

April 16, 2015

VIRGINIA: At a Regular Meeting, of the Hanover County Planning Commission in the Board Auditorium of the Hanover County Government Building, Hanover County, Virginia, on Thursday, April 16, 2015 at 6:30 P.M.

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

ABSENT: Mr. C. Harold Padgett, Jr

STAFF

PRESENT: Mr. David P. Maloney
Mr. Lee W. Garman
Mr. Dennis A. Walter
Mrs. Tiffany M. Burton

Chairman Winborne called the meeting to order at 6:31 P.M. *All members were present except Mr. Padgett.*

Approval of Minutes

Upon a motion by Mr. Bailey, seconded by Mr. Whittaker, the Planning Commission voted unanimously to approve the March 12, 2015, CIP minutes with one correction and the March 19, 2015, regular meeting minutes as submitted.

Consideration of Agenda Amendments by Action of the Commission

Chairman Winborne asked if there were any changes to tonight's agenda.

There were none.

REORGANIZATION

Chairman Winborne said it has been a pleasure serving as Chairman for the last two years. She stated she is looking forward to turning the position over and she knows there will be great leadership coming up. With that being said, she turned the meeting over to Mr. Maloney.

Mr. Maloney asked for nominations for Chairman.

Mrs. Iverson nominated Mr. Leadbetter.

Mr. Maloney asked if there were any other nominations. There were none. He closed the nominations.

The Planning Commission voted unanimously to **ELECT MR. LARRY LEADBETTER AS CHAIRMAN FOR THE 2015-2016 TERM.**

Mr. Leadbetter asked for nominations for Vice-Chairman.

Mr. Bailey nominated Mr. Whittaker.

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Mr. Leadbetter asked if there were any other nominations. There were none. He closed the nominations.

The Planning Commission voted unanimously to **ELECT MR. RANDY WHITTAKER AS VICE-CHAIRMAN FOR THE 2015-2016 TERM.**

Mr. Leadbetter stated the next order of business is the appointments and nominations of the officers and committees. He turned it over to Mr. Maloney.

Mr. Maloney stated he has had the pleasure of serving as Secretary to the Planning Commission since the year 2000. He said since that time, his role within the Planning Department has changed from being Deputy Director to Director. With this being said, he said he feels this is an appropriate time for the Planning Commission to consider appointing Mr. Garman as the Planning Commission Secretary. He said Mr. Garman is a Principal Planner within the Planning Department who is responsible for organizing the day-to-day affairs of the Planning Commission. Some of these duties include preparation of the legal notices and coordinating staff reports. He said Mr. Garman has also been making the presentations to the Planning Commission and essentially fulfilled the same functions he fulfilled for the past 15 years serving as Secretary. Mr. Maloney stated he would strongly recommend that the Planning Commission consider Mr. Garman for the position of Secretary.

Mr. Leadbetter asked for nominations for Secretary.

Ms. Winborne nominated Mr. Garman.

Mr. Leadbetter asked if there were any other nominations. There were none. He closed the nominations.

The Planning Commission voted unanimously to **APPOINT MR. LEE GARMAN AS SECRETARY OF THE PLANNING COMMISSION FOR THE 2015-2016 TERM.**

Mr. Leadbetter announced the subcommittees. Committee A consists of Ms. Winborne, (Chairman), Mr. Whittaker, and Mrs. Peace. Committee B consists of Mr. Padgett (Chairman), Mrs. Iverson, and Mr. Bailey.

The next committee is the Special Projects Committee. Mr. Leadbetter stated the basic intent of this committee will be to identify selected land issues, have informative presentations with citizens, and may or may not result in a recommendations to the Board of Supervisors for further consideration.

Mr. Leadbetter then asked Mr. Maloney to appoint a clerk for the Planning Commission.

Mr. Maloney appointed Mrs. Tiffany Burton as clerk of the Planning Commission.

Mr. Leadbetter stated the next order of business is the approval of amendments to the rules and regulations. He then asked Mr. Maloney to consider a date and time for a CIP review workshop

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tentatively in late summer or early fall. He also asked the Commissioners to review and provide any comments or requests in reference to the rules and regulations. Upon conclusion of these items, a motion to approve will be made at a later date.

Mr. Leadbetter thanked all the individuals that accepted the new responsibilities from tonight's reorganization.

Miscellaneous

Ms. Winborne stated that at each of the Commissioner's seats was a booklet from the Partnership for Housing Affordability meeting that she and Mr. Maloney attended. She then asked Mr. Maloney to elaborate on the meeting and information in the booklet.

Mr. Maloney stated he represents Hanover County as one of the Board members for the Partnership for Housing Affordability. The booklet provided is titled *Housing the Richmond Region: Needs, Impediments, and Strategies*. Several years ago the Partnership contracted with Virginia Tech to conduct a regional housing affordability study. Overall, the study is another affirmation that housing is a critical element in providing a stable community. For families who do not have the ability to find safe and affordable housing, it significantly diminishes their quality of life. The challenges in providing housing is not unique to any one locality. It is a complex issue that every locality in the nation struggles with. The booklet highlights a comparison between regional income brackets broken down into categories such as extremely low, very low, low, moderate, etc. Within the Richmond region, a family of four earning \$58,300 or less is considered a moderate income family. The study measures cost burden associated with housing. A cost burden household is one that spends more than 30% of their adjusted median income on housing costs. The study shows a significant number of households within the region are considered cost burdened. Housing is an important component of a stable and prosperous society and the region (including Hanover County) has challenges of meeting the needs of many households. Mr. Maloney encouraged the Planning Commission to read the booklet. He said Laura Lafayette, Executive Director for Partnership for Housing Affordability, is tentatively scheduled to make a full presentation with this information to the Board of Supervisors on July 22, 2015. Mr. Maloney stated for any citizen or Planning Commissioner who would like a copy of the booklet, please contact the Planning Office and he will get a copy sent out.

Mr. Maloney stated the last topic on the miscellaneous agenda is the upcoming community meeting regarding a pending cell tower application on Dunn Road. The meeting is scheduled for April 30, 2015, at 6:00 P.M at the Montpelier Community Center.

The Commission recessed at 6:52 P.M.

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Meeting Reconvened

Chairman Leadbetter called the meeting back to order at 7:00 P.M. *All members were present except Mr. Padgett.*

Welcome and Pledge of Allegiance

Chairman Leadbetter welcome everyone to the meeting. Mrs. Peace led the Pledge of Allegiance.

Chairman Leadbetter then stated that the Commissioners wanted to take a moment to honor Ms. Winborne for her service of leading the Commission as Chairman for the last two years. The Commissioners moved to the front of the dais and presented a gift to Ms. Winborne.

Citizens' Time

Chairman Leadbetter highlighted the Commissioner's Rules of Order and explained the process for a public hearing.

Citizens' Time is limited to 20 minutes, and each speaker shall be allotted five minutes.

Chairman Leadbetter opened Citizen's Time, asking if there was anyone wishing to speak to the Commission on an issue not on the Agenda.

No one addressed the Commission during Citizens' time.

Chairman Leadbetter closed Citizen's Time.

EXPEDITED PUBLIC HEARINGS

Chairman Leadbetter explained the expedited agenda and asked if there was anyone present who wished to speak regarding any of these cases.

No one stepped forward, so the Commission proceeded on to the Expedited Agenda.

Rezoning

C-7-91 AM. 1-15 (PUD) **FUNDAMENTAL GOLF PROPERTIES, INC.**, Requests an amendment to the Planned Unit Development (PUD) Agreement and Master Plan approved with rezoning request C-7-91(PUD), Am. 2, William Thomasson, Jr. on GPIN 7841-32-2116, consisting of approximately 102.51 acres, currently zoned A-1(PUD), Agricultural District Planned Unit Development, located on the southeast quadrant of the intersection of Greenwood Church Road (State Route 657) and Cherry Hill Road (State Route 697) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed rezoning amendment would allow one (1) lot consisting of approximately 2.2 acres to be created and used for residential purposes. (PUBLIC HEARING)

Mr. Garman briefly presented the request to amend the Planned Unit Development Agreement (PUD) and Master Plan for The Hollows subdivision and golf course. Staff recommends approval subject to the amended PUD Agreement and Master Plan.

Chairman Leadbetter opened the public hearing and asked if the applicant was present and in agreement with the staff recommendations. The applicant was not present. Because it is an expedited case, the applicant is assumed to be in agreement with the staff recommendations in their absence. The

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Chairman asked if anyone wished to speak in favor or in opposition to the request. Seeing no one come forward, he closed the public hearing.

Chairman Leadbetter asked if there were any questions or discussion from the Commission. There was no discussion; Chairman Leadbetter then made a motion.

Upon a motion by Chairman Leadbetter, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-7-91, AM. 1-15, (PUD), FUNDAMENTAL GOLF PROPERTIES, INC., SUBJECT TO THE AMENDED PUD AGREEMENT AND MASTER PLAN, DATED MARCH 26, 2015.**

The vote was as follows:

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

The motion carried.

C-2-98(c) AM. 1-15 **JUDITH S. COX ESTATE, ET AL.,** Requests an amendment to the proffers and conceptual plan approved with rezoning request C-2-98(c), Judith Ann and John J. Cox, Sr., on GPINs 8717-42-2334 and 8717-42-4438, consisting of approximately 10.36 acres, zoned AR-6(c), Agricultural Residential District with conditions, and located on the north line of Rural Point Road (State Route 643) approximately 1,200 feet west of its intersection with Georgetown Road (State Route 651) 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 a boundary line adjustment between two lots. (PUBLIC HEARING)

Mr. Garman briefly presented the request to amend the proffers and conceptual plan approved with rezoning request C-2-98(c). Staff recommends approval subject to the submitted proffers and conceptual plan.

Chairman Leadbetter opened the public hearing and asked if the applicant was present and in agreement with the staff recommendations. The applicant was not present. Because it is an expedited case, the applicant is assumed to be in agreement with the staff recommendations in their absence. The Chairman asked if anyone wished to speak in favor or in opposition to the request. Seeing no one come forward, he closed the public hearing.

Chairman Leadbetter asked if there were any questions or discussion from the Commission.

Mr. Bailey stated that he spoke with the applicant and the applicant said he would be unable to attend tonight's meeting. Mr. Bailey stated that the applicant did say he was in agreement with staff recommendations.

Chairman Leadbetter then asked for a motion.

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Upon a motion by Mr. Bailey, seconded by Ms. Winborne, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-2-98(c), AM. 1-15, JUDITH S. COX ESTATE. ET AL., SUBJECT TO THE SUBMITTED PROFFERS, DATED MARCH 25, 2015, AND CONCEPTUAL PLAN, DATED JANUARY 27, 2015, REVISED MARCH 19, 2015:**

1. Conceptual Plan. The Property shall be divided in substantial conformity with the conceptual plan, titled "Plat Showing a Boundary Line Adjustment Between GPIN 8717-42-2334 and GPIN 8717-42-4438," dated January 27, 2015, revised March 19, 2015, and prepared by Goodfellow, Jalbert, Beard and Associates, Inc.
2. Boundary Line Adjustment. A boundary line adjustment plat, which is in substantial conformity with the Conceptual Plan, shall be recorded within six (6) months of the date of rezoning approved by the Board of Supervisors.
3. Reservation of Right-of-Way. The Owner agrees to reserve fifty (50) feet of right-of-way from the centerline of Rural Point Road (State Route 643) to the property for the future road widening.

The vote was as follows:

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

The motion carried.

C-18-14(c) DANA A. AND THOMAS E. PREBLE, Request to rezone from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, on GPIN 7863-14-3339, consisting of approximately 8.9 acres, and located on the west line of Rocketts Mill Road (State Route 685) approximately 425 feet north of its intersection with Little Bridge 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 additional lot for a family member for a gross density of one (1) dwelling unit per 4.45 acres. (PUBLIC HEARING)

Mr. Garman briefly presented the request to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions. Staff recommends approval subject to the proffers and conceptual plan.

Chairman Leadbetter opened the public hearing and asked if the applicants were present and in agreement with the staff recommendations. From the audience, the applicants acknowledged that they were in agreement. The Chairman asked if anyone wished to speak in favor or in opposition to the request. Seeing no one come forward, he closed the public hearing.

Chairman Leadbetter asked if there were any questions or discussion from the Commission. There was no discussion; Chairman Leadbetter then asked for a motion.

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Upon a motion by Mrs. Iverson, seconded by Mr. Bailey, the Planning Commission voted

UNANIMOUSLY TO RECOMMEND APPROVAL OF C-18-14(c), DANA A. AND THOMAS E. PREBLE, SUBJECT TO THE SUBMITTED PROFFERS AND CONCEPTUAL PLAN, DATED MARCH 24, 2015:

1. Conceptual Plan. The Property shall be divided in substantial conformity with the conceptual plan, titled "Exhibit Showing a Proposed Division on 8.9± acres of Land Lying on the North Line of Rockets Mill Road, Route 685, Being GPIN 7863-14-3339," dated February 12, 2015, revised _____, and prepared by Koontz-Bryant, P.C.
2. 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 five (5) years following approval of rezoning, unless the lot is the subject of an involuntary transfer caused by foreclosure, death, judicial sale, condemnation, or bankruptcy.
3. Submittal and Approval of Family Division Application. The Property Owner shall submit a complete application for a Family Division within thirty (30) days of rezoning approval. Final approval from the Planning Department shall be obtained within thirty (30) days of submittal.
4. Certificate of Occupancy. Within thirty (30) days of approval of the Family Division, the Property Owner shall request a Certificate of Occupancy from the Building Inspections Department. A Certificate of Occupancy must be obtained within sixty (60) days of submittal.
5. Reservation of Right-of-Way. The Owner agrees to reserve twenty-five (25) feet of right-of-way from the centerline of Rocketts Mill Road (State Route 685) to the property for the future road widening.
6. 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 the 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.

The vote was as follows:

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

The motion carried.

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. (PUBLIC HEARING)

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Mr. Garman briefly presented the request to rezone from A-1, Agricultural District to B-3(c), General Business District with conditions. This case was considered by the Planning Commission at the February meeting. The conceptual plan has been slightly amended to show a hammer-head cul-de-sac at the terminus of Sujen Court. There are no other changes to the proposal. Staff recommends approval subject to the submitted proffers and conceptual plan.

Chairman Leadbetter opened the public hearing and asked if the applicant was present and in agreement with the staff recommendations. From the audience, the applicant acknowledged that she was in agreement. The Chairman asked if anyone wished to speak in favor or in opposition to the request. Seeing no one come forward, he closed the public hearing.

Chairman Leadbetter asked if there were any questions or discussion from the Commission. There was no discussion; Chairman Leadbetter then asked for a motion.

Upon a motion by Mr. Bailey, seconded by Mrs. Iverson, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-24-14(c), EDNA M. MITCHELL (SHEEY AUTO STORES, INC.), SUBJECT TO THE SUBMITTED PROFFERS, DATED APRIL 6, 2015, AND CONCEPTUAL PLAN, DATED JANUARY 5, 2015, REVISED APRIL 3, 2015:**

1. Conceptual Plan. The property shall be developed in substantial conformity with the conceptual plan (“the Plan”) attached titled “Sheehy Nissan Vehicle Storage Lot Expansion,” dated January 5, 2015, last revised April 3, 2015, and prepared by Balzer & Associates.
2. Use Restrictions. Use of the property shall be limited to accessory vehicle storage.
3. Right-of-Way Dedication. The Property Owner agrees to dedicate the cul-de-sac at the terminus of Center Avenue (State Route 1367) as shown on the Plan, free of cost to the County, upon request of the County or VDOT.
4. Adjacent Property Consolidation or Zoning Lot Letter. Prior to site plan approval, the Property shall either be consolidated with GPIN 8724-09-1124 or a Zoning Lot Letter shall be executed and submitted to the Planning Department.

The vote was as follows:

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

The motion carried.

Conditional Use Permit

CUP-7-08 AM. 1-15 HANOVER HABITAT FOR HUMANITY (FORMERLY DIANA L. OAKLEY), Requests to rescind a Conditional Use Permit that was permitted in accordance with Section 26-120.1 of the Hanover County Zoning Ordinance on GPIN 8706-12-2068, consisting of approximately 5.99 acres. The area of the Conditional Use Permit is limited to approximately 8,450 square feet. The property is zoned B-2, Community Business District, and is located on the southwest quadrant of the intersection of Chamberlayne Road (U.S. Route 301) and Atlee Road (State Route 638) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Commercial. (PUBLIC HEARING)

Mr. Garman briefly presented the request to rescind a Conditional Use Permit that was approved for Diana L. Oakley for recreation and daycare uses. Rescinding the Conditional Use Permit allows the applicant to use the site for retail uses. Staff recommends rescinding CUP-7-08, Am. 1-10.

Ms. Winborne asked if Mr. Garman could help clarify the case. She stated the CUP was in place originally because there was a daycare. Now the use would be retail so the CUP is no longer needed. She asked if the Commission was voting to rescind the CUP because it was still in place.

Mr. Garman replied the previous use has discontinued, but the Conditional Use Permit is still valid for a recreational and daycare use. In order for the applicant to use the site for a retail use again, the current CUP must be rescinded. The wording for this Conditional Use Permit did limit the use to recreational.

Chairman Leadbetter opened the public hearing and asked if the applicant was present and in agreement with the staff recommendations. From the audience, the applicant acknowledged that he was in agreement. The Chairman asked if anyone wished to speak in favor or in opposition to the request. Seeing no one come forward, he closed the public hearing.

Chairman Leadbetter asked if there were any questions or discussion from the Commission.

Mr. Bailey stated that he spoke with the applicant and the applicant was very complimentary of the Planning Department and his dealings with everyone in the Planning Department during this process.

Chairman Leadbetter then asked for a motion.

Upon a motion by Mr. Bailey, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO RESCIND CUP-7-08, AM. 1-10, DIANA OAKLEY.**

The vote was as follows:

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

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The motion carried.

ADJOURNMENT

There being no further business on the regular agenda, Chairman Leadbetter adjourned the meeting at 7:22 P. M. The next regularly scheduled meeting is May 21, 2015.

Larry A. Leadbetter, Chairman

Lee W. Garman, Secretary