard.

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

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Motion approved.

**IV-A. Committee Appointments:**

COMMITTEE NAME	DISTRICT	FIRST NAME	LAST NAME	TERM START	TERM LENGTH	CURRENT TERM ENDS	ACTION
Community Services Board (Chapter 10)	At large (Community Representative)	Lori	Spain	9/25/2014	3 years	N/A	Appoint for remainder of term until 12/31/16
Local Board of Building Code Appeals	N/A	Robert	Lampkin, Jr.	10/01/13	1 year	09/30/14	Reappoint to 9/30/15
Local Board of Building Code Appeals	N/A	Joe	Lawson	10/01/13	1 year	09/30/14	Reappoint to 9/30/15
Lewistown CDA	N/A	Joseph	Casey	10/02/10	4 years	10/01/14	Reappoint to 10/01/18
Roads Committee	Cold Harbor	Patsy	Napier	10/23/13	1 year	10/31/14	Reappoint to 10/31/15

**Additional reappointment:**

Lewistown CDA	N/A	Edward	Smither	10/02/10	4 years	10/01/14	Reappoint to 10/01/18
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**IV-B. Lease of County Tower Space and Land - Emergency Communications – Leasing of Land at Tower Site and of Space on Existing County Communications Tower at the Pole Green Site in the Henry Magisterial District.**

Board Sheet Background:

The Emergency Communications Department is requesting authorization for the County to enter into a lease agreement with CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS to lease land and tower space at 8996 Pole Green Park Lane, Hanover County, Virginia, 23069, GPIN 8726-83-0329.

The initial term of the proposed lease is five years, with four additional five year extensions if

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approved by the County Administrator. The initial lease fee will be \$25,000 for the first five years with an annual escalator of 3% beginning the first year of the first five year extension.

County Attorney's Office has approved as to form and Emergency Communications as to content.

Recommended Action:

Motion to authorize the County Administrator to execute a Lease Agreement, consistent with the attached draft, with CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS for the lease of land and tower space at the Pole Green Tower Site and authorize the County Administrator to take all other actions necessary to implement the Lease Agreement.

**IV-C. Adoption of Resolution to Approve County-Wide Rabies Clinics**

Board Sheet Background:

Virginia Code Section 3.2-6521B requires the Board of Supervisors to approve all rabies clinics in the County. The attached resolution authorizes conducting a county-wide rabies clinic on certain dates and any other dates that are determined to be necessary by the Chief Animal Control Officer to meet the needs of vaccinating the pets of County residents against rabies during fiscal year 2014-2015.

The Health Department has also received the proposed schedule of rabies clinics.

Recommended Action:

Motion to adopt the resolution authorizing county-wide rabies clinics to be conducted during County fiscal year 2014-2015

**RESOLUTION**

**COUNTY-WIDE RABIES CLINIC**

WHEREAS animals who have been infected by rabies continue to pose a serious and fatal threat to Hanover County residents and their pets;

WHEREAS 3 incidents of rabies have been confirmed in Hanover County thus far this year and 210 positive cases of rabies have been diagnosed in Hanover County in the last ten years;

WHEREAS animal bites are the number two (2) health problem in the country today;

WHEREAS there were 401 separate animal bites reported to Animal Control in Hanover County alone in 2013 and 251 so far this year;

WHEREAS rabies is fatal to humans if untreated;

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WHEREAS the best way to prevent the spread of rabies to humans is by keeping pets properly vaccinated; and

WHEREAS Virginia Code Section 3.2-6521B requires the Board of Supervisors to approve all rabies clinics in the County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors approves county-wide rabies clinics to be conducted on the following dates, and additional dates if found to be necessary, by the County’s Chief Animal Control Officer to meet the needs of vaccinating the pets of Hanover County residents against rabies during County fiscal year 2014-2015:

**HANOVER COUNTY ANIMAL CONTROL  
RABIES PREVENTION CLINIC SCHEDULE**

<b>DAY</b>	<b>TIME</b>	<b>LOCATION</b>
October 25, 2014	9:00 a.m. to 12:00 noon	Montpelier Cultural Center 17205 Mountain Road Montpelier, VA 23192
December 6, 2014	9:00 a.m. to 12:00 noon	County Administration Building 7516 County Complex Road Hanover, VA 23069
February 7, 2015	10:00 a.m. to 1:00 p.m.	East Hanover Rescue Squad 8105 Walnut Grove Road Mechanicsville, VA 23111

On motion of Mrs. Kelly-Wiecek, seconded by Mr. Hazzard, the members of the Board of Supervisors voted to approve the resolution as follows:

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

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### **IV-D. Position Reclassification and Transfer & Appropriation – Community Services Board - \$8,509**

#### *Board Sheet Background:*

The Hanover Community Services Board has an existing part-time position (Training Specialist, Grade 19; 26 hours/week) that supports the housing voucher program through the Virginia Housing Development Authority. Previously, 84 vouchers were funded to support the housing needs of individuals receiving services through the CSB. In July, the agency was notified that an additional 50 vouchers were being funded, bringing the total number of vouchers to 134.

In order to increase capacity to support additional vouchers, the CSB is requesting the existing position be changed to a full-time Case Manager (Grade 25). The position is currently vacant; hiring in a full-time status and at this grade allows the agency to more comprehensively support the housing needs of, and resources available for, individuals served by the CSB who lack adequate housing. The current waiting list for housing vouchers stands at 112. Funding is provided through VHDA to cover administrative costs associated with this program.

The Finance Department concurs with the attached budget transfer and Human Resources concurs with the personnel action.

#### *Recommended Action:*

Approve the position reclassification and transfer and appropriation of \$8,509 to the Community Services Board

### **V. Update – Hanover County Public Schools**

Dr. Jamelle Wilson, Superintendent of Schools, came forward to give the Board a presentation on the Fall 2014 School Opening. Dr. Wilson thanked the School Board members who were present: Mr. Bob Hundley, Chairman, Mr. Hank Lowry, Vice-Chairman, Mr. Earl Hunter, Mr. Roger Bourassa and Mr. Norman Sulser. Dr. Wilson also introduced Dr. Mike Gill, the newest member of the senior management team.

Dr. Wilson's presentation included the following information:

- Student Demographics 2014-2015
- Overall New Hire Teacher Profile 2014-2015
- Technology upgrades, replacements and migrations

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- Facility Renovations
- Transportation information
- School Nutrition Services statistics and a new web-based menu program
- Student Achievement - PALS Results
- Middle School Rigor (Algebra I and World Language)
- AP, IB, and DE Enrollment Comparison
- 2014 Diploma Types – ALL
- CTE Credentialing
- SOL Results for Reading, Writing, History, Science and Math
- History of Increased Rigor
- 2014-2015 Accreditation Ratings
- Student Enrollment Requirements

Following the presentation, Dr. Wilson answered questions from Board members. She provided clarification on the percentage of students who are receiving *English as a Second Language* instruction and specifics on the number of students buying lunch at school. There was a discussion about the positive reaction to the school renovations and the high standards in nutrition services.

The Chairman announced that a portion of a video about September 11, 2001 would be shown. The video has been shown in some classrooms. Following the video, there was a detailed discussion about the showing of the video. Dr. Wilson answered questions from Board members concerning the video.

It was noted that there is an upcoming Joint Education Committee meeting where the matter can be discussed in more detail. As that committee meeting is open to the public, citizens are welcome to attend.

The Chairman announced a brief recess at 7:01 p.m.

The meeting was reconvened at 7:09 p.m. at which time Mrs. Kelly-Wiecek announced her intention to recommend deferral of one of the upcoming public hearings, C-3-14(c) - William H. Garrison, et al. (Meridian Land Company) to allow more time for citizen input and clarification from the applicant.

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Upon a motion by Mrs. Kelly-Wiecek, seconded by Mr. Via, the Board voted to to defer C-3-14(c) - William H. Garrison, et al. (Meridian Land Company) for 30 days.

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

### **VI. Presentation – Dominion Resources Innovation Center – Mr. Gaskin**

Mr. Edwin Gaskin, Director of Economic Development, came forward to give a presentation on the Dominion Resources Innovation Center. He stated that the formation of new small businesses is a priority of Economic Development. Hanover County has been a partner in the center, along with Dominion Resources and the Town of Ashland, for five years.

The center's Board has determined it is the appropriate time for a restructuring. They are proposing a new 3-year commitment to focus on Phase One Stem Start-ups. As part of the restructuring, they are proposing to relocate to the old Ashland Fire Station building, which is owned by the Town. This will reduce the operation budget by one-third. Other aspects of the restructuring include:

- Hiring a part-time manager
- Increasing linkages with the community and establishing better ties with the local entrepreneur community
- Increasing the number of mentors from the local business community
- Reprogramming some of the Economic Development programs to be threaded through the center
- Ensuring tenants have business plans and reviewing those plans more frequently

Following the presentation, Mr. Gaskin answered questions from Board members. He offered clarification on the percentages of contributions of the three partners, the actual cost to operate the center, the members of the center's Board, the size of the proposed location, the anticipated timeframe, how the relocation will benefit the County and the impact of the new B-1(d) zoning. It was noted that more information will be provided to the Board once the details of the proposed relocation are finalized.

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### **VII. Authorization for Zoning Ordinance Amendment Pertaining to Microbreweries**

#### Board Sheet Background:

- The comprehensive update to the County’s business zoning district regulation included provisions to permit microbrewers:
  - With restaurants as a permitted use in the B-1, B-2, and B-3 districts
  - While also permitting stand-alone microbreweries that produce no more than 10,000 barrels per year as a conditional use in the B-3 district
- Staff has become aware that there has been tremendous growth in the popularity of microbreweries within the past several years
- It has become apparent through research that the ordinances as currently structured do not sufficiently address the operational and locational trends of the microbrew industry
- To ensure that Hanover County remains a competitive location for the siting of microbreweries, staff is requesting that the Board of Supervisors authorize an ordinance amendment to further refine the County’s microbrewery land use regulations
- Staff is proposing to amend the Zoning Ordinance to permit:
  - Stand-alone microbreweries that produce no more than 10,000 barrels per year as a permitted use in the B-1 and B-2 districts
  - Microbreweries that produce more than 10,000 barrels be permitted as a use by right in the B-3 district
  - That all breweries, micro or otherwise, be permitted as a use by right in the M-2 district
- Currently breweries are permitted by right in the M-3 district
- The production limits recommended are a reflection of current ABC licensing standards

#### Recommended Action:

Authorize staff to prepare a zoning ordinance amendment to modify the zoning regulations pertaining to microbreweries and breweries

Mr. John Bender, Deputy Director of Planning, came forward to give this presentation to the Board.

Following his presentation, Mr. Bender answered questions from Board members. It was noted that the ordinance will come before the Board for consideration once it is drafted.

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Mr. Hazzard made a motion to authorize staff to prepare a zoning ordinance amendment to modify the zoning regulations pertaining to microbreweries and breweries. The motion was seconded by Mrs. Kelly-Wiecek.

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

Motion approved.

**VIII. Public Hearing – Conveyance of County Property to Virginia Department of Transportation (VDOT) for a road improvement project (Lewistown Road Bridge and intersection of I-95 and Lewistown Road). (Ashland Magisterial District)**

Board Sheet Background:

- 2.94 acres of Airport Property, previously acquired with federal and state airport grants
- Fair Market Value \$77,184 will revert to Airport subject to Federal FAA requirements
- Conveyance subject to navigation easements to protect air space for the Hanover County Airport
- Requires release of federal obligations by FAA (underway)

Recommended Action:

Motion to authorize the County Administrator to execute the Memorandum of Agreement between Hanover County and VDOT in a form approved by the County Attorney and to take all actions necessary to implement the conveyance of the subject property to VDOT

Mr. Mike Flagg, Director of Planning, came forward to give this presentation to the Board.

Mr. Davis asked if Board members had any questions. Hearing none, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing none, Mr. Davis closed the public hearing.

Mr. Flagg offered clarification to the Board members on navigation easements.

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Mr. Via made a motion to authorize the County Administrator to execute the Memorandum of Agreement between Hanover County and VDOT in a form approved by the County Attorney and to take all actions necessary to implement the conveyance of the subject property to VDOT. The motion was seconded by Mr. Peterson.

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

Motion approved.

**IX. Planning Public Hearings**

**C-12-13(c) - ALVA STUCKEY, JR.**, Requests to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions on GPIN 7830-96-8848, consisting of approximately 22.7 acres, and located on the north line of Winding Cedar Lane (private road), approximately 400 feet east of the intersection of South Anna Lane (private road) and Scotchtown Road (State Route 671) in the **South Anna Magisterial District**. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit the creation of three building lots for a gross density of one (1) dwelling unit per 7.6 acres.

Planning Analysis:

- Rezone to create 3 subdivision lots, 3.4, 9.4, and 10 acres in size
- Access to the property is provided by existing private roads

Proffers:

- Conceptual Plan
- Tree Preservation
- Contribution for Road Improvements
- Contribution to Private Road Maintenance

Recommendations:

The Planning Commission and staff recommend approval subject to the submitted proffers

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Mr. Bender presented the Board with this request.

Mr. Davis asked if Board members had any questions. Hearing none, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing none, Mr. Davis closed the public hearing.

Mr. Bender answered Board member questions on property access and road width.

**ORDINANCE C-12-13(c)**

**OWNER OF RECORD: ALVA STUCKEY, JR.**

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

WHEREAS the Board of Supervisors has held public hearings on the 24<sup>th</sup> day of September, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by the rezoning of the property described as GPIN 7830-96-8848, consisting of 22.7± acres located on the north line of Winding Cedar Lane (private road), approximately 400 feet east of the intersection of South Anna Lane (private road) and Scotchtown Road (State Route 671), (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, subject to the following conditions which were proffered by the Applicant on September 3, 2014, and accepted by the Board:

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached and titled "Conceptual Plan," dated August 27, 2014, and prepared by David Gardy.
2. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not

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prevent the removal of trees necessary for the construction of improvements, driveways, drainfields, or drainage facilities.

3. Contribution for Road Improvements. The Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to the 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 to the Owner or his successors in title.
4. Road Maintenance. Prior to approval of the final subdivision plat, the Owner shall enter into a road maintenance agreement, subject to the approval of the owners of lots located within the Riverview Estates Subdivision, whereby the Owner shall be responsible for his pro rata share of the maintenance of, and improvements to, Winding Cedar Lane and South Anna Lane. The Owner shall submit a copy of the executed agreement with his request for the final plat approval.

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

On motion of Mr. Hazzard, seconded by Mr. Stanley, the members of the Board of Supervisors voted to approve Ordinance C-12-13(c), Alva Stuckey, Jr., as follows:

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

**C-9-14(c) - KELLEY AND JAMES WEST**, Request to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions, on GPIN 7816-40-0680, consisting of

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approximately 14.9 acres, and located on the west line of Woodsons Mill Road (State Route 680) and north of its intersection with Belsches Road (State Route 618) in the **Beaverdam Magisterial District**. The subject property is designated on the General Land Use Plan Map as Agricultural and Commercial. The proposed zoning amendment would permit the creation of one (1) additional building lot for a gross density of one (1) dwelling unit per 7.45 acres.

### Planning Analysis:

- The applicant is proposing to rezone to AR-6(c) to permit the creation of 2 lots:
  - 4.0 acre lot with the existing house
  - 10.5 acre lot
- The current driveway will serve the existing house
- Access to the new lot will be on Belsches Road

### Proffers:

- Conceptual Plan
- Tree Preservation
- Contribution for Road Improvements
- Dedication of Right-of-Way
- New lot access provided by Belsches Road only

### Recommendations:

The Planning Commission and staff recommend approval subject to the submitted proffers

Mr. Bender presented the Board with this request.

Mr. Davis asked if Board members had any questions. Hearing none, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing none, Mr. Davis closed the public hearing.

It was noted that requiring the access to be from Belsches Road would result in the owner having a Louisa address.

### **ORDINANCE C-9-14(c)**

#### **OWNER OF RECORD: KELLEY AND JAMES WEST**

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of approval of the

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adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 24<sup>th</sup> day of September, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by the rezoning of the property described as GPIN 7816-40-0680, consisting of 14.9± acres located on the west line of Woodsons Mill Road (State Route 680) and north of its intersection with Belsches Road (State Route 618), (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, subject to the following conditions which were proffered by the Applicant on July 2, 2014, and accepted by the Board:

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Conceptual Plan James W. C. West," dated May 14, 2014, revised June 24, 2014 and prepared by Michael L. Parrish and Associates, Inc.
2. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, drainfields, or drainage facilities.
3. 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 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.

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4. Dedication of Right-of-Way. The Owner agrees to dedicate twenty-five (25) feet of right-of-way from the centerline of Woodson’s Mill Road (State Route 680) and Belsches Road (State Route 618) to the property for the future road widening, free of cost to the County, upon request of the County or VDOT.

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

On motion of Mr. Stanley, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve Ordinance C-9-14(c), Kelley and James West, as follows:

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

**C-13-14(c) - STACY RIEDT**, Requests to rezone from A-1, Agricultural District to B-1(c), Neighborhood Business District with conditions, on GPIN 7822-31-1414, consisting of approximately 1.04 acres, and located on the north line of Mountain Road (U.S. Route 33) and east of its intersection with Brown Pleasants Road (State Route 791) in the **Beaverdam Magisterial District**. The subject property is designated on the General Land Use Plan Map as Rural Village. The proposed zoning amendment would permit business, governmental, medical or professional offices.

Planning Analysis:

- The existing residential structure will be converted for office use
  - A certificate of occupancy will not be issued until the structure has been inspected and approved by the Building Inspector’s office for the proposed use
- Residential appearance of the proposed office is compatible with the character of the area
- Access to the site will be from Brown Pleasants Road

Proffers:

- Conceptual Plan
- Elevations

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- Signage - limited to monument signs
- Dedication of Right-of-Way
- Use limited to office use
- HVAC - screening
- Lighting – height limitation

### Recommendations:

The Planning Commission and staff recommend approval subject to the submitted proffers

Mr. Bender presented the Board with this request. Following the presentation, Mr. Bender answered questions from Board members related to the required storm water basin, the existing business on a nearby property, the expected traffic volume that will result and the anticipated hours of operation.

Hearing no other questions, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Mr. Charles Wiles, Beaverdam Magisterial District, came forward to speak in favor of the proposal. He stated that he does not feel there will be an increase in water runoff or any traffic safety issues.

Mr. Ron Steele, Beaverdam Magisterial District, came forward to speak in favor of the proposal, citing the need for this type of facility in the area and the low number of vehicles in and out of the business each day.

A resident of Bumpass, Virginia (did not state her name) came forward to speak in favor of the proposal and stated that she is a current patient and very much needs to be able to continue receiving medical care at the location.

Ms. Lydia Hart came forward to speak in opposition of the proposal on behalf of the Davis family, owners of adjacent property. She detailed the concerns of the Davis family, particularly with regard to storm water runoff, the lack of maintenance of the silt fence, information being studied by the Hanover County Public Works Department and the lack of a traffic study. She asked that the matter be deferred.

Ms. Dorothy Mullins, Fairfax County resident and relative of the Davis family, came forward to speak in opposition of the proposal. She stated there was no storm water runoff problem prior to construction on the parcel.

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Seeing no others come forward, Mr. Davis closed the public hearing.

Mr. Bender offered clarification on why a traffic study was not conducted. There was a discussion concerning traffic, the need for such a facility in the area and storm water runoff. It was noted that many citizens have called their Board representative to express support of Ms. Riedt and the proposal.

**ORDINANCE C-13-14(c)**

**OWNER OF RECORD: STACY L. RIEDT**

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

WHEREAS the Board of Supervisors has held public hearings on the 24<sup>th</sup> day of September, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by the rezoning of the property described as GPIN 7822-31-1414, consisting of 1.04± acres located on the north line of Mountain Road (U.S. Route 33) and east of its intersection with Brown Pleasants Road (State Route 791) (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to B-1(c), Neighborhood Business District with conditions, subject to the following conditions which were proffered by the Applicant on August 29, 2014, and accepted by the Board:

1. Conceptual Plan. The property shall be developed in substantial conformity with the conceptual plan attached and titled "Virginia Family Practice Medical Building," prepared by Goodfellow, Jalbert, Beard and Associates, Inc., dated June 12, 2014, and revised August 19, 2014.
2. Elevations. Any expansion of the existing building shall be done in a manner that is architecturally compatible with the residential character and of the materials shown on the

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elevations titled, “The Riedt Residence, Hanover County, Virginia,” dated September 27, 2013, and prepared by Mitchell Homes.

3. Signage. All freestanding signage in the B-1 District shall be monument style. Wall signs shall be designated in accordance with B-1 District standards.
4. Dedication of Right-of-Way. The Owner agrees to dedicate 30 feet of right-of-way from the centerline of Mountain Road (U.S. Route 33) to the property and 25 feet of right-of-way from the centerline of Brown Pleasants Road (State Route 791) for future road widening, free of cost to the County, upon request of the County or VDOT.
5. Use Prohibitions. Use of the property shall be for offices, business, governmental medical or professional only. Use of the property for the listed purposes shall not commence until after all permits, inspections and approvals required by the Building Inspector’s Office have been obtained and a Certificate of Occupancy has been issued.
6. HVAC. Screening shall be designated so as to block such units from view by persons on any public streets immediately adjoining the B-1 zoned property, or from adjacent residential uses. Any units placed on the ground shall also be screened from view by a person on any public street, utilizing wing walls, fencing, or landscaping.
7. Lighting. Any lighting provided per the Zoning Ordinance requirements shall not be greater than twenty-five (25) feet in height, and such lighting shall be so arranged as to reasonably protect adjacent properties from direct glare.

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

On motion of Mr. Stanley, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve Ordinance C-13-14(c), Stacy Riedt, as follows:

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

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**C-11-14(c) - RUBY G. AND ROBERT J. EVANS, JR. (HANOVER AL INVESTORS, L.L.C.),** Request to rezone from R-1, Single-Family Residential District to B-1(c), Neighborhood Business District with conditions, on GPIN 8705-53-8457, consisting of approximately 4.14 acres, and located on the south line of Meadowbridge Road (State Route 627) approximately 1,300 feet east of its intersection with Atlee Road (State Route 638) in the **Mechanicsville Magisterial District**. The subject property is designated on the General Land Use Plan Map as Commercial. The proposed zoning amendment would permit offices and a 106-room assisted living facility.

**SE-11-14 - HANOVER AL INVESTORS, L.L.C.,** Request a Special Exception Permit in accordance with Section 26-111.3 of the Hanover County Zoning Ordinance to permit an assisted living facility on GPIN 8705-53-8457, consisting of approximately 4.14 acres, zoned R-1, Single-Family Residential District (zoning pending for B-1(c), Neighborhood Business District with conditions with concurrent case C-11-14(c)), and located on the south line of Meadowbridge Road (State Route 627) approximately 1,300 feet east of its intersection with Atlee Road (State Route 638) in the **Mechanicsville Magisterial District**.

Planning Analysis:

- The applicant is proposing to rezone to B-1 to allow for offices and an assisted living facility
  - The applicant has submitted a companion request for a Special Exception to permit a 106-room assisted living facility
- The applicant is proposing to develop an 89,500 sq. ft., 3-story assisted living facility to include:
  - 75 assisted living units
  - 31 memory care units, consisting of 38 beds
    - Should the assisted living facility not be developed, the use would be limited to office use

Transportation:

- The applicant prepared a traffic impact analysis that was reviewed by the County and VDOT and included the following findings and recommendations:
  - Right-turn lane into the site was not warranted
  - The applicant will restripe the bi-directional left turn lane on Meadowbridge Road to make it an exclusive left turn lane into the property

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- The applicant will need to coordinate with MRMC to restripe the middle lane on the southbound MRMC driveway as a shared through-left turn lane
- The recommended improvements are reflected on the proffered conceptual plan
- In addition, the traffic signal must be modified to accommodate new turn lanes and striping
- A proffer was accepted by the Board of Supervisors for the property to the west that requires the provision of a cross access easement should the subject property be rezoned to commercial
  - The applicant has agreed to provide this connection for emergency use only

### Proffers:

- Conceptual Plan
- Transportation Improvements in accordance with the traffic analysis, VDOT, and staff recommendations
- Dedication of Right-of-Way
- Elevations
- Limitations on the hours for refuse pick-up
- HVAC - screening
- Monument Signs
- Uses

### Recommendations:

The Planning Commission and staff recommend approval of C-11-14(c) subject to the submitted proffers, conceptual plan, and elevations and approval of SE-11-14 with the conditions outlined in the staff report

Mr. Bender presented the Board with requests C-11-14(c) and SE-11-14 together.

Mr. Davis asked if Board members had any questions. Mr. Bender answered Board member questions regarding planned courtyards and walkways.

Hearing no other questions, Mr. Davis opened the combined public hearing and asked that anyone wishing to speak for or against the matter come forward.

Mr. James Theobald came forward to speak in support of the proposal on behalf of Smith/Packett. He explained the details of the proposed project.

Seeing no others come forward, Mr. Davis closed the public hearing.

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It was noted that the size and density of the proposed project is compatible with the adjacent hospital.

**ORDINANCE C-11-14(c)**

**OWNER OF RECORD: RUBY G. AND ROBERT J. EVANS, JR.  
(HANOVER AL INVESTORS, L.L.C.)**

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

WHEREAS the Board of Supervisors has held public hearings on the 24<sup>th</sup> day of September, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by the rezoning of the property described as GPIN 8705-53-8457, consisting of 4.14± acres located on the south line of Meadowbridge Road (State Route 627) approximately 1,300 feet east of its intersection with Atlee Road (State Route 638), (a detailed description is filed with the Board's papers) from R-1, Single-Family Residential District, to B-1(c), Neighborhood Business District with conditions, subject to the following conditions which were proffered by the Applicant on August 8, 2014, and accepted by the Board:

1. Conceptual Plan.
  - a. Should the Property be developed for use as a assisted living facility, it shall be designated and constructed in substantial conformity with the Conceptual Plan titled "The Crossings a Hanover AL/MC," prepared by Willmark Engineering, PLC, dated July 31, 2014 (the "Conceptual Plan"), including the entrance and parking improvements as depicted. The Property Owner may adjust road and lot lines, and other engineering detail subject to the approval of the Planning Director, which adjustments are necessary to effectively design the Property based on final engineering.

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- b. Should entrance improvements or pavement restriping be required on GPIN 8705-53-7813, all necessary construction easements shall be obtained prior to site plan approval. Copies of the recorded easement documents shall be provided to the Hanover County Planning Department prior to site plan approval.
2. Transportation.
  - a. The driveway shall be designed in accordance with the Conceptual Plan.
  - b. Owner agrees to make necessary modifications to the traffic signal, mast, and signal arms which are necessary to accommodate traffic entering and existing the property.
  - c. All such road and traffic control improvements shall be designed and constructed in accordance with applicable VDOT standards and specifications.
3. Dedication of Right-of-Way. The Property 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 request of the County or VDOT.
4. Elevations. Should the Property be developed for use as an assisted living facility, it shall be designed and constructed in substantial conformity with the architectural appearance shown on the elevations titled “The Crossings at Hanover, An Assisted Living Community, Mechanicsville, VA,” prepared by Gaylen Howard Laing Architect, dated July 31, 2014. Any other new buildings constructed on the Property shall be complementary in design and materials to these elevations.
5. Refuse Pickup. Refuse pickup from the Property shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday, which no refuse pickup on Sunday.
6. Loading Areas. Any service and delivery loading docks will be located at the side or rear of structures, and will be treated with architectural elements or decorative fencing and/or evergreen landscaping to screen their visibility from the public roadways.
7. HVAC. Any mechanical units on the Property shall be screened by architectural features which are compatible with the building façade architecture. The method of screening shall be submitted for review and approval by the Director of Planning prior to site plan approval.
8. Monument Signs. All freestanding signs on the Property shall be monument type. The materials and design of any signs shall be compatible with the proposed materials and architectural theme of the proposed structures. Sign elevations shall be submitted to the

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Planning Director for review and approval or disapproval, at his sole discretion, prior to final approval of site plan.

9. Uses. Use of the property shall be limited to the following:
- a. Assisted living facility, subject to the applicable zoning requirements; and
  - b. Business, governmental, medical, or professional offices.

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

On motion of Mr. Peterson, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve Ordinance C-11-14(c) – Ruby G. and Robert J. Evans, Jr. (Hanover AL Investors, L.L.C.), as follows:

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

**RESOLUTION**

WHEREAS after a public hearing held on this 24<sup>th</sup> day of September, 2014, as advertised in the Herald-Progress once a week for two successive weeks as required by Virginia Code, Section 15.2-2204 and the Hanover County Code.

NOW, THEREFORE, BE IT RESOLVED that Hanover AL Investors, L.L.C., is graded a Special Exception Permit in accordance with Section 26-111.3 of the Hanover County Zoning Ordinance to permit an assisted living facility on GPIN 8705-53-8457, consisting of approximately 4.14 acres, zoned R-1, Single-Family Residential District, subject to the following conditions:

- 1. The use of the property shall be limited to a 106-room assisted living facility to include assisted living and memory care units.
- 2. All necessary State permits or licensure shall be obtained from the Department of Social Services or other agencies, as may be appropriate, prior to commencement of the use.
- 3. All development and use of the Property shall comply with all federal, state and local

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statutes, ordinance and regulations.

The Special Exception Permit shall lapse after the expiration of one (1) year if no substantial construction or change of use has taken place in accordance with the plans for which the Exception was approved.

On motion of Mr. Peterson, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve SE-11-14 – Ruby G. and Robert J. Evans, Jr. (Hanover AL Investors, L.L.C.), as follows:

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

**C-3-14(c) - WILLIAM H. GARRISON, ET AL. (MERIDIAN LAND COMPANY)**, Request to rezone from A-1, Agricultural District to RS(c), Single-Family Residential District with conditions, on GPINs 8706-82-0535, 8706-72-1235 and 8706-72-4928, consisting of approximately 62.04 acres, and located on the south line of Studley Road (State Route 606) approximately 1,300 feet east of its intersection with Shady Grove Road (State Route 640) in the **Chickahominy Magisterial District**. The subject property is designated on the General Land Use Plan Map as Suburban General (1-4 dwelling units). The proposed zoning amendment would permit the creation of 142 building lots for a gross density of 2.29 dwelling units per acre.

This request was not presented as the Board voted earlier in the meeting to defer the request for a 30 day period.

**X. Announcements/Adjournment**

Mr. Rhu Harris, County Administrator, announced that he will be speaking at the Hanover Business Council on September 25<sup>th</sup> at Randolph Macon College.

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At 8:30 p.m. the Chairman adjourned the meeting to October 8, 2014 – Hanover County Administration Building – 2:00 p.m.

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Chairman

**HANOVER COUNTY BOARD OF SUPERVISORS  
MINUTES**

**Hanover County Administration Building  
Board Room**

**October 8, 2014**

VIRGINIA: At a regular meeting of the Board of Supervisors for Hanover County held in the Board Room of the Hanover County Administration Building on the 8<sup>th</sup> day of October, 2014, at 2:00 p.m.

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

**I. Call to Order**

The Chairman called the meeting to order at 2:01 p.m. All Board members were present.

- A. The invocation was given by Mr. Stanley.
- B. The Pledge of Allegiance was led by Mr. Peterson.
- C. Approval of Minutes

Mr. Via made a motion to approve the Board of Supervisors meeting minutes of August 27, 2014 and September 10, 2014 as presented. The motion was seconded by Mr. Hazzard.

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

Motion Approved.

**II. Consideration of Agenda Amendments**

The Chairman asked if there were any agenda amendments. Mr. Hazzard made a motion to remove Item VII. - Presentation – Revisions to Code Compliance Policies from the agenda. The motion was seconded by Mr. Via.

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

Motion Approved.

**III. Citizens’ Time**

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

Mr. Matthew Gardner, Cold Harbor Magisterial District, came forward to speak in opposition of the video that was shown in some classrooms regarding September 11, 2001.

Seeing no others, the Chairman closed citizens’ time.

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### **IV.-A Transportation Update - Highway Matters**

Mr. Marshall Winn, Virginia Department of Transportation (VDOT) Ashland Residency, came forward to address the Board concerning highway related matters. He described the current and upcoming mowing activities, bridge projects, tree cutting activities, sign replacement and repair, vegetation removal, pipe replacement and repair projects, shoulder repairs, skin patching and pothole repairs, preparation for snow season and various construction activities in Hanover County.

Following his presentation, Mr. Winn answered questions from Board members concerning various road projects.

There was a discussion concerning the speed limit on Bell Creek between Alpen Lane and Pole Green Road. Mr. Peterson formally requested that VDOT reduce the speed limit in that area.

There was a discussion concerning the speed limit on Cool Spring Road. Mrs. Kelly-Wiecek made a formal request to VDOT for further review of the matter.

### **IV-B. Transportation Update - Road Project Status Report**

Mr. Joe Vidunas, County Traffic Engineer, came forward to present the updated Road Project Status Report for the past quarter. He described the status of the following projects:

- 1 – U.S. Rt. 360 (Bridge Replacement)** - Construction Phase – Apr. 2015 Contract Completion Date
- 2 – Georgetown Rd Bridge Replacement & Realignment** - COMPLETE
- 3 – Sliding Hill Rd / Air Park Rd Turn Lanes** - Construction Phase – Feb. 2015 Fixed Completion Date
- 4 – Pole Green Rd / Rural Point Rd (Turn Lanes)** - Construction Phase – Feb. 2015 Fixed Completion Date
- 5 – Cedar Ln (Trench Widen & Overlay)** - Construction Phase – Nov. 19, 2014 Fixed Completion Date
- 6 – Ashland Rd (Trench Widen & Overlay)** - Construction Phase – Nov. 19, 2014 Fixed Completion Date
- 7 – Taylorsville Rd (Replace Bridge & Approaches)** - Advertisement Phase – Aug. 2014 Ad Date
- 8 – U.S. Rt. 360 & Elm Dr. (Traffic Signal Upgrade)** - Advertisement Phase – Aug. 2014 Ad Date
- 9, 10, 22, 28 – U.S. Rt. 360 Corridor (Widening)** - PHASE 1 – Pre-Advertisement Phase – Dec. 2014 Ad Date, PHASE 2 – Design Phase – Jan. 2017 Ad Date, PHASE 3 – On-Hold. There was a

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discussion concerning the safety of Lee-Davis High School students attempting to cross Rt. 360. Mr. Peterson requested a way to safely move pedestrians be added to the project.

**11 – I-95 / Lewistown Rd. (Bridge & Approaches)** - Pre-Advertisement Phase – Dec. 2014 Ad Date

**12 – Pole Green Rd / Walnut Grove Rd (Turn Lanes)** - Right-of-Way Phase – Apr. 2015 Ad Date

**13 – Atlee Rd. / U.S. Rt. 301 (Widening)** - Right-of-Way Phase – Apr. 2015 Ad Date

**14 – Atlee Rd. (Extension)** - Right-of-Way Phase – Jul. 2015 Ad Date

**15 – E. Patrick Henry Rd. / Woodside Ln (Turn Lanes)** - Design Phase – Oct. 2015 Ad Date

**16 – Greenwood Rd. (Bridge & Approaches)** - Design Phase – Nov. 2015 Ad Date

**17 – Studley Rd. / Rural Point Rd (Roundabout)** - Design Phase – Jul. 16 Ad Date. Mr. Davis would like to hold a meeting with area citizens to address concerns. It was noted that the plan revisions should be completed soon and a meeting can possibly be held within the next 90 days.

**18 – U.S. Rt. 33 / Ashland Rd (Turn Lanes)** - Design Phase – Aug. 2016 Ad Date

**19 – Creighton Rd / Cold Harbor Rd (Widening & Turn Lanes)** - Right-of-Way Phase – Oct. 2016 Ad date

**20 – Cedar Ln / U.S. Rt. 1 (Realignment)** - Design Phase – Dec. 2016 Ad Date. There was a discussion concerning the use of Old Keeton Road. The issue will be addressed at the upcoming Roads Committee meeting.

**21 – Cool Spring Rd (Safety Improvements)** - Scoping Phase – Jan. 2017 Ad Date. There was a discussion about the concerns of citizens regarding safety along the road.

**24 – Sliding Hill Rd (Widening)** - Design Phase – (PE Only)

**25 – Rt. 54 / I-95 Interchange** - Pre-Design Phase – (PE Only). There was a discussion about the temporary traffic lights.

### **IV-C. Adoption of Resolution - FY 16 Revenue Sharing Program Application (Ashland and Beaverdam Magisterial Districts)**

#### Board Sheet Background:

Annually, the Virginia Department of Transportation (VDOT) solicits applications for funding for the construction, maintenance or improvement of primary and secondary roads under the Commonwealth's Revenue Sharing. The program matches local contributions on a dollar-for-dollar basis. The tentative amount of funding available for the FY 16 program is \$185M of which localities

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may request up to \$10M in program funds. The application deadline is October 31, 2014, however the VDOT Richmond District has asked that applications be submitted to them by October 10. Staff is recommending applications be submitted for two projects: the Route 54 / Woodside Lane turn lane improvement project and the realignment of Elletts Crossing Road at its connection to Route 1. In 2012, the County applied for and received \$750,000 in FY 14 state Revenue Sharing program allocations for the improvements at Route 54 and Woodside Lane to be matched by the County, bringing the total funding available to \$1.5M. The current estimate for the project, which is in the design stage, is \$2.3M, resulting in a shortfall of \$800,000. To address this shortfall, staff is recommending a supplemental request of \$400,000 (\$400,000 Revenue Sharing; \$400,000 local match). The second application is for \$400,000 (\$400,000 Revenue Sharing; \$400,000 local match) for the engineering and right-of-way / utility phases to realign Elletts Crossing Road at its connection to Route 1. The preliminary estimated cost of the project is \$1.4M and it is anticipated that the balance would be provided by supplemental revenue sharing applications. The use of revenue sharing funds for this project is consistent with the County's policy to leverage these funds to support economic development. The local match for both projects would be provided from County appropriations for roads.

This action authorizes staff to make application for FY16 revenue sharing funds.

Recommended Action:

Motion to adopt resolution “FY 16 Revenue Sharing Program Application – Route 54 / Woodside Lane Turn Lane Improvement and Realignment of Elletts Crossing Road at Route 1”

Mr. Vidunas presented the Board with the details of the resolution.

**RESOLUTION**

**FY 16 REVENUE SHARING PROGRAM APPLICATION – ROUTE 54/  
WOODSIDE LANE TURN LANE IMPROVEMENT AND REALIGNMENT OF  
ELLETTS CROSSING ROAD AT ROUTE 1**

WHEREAS, the Virginia Department of Transportation's Revenue Sharing Program provides funding for the construction, maintenance or improvement of Primary and Secondary roads and eligible additions to the state highway system; and

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WHEREAS, the County of Hanover intends to submit an application for an allocation of \$800,000 through the Virginia Department of Transportation’s FY 16 Revenue Sharing Program; and

WHEREAS, \$400,000 of these funds are requested to fund the construction of turn lanes at the Route 54/Woodside Lane intersection; and

WHEREAS, \$400,000 of these funds are requested to fund the construction of the realignment of Elletts Crossing Road at its connection to Route 1.

NOW, THEREFORE BE IT RESOLVED that the Hanover County Board of Supervisors hereby support the application for an allocation of \$800,000 through the Virginia Department of Transportation’s Revenue Sharing Program for the construction of turn lanes at the Route 54 / Woodside Lane intersection and the realignment of Elletts Crossing Road at its connection to Route 1; and,

BE IT FURTHER RESOLVED that the Hanover County Board of Supervisors hereby grants authority to the County Administrator or designee to execute agreements and take all other necessary actions pursuant to the subject projects.

On motion of Mr. Via, seconded by Mr. Stanley, the members of the Board of Supervisors voted to approve the resolution as follows:

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

**V. Presentation and Request for Authorization to Advertise Public Hearing – Ordinance 14-08 amending Sections 20 and 23 of the Hanover County Code to revise the County’s water and sewer capacity fees – Department of Public Utilities**

Board Sheet Background:

During the FY15 budget process the Board requested that Public Utilities complete a detailed study of its capacity fees rather than relying on the previous study completed in 2010/2011. Public Utilities has completed this study.

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On July 21, 2014 Public Utilities' staff reviewed with the Board's Finance Committee the projects proposed to be included in the capacity fee study, proposed revisions to the methodology, and preliminary results of the study. The Finance Committee agreed that the updated methodology was on the right track, that the projects included were appropriate, directed staff to move forward with completing the study and to present the results of the study to the full Board once the study was complete. Public Utilities recently completed the study.

Based on the study, for a residential customer, Public Utilities is recommending to decrease sewer capacity fees from \$8,034 to \$6,149 and to increase water capacity fees from \$5,290 to \$5,982. The combined water and sewer capacity fees for a residential customer would decrease from \$13,324 to \$12,131, a decrease of \$1,193.

Similar, proportional changes are recommended to water and sewer capacity fees for non-residential customers.

### Recommended Action:

Authorize the advertisement of a Public Hearing for November 12, 2014 on Ordinance 14-08 amending Sections 20 and 23 of the Hanover County Code to revise the County's water and sewer capacity fees

Mr. Steve Herzog, Director of Public Utilities Works, came forward and provided the Board with the details of the Ordinance. He detailed the history, purpose of capacity fees, generally accepted methodologies, Hanover's methodology, major changes since last study and the results of the study.

Major changes:

- Average Daily Use
  - Water 271 GPD/ERU to 187 GPD/ERU
  - Sewer 271 GPD/ERU to 234 GPD/ERU
- Updated growth projections
- Updated existing asset valuation
- Updated cost estimates
- Modified the incremental cost methodology
- Updated planned projects based on the current Comprehensive Plan and input from Economic Development

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Following the presentation, Mr. Herzog answered questions from Board members concerning the involvement and perspective of Economic Development and commercial water fees and the possible impact they might have on potential future projects. Board members had a detailed discussion concerning future projects and potential large commercial projects.

Mr. Peterson made a motion to authorize the advertisement of a Public Hearing for November 12, 2014 on Ordinance 14-08 amending Sections 20 and 23 of the Hanover County Code to revise the County’s water and sewer capacity fees. The motion was seconded by Mrs. Kelly-Wiecek.

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

Motion Approved.

**VI. Presentation and Request to Authorization to Advertise Public Hearing – Department of Public Works – Ordinance 14-10, Amending Chesapeake Bay Preservation Ordinance and Stormwater Management Ordinance, and Ordinance 14-11, Amending the Hanover County Drainage Design Handbook – Stormwater**

*Board Sheet Background:*

On February 12, 2014, the Hanover County Board of Supervisors adopted a stormwater management ordinance and amended the County’s Chesapeake Bay Preservation Ordinance and Erosion and Sediment Control Ordinance in order to adopt a stormwater management program as required by state law. On July 1, 2014, the Virginia Department of Environmental Quality (DEQ) informed the County Administrator that the County had been granted provisional approval of the state-required stormwater management program, conditioned upon certain amendments.

In response to DEQ comments on the adopted County ordinances and stormwater management program, the Department of Public Works and County Attorney’s Office have drafted amendments to the Chesapeake Bay Preservation Ordinance, Stormwater Management Ordinance, and Drainage Design Handbook contained in Ordinances 14-10 and 14-11. These amendments are necessary to

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obtain state approval of Hanover County’s stormwater management program. In addition, staff has proposed amendments to reduce the complexity of stormwater requirements for single family home development. A summary of the proposed changes is attached.

Recommended Action:

Motion to authorize advertisement of a public hearing to be held November 11, 2014 at 7:00 p.m. – Ordinance 14-10, Amending Chesapeake Bay Preservation Ordinance and Stormwater Management Ordinance, and Ordinance 14-11, Amending the Hanover County Drainage Design Handbook.

Mr. Mike Flagg, Director of Public Works, came forward to give this presentation to the Board. It was noted that the date of the public hearing should actually be November 12, rather than November 11, 2014.

Mrs. Kelly-Wiecek made a motion to authorize advertisement of a public hearing to be held November 12, 2014 at 7:00 p.m. – Ordinance 14-10, Amending Chesapeake Bay Preservation Ordinance and Stormwater Management Ordinance, and Ordinance 14-11, Amending the Hanover County Drainage Design Handbook. The motion was seconded by Mr. Hazzard.

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

Motion Approved.

**VII. Presentation – Community Development Annual Report – Fiscal Year 2014**

Mr. Frank Harksen, Deputy County Administrator, came forward to give this presentation to the Board. It was noted that the report is a result of the work of many departments and agencies.

Community Development includes a diverse group of departments consisting of Building Inspections, Parks and Recreation, Planning, Public Utilities and Public Works. They also coordinate with the Pamunkey Regional Library, Hanover-Caroline Soil & Water Conservation District and the Virginia Cooperative Extension.

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The services vary from recreational programs to wastewater treatment. Stormwater management, operation of the park system and airport, building and property safety, administering road and other capital projects, Planning and providing drinking water are examples of other services

### **Community - Accomplishments:**

- All four of the wastewater treatment plants were awarded National Association of Clean Water Agencies Peak Performance Awards for continued permit compliance with Ashland reaching 15 years of award receipt.
- The Doswell Water Treatment Plant was awarded the Virginia Department of Health's Excellence in Waterworks Operations/Performance Award.
- The Department of Public Works received the 2014 Excellence Award from the Virginia Recycling Association for its outstanding organics recycling programs.
- The Stormwater Management Ordinance was approved by the Board and received conditional approval by DEQ.
- Examples of road projects completed in 2014 are the Route 33/54 intersection improvements and Georgetown Road bridge replacement.
- Parks & Recreation hosted its inaugural Classic Cruise In, which was well attended. Several other new events were hosted including Taylor's Spookie FUN Fest and the Pooch Pursuit at Pole Green Park. This event was held through a partnership with the Friends of Hanover Dog Parks.
- The Community Development Departments coordinated and worked with many other departments to create and present the first Government Day program for Stonewall Jackson Middle School students.
- Parks and Recreation continued to promote its facilities as "tournament friendly". This involved working with Hanover-based athletic associations to host tournaments.
- Over 50 tournaments were hosted and this tournament friendly approach helped the department be selected to host both the 2013 and 2015 Atlantic 10 Cross Country Championships at Pole Green Park.
- The 2013 Hanover Tomato Festival, dampened by late day thundershowers, brought in nearly 34,000 visitors. This year marked the 35<sup>th</sup> anniversary of the event and featured a presentation to honor the memory of Oscar Watson, event founder.

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- Parks & Recreation spent a great deal of effort in FY14 completing the construction of Phase II at North Anna Battlefield Park.
- This year, the newest and largest branch of the Pamunkey Regional Library, Mechanicsville, celebrated its 5-year anniversary. Several hundred people participated in the party with refreshments, craft programs, and a drawing for five Kindles generously provided by the Mechanicsville Friends of the Library.

### **Community - Key Indicators:**

- Long range population growth, as discussed in the Comprehensive Plan, is targeted at an average annual rate between 1.5% and 2.5% through 2032.
- The past 20 year population growth average falls into the target range however, the 5 and 10 year averages are below the range.
- For 2014 we saw a 1.4% growth rate and an estimated population of 104,124 as of July.
- The Board has established policies which encourage residential growth within the SSA and target 70% of new homes to be located in suburban areas.
- In FY14, 80% of the 546 residential certificates of occupancy were issued in the SSA.
- The remaining 20% of CO's were issued in the rural area.
- The County also encourages the development of a range of housing types to meet the varied needs of our citizens.
- Certificates of Occupancy for single-family detached housing represent 75% of the new units, while 25% of the units were for single-family attached units (townhouses, generally).
- FY14 saw a continued decrease in water use by individual residential customers. This trend began in FY08. It is not unique to Hanover and is being seen nationwide.
- Overall average water demand for FY14 was flat even though 449 new customers were added.
- Average daily water production for the last 2 years were basically the same, about 8.6 million gallons per day (mgd).
- Costs of the County's solid waste service have remained relatively constant over the past five years.
- Despite the volatility in the recycling markets, particularly declining recycle paper prices; revenues from recycling only saw a slight decrease. This is accomplished by maintaining overall recycling tonnages and increasing value of some recycled items through greater

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processing, mostly by separating higher value metals.

- Weeds and grass complaints continued to increase during the past year.
- We also experienced a slight increase in property maintenance complaints during FY14
- Parks and Recreation Department continued its focus on offering general recreation programs targeting specific geographic and demographic population groups, rather than the across the County special interest class program offerings advertised at every school location.
- This change in philosophy has continued to save staff time and advertising costs, while still resulting in approximately the same number of successful programs over the past three years.
- Overall park visitation held relatively steady.
- The library welcomed 405,609 visitors to the six Hanover branch libraries.
- Almost 1400 community meetings were held and more than 20,000 people took part.
- With the libraries being as busy as they are, we strive to keep our facilities in shape.
- This could not be done without the significant contributions by our branch Friends of the Library.

### **Development Related Accomplishments:**

- The Board completed its comprehensive five-year review of the Hanover County Comprehensive Plan in September.
- Planning completed several ordinance revisions and also continued to coordinate and conduct the Quarterly Developers Meeting. This meeting provides County agencies an opportunity to provide information to developers and engineers such as legislative changes, Virginia and local regulations and solicit their feedback on proposed changes. General County updates are also provided – recent updates included the website redesign and GIS enhancements.
- Public Utilities completed the Grassy Swamp Creek Wastewater Pump Station and force main.
- This project includes a 2.0 million gallon per day pump station, 4.5 miles of 16” force main, and ½ mile gravity sewer. When combined with the 5.2 mile waterline placed into service in last year water and sewer capacity is now available at the eastern end of Route 33.
- Public Works developed innovated solutions to address the Chesapeake Bay water quality standards and developed new ordinances to ensure Hanover remained in compliance with Virginia’s and the EPA’s stormwater regulations.

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### **Development Key Indicators:**

- FY14 saw an increase in development activity.
- Public Utilities added 449 new customers, an increase of 38% from the prior year.
- 569 permits were issued for single family detached and single family attached (town homes) dwelling units.
- Most of the new commercial construction occurred in the Bell Creek Road and Rutland areas and also an increase of activity in the Winding Brook Area.
- Through site plan review and approval, an additional 269,159 square feet of non-residential floor area was approved.
- The total square footage approved for non-residential use was 2.1% higher than in the prior year.
- Residential construction continued to increase during FY14. This increase is reflected in residential permits issued for construction as well as sub-trades.
- E&S permit issuance decreased slightly this past fiscal year, but in practical terms were nearly level. Projects have generally been bigger in scope and size than during the economic downturn.
- Since the Business and Residential Development Road Improvements Transportation Policy was adopted, \$950,000 in road project funding has been accumulated. Of these collected funds, 41% are for the Sliding Hill/Atlee Station corridor, 35% are for the Creighton/Cold Harbor corridor and 24% are for the Rt. 54 corridor.

### **Customer Service Initiative:**

- An earlier Board Initiative was the Community Development Customer Service Initiative.
- The intent was to identify and implement improvements.
- The main areas of concern were identified and new processes put in place to address each concern.
- The final report also recommended that the County capture performance data including application processing within Board established goals and customer service survey results as a means to measure the performance.
- Last year 29 surveys related to zoning applications were returned to the County and 10 administrative application surveys were returned. The customers were asked whether they

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agreed or disagreed with statements regarding the process.

### **Looking Forward:**

- A big challenge for several departments will be complying with the Chesapeake Bay regulations and the huge cost of implementation. This affects the wastewater plants and the stormwater programs.
- Regulations continue to become more stringent for drinking water as well.
- VDOT oversight of locally administered road construction projects is becoming increasingly more burdensome
- Athletic field space is at a premium during peak usage times.

Following his presentation, Mr. Harksen answered questions from Board members.

### **VIII. Presentation – Revisions to Code Compliance Policies**

This item was removed from the agenda.

Announcements were made prior to the closed session. Mr. Davis brought up the issue of televising or live streaming of future Board meetings. The Board members had a detailed discussion on the matter. It was decided that the matter will be first addressed by the Rules Committee.

Mr. Peterson announced the near completion of the new playground at the Hanover Courthouse Park, the third playground of Operation Hope, built by the Hanover and Mechanicsville Rotary Clubs and the Greater Richmond Civitan Organization. These playgrounds are privately funded and there are now accessible playgrounds at three of our parks.

He also announced a meeting on October 21<sup>st</sup> at 7:30 p.m. at the Mechanicsville Branch Library. This will be an open community forum for citizens to discuss any County issues.

Mr. Stanley announced that the 18th annual Beaverdam Heritage Day will be held on Saturday from 10 a.m. to 4 p.m. The event will include vendors, a silent auction and entertainment.

He also announced that he and Mr. Hazzard will be at the upcoming town hall meeting in Montpelier along with the Beaverdam and South Anna district representatives on the School Board. The event will be held October 9<sup>th</sup> in the Montpelier Center for Arts and Education.

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Mr. Sterling Rives, County Attorney, announced that the Legislative Workshop will be held on December 4th at 8 a.m. at Randolph Macon College. All five of our legislators have confirmed attendance.

Mr. Jim Taylor, Deputy County Administrator, announced that there will be a ribbon cutting ceremony on October 10<sup>th</sup> at 11:00 a.m. for the new Crisis Receiving Center at Memorial Regional Medical Center. He also announced that there will be a dinner October 13<sup>th</sup> for Fire/EMS Volunteer Appreciation Night and reminded Board members that the Fall Fellowship Festival will be held at the County complex on November 18<sup>th</sup>.

**IX. Closed Session - Section 2.2-3711(A)(7) of the Code of Virginia – Consultation with legal counsel and staff regarding Claim against the County by EMAC, LLC (“McGeorge Rolling Hills RV SuperCenter”)**

Mr. Hazzard moved that the Board of Supervisors go into Closed Session pursuant to the following: Section 2.2-3711(A)(7) of the Code of Virginia – Consultation with legal counsel and staff regarding Claim against the County by EMAC, LLC (“McGeorge Rolling Hills RV SuperCenter”). The motion was seconded by Mr. Stanley.

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

Motion Approved.

Board members entered Closed Session at 4:27 p.m. At the conclusion of the Closed Session, all Board members returned to the Board room, and the Chairman called the regular meeting back to order at 4:55 p.m.

**Certification of Closed Session**

Mr. Hazzard moved that the Board of Supervisors certify that during the Closed Session only public business matters lawfully exempted from the open meeting requirement of the Freedom of

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Information Act and only such public business matters as were identified in the motion for the Closed Session were discussed. The motion was seconded by Mr. Stanley.

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

Motion Approved.

**X. Announcements/Adjournment**

At 4:55 p.m. the Chairman adjourned the meeting to October 22, 2014 – Hanover County Administration Building – 6:00 p.m.

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Chairman

**HANOVER COUNTY BOARD OF SUPERVISORS  
MINUTES**

**Hanover County Administration Building  
Board Room**

**October 22, 2014**

VIRGINIA: At a regular meeting of the Board of Supervisors for Hanover County held in the Board Room of the Hanover County Administration Building on the 22<sup>nd</sup> day of October, 2014, at 6:00 p.m.

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

**I. Call to Order**

The Chairman called the meeting to order at 6:04 p.m. All Board members were present.

- A. The invocation was given by Mrs. Kelly-Wiecek.
- B. The Pledge of Allegiance was led by Mr. Hazzard.

**II. Consideration of Agenda Amendments**

The Chairman asked if there were any agenda amendments. Hearing none, moved to citizens’ time.

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**III. Citizens' Time**

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

Ms. Sheree Hedrick, Executive Director of Hanover Safe Place, came forward to thank the Board for recognizing October as Domestic Violence Awareness Month and updated the Board on the work done by Hanover Safe Place.

Seeing no others, the Chairman closed citizens' time.

**IV. Consent Agenda**

Mr. Via made a motion to approve the consent agenda as presented, seconded by Mr. Hazzard.

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

Motion Approved.

**IV.-A Request for Authorization to Advertise: Ordinance Amendment 14-12, Craft Breweries**

*Board Sheet Background:*

The comprehensive update to the County's business zoning district regulation included provisions to permit microbrewers with restaurants as a permitted use in the B-1, B-2 and B-3 districts, while also permitting stand-alone microbreweries that produce no more than 10,000 barrels per year as a conditional use in the B-3 district. Staff has become aware that there has been tremendous growth in the popularity of microbreweries within the past several years. It has become apparent through research that the ordinances as currently structured do not sufficiently address the operational and locational trends of the craft brewery industry. To ensure that Hanover County remains a competitive location for the siting of craft breweries staff is requesting that the Board of Supervisors authorize an ordinance amendment to further refine the County's craft brewery and brewery land use regulations.

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The ordinance provisions specifically include the following:

- Inclusion of definitions for both ‘brewery’ and ‘craft brewery’
- Allowing craft breweries in the B-1 district with a Conditional Use Permit
- Allowing craft breweries in the B-2 and B-3 districts as a use by right
- Allowing a brewery in the M-2 district as a use by right

### Recommended Action:

Motion to advertise for Public Hearing – Ordinance Amendment 14-12, Craft Breweries

### **V. Presentation – Economic Development Annual Report Fiscal Year 2014**

Mr. Edwin Gaskin, Director of Economic Development, came forward to present the annual report. Ms. Tenille Nuckols was introduced as the newest member of the Economic Development Department and Mr. Gaskin announced that Mr. Roger Bowers of the Economic Development Authority was present as well. The update included a review of the economic development metrics as well as highlights of the department's activities for FY 2014. Mr. Gaskin detailed the goal of creating strategic business investment that enhances the quality of life in Hanover County. Their objectives are as follows:

- Encourage private land owners to ready commercial sites for sale and lease
- Increase county tax base derived from commercial sources
- Expand economic development stakeholder involvement through engagement
- Expand the number of jobs to available workforce
- Increase the number of jobs that have above average wages

Mr. Davis left the room at 6:14 p.m.

Mr. Davis returned at 6:16 p.m.

Following the presentation, Mr. Gaskin answered questions from Board members and offered clarification on numerous points. There was a discussion about current office spaces that are not occupied, the differences between office and flex space, reasons some parcels may not have had requests for rezoning from owners, the requirements for rezoning and blanket zoning.

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**VI. Closed Session – Section 2.2-3711(A)(7) of the Code of Virginia – Consultation with legal counsel and staff regarding pending litigation - Hanover County v. David R. Dagenhart, Sr.**

Mr. Hazzard moved that the Board of Supervisors go into Closed Session pursuant to the following: Section 2.2-3711(A)(7) of the Code of Virginia – Consultation with legal counsel and staff regarding pending litigation - Hanover County v. David R. Dagenhart, Sr. The motion was seconded by Mr. Stanley.

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

Motion Approved.

Board members entered Closed Session at 6:47 p.m. At the conclusion of the Closed Session, all Board members returned to the Board room, and the Chairman called the regular meeting back to order at 6:59 p.m.

**Certification of Closed Session**

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

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

Motion Approved.

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Mrs. Kelly-Wiecek moved that the Board of Supervisors approve the proposed Settlement Agreement between the Board of Supervisors and David R. Dagenhart, Sr., regarding acquisition of fee simple right of way, a drainage easement, a temporary construction easement, and utility easements on the parcel identified as GPIN 8706-11-6771 for \$31,000 and resolution of the condemnation case involving this parcel. The motion was seconded by Mr. Stanley.

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

Motion Approved.

**VII. Planning Public Hearings**

**C-34-02(c) AM. 1-14 – Kate and Michael Poprik, et al. (Royal Dominion Homes Inc.) (Honey Meadows)**, Request an amendment to the proffers approved with rezoning request C-34-02(c), Am. 1-11, Commonwealth Lands, L.L.C., on GPINs 7797-71-5987 and 7797-82-0170, zoned RS(c), Single-Family Residential District with conditions, and located on the south line of Meadow Pond Drive (state route pending) approximately 2,600 feet north of its intersection with Honey Meadows Road (State Route 2380) in the **Chickahominy Magisterial District**. The proposed zoning amendment would amend the cash proffer.

Planning Analysis:

- The request is to amend the following:
  - Eliminate proffers No. 1: \$5,181.00 (capital improvements) and No. 2: \$2,685.00 (road improvements)

Original Proffer	\$2,685.00
Original Proffer Current Value with Cost of Living Increase	\$3,491.00
Current Proffer Methodology	\$6,339.00

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- Per proffer policy, the amended proffer No. 1 reflects the value of the original proffer including the cost of living increase

Recommendations:

- The Planning Commission and staff recommend approval subject to the submitted proffers

Mr. David Maloney, Director of Planning, presented the Board with this request. Mr. Maloney answered questions from Board members following the presentation.

Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing none, Mr. Davis closed the public hearing.

**ORDINANCE C-34-02(c), AM. 1-14**

**OWNER OF RECORD: KATE AND MICHAEL POPRIK, ET AL.**

**(ROYAL DOMINION HOMES, INC.)**

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

WHEREAS the Board of Supervisors has held public hearings on the 22<sup>nd</sup> day of October, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by amending the proffers approved with rezoning request C-34-02, Am.1-11, Commonwealth Lands, L.L.C., of the property described as GPINs 7797-71-5987 and 7797-82-0170, located on the south line of Meadow Pond Drive (state route pending) approximately 2,600 feet north of its intersection with Honey Meadows Road (State Route 2380) (a detailed description is filed with the Board's papers), zoned RS(c), Single Family Residential District with conditions, subject to the following conditions which were proffered by the Applicant on August 4, 2014, and accepted by the Board:

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1. 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 the Property, the amount of Three thousand four hundred ninety-one and 00/100 (\$3,491.00) 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. Building Materials. Exterior of all foundations shall be brick or stucco. The primary exterior cladding materials for the dwelling shall be limited to brick, vinyl siding or concrete fiber siding; cladding options shall not include concrete masonry units (whether split face or smooth) or plywood.
3. Sidewalks. Concrete sidewalks shall be provided along streets within the community to the extent depicted on the Conceptual Plan. Final location may vary based on final design, provided that the construction plans submitted with the subdivision request demonstrate the provision of sidewalks in the amount depicted on the Conceptual Plan. Sidewalks shall be designed and constructed in accordance with VDOT standards where parallel to and/or adjacent to streets.
4. Paved Driveways. All dwelling lots will be improved with paved bituminous or concrete driveways.
5. Dwelling Size: Minimum house sizes shall be as follows:
  - a) One acre lots – 3,000 square feet
  - b) Lots with frontage from 70' to 90' – 2,000 square feet
  - c) Lots with frontage of 55' – 1,600 square feet
  - d) Duplex or townhouse lots – 1,400 square feet
6. Floor area shall be measured along the exterior walls of the building and shall not include garages, breezeways or porches in any category.
7. Provision of Recreational Amenities. The community shall include both passive amenities (open space, trails, and sidewalks) and active amenities (club house, pool, parking area(s)), and although final design may change, the minimum extent and character of such features shall be

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substantially as depicted on the Conceptual Plan. In the case of the clubhouse and pool, this shall be construed to mean that the clubhouse shall have a floor area of at least three thousand two hundred (3,200) square feet, and the pool shall have a water surface area of at least eight hundred (800) square feet. The facilities shall be constructed at the expense of the Property Owner, and shall be conveyed at no cost, and with no liens and encumbrances, for ownership and maintenance by a homeowner's association with appropriate covenants established to ensure the continued funding of the ongoing ownership, operational, and maintenance responsibilities. Prior to the issuance of the building permit for the one hundredth (100<sup>th</sup>) structure, the clubhouse and pool shall have received its certificate of occupancy. The trail system shall be substantially as shown on the Conceptual Plan. Trails may be asphalt or gravel.

8. The number of building permits to be issued for any dwelling units shall be limited to fifty (50) per calendar year, cumulative to a limit of ten (10) units annually. By way of illustration, should only twenty (20) permits be issued the first year then sixty (60) permits might be issued in the second, and so on.
9. Tree Preservation. Subject to the limitations hereinafter set out, the required rear and side yard area of each lot, as required by the Zoning Ordinance, shall be selectively cut with no cutting of trees of five (5) inch caliper or greater. However, said areas may be used for driveways and drainage and utility easements when necessary for dwelling construction and/or when required by the County of Hanover. In such cases cutting shall be limited to the minimum amount necessary, except when cutting is permitted in accordance with approved grading plans issued by the Hanover Department of Public Works and to provide positive drainage away from dwellings as required. Nothing contained herein shall prohibit the removal of dead or diseased trees. This provision shall not apply to areas devoted to townhouse or duplex development.
10. Tree Planting. Two deciduous trees of a minimum of two (2) inch caliper shall be planted upon each lot before issuance of occupancy permit, except on lots that have comparable existing trees preserved. This provision shall not apply to area devoted to townhouse or duplex development.
11. Stormwater Management. The Property Owner shall dedicate the necessary property interest for a stormwater management facility T-8A, in accordance with the Hanover County Regional Storm Water Management Plan, which shall include the dam and, to the extent of ownership by

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property owner, an area that extends up to the one hundred year flood pool (max. water surface elevation 167.6), a twenty ft. (20') maintenance easement around such facility upland and contiguous to the one hundred year flood pool elevation, and a twenty ft. (20') contiguous access easement to the stormwater management facility from the closest public road.

12. Screening. Property Owner shall erect and maintain a decorative board fence meeting, at a minimum, the standard established by Article 7, Section 2A of the current Hanover Zoning Ordinance along the rear of Lots 23, 24, 25, and 26 as shown on the Conceptual Plan, as such Plan may be amended by agreement of the abutting property owners. There shall be no access from Lots 26 and 27 to the road in the rear of such lots, as shown on the Conceptual Plan.
13. Emergency Access Road. Property Owner will provide a 40' wide private easement to be maintained by the Homeowner's Association, from the connection with Talbot Green Lane in Kings Charter to Road B as shown on the Conceptual Plan. At Talbot Green Lane, Property Owner will establish a gate locked with a chain which can be cut by emergency personnel to provide access only for emergency vehicles between Kings Charter and the development proposed by Property Owner. The Homeowner's Association will be charged with the responsibility of replacing the chain, if the gate is opened for emergency vehicles. Within the 40' easement, Property Owner will construct a 18' paved road, capable of supporting vehicles with a weight of 65,000 pounds, from Talbot Green Lane to said Road B with shoulders and ditches as shown on the Conceptual Plan. In addition, Property Owner will provide at this point a connection for pedestrians and bicycles and a sidewalk comparable to the other sidewalks in its development from the end of Talbot Green Lane to said Road B.
14. Section A1, shown on the conceptual plan titled "Honey Meadows, Conceptual Plan/Preliminary Subdivision Plat,:" dated September 2, 2003, and last revised May 26, 2011, shall be graded, stabilized and maintained by the owner(s), including removal of the soil stockpile currently on this site. The stockpile shall be removed in accordance with applicable State Erosion and Sediment Control regulations. In addition, a "No Trespassing – Private Drive" sign shall be placed on-site, next to the road easement as it enters the A1 section from the subdivision road, and grass shall be cut on a regular basis and shall not exceed twelve inches (12") in height.

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

On motion of Mrs. Kelly-Wiecek, seconded by Mr. Hazzard, the members of the Board of Supervisors voted to approve Ordinance C-34-02(c) AM. 1-14 – Kate and Michael Poprik, et al. (Royal Dominion Homes Inc.) as follows:

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

**C-17-07(c) AM. 1-14 – Donna G. and Brandon O. Pettit, Sr. (Dogwood Trail)**, Request an amendment to the proffers approved with rezoning request C-17-07(c), Walter H. Dabney, on GPIN 7708-15-0830, zoned AR-6(c), Agricultural Residential District with conditions, and located on the north line of Dogwood Trail Road (State Route 620) approximately 500 feet east of its intersection with Watkins Road (State Route 721) in the **South Anna Magisterial District**. The proposed zoning amendment would amend the cash proffer.

Planning Analysis:

- The request is to amend the following:
  - Amend Proffer No. 1 from \$14,240.00 (capital & road improvements) to \$2,306.00 (road improvements)
  - The amended proffer is in accordance with the Business and Residential Development Road Improvements Transportation Policy

Recommendations:

- The Planning Commission and staff recommend approval subject to the submitted proffers
- Mr. Maloney presented the Board with this request.

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Mr. Davis asked if Board members had any questions. Hearing none, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Seeing none, Mr. Davis closed the public hearing.

**ORDINANCE C-17-07(c), AM. 1-14**

**OWNER OF RECORD: DONNA G. AND BRANDON O. PETTIT, SR.**

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

WHEREAS the Board of Supervisors has held public hearings on the 22<sup>nd</sup> day of October, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by amending the proffers approved with rezoning request C-17-07(c), Walter H. Dabney, of the property described as GPIN 7708-15-0830, (a detailed description is filed with the Board's papers), zoned AR-6(c), Agricultural Residential District with conditions, subject to the following conditions which were proffered by the Applicant on September 23, 2014, and accepted by the Board:

1. The Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to the 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.

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2. The exterior foundation of houses shall be brick or stone construction unless the house is constructed of synthetic stucco (DriVit) in which case the foundation shall be of like material. Above the foundation, the exterior of the house shall be constructed of brick, stone, synthetic stucco (DriVit), premium vinyl siding or concrete based siding material (HardiPlank).
3. The minimum house size shall be two thousand (2,000) square feet per one story home and two thousand four hundred (2,400) square feet per two story home measured along the exterior walls of the structure, but not including garages or breezeways in the circulation.
4. 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.
5. Each lot shall be served by a drilled deep well.
6. The property shall be developed in substantial conformance with the Conceptual Plan, as submitted by Balzer and Associates, Inc., titled “Dogwood Trail Rezoning, Conceptual Plan” dated 5-7-07 and revised 10-23-07.

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

On motion of Mr. Hazzard, seconded by Mr. Stanley, the members of the Board of Supervisors voted to approve Ordinance C-17-07(c), Am. 1-14, Donna G. and Brandon O. Pettit, Sr., as follows:

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

**C-17-09(c) AM. 1-14 - T.M. Johnson, Inc. (Lovings Trail)**, Requests an amendment to the proffers approved with rezoning request C-17-09(c), T.M. Johnson, Inc., on GPIN 8743-08-3405, zoned AR-6(c), Agricultural Residential District with conditions, and located at the terminus of Lovings Trail

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approximately 750 feet east of its intersection with Cold Harbor Road (State Route 156) in the **Cold Harbor Magisterial District**. The proposed zoning amendment would amend the cash proffer.

Planning Analysis:

- The request is to amend the following:
  - Amend Proffer No. 3 from \$18,330.00 (capital & road improvements) to \$2,306.00 (road improvements)
  - The amended proffer is in accordance with the Business and Residential Development Road Improvements Transportation Policy

Recommendations:

- The Planning Commission and staff recommend approval subject to the submitted proffers

Mr. Maloney presented the Board with this request.

Mr. Davis asked if Board members had any questions. Hearing none, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Seeing none, Mr. Davis closed the public hearing.

**ORDINANCE C-17-09(c), AM. 1-14**

**OWNER OF RECORD: T. M. JOHNSON, INC.**

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

WHEREAS the Board of Supervisors has held public hearings on the 22<sup>nd</sup> day of October, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by amending the proffers approved with rezoning request C-17-09(c), T. M. Johnson, Inc., of the property

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described as GPIN 8743-08-3405, located at the terminus of Lovings Trail approximately 750 feet east of its intersection with Cold Harbor Road (State Route 156) (a detailed description is filed with the Board's papers), zoned AR-6(c), Agricultural Residential District with conditions, subject to the following conditions which were proffered by the Applicant on July 7, 2014, and accepted by the Board:

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "T.M. Johnson Conceptual Plan," dated January 11, 2010, and prepared by Downing Surveys, Inc., last revised January 19, 2010.
2. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, drainfields, or drainage facilities.
3. 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 the Property, the amount of Two Thousand Three Hundred Six and 00/100 (\$2,306.00) per single-family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.
4. Dedication of Right-of-Way. The Property Owner agrees to dedicate fifty (50') feet of right-of-way from the centerline of Cold Harbor Road (State Route 156) to the property for future road widening, free of cost to the County, upon request of the County or VDOT. There shall be no direct access to Cold Harbor Road; access shall be via the private internal road.
5. Wells. Each lot shall be provided with a deep drilled well.
6. Foundations. Each house shall have a brick stone, synthetic stucco (dryvit), or stucco finished foundation.

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

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On motion of Mr. Wade, seconded by Mr. Hazzard, the members of the Board of Supervisors voted to approve Ordinance C-17-09(c) AM. 1-14 - T.M. Johnson, Inc. as follows:

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

**C-12-14(c) – Betsy T. and Ray L. Marshall**, Request to rezone from A-1, Agricultural District, to B-3, General Business District with conditions, on GPINs 7883-15-7758(part) and 7883-16-1033(part), consisting of approximately 4.82 acres, and located on the west line of Washington Highway (U.S. Route 1) approximately 0.5 miles south of its intersection with Doswell Road (State Route 688) in the **Beaverdam Magisterial District**. The subject property is designated on the General Land Use Plan Map as Multi-Use. The proposed zoning amendment will expand the area zoned for general business uses.

Planning Analysis:

- The subject parcels consist of 17.35 acres
  - 2.5 acres along the Rt. 1 frontage are currently zoned B-3 and the remainder is zoned A-1
- This request is to expand the B-3 zoning by an additional 4.8 acres
- Three surveyed historic structures are located on the subject properties
  - The Historical Commission has expressed concern that the proposal does not include any means to protect or preserve the structures

Proffers:

- Proffers have been submitted that address access and building materials

Recommendations:

- The Planning Commission and staff recommend approval subject to the submitted proffers

Mr. Maloney presented the Board with this request. Mr. Maloney answered questions from Board members following the presentation.

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Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Seeing none, Mr. Davis closed the public hearing.

**ORDINANCE C-12-14(c)**

**OWNER OF RECORD: BETSY T. AND RAY L. MARSHALL**

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

WHEREAS the Board of Supervisors has held public hearings on the 22<sup>nd</sup> day of October, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by the rezoning of the property described as GPINs 7883-15-7758(part) and 7883-16-1033(part), consisting of 4.82± acres located on the west line of Washington Highway (U.S. Route 1) approximately 0.5 miles south of its intersection with Doswell Road (State Route 688), (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to B-3(c), General Business District with conditions, subject to the following conditions which were proffered by the Applicant on September 29, 2014, and accepted by the Board:

1. Access. Ingress and egress from U.S. Route 1 to the Property, and all future parcels created from it, shall be granted and limited to one (1) commercial entrance. Such entrance shall be located, designed and constructed in accordance with Virginia Department of Transportation standards and specifications. A 50' access easement to the 10-acre A-1 parcel shall be provided from this entrance.

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

On motion of Mr. Stanley, seconded by Mr. Peterson, the members of the Board of Supervisors voted to approve Ordinance C-12-14(c) – Betsy T. and Ray L. Marshall with the removal of Proffer number 2. Elevations and Materials, as follows:

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

**C-10-14(c) – Hanover Land, L.L.C.**, Requests to rezone from A-1, Agricultural District, to B-1(c), Neighborhood Business District with conditions, on GPIN 8724-18-2758, consisting of approximately 1.36 acres, and located on the south line of Mechanicsville Turnpike (U.S. Route 360) approximately 500 feet east of its intersection with Brandy Creek Drive (State Route 1153) in the **Mechanicsville Magisterial District**. The subject property is designated on the General Land Use Plan Map as Commercial. The proposed zoning amendment would permit neighborhood business uses, including a restaurant.

Planning Analysis:

- The proposal is to develop the site for a restaurant and retail uses
- The plan indicates a 7,020 sq. ft. structure with parking spaces in compliance with the zoning ordinance
- Proposed architecture will be compatible with architecture and materials used at Bowles Farm Plaza
- A continuous right turn lane is proposed along Rt. 360
- Pine Drive is a private access easement on the western boundary of the subject property
  - The proposal does not include use of the easement and the conceptual plan shows no connection to it from within the site

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### Proffers:

- Conceptual Plan – General conformity related to the size of the proposed structure and parking, and requires substantial conformity related to the entrance improvements
- Architecture – Consistent with Bowles Farm Plaza
- Dedication of Right-of-Way
- Roadway Improvements - To construct a continuous right-turn lane
- HVAC - Units shall be screened
- All Freestanding Signs - Shall be monument type
- Dumpsters - Shall be screened
- Lighting Fixtures - Shall not exceed 25' in height

### Recommendations:

- The Planning Commission and staff recommend approval subject to the submitted proffers and conceptual plan

Mr. Maloney presented the Board with this request. Mr. Maloney answered questions from Board members following the presentation.

Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Mr. Dan Caskie with Bay Companies, Inc. came forward on behalf of the property owner. He explained further details of the project and offered to answer questions from Board members.

Seeing no others come forward, Mr. Davis closed the public hearing.

### **ORDINANCE C-10-14(c)**

#### **OWNER OF RECORD: HANOVER LAND, L.L.C.**

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

WHEREAS the Board of Supervisors has held public hearings on the 22<sup>nd</sup> day of October, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by the rezoning of the property described as GPIN 8724-18-2758, consisting of 1.36± acres located on the south line of Mechanicsville Turnpike (U.S. Route 360) approximately 500 feet east of its intersection with Brandy Creek Drive (State Route 1153), (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to B-1(c), Neighborhood Business District with conditions, subject to the following conditions which were proffered by the Applicant on October 1, 2014, and accepted by the Board:

1. Conceptual Plan. The Property shall be developed in general conformity with the conceptual plan attached, entitled "Route 360 Commercial," dated May 9, 2014, and prepared by the Bay Companies (the "Concept Plan"), and the entrance location shall be in substantial conformity with the Conceptual Plan.
2. Architectural. The architectural treatment of the proposed structure shall be in general conformity with the architecture and materials used at Bowles Farm Plaza.
3. Dedication of Right-of-Way. The Owner agrees to dedicate sixty feet (60') of right-of-way measured from the centerline of Mechanicsville Turnpike (U.S. Route 360) to the property for future road widening, free of cost to the County, upon request of the County or VDOT.
4. Road Improvements. The Owner agrees to construct roadway improvements as shown on the concept plan to be designed and constructed in accordance with VDOT standards and specifications.
5. 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 so as to block such units from view by persons on any public streets immediately adjoining the Property, or from adjacent residential uses. The method of screening shall be submitted at the time of site plan review.
6. 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.

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7. 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.
8. Site Lighting. Lighting fixtures shall not exceed twenty-five feet (25') in height.

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

On motion of Mr. Peterson, seconded by Mrs. Kelly-Wiecek, the members of the Board of Supervisors voted to approve Ordinance C-10-14(c) – Hanover Land, L.L.C., as follows:

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

**C-3-14(c) – William H. Garrison, et al. (Meridian Land Company)**, Request to rezone from A-1, Agricultural District to RS(c), Single-Family Residential District with conditions, on GPINs 8706-82-0535, 8706-72-1235 and 8706-72-4928, consisting of approximately 62.04 acres, and located on the south line of Studley Road (State Route 606) approximately 1,300 feet east of its intersection with Shady Grove Road (State Route 640) in the **Chickahominy Magisterial District**. The subject property is designated on the General Land Use Plan Map as Suburban General (1-4 dwelling units). The proposed zoning amendment would permit the creation of 142 building lots for a gross density of 2.29 dwelling units per acre.

Planning Analysis:

- The RS District requirements have all been met for this project
- The proposed subdivision will include:
  - 142 residential lots
  - 17.5 acres of common open space

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- Only 12.41 acres is required
- Amenities will include:
  - Multi-use playing field
  - Tot lot playground
  - Pavilion
  - Pond
  - Wooded common area
  - Sidewalks
  - Pedestrian trails

### Elevations:

- Elevations have been provided showing a variety of:
  - Housing styles
  - Materials
    - Stone, brick and siding
  - Most include porches
  - All include attached front or side loaded garages

### Transportation:

- A traffic impact analysis (TIA) was prepared by the applicant's engineer, reviewed by VDOT and Planning
- Staff and VDOT included the following recommendations:
  - Dedication of right-of-way along Old Oaklawn Drive
  - Addition of a 100' right turn lane with a 100' taper at the project entrance on Studley Road
    - The turn lane sized in accordance with the right turn lane warrant analysis

### Proffers:

- Road Cash Proffer
- Foundations – Brick or stone
- Off-Site Sanitary Sewer
- Dedication of Right-of-Way on Studley Road

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- Road Improvements - Entrances and the right turn lane from Studley Road
- Perimeter Fencing

### Recommendations:

- The Planning Commission and staff recommend approval subject to the submitted proffers

Mr. Maloney presented the Board with this request. Following the presentation, Mr. Herzog, Director of Public Utilities, came forward to answer questions concerning the sewer line, impact on flood plan and the feasibility of future connections to the proposed sewer line.

Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Mr. Scott Courtney, Resource International, came forward to address the Board on behalf of Meridian Land Company. Mr. Courtney described the meetings held with citizens and the questions that were raised. He detailed the efforts made to address citizen concerns and announced that some changes have been made, including the elimination of three lots. Mr. Courtney answered questions from Board members.

Mr. Dean Bowen, Chickahominy Magisterial District, came forward to speak in opposition of the development, citing the large size of the houses to be built on small lot sizes and increased traffic problems. He requested that an intersection be moved to Ruth Wood Court.

Mr. Bobby Brooks, Chickahominy Magisterial District, came forward to speak in opposition of the development, citing nonconformance with surrounding neighborhoods, increased traffic and property rights.

Ms. Pam Bowen, Chickahominy Magisterial District, came forward to speak in opposition of the development, stating that the development is not in keeping with the neighboring properties. She asked that the density be reduced further.

Seeing no others come forward, Mr. Davis closed the public hearing.

The Board members shared comments on the location of the buffers, citizens expressing interest in connecting to the proposed sewer line, the size and quality of the homes to be built, the future of the Studley Road vista and lot sizes. The traffic concerns were discussed and it was noted that the volume has been studied and the Sheriff's Office has been contacted to see how many accidents have been reported in the area. There was further discussion on the potential traffic issues as well as

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the areas that will be used as open space. Mr. Courtney clarified that much of the open space is wetlands area and will not be available for residents to use as active open space.

**ORDINANCE C-3-14(c)**

**OWNER OF RECORD: WILLIAM H. GARRISON, ET AL.**

**CONTRACT PURCHASER: MERIDIAN LAND COMPANY**

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

WHEREAS the Board of Supervisors has held public hearings on the 22<sup>nd</sup> day of October, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by the rezoning of the property described as GPINs 8706-82-0535, 8706-72-1235 and 8706-72-4928, consisting of 62.04± acres located on the south line of Studley Road (State Route 606) approximately 1,300 feet east of its intersection with Shady Grove Road (State Route 640) (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to RS(c), Single-Family Residential District with conditions, subject to the following conditions which were proffered by the Applicant on September 3, 2014, and accepted by the Board:

1. Cash Proffers. The Developer, for itself, and its successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy, the amount of Two Thousand Three Hundred Six and 00/100 (\$2,306.00) per single family unit built on the RS zoned 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

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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. Foundations. The exterior of all foundations of homes shall be clad in brick or stone.
3. Offsite Sanitary Sewer. The Developer shall design and install a gravity sewer, from the project to the existing Academy Creek sanitary sewer main, in accordance with the current standards of the Department of Public Utilities.
4. Dedication of Right-of-Way. The Owner agrees to dedicate fifty feet (50') of right-of-way from the centerline of Studley Road (State Route 606) to the property and 25 feet of right-of-way from the centerline of Old Oaklawn Drive (State Route 1201) for future road widening, free of cost to the County, upon request of the County or VDOT.
5. Road Improvements. The entrances and the right-turn lane from Studley Road shall be constructed in substantial conformity with the conceptual plan. The right turn lane shall include at least 100' of storage and a 100' taper. All road improvements shall be designated and constructed in accordance with VDOT standards and specifications.
6. Fencing. The 6' solid fencing shown on the conceptual plan within the perimeter open space provided to the adjacent property for screening purposes shall be bonded with other subdivision improvements, and shall be among those development improvements that are maintained by the homeowner's association.

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

On motion of Mrs. Kelly-Wiecek, seconded by Mr. Via, the members of the Board of Supervisors voted to approve Ordinance C-3-14(c) - William H. Garrison, et al. (Meridian Land Company) as follows:

	Vote:
Sean M. Davis	No
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	No
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

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The Chairman announced a brief recess at 8:37 p.m.

The meeting was reconvened at 8:44 p.m.

**C-7-14(c) - E. Tyree Chappell, Estate**, Requests to rezone from A-1, Agricultural District, to RS(c), Single Family Residential District with conditions, on GPIN 7796-28-9346 (part), consisting of approximately 41.94 acres, and located on the west line of Atlee Station Road (State Route 637) approximately 300 feet south of its intersection with Deer Stream Drive (State Route 2140) in the **Chickahominy Magisterial District**. The subject property is designated on the General Land Use Plan Map as Suburban General (1-4 dwelling units per acre). The proposed zoning amendment would permit the creation of 68 building lot(s) for a gross density of 1.62 dwelling units per acre.

### Planning Analysis:

- The proposed subdivision will include 68 residential lots for a gross density of 1.62 DU per acre
- The RS District requirements have all been met
- 15% (5.45 acres) common open space is required
  - 20.5% (8.6 acres) is provided
  - An additional 8.05 acres of open space is provided after RPA, steep slopes and 50% of the subdivision buffer are accounted for
- Amenities include:
  - Sidewalks on both sides of each street
  - Pedestrian trails
- Typical landscaping cross sections have been provided for the street buffer and for typical plantings along the internal streets
- To address a concern made by an adjoining property owner, the applicant has added a 20' landscaped common area along the southern property line
- This subdivision will be located on a portion of the Summer Duck Farm, which includes a home that dates to the 1840s and several outbuildings that date to the late 19th and early 20th centuries
  - The applicant has submitted a proffer that preserves oldest farm structures on Lot 33, including the historic home, smokehouse and the granary

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### Transportation:

- Based on recommendations from a Traffic Impact Analysis (TIA), the applicant has provided the following improvements:
  - A northbound left turn lane on Atlee Station Road with 100' of storage, taper and transition at a length within the property frontage
  - The entrance will have 1 ingress lane and 2 egress lanes for separate left and right turn lanes
  - The applicant has also added a right turn taper to address community concerns regarding traffic congestion on Atlee Station Road

### Proffers:

- Contribution for Road Improvements in the amount of \$6,671.00
- House Size – Minimum 1,800 sq. ft.
- Foundations – Brick or stone
- Right-of-Way Dedication – 50' from centerline of Atlee Station Road
- Road Improvements
- Buffer – Plantings and maintenance by HOA
- Historic Structure – Preservation and maintenance of Summerduck, allowing for future additions

### Recommendations:

- The Planning Commission and staff recommend approval subject to the submitted proffers

Mr. Maloney presented the Board with this request. Following the presentation, Mr. Maloney answered questions from Board members concerning lot size, open spaces and road proffer amounts.

Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Ms. Jennifer Mullen with Roth, Duner, Jackson, PLC, came forward to speak on behalf of the E. Tyree Chappell Estate. She informed the Board members that Todd Rogers and Mike Chenault of

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RCI Builders, Dan Caskie of Bay Companies, Inc. and Carl Hultgren of Ramey Kemp & Associates were present with her. Ms. Mullen described the proposed development and detailed some of the changes that have been made to the project.

Mr. Harold Bloomingfeld, Chickahominy Magisterial District, came forward to speak in opposition of the project, citing concerns over destruction of rural amenities and increased dangerous traffic/school conditions.

Ms. Tanya Fisher, Chickahominy Magisterial District, came forward to speak in opposition of the project, citing the need for preservation of a sense of community and the increase in students that will result from the development.

Mr. Bob Blair, Chickahominy Magisterial District, came forward to speak in opposition of the project, citing traffic concerns.

Ms. Linda Holloman, Chickahominy Magisterial District, came forward to speak in opposition of the project, citing traffic concerns particularly with high school students and the heavy increase in population in the area. She also had questions concerning house sizes and cost.

Ms. Margaret Slater, Chickahominy Magisterial District, came forward to speak in opposition of the project, citing concerns with standing water on her property, power lines, the road that will be cut through and traffic concerns.

Mr. Tom Walsh, Chickahominy Magisterial District, came forward to speak in opposition of the project, citing concerns with school safety related to traffic.

Mr. Ron Fisher, Chickahominy Magisterial District, came forward to speak in opposition of the project, citing concerns with traffic and buffer zones.

Ms. Mullen returned to address concerns. There was discussion on the size of the homes, the traffic studies conducted, Hanover County's projected growth rate and the expected number of students that will be added to the area schools.

Seeing no others come forward, Mr. Davis closed the public hearing.

Mrs. Kelly-Wiecek made a motion to approve Ordinance C-7-14(c) - E. Tyree Chappell, Estate, seconded by Mr. Via. The members of the Board of Supervisors voted as follows:

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	Vote:
Sean M. Davis	No
Wayne T. Hazzard	No
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	No
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	No

Motion failed.

**VIII. Announcements**

There were no announcements

**IX. Adjournment**

At 9:44 p.m. the Chairman adjourned the meeting to November 12, 2014 – Hanover County Administration Building – 2:00 p.m.

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Chairman