

**HANOVER COUNTY BOARD OF SUPERVISORS
DRAFT SUMMARY MINUTES**

**Hanover County Administration Building
Board Room**

January 28, 2015

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 28th day of January, 2015, at 6:00 p.m.

Present: Mr. Wayne T. Hazzard, Chairman
Mr. Aubrey M. Stanley, Vice-Chairman
Mrs. Angela Kelly-Wiecek
Mr. W. Canova Peterson
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

Absent: Mr. Sean M. Davis

I. Call to Order

Mr. Hazzard called the meeting to order at 6:00 p.m. All Board members were present except for Mr. Sean Davis.

The Board noted the passing of Frank Leslie, Hanover County employee for over 40 years. Mr. Leslie’s service and his many contributions to the County were recognized.

- A. The invocation was given by Mr. Via.
- B. The Pledge of Allegiance was led by Mr. Peterson.

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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.

Mr. Jonathan Johnson, Cold Harbor Magisterial District, came forward and spoke in favor of allowing chickens in residential areas, citing the number of citizens with an interest in this and the benefits it will provide.

Ms. Linda Adams, Beaverdam Magisterial District, came forward and spoke on behalf of Hanover County bus drivers. She detailed concerns relating to compensation during and outside regular hours, for field trips and for training. She also expressed concerns with lack of detail on pay stubs and health care costs.

Mr. Oscar Walker, Ashland Magisterial District, came forward and spoke in favor of the Board offering live streaming of Board of Supervisors meetings. Mr. Walker also stated there has been a decline in the quality of public education that needs to be addressed.

Mr. Glenn Millican, Mechanicsville Magisterial District, came forward and expressed concerns that the Hanover County Public Schools' (HCPS) adopted Initiatives do not contain increases in funding to the HCPS for the reduction of pupil - teacher ratios. He also noted that the Board of Supervisors' adopted 2015 Legislative Agenda and its adopted Initiatives do not include a request for the General Assembly to increase the level of basic aid or other funding to reduce that ratio.

Mr. Sterling Rives, County Attorney, confirmed that there is not such a statement in the Legislative Agenda and explained that Board members had substantial discussions on this matter with members of Hanover's legislative delegation during a meeting held in December, 2014.

Board members noted there is a Joint Education Committee where this matter has been discussed.

Seeing no others come forward, citizens' time was closed.

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IV. Consent Agenda

Mr. Via made a motion to approve the consent agenda, seconded by Mr. Stanley.

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

Motion approved.

IV. A. - Request for Adoption of Resolution – Acceptance of Streets into the Secondary System of Highways – Rutland, Section 4B (Chickahominy Magisterial District)

Board Sheet Background:

Rutland, Section 4B is a 46 lot subdivision recorded on June 12, 2013. The Virginia Department of Transportation – Ashland and the Departments of Planning and Public Works recommend processing for acceptance of streets in the attached resolution into the State Secondary System.

Recommended Action:

Motion to adopt the attached resolution requesting the Virginia Department of Transportation to accept Oakham Drive, Barncroft Circle, Fox Hill Farm Road, Colvincrest Drive, and Wenton Circle in Rutland, Section 4B Subdivision into the Secondary System of State Highways.

RESOLUTION

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Hanover County, and

WHEREAS, the representative for the Virginia Department of Transportation has advised this Board that the street(s) in **Rutland – Section 4B** meet the requirements established by the Virginia Department of Transportation's Subdivision Street Requirements, and

NOW, THEREFORE, BE IT RESOLVED, the Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary

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system of state highways, pursuant to Section 33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer, whichever occurs last in time, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Area Land Use Engineer for the Virginia Department of Transportation.

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

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

IV. B. - Adoption of Proclamation – William A. Perry

Board Sheet Background:

It is requested that the Board of Supervisors adopt the attached proclamation recognizing Communications Services Manager William A. Perry for over twenty-eight (28) years of dedicated service to Hanover County and extending best wishes in his retirement.

Recommended Action:

A motion to adopt proclamation.

PROCLAMATION

WHEREAS William A. Perry has served the County since September, 1986, as a full-time Emergency Communications Officer, 911 Supervisor, 911 Senior Supervisor, Operations Manager and Services Manager for the Hanover County Emergency Communications Department; and

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WHEREAS William A. Perry has continuously excelled in learning and perfecting all aspects of the Emergency Communications Operation and consistently performed these duties at an extremely high proficient level; and

WHEREAS William A. Perry has always been willing to share his skills, abilities, and knowledge with co-workers, user agencies and local area jurisdictions to ensure the public safety emergency communication's profession was recognized as an essential part of the public safety community and that it operated at a very high and proficient level; and

WHEREAS William A. Perry constantly applied himself to make the Hanover County Emergency Communications Department one of the best in the Commonwealth of Virginia through his expertise in the areas of professionalism, training, equipment, experience and customer service.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors does hereby recognize William A. Perry for his achievements and outstanding dedication, sense of duty and professional accomplishments as a member of the Hanover County Emergency Communications Department and extends to him their sincere thanks and appreciation for his exemplary and outstanding service over the last twenty-eight (28) years to the County of Hanover and the citizens he served, wishing him the very best in his retirement effective January 15, 2015.

On motion of Mr. Via, seconded by Mr. Stanley, members of the Board of Supervisors voted to adopt this Proclamation as follows:

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

IV. C. Adoption of Proclamation – 60 Years of Service – Shady Grove United Methodist Church and the Leadership of Boy Scout Troop 544, Mechanicsville Magisterial District

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Board Sheet Background:

It is requested that the Board of Supervisors adopt the attached proclamation commending and congratulating Shady Grove United Methodist Church and the leadership of Boy Scout Troop 544 on their 60 years of service to the citizens of Hanover County.

Recommended Action:

A motion to adopt proclamation.

PROCLAMATION

WHEREAS Boy Scout Troop 544 was first organized and chartered to Shady Grove United Methodist Church in Mechanicsville, Virginia, in 1954; and

WHEREAS Boy Scout Troop 544 has brought Scouting's program of character development, citizenship training and personal fitness to hundreds of boys in the Mechanicsville community; and

WHEREAS Boy Scout Troop 544 currently has twenty-four (24) active scouts and has seen seventy-two (72) Scouts earn Scouting's highest rank, the Eagle Scout Award; and

WHEREAS Boy Scout Troop 544, by following the mission of the Boy Scouts of America, has greatly enhanced the quality of life in the Mechanicsville and surrounding area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors for the County of Hanover, Virginia, does hereby commend and congratulate Shady Grove United Methodist Church and the leadership of Boy Scout Troop 544 on their 60 years of service to the citizens of Hanover County.

On motion of Mr. Peterson, seconded by Mr. Via, members of the Board of Supervisors voted to adopt this Proclamation as follows:

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

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IV.-D. Request for Extension – CUP-8-08, Hanover County Board of Supervisors (Parks and Recreation Department) and Lewistown Commerce Center, L.L.C. (South Anna Magisterial District)

Board Sheet Background:

A Conditional Use Permit extension is requested in order to allow the applicant additional time to begin development of the proposed Winding Brook Park located north of, and adjacent to, the Bass Pro Shops on Lakeridge Parkway. The 4.56 acre park includes an existing Hanover County Regional Stormwater Management Pond that will be enhanced with amenities for fishing, non-motorized boating and recreational events. Development of the park is part of the Lewistown Commerce Center CDA agreement.

The original Conditional Use Permit was approved by the Board of Supervisors on January 28, 2009, with a condition that specified the CUP would be valid for (2) years from approval unless substantial use or construction was underway. Previous extensions were granted to allow additional time to pursue grant funding for the facility. The Department of Parks and Recreation has indicated that construction on the park should begin during 2017.

The Planning Department recommends approval of a two (2) year extension of CUP-8-08 subject to the original conditions of approval.

Recommended Action:

Motion to approve extension request of CUP-8-08 for two (2) years subject to the original conditions of approval

V. Presentation – Update on Courthouse Project

Mr. John Budesky, Deputy County Administrator, came forward to give this presentation. Prior to his presentation, Mr. Budesky thanked the Board for the recognition of Mr. Leslie and noted that he will be truly missed.

Mr. Budesky updated the Board on the status of design, procurement, and the projected construction time frame for the New Courthouse Project. He provided an overview of the project and detailed the project's history, including the status to date on the bid process. The efforts and participation of numerous staff was recognized.

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Mr. Budesky described the current status of the project and provided details on the scope as follows:

- Courthouse consists of 115,000 gross square feet with two above grade floor levels and a partial basement.
- Total of six finished courtrooms and associated office and support spaces will be housed in the building.
- Build out space for two additional courtrooms in the future.
- The secured entry will have an X-Ray unit and walk-through metal detectors for screening of staff, visitors, and their articles or packages when entering the building.
- Security will also use multiple CCTV and glass breakage detection.
- The building will be served by five elevators. Two passenger elevators for public use and a third elevator will open off the restricted corridors at all three floor levels and will be used by judges and other authorized court personnel. Two secure prisoner elevators will serve the holding areas and basement levels.
- Total of six cells and six holding tanks are located in the basement.
- Two lane pull through sally port used to transition prisoners to cells and tanks.

The next steps are to finalize the contract award, conduct a space study to determine the best use of the buildings to be vacated, evaluate savings from below projected estimates and determine if those funds should be invested in the renovations and, finally, to build the new Courts facility.

VI. Legislative Agenda Update

Mr. Sterling Rives, County Attorney, came forward to present the Hanover County Legislative Agenda update. He updated the Board on Hanover's request for a State Budget Amendment to add reimbursement for one-half of the cost of proposed construction of additional bed space at Pamunkey Regional Jail.

Mr. Rives provided an updated copy of the Board's Legislative Agenda which reflects the actions taken at the previous meeting regarding support for four bills relating to industrial wastes and opposition of legislation limiting the amount or type of fees set by the Capital Region Airport Commission or by other public use airports.

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Mr. Rives updated the Board on the following bills: HB 1363, HB 1364, HB 1381, HJ 516, HB 1889, HB 1280, HB 1300, HB 1301, HB 1426, HB 1441, HB 1468, HB 1287, HB 1484, HB 1511, HB 1514, HB 1518, HB 1521, HB 1531, HB 1550, HB 1585, HB 1644, HB 1673, HJ 505, HJ 581, SB 784, SB 796, SB 841, and SB 1315.

There was discussion and Mr. Rives offered clarification about the specifics and/or potential impacts of several of the bills.

The Chairman announced a brief recess at 6:56 p.m.

The meeting was reconvened at 7:02 p.m.

VII. Public Hearings

CUP-2-02 AM. 2-14 – Beaverdam Baptist Church, Requests an amendment to a Conditional Use Permit in accordance with Section 26-20.21 of the Hanover County Zoning Ordinance to amend the approved sketch plan to add an accessory structure and associated parking area on GPIN 7826-62-2888, consisting of approximately 55 acres, currently zoned A-1, Agricultural District, located on the east side of Beaver Dam Road (State Route 715) approximately 1,025 feet north of Tyler Station Road (State Route 658) in the Beaverdam Magisterial District. The site of the requested Conditional Use Permit is designated on the General Land Use Plan Map as Agricultural.

Planning Analysis:

- The proposed 4,600 sq. ft. structure will be used to house a mission and outreach program (clothes closet) to serve the surrounding community
- Architecture and materials will be consistent with the existing church structures
- The clothes closet will operate outside the regular church activities and should have minimal impact to the area

Recommendation:

- Planning Commission and staff recommend approval subject to the submitted sketch plan.

Mr. David Maloney, Director of Planning, presented this case to the Board.

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward. Seeing none, he closed the public hearing.

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RESOLUTION

WHEREAS after a public hearing held on this 28th day of January, 2015, 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 Beaverdam Baptist Church is granted an amendment to a Conditional Use Permit in accordance with Section 26-20.21 of the Hanover County Zoning Ordinance to amend the approved sketch plan to add an accessory structure and associated parking area on GPIN 7826-62-2888, consisting of approximately 55 acres, currently zoned A-1, Agricultural District, subject to the following conditions, which incorporate all of the applicable conditions from previous amendments:

1. The Property which is the subject of the application shall be used only for a church, a private educational church school, and their accessory uses.
2. The church sign shall be a monument sign and shall be constructed according to the guidelines specified in Section 26-274.5. Before such sign is erected, a sign permit application must be made and approved by the County. The location of such sign will be determined at that time.
3. All lighting shall comply with the requirements of Division 6, Lighting Regulations.
4. All requirements of the Virginia Department of Transportation with regard to the site entrance shall be met.
5. At such time as the construction of any of the future facilities shown on the sketch plan are planned, the applicant shall have the project reviewed by the County for traffic impacts to the area. If it is found that those facilities will produce traffic impacts, the applicant shall comply with County recommendations to relieve those impacts.
6. Upon request of the County, the owner shall dedicate thirty feet (30') of right-of-way from the centerline of State Route 715 to the property for future widening. Such dedication shall be made free of cost and free of encumbrances interfering with the use for road purposes.
7. The educational church school shall be limited to no more than 120 students. Any expansion beyond that enrollment shall require an amendment to the Conditional Use Permit.
8. All requirements of the Public Works Department, Public Utilities Department, County Health Department, and the Building Inspectors Office shall be met.

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

On motion of Mr. Stanley, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve CUP-2-02 AM. 2-14 – Beaverdam Baptist Church, as follows:

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

C-10-07(c) AM. 1-14 – Giles Farm, L.L.C., ET AL., Requests an amendment to the proffers approved with rezoning request C-10-07(c), Hanover Development, L.L.C., et al., on GPINs 7796-44-9163(part), 7796-73-3791, 7796-65-2927(part), 7796-73-8722, 7796-74-3065, 7796-76-2563(part), 7796-76-8849 and 7796-67-7467(part), zoned RS(c), Single-Family Residential District with conditions, generally located on the southwest quadrant of the intersection of Atlee Station Road (State Route 637) and Staple Lane (State Route 1229) in the **Chickahominy 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 \$19,503.00 (capital & road improvements) to:
 - \$6,671.00 per single-family detached unit
 - \$4,073.00 per attached unit
 - The amended proffer is in accordance with the Business and Residential Development Road Improvements Transportation Policy

Recommendation:

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

Mr. Maloney presented this case to the Board.

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward.

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Ms. Sarah Warner came forward as the applicant and stated she was available to answer any questions from Board members.

Seeing no others come forward, the Chairman closed the public hearing.

ORDINANCE C-10-07(c), AM. 1-14

OWNER OF RECORD: GILES FARM, L.L.C., ET AL.

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 28th day of January, 2015, 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-10-07(c), Hanover Development, L.L.C., et al., of the property described as GPINs 7796-44-9163(part), 7796-73-3791, 7796-65-2927(part), 7796-73-8722, 7796-74-3065, 7796-76-2563(part), 7796-76-8849 and 7796-67-7467(part), generally located on the southwest quadrant of the intersection of Atlee Station Road (State Route 637) and Staple Lane (State Route 1229) (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 December 23, 2014, and accepted by the Board:

1. Cash Proffers. The Property 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 Six Thousand Six Hundred Seventy and 00/100 (\$6,670) per detached single family unit and Four Thousand Seventy-Three and 00/100 (\$4,073) per attached 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

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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. Dedication of Right-of-Way. The Owners agree to dedicate 50 feet (50') of right-of-way from the centerline of Atlee Station Road to the Property for that portion of the property located north of Cool Spring Road and 30 feet (30') of right-of-way from the centerline of Atlee Station Road to the Property for that portion of the property located south of Cool Spring Road for future road widening, free of cost to the County, upon request of the County or VDOT.
3. Tree Preservation and Home-Site Construction Clearing Criteria. The rear and side yards of each lot, as required by the Zoning Ordinance, shall be selectively cut with no cutting of trees five inches (5") in caliper or greater. The intent of this proffer is to provide protection of existing on-site trees, especially those with a caliper of five inches (5") or greater, to the extent possible and practicable during and after construction. The following criteria is established to show how the intent of this proffer will be realized on individual home sites, in light of the construction of improvements on these lots and other on-site construction activities. These criteria shall not be used to facilitate clear-cutting of established trees, especially those trees five inches (5") in caliper and greater for which the proffer was created to protect:
 - A. Trees may be cleared in the footprint of all proposed homes, detached garages, pools, decks and accessory buildings as required for safe, proper and orderly construction of these structures. Trees may also be cleared up to a distance of twenty feet (20'), measured horizontally, from these structures to allow for safe access for this construction.
 - B. Trees may be cleared in the footprint of all driveways and access walkways (sidewalks, service paths, etc.) that serve the above structures. Trees also may be cleared within ten feet (10'), measured horizontally, from driveways and access walkways to allow for the construction of these elements.
 - C. Trees may be cleared ten feet (10') from the centerline of proposed utility service lines, including both public and private utilities (water, sewer, gas, electric, cable television, etc.). This will allow utility companies or their contractors sufficient access as required for the safe installation of their lines and service.

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- D. Any trees that are obviously dead may be removed as necessary. Any trees that are dying or diseased may be removed, if designated by an arborist that they will not survive. In addition, trees that pose an imminent threat or hazard (leaning, structurally damaged, etc.) to property or persons may be removed.
- E. Trees may be removed if required to facilitate positive drainage away from structures and may be removed if required to allow grading to eliminate adverse or negative slope conditions, as well as to prevent adverse erosion or sedimentation.
4. Emergency Access Road. Property Owner will provide a fifty foot (50') wide private easement, to be maintained by the Homeowner's Association, from the connection with Cudlipp Avenue (State Route 1206) in Craney Island Farms to Clay Bank Way as shown on the Conceptual Plan. At Cudlipp Avenue, in a location approved by Hanover County, the Property Owner will construct a gate equipped with a Knox Box, to be used by emergency personnel to provide access solely for emergency vehicles and by the Department of Public Utilities to maintain utility infrastructure. Construction and use of the emergency access shall in no way interfere with use of the utility access easement. Within the fifty foot (50') easement, the Property Owner shall construct an eighteen foot (18") wide paved road, capable of supporting vehicles with a weight of sixty-five thousand (65,000) pounds, from Cudlipp Avenue to Clay Bank Way with shoulders and ditches. In addition, the Property Owner shall provide, within the bounds of the easement, a pedestrian path, comparable to the other pedestrian paths in the development.
5. Recreational Amenities. The recreational facilities, as shown on the Conceptual Plan, shall be constructed at the expense of the Property Owner, and shall be bonded as subdivision improvements in Section 1.
6. Dedication for Basin C-35. The Property Owner shall dedicate the necessary property interest for stormwater management facility C-35 ("Basin C-35") in accordance with the Hanover County Regional Storm Water Management Plan, which shall include an area that extends, at a minimum, up to the one hundred year flood pool (maximum water surface elevation of one hundred thirty five and five-tenths (135.5) feet, or an alternate elevation as approved by the Director of Public Works), a twenty foot maintenance easement around such facility upland and contiguous to the Director approved elevation or upland and contiguous to an elevation equal to

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one (1) foot above the crest of the embankment, whichever provides more maintenance easement, and a twenty foot contiguous access easement to the stormwater management facility from the closest public road.

7. Proposed Pump Station Access. Access to the “Proposed Sewage Pump Station (Hanover County)” from Medley Grove Court shall be dedicated to the County, free of cost, upon completion of construction of Medley Grove Court.
8. Atlee Manor Pump Station. To facilitate the abandonment and removal of a temporary sewer pump station located within the Atlee Manor subdivision, the Owner shall design and construct a sanitary sewer extension and terminal manhole from the central collection sanitary sewer. The terminal manhole shall generally be located along the rear property line of Lot 11 on Willie’s Way Place at a point opposite the property line separating GPINs 7796-75-2166 and 7796-75-2219 in the Atlee Manor subdivision. The extension shall be designed to accept wastewater currently pumped by the Atlee Manor pump station, which is located approximately two hundred sixty feet (260’) from the proposed location of the terminal manhole.
9. Transportation Improvements. Transportation improvements shall be constructed in substantial conformity with those described on pages 13, 14 and 15 of the Conceptual Plan. In addition, the Property Owner shall install a traffic signal at the intersection of River Edge Drive and Atlee Station Road and at the intersection of Hill Fork Drive and Atlee Station Road. Traffic signal design shall include pedestrian buttons/pedestrian signal heads and crosswalks as may be approved by VDOT.

If warrants for the signal at River Edge Drive are not met at the time of construction plan approval, then the cost for such signal shall be bonded; however, if the warrants are not met for this signal within twenty (20) years of rezoning approval, or VDOT does not approve installation of the signal within twenty (20) years of zoning approval, then the Property Owner shall have no obligation to construct the signal.

If warrants for the signal at Hill Fork Drive are not met at the time of construction plan approval, then the cost for such signal shall be bonded; however, if the warrants are not met for this signal within ten (10) years of rezoning approval, or VDOT does not approve installation of the signal within ten (10) years of zoning approval, then the Property Owner shall have no obligation to construct the signal.

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10. Drainage Improvements. The Property Owner shall dedicate to Hanover County, upon request, and at no cost to Hanover County, easements, natural drainage ways and drainage facilities (collectively known as “Drainage Improvements”) necessary to accommodate improvements to Atlee Road and construction of an intersection at Atlee Road and Atlee Station Road. The dedicated Drainage Improvements shall be free of all encumbrances restricting use for purposes of managing drainage and storm water. Property Owner shall receive a road proffer credit, to the extent the Property Owner incurs costs greater than which would otherwise be required, arising from the costs to design, construct and install or oversize the Drainage Improvements. The Property Owner shall not be required to make such dedication if the design or location of the Drainage Improvements requires a relocation of lots or results in a reduction of number of lots.

The Property Owner shall allow access to the property when requested by the County or its agents to permit necessary tests, surveys, and work related to the Drainage Improvements. Should the County not request such dedication prior to subdivision approval, the Property Owner shall, based upon the design information of the Drainage Improvements available at the time of subdivision approval, incorporate the Drainage Improvements into the subdivision design and shall not develop the Property in a manner that renders it unsuitable for the Drainage Improvements.

11. Proposed Pump Station. All units within the development shall be served by the “Proposed Sewage Pump Station (Hanover County)” as shown on the Conceptual Plan.

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. Peterson, the members of the Board of Supervisors voted to approve Ordinance C-10-07(c) AM. 1-14 – Giles Farm, L.L.C., ET AL., as follows:

Wayne T. Hazzard
Aubrey M. Stanley
Sean M. Davis

Vote:
Aye
Aye
Absent

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Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

C-20-14(c) – Brenda A. and Ronald N. May, Request to rezone from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, on GPIN 8709-71-6978, consisting of 4.0 acres, and located on the west line of Cadys Mill Road (State Route 695) at its intersection with Cadys Woods Drive (private road) in the **Beaverdam Magisterial District**. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit the creation of one (1) additional building lot for a family member for a gross density of one (1) dwelling unit per two (2) acres.

Planning Analysis:

- This is a request to divide a 4 acre parcel into two 2 acre parcels
 - The front lot contains the existing house, accessory buildings, and driveway
 - The proposed rear lot shall have access via a 20’ easement for ingress and egress
- This is a request to divide a 4 acre parcel into two 2 acre parcels
 - The front lot contains the existing house, accessory buildings, and driveway
 - The proposed rear lot shall have access via a 20’ easement for ingress and egress

Proffers:

- Conceptual Plan
- Tree Preservation
- Wetlands Certification
- Perenniality Study
- Family Division
- Reservation of Right-of-Way

Recommendation:

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

Mr. Maloney presented this case to the Board. Following the presentation, Mr. Maloney answered questions from Board members.

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The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward.

Ms. Cathy Mercer, Beaverdam Magisterial District, came forward to speak in opposition of the request, citing concerns with density, a boundary line adjustment and the lack of a hardship basis for the request.

Mrs. Brenda May, Beaverdam Magisterial District and applicant, came forward to offer clarification on the reason for the request.

Ms. Michelle Simpson, Beaverdam Magisterial District, came forward to speak in opposition of the rezoning. She stated she is not opposed to an additional lot, just the rezoning to the AR-6 designation.

Mr. Larry Mosley, Beaverdam Magisterial District, came forward to ask if letters of opposition were taken into consideration and was informed that they are.

Seeing no others come forward, the Chairman closed the public hearing.

Mr. Maloney returned to the podium to answer Board members' questions and offer clarification on several aspects of the request.

ORDINANCE C-20-14(c)

OWNER OF RECORD: BRENDA A. AND RONALD N. MAY

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 28th day of January, 2015, 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 8709-71-6978, consisting of 4.0± acres located on the

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west line of Cadys Mill Road (State Route 695) at its intersection with Cadys Woods Drive (private road), (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, subject to the following conditions which were proffered by the Applicant on November 6, 2014, and accepted by the Board:

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Proposed Rezoning Concept Plan," dated November 4, 2014, and prepared by ASA Surveying & Mapping, 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. Wetlands Certification. The Owner agrees to submit a wetlands certification for the property to the Hanover County Department of Public Works for its review and approval prior to or concurrent with the submission of an application for a Family Division. The Family Division shall not be approved unless the Department of Public Works approves the wetlands certification.
4. Perenniality Study. The Owner agrees to submit a perenniality study for the property to the Hanover County Department of Public Works for its review and approval prior to or concurrent with the submission of an application for a Family Division. The Family Division shall not be approved unless the Department of Public Works approves the perenniality study.
5. Family Division. The property shall only be divided for family, in accordance with Chapter 25, Division 5 of the Hanover County Code. Title to the newly created lot shall be held by the family member to whom the property was sold or given for at least three (3) years following the issuance of a Certificate of Occupancy, unless the lot is the subject of an involuntary transfer caused by foreclosure, death, judicial sale, condemnation, or bankruptcy.
6. Reservation of Right-of-Way. The Owner agrees to reserve twenty-five (25) feet of right-of-way from the centerline of Cadys Mill Road (State Route 695) to the property for the future road widening.

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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. Via, the members of the Board of Supervisors voted to approve C-20-14(c) – Brenda A. and Ronald N. May, as follows:

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

C-8-14(c) – Carolyn L. King (Rogers-Chenault, Inc.), Requests to rezone from A-1, Agricultural District, to RS(c), Single-Family Residential District with conditions, on GPINs 8715-31-5918 and 8715-32-6633, consisting of approximately 39.6 acres, and located on the west line of Bell Creek Road (State Route 642) at its intersection with Loralea Drive (State Route 1288) in the **Mechanicsville Magisterial District**. The subject property is designated on the General Land Use Plan Map as Suburban High (4-8 dwelling units per acre). The proposed zoning amendment would permit the creation of 130 age-restricted townhomes for a gross density of 3.28 units per acre.

Planning Analysis:

- The proposed development has a gross density of 3.3 units per acre and consists of 130 age-restricted townhouses
- The conceptual plan and elevations submitted meet the RS District and subdivision preliminary plat requirements
- The plan shows 1 full-movement entrance and 1 right-in/right-out entrance to Bell Creek Road
- Subsequent to the Planning Commission meeting the applicant renamed the development “Cherry Grove” after the historic home
- A traffic impact analysis was prepared for the project:
 - At the time of project build-out the Bell Creek and Pole Green Road intersection would operate at LOS D

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- Turn lanes were not warranted at either of the project entrances at Bell Creek Road
- Recreational amenities shown on the conceptual plan include:
 - Club House
 - Pickleball Court
 - Putting Green
 - Event Lawn
 - Community Garden
 - Sidewalks on both sides of each street

Community Meeting Held October 29, 2014:

- Issues raised at the meeting:
 - Residents expressed concerns that no turn lanes were proposed
 - The traffic study determined that turn lanes were not warranted
 - Nonetheless, to address community concerns, the applicant has proffered and shown on the conceptual plan a left and right turn lane into the main entrance
 - It was suggested that a buffer was needed between the nursery (Sandy's Plants) and the development
 - The applicant proffered and has shown on the conceptual plan a buffer along the southern property line, which includes:
 - 3' Berm
 - 7' Fence
 - Evergreen Plantings
 - Citizens requested that the historic house be preserved on the property
 - The applicant has indicated that both historic homes will be removed but has proffered to allow the structures to be moved or salvaged and properly documented by the County prior to demolition

Proffers:

- Road Improvements Contribution - \$2,306.00 per unit
- Foundations - Brick or stone
- Age Restricted - Resident to 55 years and older
- Recreational Amenities - Bonded with the 1st section

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- Bell Creek Road Improvements - Left and right turn lanes to be bonded with the 1st section
- Historic Resources - Houses offered for removal, salvage, and documentation
- Right-of-Way Dedication
- Buffer - Along the southern property line

Recommendation:

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

Mr. Maloney presented this case to the Board. Following the presentation, Mr. Maloney answered questions from Board members.

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward.

Ms. Patty Thomas, Mechanicsville Magisterial District, came forward to speak in favor of the development, citing favorable changes that have been made to the project by the developer.

Ms. Jennifer Mullen with Roth, Duner, Jackson, PLC, came forward to speak on behalf of the applicant. Ms. Mullen described the proposed development and detailed some of the changes that have been made to the project in response to citizens' concerns.

Ms. Jo Battenfield, Mechanicsville Magisterial District, came forward and stated that the traffic in the area is already a concern and will be made worse. She stated that while she has no opposition to the development itself, her primary concern is that the historic home be saved.

Mr. Griff Durant, Chickahominy Magisterial District, came forward and stated the importance of saving the historic home. He requested it be moved to the common area and renovated as it would be positive for the County.

Mr. Art Taylor, Beaverdam Magisterial District and President of the Hanover County Historical Society, came forward to advocate preservation of the historic home. He requested that Hanover County put a requirement in place that all owners of historical property that comes before the County on zoning actions provide a background on the property and that upon suggestion of a historic impact, the information be immediately forwarded to the Planning Commission.

Ms. Mullen returned to the podium to address the issues that had been brought forward.

Seeing no others come forward, the Chairman closed the public hearing.

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There was a discussion on stormwater runoff and Mr. Maloney offered clarification on the matter. There was further discussion among Board members concerning the historic home.

ORDINANCE C-8-14(c)

OWNER OF RECORD: CAROLYN L. KING

CONTRACT PURCHASER: ROGERS-CHENAULT, 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 28th day of January, 2015, 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 8715-31-5918 and 8715-32-6633, consisting of 39.6± acres, located on the west line of Bell Creek Road (State Route 642) at its intersection with Lorelea Drive (State Route 1288), (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 January 7, 2015, and accepted by the Board:

1. Cash Proffers. The Property Owner, 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.

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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. Foundations. The exterior of all foundations of homes shall have an exterior of brick or stone.
3. Age Restriction. Dwellings within the Property are intended to be occupied only by persons age 55 years and older and the occupancy of these dwellings shall comply with provisions of the Virginia Fair Housing Law (found at Section 36-96.1 et seq. of the Code of Virginia (1950) as amended). Persons under the age of 19 shall not be housed or domiciled and shall not reside on the Property. A covenant shall be recorded, and a homeowners' association established for the enforcement, to limit the use and occupancy of the dwellings as specified herein.
4. Recreational Amenities. The recreational facilities, as shown on the Conceptual Plan, or as otherwise approved at the time of subdivision, shall be constructed at the expense of the Property Owner and shall be bonded as subdivision improvements with Section 1.
5. Bell Creek Road Improvements. The Property Owner shall install a northbound left turn lane and southbound right taper on Bell Creek Road as generally shown on the conceptual plan and shall be bonded as a subdivision improvement with Section 1. All such road improvements shall be designed and constructed in accordance with VDOT standards and specifications and subject to VDOT approval.
6. Historic Resources. Prior to application for a demolition permit for the historic structure located on the Property, the Owner shall advertise in a regional newspaper for two successive weeks a free offering of the historic structures for its movement to another site. If there are no respondents, the Owner shall allow any historic materials in the structures to be properly salvaged. Prior to any demolition or removal of materials, the Owner shall allow County staff to enter the structures for the purpose of photographic documentation for placement in the County's historic survey file for Cherry Grove, VDHR #42-237, and House, 8107 Bell Creek Road, VDHR#5246.
7. Right-of-Way Dedication. The Property Owner agrees to dedicate fifty (50) feet of right-of-way from the centerline of Bell Creek Road (State Route 642) to the Property for future road widening, free of cost to the County, upon request of the County or VDOT.
8. Buffer. The Property Owner agrees to install the berm, trees, and fence along the portions of the southern Property line as shown on the Conceptual Plan. This area shall be maintained by

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the homeowners association. The fence within the road stub shall be maintained by the homeowners association until such time as the roadway connection is made to GPIN 8715-31-2556. At such time as the connection is made, the homeowners association shall bear the responsibility and cost of removing the fence. Removal shall occur within 60 days following a request by 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. Peterson, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve C-8-14(c) – Carolyn L. King (Rogers-Chenault, Inc.), as follows:

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

XIV. Announcements

Mrs. Kelly-Wiecek announced there will be an Annual Budget Town Hall meeting at Chickahominy Middle School at 7:00 p.m. on February 26, 2015.

Mr. Peterson announced there will be a Community Forum at Covenant Woods in Mechanicsville on February 17, 2015. He will be issuing a press release.

XV. Adjournment

At 8:05 p.m. the Chairman adjourned the meeting to February 11, 2015 – Hanover County Administration Building – 2:00 p.m.


Chairman