

# **HANOVER COUNTY BOARD OF SUPERVISORS**

## **MINUTES**

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

**March 25, 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 25<sup>th</sup> day of March, 2015, at 6:00 p.m.

Present: Mr. Wayne T. Hazzard, Chairman  
Mr. Aubrey M. Stanley, Vice-Chairman  
Mr. Sean M. Davis  
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

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

Mr. Hazzard called the meeting to order at 6:01 p.m. All Board members were present.

- A. The invocation was given by Mr. Davis.
- B. The Pledge of Allegiance was led by Mr. Stanley.

#### **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.

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Seeing none, citizens' time was closed.

**IV. Consent Agenda**

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

	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

Motion approved.

**IV. A. – Adoption of Proclamation – Eagle Scout – Andrew James Bock - Cold Harbor Magisterial District, Boy Scout Troop 533**

Board Sheet Background:

It is requested that the Board of Supervisors adopt the attached proclamation congratulating Andrew James Bock in attaining the rank of Eagle Scout on August 19, 2014, the highest award granted by the Boy Scouts of America.

Recommended Action:

A motion to adopt proclamation.

**PROCLAMATION**

WHEREAS the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS Andrew James Bock is a resident of the Cold Harbor Magisterial District in Hanover County, Virginia, and a senior at Lee-Davis High School; and

WHEREAS on the 19<sup>th</sup> day of August, 2014, Andrew James Bock attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor Andrew James Bock carried out a community project by organizing and implementing a clothing drive to benefit Mechanicsville Churches Emergency

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Functions (MCEF) in Hanover County, Virginia, and with the help of others donated clothes and diapers were collected, sorted and distributed to church clothes closets; and

WHEREAS Andrew James Bock of Boy Scout Troop 533 which meets at the VFW Post 9808 in Mechanicsville, Virginia, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout; and

WHEREAS the Hanover County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important service they provide to the youth of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors hereby extends its congratulations to Andrew James Bock and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

On motion of Mr. Wade, 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

### **IV. B. - Adoption of Proclamation – Hanover Concert Band – 25<sup>th</sup> Anniversary**

#### Board Sheet Background:

At the request of Mr. Peterson, the Board of Supervisors is requested to consider adoption of the attached proclamation recognizing the 25<sup>th</sup> Anniversary of the Hanover Concert Band and honoring their service to the people of Hanover and the surrounding area through these many years.

#### Recommended Action:

A motion to adopt the proclamation.

### **PROCLAMATION**

WHEREAS in 1989 the Hanover Concert Band began as a group of volunteer, dedicated, amateur musicians gathering together to play and perform concert band music in Hanover County, Virginia; and

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WHEREAS the Hanover County Board of Supervisors desires to recognize the Hanover Concert Band for reaching a significant milestone of presenting concerts in and around the County of Hanover, Virginia, for twenty-five (25) years; and

WHEREAS the members of the Hanover Concert Band began with alternate week rehearsals at Patrick Henry High School and Lee-Davis High School and presented their first concert by singing to the citizens in their community of Hanover County and soon thereafter shared their music with those living in surrounding areas; and

WHEREAS the Arts and Activities Center in Ashland, Virginia, now serves as the home of the Hanover Concert Band, and, under the direction of Karla Bloom, perform twelve (12) to fifteen (15) concerts throughout each year in the County and in the central Virginia area helping to raise funds for local assistance such as the Mechanicsville Churches Emergency Functions' (MCEF) Food Pantry; and

WHEREAS the members of the Hanover Concert Band serve the community by performing at the Hanover Tomato Festival, Virginia War Memorial, Strawberry Faire, Hanover Wayside Park Veterans Memorial, and the Arts and Activities Center fund raisers for local needs and more; and

WHEREAS to celebrate the Hanover Concert Band's 25<sup>th</sup> Anniversary Season a special event will be held at 7:00 p.m., on Saturday, May 16, 2015, at Fairmount Christian Church in Mechanicsville, Virginia, to benefit the Mechanicsville Churches Emergency Functions (MCEF) Food Pantry and their seven (7) outreach programs; and

WHEREAS the Hanover Concert Band funds their activities with donations and gifts and have faithfully served the residents of their community and beyond.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors does hereby commend and congratulate the Hanover Concert Band for their twenty-five (25) years of musical service and extends their best wishes for the future.

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. C. - 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 Rockville Site in the South Anna Magisterial District.**

#### Board Sheet Background:

The Emergency Communications Department is requesting authorization to enter into a lease agreement with Cellco Partnership d/b/a Verizon Wireless to lease land and tower space on the Rockville Tower located at 16405 MLC Lane, Rockville, Hanover County, Virginia, 23146, GPINs: 7729-43-4175, 7729-42-5048 and 7720-41-7385.

The initial term of the proposed lease is five years, with four additional five year extensions if approved by the County Administrator. The initial lease fee will be \$30,000 for the first five years with an annual escalator of 3% beginning the first year of the first five year extension. Pursuant with the County's agreement with the International Ministry Board, revenues will be shared equally between the County and the International Ministry Board.

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

#### Recommended Action:

Motion to authorize the County Administrator to enter into 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 Farrington Tower Site and authorize the County Administrator to take all other actions necessary to implement the Lease Agreement.

### **V. Presentation of Proclamations**

Mr. Hazzard and Mrs. Kelly-Wiecek called Ernest H. Mason forward and presented him with a proclamation recognizing his years of service to the county. Mr. Mason thanked the Board members, those he has worked with over the years and the citizens.

Mrs. Kelly-Wiecek called representatives of Boy Scout Troop 544 forward and presented them with a proclamation recognizing the troop's 60 Years of Service in the county.

### **VI. Budget Presentations Related to the Proposed Fiscal Year 2016 Budget**

Mrs. Kathy Seay, Director, Finance and Management Services, came forward and gave a presentation on state impacts and potential amendments to the proposed FY16 budget. Following the

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presentation, Mrs. Seay answered questions from Board members.

**Potential Budget Amendments**

- In order to draw down newly available state funds for teacher raises, the County must increase its compensation increase to a minimum of 1.5%.
- To remain competitive in the region, 2% is proposed.
- Increase Compensation from 1% in July to 2% in October

<b>Fund</b>	<b>FY16 Cost</b>	<b>Non-Local Revenue</b>	<b>Local Cost</b>
School Fund	\$606k	(606k)	-
General Fund*	\$400k	(200k)	<b>\$200k</b>
School Nutrition Fund	\$10k	(10k)	-
Public Utilities	\$27k	(27k)	-

\*Includes Airport Fund

**FY16 Budget**

<b>Fund</b>	<b>Proposed</b>	<b>Amended</b>
<b>General Fund</b>	<b>\$ 221,652,444</b>	<b>\$ 222,052,444</b>
<b>Schools Operating Fund</b>	<b>171,233,673</b>	<b>171,839,758</b>
Self-Insurance Fund	33,315,180	33,315,180
<b>Utilities Operating Fund</b>	<b>32,701,581</b>	<b>32,728,981</b>
Debt Service Fund	19,668,500	19,668,500
County Improvements Fund	7,123,400	7,123,400
<b>School Food Services Fund</b>	<b>7,006,863</b>	<b>7,016,800</b>
<b>Airport Fund</b>	<b>4,584,962</b>	<b>4,585,446</b>
School Improvements Fund	2,400,000	2,400,000
Lewistown CDA	659,440	659,440
Economic Development Authority	225,950	225,950
Bell Creek CDA	160,000	160,000
Less Transfers	(104,221,334)	(104,221,818)
<b>Total</b>	<b>\$ 396,510,659</b>	<b>\$ 397,554,081</b>

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**VII Closed Session - Section 2.2-3711(A)(3) of the Code of Virginia – Atlee Station Road  
Extended Right-of-Way Acquisition**

Mr. Stanley moved that the Board of Supervisors go into Closed Session pursuant to the following: Section 2.2-3711(A)(3) of the Code of Virginia – Atlee Station Road Extended Right-of-Way Acquisition. The motion was seconded by Mr. Peterson

	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

Motion approved.

Board members entered Closed Session at 6:21 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 6:45 p.m.

**Certification of Closed Session**

Mr. Stanley 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. Wade.

	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

Motion approved.

Mrs. Kelly-Wiecek moved that the Board of Supervisors authorize the purchase of right-of-way, a permanent slope and drainage easement and temporary construction easement on GPIN 7796-

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95-9806 for \$40,000.00 for proposed road improvements, and authorize the County Administrator to take all actions necessary to complete this acquisition. The motion was seconded by Mr. Wade.

	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

Motion approved.

The Chairman announced a brief recess at 6:46 p.m.

The meeting was reconvened at 7:00 p.m.

### VIII. PLANNING PUBLIC HEARINGS

**C-24-14(c) – Edna M. Mitchell (Sheehy Auto Stores, Inc.),** Requests to rezone from A-1, Agricultural District, to B-3(c), General Business District with conditions, on GPINs 8714-99-7488 and 8714-99-5533, consisting of approximately 2.62 acres, and located at the terminus of Sujen Court (State Route 1580) approximately 650 feet north of its intersection with Mechanicsville Turnpike (U.S. Route 360) in the **Henry Magisterial District**. The subject property is designated on the General Land Use Plan Map as Commercial. The proposed zoning amendment would permit accessory vehicle storage for the adjacent automobile sales business.

**SE-2-15 – Sheehy Auto Stores, Inc.,** Requests a Special Exception Permit in accordance with Section 26-336 of the Hanover County Zoning Ordinance to permit a fence taller than permitted in the front yard on GPINs 8714-99-7488 and 8714-99-5533, consisting of approximately 2.62 acres, zoned A-1, Agricultural District (B-3(c), General Business District with conditions, rezoning pending), and located at the terminus of Sujen Court (State Route 1580) approximately 650 feet north of its intersection with Mechanicsville Turnpike (U.S. Route 360) in the **Henry Magisterial District**.

Mr. David Maloney, Director of Planning, came forward and informed the Board members that the applicant for these proposals has requested a deferral to allow time for the Planning Commission to review a revised sketch plan.

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On motion of Mr. Davis, seconded by Mr. Stanley, the members of the Board of Supervisors voted to defer C-24-14(c) – Edna M. Mitchell (Sheehy Auto Stores, Inc.) and SE-2-15 – Sheehy Auto Stores, Inc. until May 27, 2015, 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

**C-22-14(c) – Brian Manley**, Requests to rezone from A-1, Agricultural District, to RS, Single Family Residential District with conditions, on GPIN 7759-00-9967(part), consisting of approximately 2.32 acres, and located on the east line of Greenwood Road (State Route 625) approximately 1,900 feet south of its intersection with Ashland Road (State Route 623) in the **South Anna Magisterial District**. The subject property is designated on the General Land Use Plan Map as Suburban Transitional (1-2 dwelling units per acre). The proposed zoning amendment would permit the creation of one additional building lot for a family member for a gross density of one (1) dwelling unit per 2.32 acres.

### Planning Analysis:

- The current property consists of 27.28 acres
  - The applicant proposes to rezone 2.32 acres of the property to RS(c) for the creation of a single family lot
  - The residual 24.96 acres would remain A-1

### Proffers:

- Conceptual Plan
- Preservation of Existing Larger Trees
- Family Division
- Reservation of Right-of-Way

### Recommendations:

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

Mr. Maloney came forward to give this presentation to the the Board.

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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. Seeing none, he closed the public hearing.

**ORDINANCE C-22-14(c)**

**OWNER OF RECORD: BRIAN C. MANLEY**

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 25<sup>th</sup> day of March, 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 7759-00-9967(part), consisting of 2.32± acres located on the east line of Greenwood Road (State Route 625) approximately 1,900 feet south of its intersection with Ashland Road (State Route 623), (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 29, 2015, and accepted by the Board:

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Plat showing a new 2.32 acre parcel lying northeast of Greenwood Road, GPIN 7759-00-9967, Brian Manley," dated October 21, 2014, and prepared by C.E. Duncan & 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.

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3. Family Division. The property shall only be divided for immediate family members, in accordance with Sections 25-31 through 25-33 of the Hanover County Code. Title to the newly created lot shall be held by the owner or a family member to whom the property was sold or given for at least five (5) years following the date that the Board of Supervisors approved this application for rezoning; provided, that this proffer shall not prohibit the involuntary transfer of either lot by foreclosure, death, judicial sale, condemnation, or bankruptcy. This shall not preclude the transfer of the property as a result of a demonstrated hardship as determined by the Director of Planning.
4. Reservation of Right-of-Way. The Owner agrees to reserve thirty (30) feet of right-of-way from the centerline of Greenwood Road (State Route 625) to the property for the future road widening.

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-22-14(c), Brian C. Manley, 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

**C-25-14(c) - Ophelia E. Lewis**, Requests to rezone from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, on GPIN 8718-73-0486, consisting of approximately 5.0 acres, and located on the south line of Chestnut Church Road (State Route 750) approximately 1,350 feet east of its intersection with Napper Drive (private road) in the **Henry 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 additional lot for a density of one dwelling unit per 2.5 acres.

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### Planning Analysis:

- The proposed request includes:
  - A 3.0 acre lot with the existing house and driveway
  - New 2.0 acre lot

### Proffers:

- Conceptual Plan
- Reservation of Right-of-Way
- Tree Preservation
- Contribution for Road Improvements

### Recommendations:

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

Mr. Maloney came forward to give this presentation to the 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.

### **ORDINANCE C-25-14(c)**

#### **OWNER OF RECORD: OPHELIA E. LEWIS**

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 25<sup>th</sup> day of March, 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

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the rezoning of the property described as GPIN 8718-73-0486, consisting of 5.0± acres located on the south line of Chestnut Church Road (State Route 750) approximately 1,350 feet east of its intersection with Napper 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 January 23, 2015, and accepted by the Board:

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Lewis/Battle Conceptual Plan," prepared by Christina Battle, dated January 23, 2015.
2. Reservation of Right-of-way. The Property Owner agrees to reserve twenty-five feet (25') of right-of-way from the centerline of Chestnut Church Road (State Route 750) to the property for future road widening.
3. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead, hazardous, or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, fencing, driveways, drainfields, or drainage facilities.
4. 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.

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. Davis, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve Ordinance C-25-14(c), Ophelia E. Lewis, as follows:

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	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

**C-26-14(c) FEMB, L.L.C.**, Requests to rezone from B-O, Business Office District, to B-3(c), General Business District with conditions, on GPIN 8706-02-8257, consisting of approximately 1.0 acres, and located on the north line of Chamberlayne Road (U.S. Route 301) approximately 500 feet west of its intersection with Atlee Road (State Route 638) in the **Chickahominy Magisterial District**. The subject property is designated on the General Land Use Plan Map as Commercial. The proposed zoning amendment would establish a new conceptual layout for this site and permit additional commercial uses.

### Planning Analysis:

- The site for the proposed rezoning is currently used for an orthodontics practice
- The owners propose a new structure that will include 1 or more leased spaces
  - The applicant would like to have the same use options as other surrounding B-3 sites
- A conceptual plan has been submitted that shows both the existing building and the new building that will replace the existing structure
  - The applicant plans to continue use of the existing structure until the new structure has a certificate of occupancy
  - The existing structure would then be demolished and the site completed with more parking
- The current entrance is close to the westernmost right-in/right-out access for Rutland Commons
  - VDOT has indicated that an access management waiver will be required
  - VDOT may also require relocation of the entrance
  - Entrance improvements required by VDOT must be addressed during site plan review

### Proffers:

- Conceptual Plan
- Architecture – Compatible with Rutland Commons

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- Loading Area - Location and screening
- HVAC – Rooftop equipment will be screened architecturally
- Lighting – Limited to 30'
- Signage - Monument

### Recommendations:

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

Mr. Maloney came forward to give this presentation to the the Board. Prior to the presentation, Mr. Peterson recused himself from the deliberations and vote. Mr. Peterson left the dias.

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.

### **ORDINANCE C-26-14(c)**

#### **OWNER OF RECORD: FEMB, 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 25<sup>th</sup> day of March, 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 8706-02-8257, consisting of 5.0± acres located on the north line of Chamberlayne Road (U.S. Route 301) approximately 500 feet west of its intersection with Atlee Road (State Route 638), (a detailed description is filed with the Board's papers) from B-O, Business Office District, to B-3(c), General Business District with conditions, subject to the following conditions which were proffered by the Applicant on March 4, 2015, and accepted by the Board:

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1. Conceptual Plan. The Property shall be developed in substantial conformity with the conceptual plan attached titled (Conceptual Site Plan “A”) dated November 17, 2014, and most recently revised January 21, 2015, and prepared by Canova Associates Architecture, (the “Concept Plan”) provided that the Property Owner may make adjustments that are necessary to effectively design the Property based on final engineering, subject to the approval of the Planning Director.
2. Architecture. The building elevations shall be in substantial conformity with the adjacent architectural properties in Rutland Commons. Retail tenants will be permitted to include prototypical or corporate identification architectural elements in the design of their building or space. The standard of compatibility may be met through scale, materials, forms, and/or colors which may be embodied in architecture. Elevations shall be submitted to the County for a compatibility review and are subject to approval by the Planning Director.
3. Loading Area. Service and delivery loading dock will be located at the rear or side of structures, and if such facilities are not substantially blocked from view from the public roadways, they will be treated with architectural elements or decorative fencing and/or evergreen landscaping to screen their visibility from the public roadways, in accordance with Section 26-263.
4. HVAC. Any mechanical units placed on the rooftops of buildings shall be screened by architectural features which are compatible with building facade architecture. Screening shall be designed so as to block such units from view by persons on any public streets immediately adjoining the property.
5. Lighting. The Property Owner shall provide lighting not greater than thirty (30) feet in height, and such lighting shall be so arranged as to reasonably protect adjacent properties from direct glare or hazardous interference.
6. Signage. Freestanding signage shall consist of a single use or multi-use monument style sign. Retail tenants, will be permitted to show their standard logo and colors on building and panel signage.

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-26-14(c), FEMB, L.L.C., as follows:

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

**CUP-8-14 - ACCU Associates, L.L.C.**, Requests a Conditional Use Permit in accordance with Section 26-183.1 of the Hanover County Zoning Ordinance to permit a recreation facility on GPIN 7798-02-4316, consisting of approximately 3.77 acres. The property is zoned M-3, Heavy Industrial District, and is located on the east line of Air Park Road (State Route 813) approximately 150 feet north of its intersection with Whitesel Road (State Route 1263) in the **Ashland Magisterial District**. The subject property is designated on the General Land Use Plan Map as Industrial.

### Planning Analysis:

- This request is to convert a portion of a building designed for office/warehouse use, to be used as a recreational facility
  - Features inflatable play equipment for children for parties and special events
- The building is part of an office/warehouse complex adjacent to the Hanover County Airport
- On-site parking based on existing uses and the proposed use is shown on the submitted sketch plan
- An area for parking has been designated where there is an existing plane hangar and apron to the airport taxiway
  - The applicant has the option to submit a request to reduce the required parking
- A draft condition requires any parking exception would only apply to the 33 spaces on the hangar apron
  - Should the Planning Director find the parking spaces are warranted in the future, the parking would be installed as shown

### Recommendations:

- The Planning Commission and staff recommend approval subject to the conditions outlined in the staff report

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Mr. Maloney came forward to give this presentation to the the Board. Following the presentation, Mr. Maloney answered questions from Board members regarding parking regulations.

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.

### **RESOLUTION**

WHEREAS after a public hearing held on this 25<sup>th</sup> day of March, 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 ACCU Associates, L.L.C. is granted a Conditional Use Permit ACCU Associates, L.L.C. is granted an amendment to a Conditional Use Permit to permit a recreation facility on GPIN 7798-02-4316, consisting of 3.77 acres, zoned M-3, Heavy Industrial District, subject to the following conditions:

1. For as long as the 11,064 square feet of the existing building, as shown on the approved sketch plan, is used as a commercially operated indoor recreation facility, it shall be limited to that use.
2. Any expansion of the use, including structures, features or activities, not shown on the sketch plan or approved with this CUP request shall not be permitted without an amendment to the CUP.
3. All parking lot shall be designed and constructed in substantial conformity with the sketch plan titled “Inflatable Adventure Project, Parking Lot Layout and Sketch Plan”, dated 1-19-15, and prepared by Perretz and Young (with modifications by the applicant) subject to the following:
  - a. Nothing in this condition shall be construed as precluding the owner from submitting a request for a reduction in the required number of parking spaces in accordance with Section 26-254 or a request for shared parking in accordance with Section 26-253 (together referred to as a parking exemption) of the Hanover County Zoning Ordinance;
  - b. Should a parking exemption per 26-253 or 26-254 be submitted to the Director of Planning (“the Director”) at the time of site plan review, and the exemption be granted, such exemption shall be limited to the 33 parking spaces shown adjacent to the Hanover County Airport

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- c. Should a parking exemption be granted by the Director, and should the Director subsequent to granting such exemption find the conditions of the Property warrant the installation of additional parking to ensure safe ingress and egress to and from the site, and to ensure the safe and efficient movement of traffic on the property, the 33 spaces located adjacent to the airport shall be installed in substantial conformity to the sketch plan. Such determination shall be made at the sole discretion of the Director;
  - d. Should the 33 spaces adjacent to the airport be installed at any time, the airport security fence shall be relocated. The location and design of the fence shall be reviewed and approved by the Airport Manager; and
  - e. Should the parking area adjacent to the airport be constructed for parking, then neither the parking area nor the hanger shall be used for aircraft operations, transport, or storage.
4. All development and use of the Property shall comply with all federal, state and local statutes, ordinances and regulations.

The Conditional Use 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 Conditional Use was approved.

On motion of Mr. Via, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve CUP-8-14 - ACCU Associates, L.L.C., 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

**CUP-1-15 – Daniel C. and Ashlee R. Leadbetter (Michael Pugh),** Requests a Conditional Use Permit in accordance with Section 26-20.25 of the Hanover County Zoning Ordinance to permit a commercial landscaping operation in conjunction with a nursery on GPIN 7749-27-8898, consisting of approximately 2.0 acres, zoned A-1, Agricultural District, and located on the west line of Mountain Road (U.S. Route 33) approximately 600 feet north of its intersection with Stone Horse Creek Road

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(State Route 670) in the **South Anna Magisterial District**. The subject property is designated on the General Land Use Plan Map as Agricultural.

### Planning Analysis:

- The conceptual plan shows:
  - The existing buildings remodeled for commercial use
  - Two greenhouses and nursery crop production areas added to the site for the commercial landscaping business
  - Additional parking for the proposed use
  - Screening with existing trees and a 6' solid fence
- The proposed hours of operation are Monday through Friday from 7:00 a.m. to 5:00 p.m.
- No retail sales of nursery products

### Recommendations:

- The Planning Commission and staff recommend approval subject to the sketch plan and conditions outlined in the staff report

Mr. Maloney came forward to give this presentation to the the Board. Prior to the presentation, Mr. Hazzard recused himself from the deliberations and vote. Mr. Hazzard left the dias.

The Vice-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.

## **RESOLUTION**

WHEREAS after a public hearing held on this 25<sup>th</sup> day of March, 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 Daniel C. and Ashlee R. Leadbetter (Michael Pugh) are granted a Conditional Use Permit to permit a commercial landscaping operation in conjunction with a nursery on GPIN 7749-27-8898, consisting of 2.0 acres (the area of the Conditional Use Permit will be limited to 2.0 acres), zoned A-1, Agricultural District, subject to the following conditions:

1. The commercial entrance from Route 33 shall be located as shown on the sketch plan, and designed and constructed in accordance with VDOT standards and specifications.

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2. Any expansion of the use, including structures, features or activities, not shown on the sketch plan or approved with this CUP request shall not be permitted without an amendment to the CUP.
3. Prior to site plan approval, the owner shall reserve sixty feet (60') of right-of-way from the centerline of existing Mountain Road (U.S. Route 33) to the property for future road widening should it be determined to be needed at this location. Upon request of the County or VDOT, the owner shall dedicate any right-of-way within this reserved area that is necessary for the road widening to the County, free of cost to the County and free of encumbrances.
4. Until such time as outdoor lighting is provided for the parking lot and safety purposes in accordance with Section 26-269 of the Zoning Ordinance, the hours of operation shall be limited to the proposed hours of Monday through Friday from 7:00 a.m. to 5:00 p.m.
5. All requirements of the Public Works Department, the Health Department, Public Safety and the Building Inspector's Office shall be met.
6. Development and use of the property shall comply with all federal, State and local statutes, ordinances and regulations.

The Conditional Use 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 Conditional Use was approved.

On motion of Mr. Stanley, seconded by Mrs. Kelly-Wiecek, the members of the Board of Supervisors voted to approve CUP-1-15 – Daniel C. and Ashlee R. Leadbetter (Michael Pugh), as follows:

	Vote:
Wayne T. Hazzard	Recused from vote
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

**XV. Announcements**

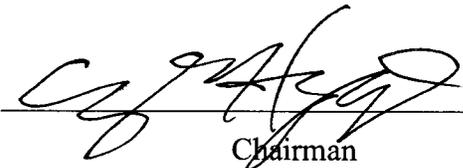
Mrs. Kelly-Wiecek announced that one of the Sportsbackers' premier events, the Monument Avenue 10k, will be held this upcoming weekend.

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Mr. Harris announced that the Town Hall meeting held earlier in the week by Mr. Davis was very successful. Mr. Davis mentioned some of the matters that were addressed during the meeting.

**XVI. Adjournment**

At 7:17 p.m. the Chairman adjourned the meeting to April 8, 2015 – Hanover County Administration Building – 2:00 p.m.

  
Chairman