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Hanover County Board of Supervisors Meeting, Wednesday, January 22, 2025

Date Wednesday, January 22, 2025
Place Hanover County Board of Supervisors, Virginia
Length 5h 2m (video)

- Official meeting video (CivicClerk): <https://hanovercova.portal.civicclerk.com/event/1335/media>
- Official agenda (CivicClerk): [https://hanovercova.api.civicclerk.com/v1/Meetings/GetMeetingFileStream\(fileId=3429,plainText=false\)](https://hanovercova.api.civicclerk.com/v1/Meetings/GetMeetingFileStream(fileId=3429,plainText=false))
- Official minutes (CivicClerk): [https://hanovercova.api.civicclerk.com/v1/Meetings/GetMeetingFileStream\(fileId=3516,plainText=false\)](https://hanovercova.api.civicclerk.com/v1/Meetings/GetMeetingFileStream(fileId=3516,plainText=false))

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[00:00:01] Next on the agenda, item three, comment period, chairman and board member comments. I'll go first and recognize our fire chief is here this evening. Welcome, Chief Anderson. Any board members have any comments? Seeing no other board member comments, Mr. County Administrator.

[00:00:23] Mr. Chair, thank you very much. I just have a few announcements. I just wanted to remind everyone that's here and watching, this is the time of year that we accept nominations for the spirit of volunteerism. We have some amazing members of our community that give unselfishly to all of their neighbors and the broader community, and we'd like to take the opportunity to recognize them for that service.

[00:00:47] That's only done when our residents make these nominations and recognize these individuals. And so we are accepting nominations until February 10th, and then the recognition ceremony is open to the public. It is one that I encourage you to come.

[00:01:04] There's some pretty heartwarming stories. some amazing folks that are giving their time to our community again february 10th is the target for accepting nominations for this year's spirit of

volunteerism awards just last night in the town of ashland we had the opportunity to host a community meeting on henry clay todd killed off deputy county administrator led this initiative with the community i want to just thank everyone who turned out i think we had over 150 folks come out last night and share their perspectives on the future of henry clay and we take all of that feedback serious we're still receiving additional

[00:01:41] feedback online and there's an additional community meeting on february 5th from 5 to 7 p.m to continue to gain additional feedback before we make some recommendations to the board ultimately on the long-term use of henry clay i do want to thank the town partners the town staff that assisted us last night our staff but truly the residents they came out and provided a great deal of interest and feedback that will be taken into consideration in that process. I do want to also recognize just a couple other issues. Tonight many of

[00:02:15] us walked in and commented on how cold it was out this evening. I only raise that because there's members of our community that don't have a home this evening. I want you to know that we take that concern serious. We've been working with our social services department, community services board, community resources, our fire and EMS department, our partners in the town of Ashland, and our faith community. I have to say our faith community, as always, has stepped up again to assist us in providing sheltering needs as needed. We've been able to take care of a number of the folks

[00:02:54] that have presented to the county over the past few days and made sure that everyone that needed a home that was provided a home and made sure that they were not out in the cold in the evening. And so I want to thank the staff for that.

[00:03:09] But really, it's a partnership, and it's a partnership that is only made better from the combination of our faith community and our not-for-profit organizations here in Hanover. So I want to thank them for that. I do want to share our non-emergency number, which is 804-365-6140.

[00:03:29] Again, that's 804-365-6140. We are encouraging anyone that meets an individual without housing to call that non-emergency number. There's resources available in our community. And I will tell you, I'm really proud that we've been able to meet the needs of those that are presented here, but the need in the region is large.

[00:03:52] And we have also assisted in offering support to the regional shelter activities as well. There are residents of Hanover that present themselves in the city and Henrico at their shelters as well, and we all look to support one another, especially in these extremely cold evenings.

[00:04:10] So I just want to thank the folks that are involved, including our town partners. Last meeting, we shared some updates on our follow-up from the water crisis. Again, thank our residents for your patience and understanding through that, but important work is continuing as we move forward.

[00:04:31] important work is to make sure that we recognize what caused that initial issue what our response was to it what we can do in the short run to it to bolster our system and also looking at long-term options for the benefit of hanover county's water source i did share that water source planning is a long-term effort and we've been working on that for many years i want to thank the folks from our public utilities department deputy county administrator todd killed off led us through that water crisis and thank him for his leadership but quite honestly the work is continuing and

[00:05:08] will be for months and likely years to come and uh but we owe it to our residents uh not only to do the actor after action report with and we are getting a third party review of those after action reports so it's not just us reporting on ourselves it's there's an independent review of all of that work as well we already have engaged consultants to do the system planning work and we'll continue to look at our long-range plans and as soon as the february 12th board meeting we will have some recommendations and findings to be sharing publicly as it relates to the water impact that

[00:05:45] we had with city richmond's shutdown last as i wrap up tonight i just want to remind everybody that this is considered budget season for hanover county we start in earnest really in october planning for a budget on february 19th i introduced what's called the county administrators recommended budget and then after february 19th this board takes a little over two months to go through those recommendations and find detail work with our school partners and all of the constitutional offices and departments to refine that budget that will go to a public hearing early april

[00:06:21] with hopes of a mid-april adoption that budget is influenced every day from the conversations we have with residents that call us call the board members run into us in grocery stores and so on and we want to make sure that we're meeting your needs so that invitation is open to you honestly year-round to make sure that we're aware of your needs so we consider them in the budget process but i certainly encourage you to participate this spring there are numerous opportunities to share your perspectives on the upcoming fiscal year 26 budget sure that's all i have this evening

[00:06:56] Thank you, Mr. Badeski. Next on the agenda is item four, presentation of proclamation recognizing David Long for 50 years of service with Eastern Hanover Volunteer Fire Department, and the chair recognizes the vice chair, Mr. Sean Davis. Mr. Chairman, normally we would just come down and read the proclamation, and we will certainly do that tonight, and it's always a pleasure and an honor to do that, but I have a few comments prior to. We are here tonight to honor David Long who has exemplified dedication and selflessness in his service to Hanover County

[00:07:34] for half a century. David joined the East Hanover Fire Department officially in 1974 following in the footsteps of his father Will Long. David received his certification programs and achievements in Firefighter 1, 2, and 3 and played a pivotal role in the establishment of the East Hanover Volunteer Fire Department Santa Runs. He has held numerous positions with that organization and currently serves as a vice president.

[00:08:01] For the last 15 years, he's led the department's annual fund drive, ensuring the continued operational success of East Hanover Volunteer Fire Department. David led the initiative to provide CPR and AED training to the Hanover Senior Softball League and led the installation at Pole Green Park.

[00:08:19] And it comes as no surprise to any of us in this room, and certainly no one on the board, that these pieces of equipment were utilized in an emergency on July 31st of 2024, saving a life, and demonstrating the direct impact of his leadership and commitment to public safety. The Hanover County Board of Supervisors, on behalf of our citizens, wishes to express its appreciation and congratulations to David Long for his 50 years of outstanding service and dedication to Hanover County, and we thank him for his tireless efforts.

[00:08:48] With that, Mr. Chairman, I would ask if you would join me there, and I would imagine a number of these firefighters are here to celebrate David Long's great achievements. I'd ask that you would come up forward here in front of the boardroom and bring Mr. Long with you.

[00:09:02] Thank you.

[00:11:58] - Thank you, thank you, thank you, thank you.

[00:12:30] - Y'all come in on a little bit? - Two, three, one, two, three. - You got any words?

[00:12:46] - Oh, it's real.

[00:13:26] Okay, next on the agenda is citizen's time.

[00:16:16] Citizens' Time is a time for citizens to address your board on any matter under the board authority that is not on the agenda tonight for a public hearing. So for those wishing to speak on an agenda item with a public hearing, that is later.

[00:16:37] This is for all other citizens' comments. Those who wish to speak during Citizens' Time this evening, could you please show your hands? Okay, seeing none, we will now close citizens' time.

[00:16:55] Next on the agenda is agenda item six, the consent agenda. Mr. Davis? Mr. Chairman, I move for approval of the amended consent agenda. Second. All in favor of approving the consent agenda, please indicate by saying aye.

[00:17:11] Aye. Any opposed? The consent agenda has been approved. Next on the agenda is Item 7, is a public hearing, Ordinance 24-11, to combine Hanover County's erosion and sediment control and stormwater management ordinances into a single erosion and stormwater management ordinance by repealing Chapter 10, Article 1, Erosion and Sediment Control, consisting of Sections 10-1 through 10-17, and Article 5, et cetera.

[00:17:44] Mr. John Saunders. Good evening, Mr. Chairman, members of the board. John Saunders, Deputy Director of Public Works. Glad to be with you here tonight to discuss our proposed Ordinance O24-11, Erosion and Stormwater Management, and updates to the Hanover County Drainage Design Handbook. First, I'll just kind of walk you through the timeline of where we've got, how we got here. This is really the culmination of 10 years worth of efforts by state legislators and DEQ to combine the erosion and sediment control and stormwater

[00:18:23] management programs. A couple things I'll point out in 2014 that's when we got our current regulations in place for stormwater management that was probably the most significant change to the program in its entirety. Moving forward under the new DEQ leadership efforts have really been ramped up to get these regulations combined and to update the stormwater management handbook which hadn't been updated for several decades in 2024 in spring 2024 DEQ did provide

[00:19:00] a model ordinance to localities the regulations did take effect July 1st and so we're here tonight to introduce that ordinance and aim to combine these two programs so as far as changes go there are some overall structural changes we're basically taking two separate ordinances two separate programs combining those into one fortunately as far as standards and requirements go the technical criteria is not changing so these changes have been relatively easy to absorb so far and enforce but we are here tonight to formally establish a

[00:19:40] combined program some things that I'll point out our agreement in lieu of plan we have adopted DEQ's definition of agreement in lieu of plan to include farm buildings and structures however we have tailored that limited that to one acre for single-family residences what we experience is that once we start doing land disturbance of over an acre we run into a little more risk there normally the controls that

are required for that activity are a little more aggressive. It does require more inspections. So we thought that that aligned more appropriately

[00:20:19] with our permit requirements and what we need to see as far as plan content goes. Again, we formally are adopting the program. One of the things that we've attempted to do in section 10-5 is to streamline the technical requirements based on the type of land disturbing activity. So very clearly state which activities are regulated which activities are exempt and those activities that are regulated what set of criteria applies diving deeper into section 1011 this is where we did add some additional requirements

[00:20:55] here we we are going to prescribe that all plans that are submitted to the county are in accordance with the new Virginia stormwater management handbook as well as our own drainage design handbook. And a little bit deeper down there, we have two new criteria.

[00:21:14] One deals with steep slopes, and particularly slopes that are at final grade. When they are at two to one or steeper, we would like to see some more geotechnical analysis being done to make sure that unstable conditions aren't being created there that may require some additional controls.

[00:21:37] furthermore when slopes meet three to one we want to see some some some more stabilization practices in the form of blankets and matting just to promote some some quicker stabilization and prevent any slope failures during construction in section H we've kind of borrowed on some some other actions and some other recommendations this board has taken with with respect to large-scale projects in minimizing active land disturbance when it's not required as part of the construction up front and really what this is meant to do is to develop a plan that makes sense as far as execution goes and limit the exposure during

[00:22:17] construction and two examples of that on the right this is a project example of a recent project where this ended up being a very about three-phase plan to actually get erosion and sediment controls in and bring in fill materials and the required infrastructure while keeping areas of the site undisturbed.

[00:22:42] Normally the focus is to get in there open it up and start you know getting sites pad ready for future buildings. This is one where we work with the engineer to leave that area alone and focus on the actual controls that were needed to allow that construction. The picture on the right is an example of blankets and matting being employed on the side of a basin where we have that three to one slope there and again that's just to promote stabilization during construction and get that area well vegetated. I mentioned the stormwater management handbook this was a big

[00:23:21] effort by DEQ they engage stakeholders from across the state and a technical advisory committee to consolidate the various handbooks from erosion needs consent of control and stormwater management their favorite picture is the one with the tape measure where they took a stack of handbooks and guidance documents that was about 18 inches high and they were able to shrink it down to less than six inches. The handbook, we are sort of absorbing it still. The beauty of it is it is online. It is mobile. You can pull it up on a tablet or a phone. So when you're out in the field, it is very

[00:23:56] accessible. I find that control F is your friend when using that handbook. But the nice thing about it is it does enable a direct user feedback to DEQ and the TAC for constant updates and they're already planning on rolling out another update this summer to the handbook so it is intended to be more of a living document that is able to respond to you know observations in the field and the way things work

moving on to our handbook some of the changes there took this opportunity while we're updating the ordinance to also revisit the handbook it's

[00:24:34] been about 10 years since that was updated in addition to just the housekeeping updates to reference the new standards and specifications we did look at our section for construction materials in looking at some providing some more flexibility to use some alternative construction materials for pipes specifically that's listed on V dots approved lists traditionally our standard has always been reinforced concrete pipe but we are we have encountered some instances where plastic pipe may be a better application so we

[00:25:10] provided some provisions in there when plastic pipe would be allowed what the specific requirements and guidelines are for that additionally under stormwater management we also took a second look at this and looked at based off of some some experience with level spreaders and cheat flows and and making sure that certain practices are cited far enough away from a downstream receiving channel so that we're not creating an issue downstream.

[00:25:42] We've also looked at removing our local two-year permissible velocity requirement for channel adequacy in favor of tacking with the state's requirements and provisions there. This is just an exhibit of some alternative construction materials.

[00:25:59] On the right, you see reinforced concrete. This has traditionally been our standard. On the left is the modern polypropylene plastic pipe. There are advantages and disadvantages to this in both.

[00:26:15] One of the things that we're really being conscious of is making sure that this plastic pipe is only used in private applications outside of our public drainage easements and making sure that the bedding standards that are used with the plastic pipe are aligned with that type of pipe.

[00:26:31] And you'll see the difference right there on the bottom picture of the amount of stone that's required to embed that pipe versus a traditional reinforced concrete pipe. So our handbook changes capture all that. This is just speaking more to the level spreader. This is an example of a level spreader, how it's used.

[00:26:50] This is in Hickory Hill subdivision, all 54. This has been in place for a little over 10 years. It's functioning very well. What you see there is the pipe coming across the road. That is a concentrated point of discharge where stormwater runs through that.

[00:27:07] It hits a riprap section that disperses the energy. and distributes it across a level timber that's right there in the bottom of that triangle. And the goal there is to take that force with a lot of energy, disperse it, spread it out, and get it to sheet flow across a flow path and provide some infiltration.

[00:27:31] Sometimes what we see in practice is these level spreaders will be sited very close to stream channels, where they're not adequately engaged to actually convert that flow back to sheet flow. So we did take a step in the handbook to make sure that we specified a minimum flow path down to downstream receiving channels.

[00:27:52] This is a real world example where a plan was submitted, looks great on paper, we pull up GIS, notice that there is a downstream channel there. So again, we just took another step just to make sure we had some adequate separation.

[00:28:08] Sometimes we'll see these level spreaders place parallel to the channel and they get right back into that channel and don't really get to actually get engaged and actually get that sheet flow benefit. We did hold some outreach with our stakeholders in a format in a presentation very similar to this.

[00:28:32] Back in December, we circulated the ordinance to our contact list of local developers and engineers and industry professionals. Two weeks ago, we did hold a formal meeting at Atlee library, we had about 50 plus attendees.

[00:28:48] We talked about the program updates. We also got a little more in depth in some of the technical details and brought up some more real world examples and discussed pass for compliance and got some feedback from the folks there.

[00:29:05] So in summary, proposed ordinance 24-11 formally combines our erosion and sediment control and stormwater management programs into a single erosion stormwater management program it adopts the new regulations and requires project phasing and additional measures for steep slopes and final conditions the handbook changes updates outdated references to state regulations and other handbooks requires minimum separation of engineered level spreaders to downstream receiving channels contains provisions and guidelines for alternative construction materials and aligns our natural receiving channel

[00:29:45] protection requirements with state regulations. I will point out the ordinance did have one minor update from the board package that went out earlier. There's a copy that was provided, highlighted, and there's a tab that's marked up to that section there.

[00:30:04] We'll request when you consider the ordinance that that's the version that you are considering. With that, I'll take any questions. - Any questions for Mr. Saunders from board members or comments?

[00:30:25] Seeing none, thank you for your presentation, sir. I will recognize Mrs. Dibble. Yes, thank you, Mr. Chair. As the chairman of the Community Development Committee, I do want to commend and thank the Public Works Department, and especially Mr. Saunders, for this work on this ordinance.

[00:30:45] I know that for most of us Hanoverians, the protection of our rivers and streams is very important, and good design standards and sometimes some cost-saving standards are important as well. I also know that there are design professionals out there as well as homeowners that appreciate this comprehensive approach and hopefully a document that is easier for everyone to read.

[00:31:13] And with that, I move approval of Ordinance 24-11 as presented on our desk. This item is on for a public hearing. I don't know if you've opened the public hearing yet for any comments.

[00:31:32] Okay, we need to open the public hearing. Is there anyone, the public hearing is now open. Is there anyone here who wishes to speak in favor of this ordinance amendment? Is there anyone here wishing to speak in opposition to this ordinance amendment?

[00:31:52] Seeing none, we will now close the public hearing. I had that mental telepathy going on. I was feeling the crowd. Once again, I'm going to make a motion to approve Ordinance 24-11 as presented tonight with this pink.

[00:32:14] Second. There is a motion and a second. All in favor, please indicate by saying aye. Aye. Any opposed? Motion passes. Thank you very much. Next on the agenda is Agenda Item 8, with a public

hearing, Disposition and Sale of Publicly Held Real Property, G-PIN 7788-52-6309 Park, Mr. Todd Kilduff, Deputy County Administrator.

[00:32:44] Thank you, Mr. Chair. Members of the board, Mr. Padesky, Mr. Walter, my name is Todd Kilduff, Deputy County Administrator. And we have a public hearing on the disposition of sale publicly held real property, G-PIN 7788-52-6309.

[00:33:01] Might be a little small on the screen, but there are some images here. on the left side the yellow highlighted the longer elongated yellow highlighted parcel is a county owned property it's about 36 acres we were approached a few months ago by uh the company that owns a parcel of the land highlighted in the right image that we just zoomed in on and it's it's highlighted in the red outline um the company that owns that is northern lewistown road associates llc they wish to develop their property and what they did in their due diligence was they found out that a portion of the county-owned property actually juts in two different locations into

[00:33:40] their property. And this is off of Lake Ridge Parkway, just across the street from Bass Pro Shop. So in their due diligence, they actually provided us with the image on the right. The image on the right does show the two pieces of the county-owned property that jut into their property. That's the sort of pink-purple highlighted property, which is 0.101 acres, and the green highlighted property which is 0.026 acres. It wasn't captured in our GIS as you can see the image on the left is from our GIS system so it wasn't captured so in due diligence as you typically would on any project or property that you want to develop you're going to want to get

[00:34:19] plats you're going to want to pull all the information possible on your property and they uncovered this and notified us and they wish to purchase those two pieces from us. Just to be clear, since this is a public hearing and the board has not weighed in on it, we have not ordered an appraisal on this, but the property itself, if you look in the county assessments, it's assessed at \$385,000. So just extrapolating, calculating that out, that 0.127 acres equates to about \$19,000.

[00:34:53] Again, that wouldn't necessarily be our asking price, but just wanted to give you some feel for what an appraisal might show anytime we go through any county property sales we want to make sure we do all of our due diligence as well so we contacted the county attorney's office the public works department the planning department just to see if anybody had any concerns with the sales there were no concerns with the sale from any development standpoint on our end but it the northern lewistown associates property is part of the lewistown cda the community development authority so what that means is if the board was to vote for this and vote for the sale

[00:35:30] of those two little pieces to the property owner and they they would become a part of that property and they would be subject to the Lewistown CDA tax and with that I'm happy to take any questions probably the shortest presentation you'll have this evening okay any questions from mr. killed up from board members or comments or concerns and done we will now open the public hearing is there anyone wishing to speak in favor of this this position

[00:36:03] and sale property anyone here who wishes to speak in opposition seeing none we will now close the public hearing i believe this is in the south anna district is that correct yes sir this is dibble mr chair i move approval of the sale of part of the property on gpn 7787-52-6309 as presented Second.

[00:36:33] If there is a motion and a second, all in favor, please indicate by saying aye. Aye. Any opposed? None. Motion passes. Thank you, Mr. Kilduff. Next on the agenda is item nine, planning public hearings.

[00:36:52] Mr. Andrew Pompey, Deputy Director of Planning. Yes, sir. The first public hearing for the night related to our planning cases is a request by Hanover County, particularly the Public Utilities Department, to amend a previously approved conditional use permit associated with the Bruce Center, which is a facility operated by public utilities next to Pole Green Park within the Henry District. The property is located just outside the suburban service area, again adjacent to Pole Green Park in an area designated rural and

[00:37:27] agricultural. The subject property is zoned A1 agricultural, as are many of the surrounding properties in the area. So again, this is a request by public utilities to amend that previously approved cup as associated with the Bruce Center adjacent to Pole Green Park that cup was originally approved in 1997 with some subsequent amendments to allow construction of the facility as well as the adjacent wastewater treatment plant with this amendment it would allow public utilities to expand the Bruce Center to include a vehicle storage building parking lot and gravel yard to

[00:38:03] store vehicles and equipment again this particular facility is located adjacent to Pole Green Park here's a sketch plan sketch plans required with all of our conditional use permits and it shows the existing building as well as the proposed storage building in orange adjacent to that building in the gray is the gravel yard where the additional vehicles and equipment will be stored there's also a plan to expand the parking lot adjacent to the road that accesses the site this is a view of the building from different angles the bottom view is what you would see

[00:38:37] as you enter the parking lot and enter the existing Bruce Center building and then once you get into the fence compound there are garage doors and other facilities that access to the building so the proposed improvements again are an expansion of the existing public utilities facility and no new uses are being proposed just additional infrastructure and buildings to support operations there the site is adjacent to Pole Green Park Pole Green Elementary School and some rural residential uses particularly along Tate Lane with the existing and proposed conditions related to tree preservation and buffering that'll help ensure the site is compatible

[00:39:14] with surrounding areas and really limit visibility from off-site most of the conditions for this case are associated with that previously approved cep again originally approved in 1997 and all the subsequent amendments the conditions have been updated to include revised code sections sketch plan references and some of the other conditions were removed because they're required by ordinance the new conditions that are added associated with this amendment are 15 16 and 17 they relate to lighting limiting the height and providing house side shields to limit light glare on additional on adjoining properties substantial conforming with those elevations

[00:39:52] I showed for the storage building and then preserving the existing trees that are shown in the sketch plan within the tree save area the planning commission reviewed this request at its meeting in December and recommended approval with a vote of seven to zero. No members of the public spoke during that time. And this concludes staff's presentation. This is the draft motions for the board to consider. I'll be happy to answer any questions the board may have. Any questions for Mr. Pompey? Seeing none, we will now open the public hearing. Is there anyone here wishing to

[00:40:30] speak in favor? Anyone here who wishes to speak in opposition? Public hearing is now closed. The chair recognizes Mr. Davis. Thank you, Mr. Chairman.

[00:40:46] Ms. Chairman, I attended a community meeting with Director Longshore and his staff. A number of citizens did show up. All were in support. I just want to mention this is a great use of taxpayer property. This is going to be housed on the interior of county property, which Mr. Pompey had mentioned.

[00:41:04] Residual benefit is not only to public works, but should there be needs during some of the festivals out there, Some of the public events at Polgreen Park, this is the ability to have an emergency shelter for equipment and some of the things that fire and EMS and sheriff's office may need for short term during those events.

[00:41:26] So it certainly works out well. And with that, Mr. Chairman, I move for approval of Conditional Use Permit 2024-0005. Second. There is a motion and a second by Supervisor Ford. Any discussion?

[00:41:42] All in favor, please indicate by saying aye. aye aye opposed motion passes mr pompey the next planning public hearing for the night is a rezoning request in the chuckahominy district this is to rezone just under four acres from b3 to m2 with conditions which is our light industrial zoning district so currently again the property is zoned b3 this is a request to rezone it to m2 to allow an existing truck dealership to sell heavy trucks in our b3 zoning district you can only sell trucks up to 19 500 pounds and this applicant

[00:42:22] does have a few models that are larger than that so they're requesting this m2 zoning which does allow the sale of those larger trucks they've undergone the site plan review process and recently completed a building so they're currently operating within the restrictions of the b3 zoning district but again they would like the opportunity to sell some slightly larger trucks this is a photo of the site the recently completed building on the left and they also own a building in the rear of the site that's zoned m3 that's not involved in the zoning request the property is

[00:42:58] along king's acres road adjacent to interstate 95 again in the chickahominy district and it's designated highway commercial in the comprehensive plan within our suburban service area again the property is zone b3 like many of the other properties along king's acres road another property owned by the applicant to the rear of the site is zoned m3 this is the conceptual plan it really shows what was completed as part of the new building and site plan it shows the building in the center of the site with parking and display areas around the building and then a 15-foot thoroughfare buffer that the applicant has proffered to enhance with additional vegetation

[00:43:40] so again this use is already happening in the area but the applicant would like the ability to sell a few larger trucks m2 is not listed as a appropriate or compatible zoning district within the highway commercial designation but the use itself is related to other highway commercial uses the sale of trucks and vehicles and the applicant has proffered that m1 uses will be permitted and has limited the m2 uses that would be allowed on the site if the use should change in the future so again the applicant has submitted five proffers limitations on uses allowing the m1 uses and select m2 uses on the site the enhanced thoroughfare buffer additional landscaping above

[00:44:19] ordinance requirements limiting the sales of vehicles to class seven or lower there's eight vehicle classifications and a class seven there's a picture on the screen the smaller type trucks adherence to the conceptual plan and requiring that all signage be monument type signage the planning commission

reviewed this request as last meeting and recommended approval with a vote of seven to zero no members of the public spoke during the public hearing. And that concludes staff's presentation. The applicant's representative is here tonight, but they do not have a formal presentation planned. Thank you, Mr. Pompey. Any questions

[00:44:58] for Mr. Pompey from board members? Okay, this is on for a public hearing. We will now open the public hearing. Anyone here wishing to speak in favor? Seeing none. Anyone here wishing to speak in opposition? Seeing none, we will now close the public hearing. This is in the Chickahominy district mrs floyd thank you mr chairman um and thank you mr pompey for your presentation

[00:45:35] um with no opposition and unanimous approval from planning commission um i move to approve rez 2024-00016 subject to the proffers dated december 18 2024. second there is a motion and a second all in favor please indicate by saying aye aye any opposed motion passes mr pompey the next public hearing involves two zoning cases that'll be reviewed concurrently with a joint public

[00:46:14] hearing in the beaverdam district this is a request to permit a substation as well as a request to allow a fence taller than permitted around that particular substation the property is zoned a1 And again, it's in the Beaver Dam District off of Doswell Road.

[00:46:30] That part of the county is just outside the suburban service area east of Kings Dominion, again along Doswell Road. It's designated rural slash agricultural on the comprehensive plan, whereas the surrounding area along the Route 30 corridor is designated destination commerce.

[00:46:50] This property is zoned A1, and it's part of a larger parcel that is zoned A1, again, along Doswell Road. This is a request to allow a substation, again, with a security fence taller than typically permitted in the A1 zoning district.

[00:47:06] While the property itself is 610 acres, the applicant's proposing to subdivide 10 acres for the facility, and that 10 acres will correspond with the cup boundary. While this substation is needed to serve a solar energy facility in King William, It'll help improve reliability of our electrical grid here in Hanover County as well.

[00:47:25] That special exception is required because in the A1 zoning district, the maximum fence height is seven feet and the applicant would like to have a fence up to 12 feet tall. So the proposed switching station or this particular substation will be located between a nearby existing substation, Doswell Road, and Dominion Energy's transmission network.

[00:47:45] This helps accommodate a large solar facility in the Rappahannock Electric Cooperative Transmission Line, which originates at the existing substation in Hanover County and terminates in King William County. This switching station will allow generation capacity from Sweet Sioux Solar to flow through the existing substation and onto Dominion's transmission grid.

[00:48:07] This location was proposed by Dominion because of its proximity to the existing substation and Dominion's transmission network. This is a map of where the existing facility is and how it relates to this proposed facility. The existing substation is in orange and what's proposed is in blue. You can see the cleared path of that significant transmission line just east of Kings Dominion and its parking area. This is the sketch plan. All of our conditional use permits require a sketch plan. It shows the transmission facility or the substation facility at the center of the

[00:48:41] site surrounded by a vegetative screen which will buffer view from doswell road and there'll be a gravel access road that'll provide access to the larger parcel as well as the substation itself this is a photo of the fence that requires that special exception approval it's a 12-foot fence with a steel fabric that will help provide security to the site the surrounding properties are zoned a1 b3 and m2 so there's a mix of development most of it's associated with king's dominion and other commercial development along the route 30 corridor and then going southwards

[00:49:20] along doswell road it transitions to more agricultural and character with that buffering i showed on the sketch plan that'll help soften the view from doswell road and adjacent properties and this type of use has minimal traffic impact so that it could be compatible with the rural agricultural land use designation with the conditions and sketch plan features the recommended cup conditions there are 10 in total relate to the use elevations for the site tree preservation in the tree save area providing the buffer shown in the sketch plan the security fence can be up to 12 feet height with approval of the special exception limiting the height of lighting to 15

[00:49:59] feet with house side shields to minimize glare and impacts to adjoining properties planning inspection to ensure that the site is constructed in accordance with the sketch plan, decommissioning once the site is no longer used, our standard condition regarding compliance with all development regulations, and then this conditional use permit would be valid for three years or until the site is substantially under construction. The special exception related to the fence, there are three conditions. The fence will be construction in accord with the sketch plan, again valid for three years,

[00:50:35] construction must occur within three years and then the standard condition regarding adherence to development regulations the planning commission reviewed this request as december meeting and recommended approval with a vote of seven to zero no members of the public spoke during the public hearing so again this would require two motions the first motion for the conditional use permit to allow the substation and then the second motion for the special exception related to the fencing that is taller than permitted in the A1 zoning district. This includes staff's presentation

[00:51:08] and that applicant did not provide a presentation for this case. Any questions or comments from board members for Mr. Pompey? Mr. Stoneman. So a 12-foot fence, I was just out there today and looked at it and there's a substation just down from that and I don't think it's got a 12-foot fence. Is this something unusual? Have we been installing these around them? I would have to defer to the applicant representative on that. We have approved for other uses of taller fence for security. Yeah, yeah. No, no, I totally agree. I mean, like I said, I did spend some time with

[00:51:47] a power company, and I understand security is paramount because people will try to climb those fences, believe it or not. That's the only question I have, just as little as it unusual, because I know the other fence out there, I don't believe it's seven, it's 12 foot, I believe it's anyone else thank you mr pompey this is on for a public hearing we will now open the public hearing for the conditional use permit and the special exception at the same time anyone here who wishes

[00:52:19] to speak in favor of the applications seeing none anyone here wishing to speak in opposition seeing none the public hearing for the conditional use permit and the special exception is now closed We will need two separate motions, as previously indicated.

[00:52:44] The chair recognizes Mr. Stoneman. All right. Well, as I was out to you today, and this particular application is in keeping with the surrounding area. There is a substation just down from this,

and they're providing adequate buffering, adequate security with the fencing.

[00:53:05] It's not going to create any traffic, any noise, or any odors. And with that being said, you know, I move that we pass CUP 2024-00019. Second. There is a motion and a second from Mrs. Floyd.

[00:53:24] All in favor of approving the conditional use permit, please indicate by saying aye. Aye. Any opposed? None. The conditional use permit is approved. Mr. Stoneman. All right. And then special exemption 2024-000022, I move that we approve that special exemption.

[00:53:50] Second. There is a motion and a second for Mr. Hudson. All in favor, please indicate—any discussion? All in favor, please indicate by saying aye. Aye. Opposed? Special exception has been approved.

[00:54:05] Mr. Pompey. The next case is involving property in the Ashland District, particularly the North Lake development. And this is also a joint public hearing and involves a rezoner request, as well as an associated special exception request.

[00:54:24] And again, this is in the Ashland district within the North Lake development. So this particular property located on Sunshade Lane was rezoned with that larger North Lake development in 2012. Part of the property is zoned M2 and a small portion is zoned B3.

[00:54:40] Within that B3 zoning district, rv sales were proffered out with that rezoning request and the applicant would like to rezone the property to allow rv sales so we go from partially b3 and partially m2 to m2 in its entirety if this request were approved in addition to the rezoning to allow the rv sales on site there is a special exception request on this particular roadway only one point of access is permitted for every 200 feet of frontage. Since this property only has 380 feet of frontage or only allowed one driveway to Sunshade Lane, they would like to have two entrances to that site to

[00:55:20] allow for improved circulation for those RVs, which are larger vehicles. So a special exception is required. This site is located at the cul-de-sac of Sunshade Lane, again in North Lake. This area is designated a destination commerce in the conference of plan and is located within the suburban service area adjacent to Interstate 95, particularly the southbound off-ramp on the Lewistown Road. Most of the properties north of Lewistown Road along Lake Ridge Parkway are zoned M2, but again a small portion of this site is zoned B3, as is an area near the signal of Lake Ridge

[00:55:59] Parkway and Lewistown Road. This is the conceptual plan which has been proffered by the applicant. again it shows those two access points from sunset lane right at the cul-de-sac of that roadway 22 000 square foot building on the site vehicle parking towards sunset lane with a few display areas and then a larger rv storage lot between the building and the interstate 95 off-ramp these are the proffered building elevations the top elevations will be seen from sunshade lane And then the bottom elevation is what you would see from the I-95 off-ramp.

[00:56:37] It's a dark color building, metal with different accent materials, particularly in the front. The rear elevation has fewer details than the front. Again, that faces the interstate and the storage lot. This area along I-95 includes several RV and motorcycle sales businesses.

[00:56:56] And the adjacent parcel is owned and operated by the Associated Camping World Dealership. there are other rv businesses in this area adding another one would be compatible with those uses continue the established development pattern in the area one thing that i would like to note is there is not

a lot of landscaping adjacent to interstate 95 so that's one item the board may consider to ensure the gateway to the county has a certain look as recommended in the comprehensive plan the applicant has proffered six conditions adherence to the conceptual plan as well as

[00:57:32] adherence to the elevations that were shown screen of exterior mechanical equipment all freestanding sign would be monument signs limiting sight lighting to a height of 20 feet with house side shields and any storm water basins will be landscaped and aerated as shown on that conceptual plan so we have the rezoning and the special exception which has conditions there are three recommended conditions which are pretty standard with this type of case two access drives the the sunshade lane we permitted if the special exception is approved it'd be valid for three years that means that substantial construction must occur within that three-year period and then the standard condition is all development regulations must be complied with as

[00:58:11] site development occurs so one staff outstanding issue was you know this site is very visible from interstate 95 and the rear of the site oriented towards that roadway is the storage lot and a stormwater basin so the board may consider whether additional landscape screening would be necessary some landscaping is provided and if additional architectural features are appropriate on that rear elevation the planning commission reviewed this request as a december meeting no members of the public spoke during the public hearing and they ultimately recommended approval with a vote

[00:58:46] of seven to zero that concludes staff's presentation again two motions will be necessary for this particular development, the rezoning request, and then the special exception request. This is in the Ashland District. The applicant's representative is here tonight, but they do not have a formal presentation planned. I'd be happy to answer any questions the board may have. Any questions or comments from board members? Not yet. Not yet. Okay, this is on for a public hearing. We will have a combined public hearing for the rezoning and the special exception. We will now open that public

[00:59:24] hearing. Anyone here wishes to speak in favor? Seeing none, anyone here wishing to speak in opposition? Seeing none, we will now close the public hearing. Supervisor Pritchard, this is in the Ashland District. Thank you, Mr. Chair. Mr. Pompey, can I ask one question about the landscaping along 95? We've had a number of these come in front of us, and I can't think of one that's

[01:00:02] is completely fitted to the area that it's proposed for as this one it fits right in with what's already there but if we were to ask for additional landscaping to screen from 95 how would that how does it currently differ from what we see along 95 from from the already existent RV sales place what's the difference so here's the sketch plan staff's concern is you know they're planting a row of trees on their site the off-ramp within the right-of-way it does include some

[01:00:39] existing wooded vegetation as part of the other rv properties some of that vegetation within the right-of-way was removed and cleared out this site as shown right now would not look any different than those sites during the conference of plan public outreach process we did receive a few comments about how that area does have a lot of RVs and does present a certain view from Interstate 95. So that was some of the basis for staff's recommendation was some of the comments during the public hearing or the comp plan, public engagement process, and the recommendations

[01:01:17] in the current plan. But it would look similar to what the other uses would look like from 95. Thank you. Mr. Stoneman, sorry about that. I did have one question. On this drawing right here, where the entrance right there to cul-de-sac did you come in there it looks i don't know if it's parking what is that

right there it looks the angle yeah yeah it looks like something that impedes the entrance i'm sure they they know what they're doing but i'm just curious those are rv

[01:01:53] storage and display areas those spaces yeah okay any other questions or comments saying none mrs pritchard we will need two separate motions thank you i'm going to start with the special exception um so i move for a special exception for se 2023-00019 frp lincolnshire

[01:02:26] llc second there is a motion and a second from mrs floyd all in favor please indicate by saying aye aye any opposed special exception is approved supervisor pritchard thank you mr chair um in light of the fact that this property does not really look different than any other of the dealerships that are over there. I'm not going to ask for the additional landscaping, but I am going to ask that the applicant do as nice a job as they possibly can. So with that in mind,

[01:03:05] I will motion for the approval of REZ 2024-00013 FRP Lincolnshire LLC. Second. There is a motion and a second from Mrs. Floyd. Any discussion?

[01:03:21] All in favor, please indicate by saying aye. Aye. And in post, the rezoning is approved. Mr. Pompey. The next public hearing item is in the Cold Harbor District.

[01:03:40] This is a request to amend the proffers and conceptual plan with a previously approved subdivision that is owned RC Rural Conservation off of Old Church Road. So this property, known as Santee Farm, was originally approved for RZ zoning in 2008.

[01:04:00] That 2008 zoning allowed the creation of 27 building lots on 28 acres, and then the remaining acreage is left in conservation as part of a preservation lot in common open space. There have been some proffer amendments over time, and the 2013 proffer amendment reduced the cash proffer amount that goes towards roads and transportations.

[01:04:21] and then this we have the current proffer amendment request that you all will be considering tonight the applicant although the rezoning occurred in 2008 has just begun the process of developing the property and submitted construction plans in december the applicant is requesting the following amendments the conceptual plan and proffer reducing the length of pedestrian paths on the conceptual plan dividing the subdivision into two phases with changes to the open space and eliminating the cash proffer for road improvements this area is designated rural

[01:05:00] agricultural in outside the suburban service area where this type of development is recommended this is the only rc project in the area most of the surrounding properties are zoned a1 agricultural this is the originally approved conceptual plan the applicant is not proposing major changes plan but it does show the two building areas and the preservation lot this is the proposed changes again the overall layout is very similar but since the applicant is proposing two different sections a and b the open space areas are designated for each section so the applicant is proposing the

[01:05:40] different sections of the rc development and they're also proposing a reduction in the trail network the applicant is proposing 2300 feet of trails versus the original 6450. originally as recommended in the rc district there are loop trails around each section of the development that is what's shown in blue the originally approved trails and then the proposed amendment is shown in red there would be one trail that would connect the two sections and then another in and out trail at the end of the cul-de-sac for section a one thing i would like to note is the

[01:06:18] applicant did submit a revised conceptual plan dated January 21st which was yesterday and they are now proposing two gazebos one gazebo in each section located towards the front of the project where you enter each section and near that trail network as an amenity for the residents this revised conceptual plan dated January 21st does not specify the pedestrian trail width or material but the applicant has indicated that would be a six foot mulch trail so staff recommends that any motion if this case is recommended for approval or is approved the motion include the

[01:06:58] six foot mulch trail these are the gazebos that I showed on the previous slide where those green stars are they would look like you know what's shown on the slide so there again there are three components changing the trail network allowing the different sections to develop at different times and then eliminating the cash proffer when this case was originally improved in 2008 a cash proffer over \$14,000 was accepted. In 2013, the cash proffer was amended to \$2,306, and now in

[01:07:34] accord with the current policy, the applicant is proposing to eliminate the cash proffer. With our current policy, we don't consider cash proffers for cases involving 40 or fewer lots or less than 40 lots. This development has 27 building lots, so it falls outside of our current cash proffer policy. The applicant has four different proffers, again, eliminating the cash proffer towards roads and transportation improvements, requiring tree preservation, deep wells. They revised proffer three to have wider right-of-way dedication in accord with our current comprehensive plan

[01:08:09] recommendations, and then a minimum dwelling size of 2,600 square feet, which is unchanged from the original case. That concludes staff's presentation. Again, the new conceptual plan is dated January 21st and we would recommend that you include the trail width and materials in the motion should you decide to approve this case I'd be happy to answer any questions the board may have well thank you Mr. Pompey since this is in the Cold Harbor district I'll go first on the question and then

[01:08:42] open up questions to other board members is it reasonable say that one of the reasons the applicant wishes to reduce the length of the walking trails is because the original plan shows the walking trails going behind houses and that the amendments changed that. That's correct.

[01:09:04] So this slide demonstrates that the blue is the original trails and it encircled each section directly behind the building lots and the applicant indicated they felt that having that trail network behind all the lots hindered the privacy and use of the home site so they changed the plan to show what or proposing the red trails okay can you tell us the approximate

[01:09:30] acreage of the two open spaces so roughly 20 acres combined is the open space and then there's the preservation lot which is 116 acres okay next question is the the addition of the gazebos

[01:10:02] it was suggested by me and agreed to by the applicant that they came about because I didn't think it would be a good idea to just take out walking trails, just to, you know, to agree to do something in 2008 and then come back before the board and say, well, I don't want to do this and I want to reduce it from 6,000 feet down to 2,000.

[01:10:28] Would you be willing to do something like this to put value back into the project from what you understand has the applicant agreed to do that by offering the two separate gazebos one in open space a and the other in open space b yes they've agreed to that since it's shown on the conceptual plan that was submitted yesterday they would be required to complete those improvements if this case were approved

again they show the location on the conceptual plan and these pictures are shown on the conceptual plan so they would be required to do to do that okay and can you

[01:11:03] comment again on the elimination of the cash proffer. I'm not a person that likes eliminating cash proffers, but it's very important anyone watching would understand that the board policy has changed since 2013 to now. Could you read that again, what you have on the screen there?

[01:11:22] Yeah, so originally there was a higher cash proffer in 2008. The county amended its proffer policy and accepted a proffer amount of \$2,306 with our residential zoning cases, again, to be used for transportation improvements. The policy was amended in 2016 timeframe, and right now we don't accept cash proffers or encourage cash proffers for projects with less than 40 lots.

[01:11:50] This project has 27 building lots, so if the case came in today, we would not require a traffic impact analysis or a analysis of cash proffer or request cash proffers okay so as far as you know eliminating cash profit today is consistent with previous board actions since 2016.

[01:12:14] correct that's correct and we have had other cases particularly last year and the year before where properties zoned in this time frame came back to eliminate the cash proffer since they were in subdivisions with fewer than 40 lots and also the owner has agreed to provide additional right of way is that correct that's correct the applicant is providing right away above what was approved in 2008 to align with our current comprehensive plan and the two entrance roads the first one phase one the second one phase two uh will they be built to vdot standards yes thank

[01:12:48] you that's all the questions i have any other questions from other board members okay seeing Seeing none, this is on for a public hearing. We will now open the public hearing.

[01:13:04] Is there anyone here who wishes to speak in favor? Seeing none, is there anyone here who wishes to speak in opposition?

[01:13:21] Seeing none, we will now close the public hearing. As I have indicated previously, this is in the Cold Harbor District. I do want to be clear for those who are not familiar with the process, who may be watching online we are not voting to rezone the property rezoning for the property occurred in 2008 we are only voting to approve the proposed amendments to the uh proffers the elimination of the road proffer

[01:14:01] and then the reduction and the walking trails uh the reduction there will still be two walking trails they will be six foot mulch and in addition the two gazebos that's what we're voting voting on here tonight i have been on the site i've met with the applicant he's been very reasonable i met with our planning commissioner on the site we walked the area we saw where the entrance road

[01:14:36] will go and so it seems like reasonable i don't think i would want a walking trail with people walking directly behind my house either i think it makes sense to relocate the walking trails away from behind the houses and put the main walking trail on the front which actually provides good access to both open spaces and then have the second walking trail that was shown and so i will We'll be making a motion to support REZ 2024-00020.

[01:15:16] And is there any other discussion? Second. Any other discussion or comments for board members? There is a second also. Mr. Davis. All in favor of approval, please indicate by saying aye.

[01:15:32] Aye. Opposed? Okay. That has been approved. Thank you very much. Mr. Pompey. had. The next public hearing is another case in the Ashland District. This is a rezoning in the Brown Grove

community, rezoning the property from A1 to RM to accommodate 41 attached and detached homes. Again, this property is located in the Brown Grove community. It is in the suburban service area, which is the part of the county, the 22% where higher intensity growth is directed.

[01:16:06] It's designated suburban neighborhood residential in the comprehensive plan, but it is on the edge of that designation as it transitions to the industrial land use designation on the other side and farther down Virginia Crane Drive that land use designation recommends residential development primarily single family detached residential development at densities of one and a half to three units per acre there are a mix of zoning classifications and this property sits in the middle of different existing uses and zoning districts while the property itself is zoned A1

[01:16:40] The properties along Virginia Crane Drive adjacent to this property are zoned industrial M2 and M3. But on the other side of the property along Johnstontown Road, there's existing single-family homes that are primarily zoned RS or A1 agricultural.

[01:16:56] So this property sits between two different zoning districts and different uses. This is the conceptual plan with the RM zoning district. You are required to submit and adhere to a conceptual plan if the project's approved. It shows 36 one- and two-story townhomes, four detached homes along Ashcake Road, which are on the right-hand side of the screen.

[01:17:20] And then the developer and applicant would retain the existing brick rancher on the property that dates to 1972. So this layout shows where the homes would be, all accessed by private internal drives. There are buffers along Ashcake and Virginia Crane Drive, a 50-foot buffer along Ashcake Road, 25 feet along Virginia Crane Drive as well as additional open space along Virginia Crane Drive between the buffer and the homes itself the open space includes 2.91 acres which exceeds the minimum requirement of 1.4 acres within that open space and the buffers along Virginia Crane Drive

[01:17:58] and Ashcake Road there will be five foot wide asphalt trails and in the larger open space at the rear of the site there will be amenities such as exercise stations and then a field area the RM does require building elevations as well and these are the typical elevations that be included in the project the townhouses on the top that include a mix of one and two story units and then the single family homes that'll be along Ashcake Road those will be designed per the proper conditions and the conceptual plan to face Ashcake Road so what you will see driving

[01:18:32] by will be those elevations. As I mentioned this area is designated suburban neighborhood residential which recommends densities of one and a half to three units per acre. The proposed zoning RM and that density 5.84 units per acre is not consistent with the comprehensive plan recommendations in terms of density and zoning district but the conceptual plan and profit conditions do address some of our other comprehensive plan recommendations and incorporates several of the recommendations for the Brown Grove rural historic district one thing that was new in the 2023 comprehensive plan

[01:19:08] is there are specific design recommendations for the Brown Grove rural historic district it includes landscape buffers it includes single family homes that are oriented towards Ashcake Road they face the road like the other existing homes in the community do they are smaller scale the townhouse buildings will be two to four units and they will be one in two stories and then the single family homes have a similar scale to the existing homes in the community. There is a mix of housing options as the comprehensive plan recommends for this area and this is one of our targeted pedestrian bicycle focus

areas where we encourage pedestrian bicycle infrastructure and not only there are sidewalks within the development there are pedestrian trails along

[01:19:48] Ashcake Road and Virginia Crane Drive. This is a transitional area as I mentioned you can see that through the zoning and the existing land uses when you visit the site you have industrial uses along Virginia Crane Drive those are established industrial businesses and they have the M2 and M3 zoning and then when you go along Johnstontown Road you have single family homes zoned RS and A1 and then Ashcake Road zoned A1 this site sits right in the middle it's a longer narrower parcel that is roughly seven acres so it is a transitional area some of the design features and the proffers try to address this transitional component of the project.

[01:20:29] Ashcake Road is a focus corridor in the comprehensive plan. The applicant did do a turn lane warrant analysis because of the importance of this roadway at its intersection with Virginia Crane Drive. That analysis showed that turn lanes are not warranted.

[01:20:44] The applicant is dedicating 40 feet of right-of-way along Ashcake Road for any future improvements, which does align with the comprehensive plan. The Historic Commission reviewed this request at its October meeting because it is located in the Brown Grove Rural Historic District, and there are also some Civil War routes in this area, and some community members did express support for this project, and the National Park Service indicated there were no Civil War features on the property.

[01:21:12] Because of the positive feedback from community members of the meeting and the National Park Service's report, the commission determined this project would not have negative impacts on the community. The applicant has proffered eight conditions, and a lot of these address comprehensive plan recommendations and feedback received during the zoning process.

[01:21:32] Brick and stone foundations will be required. Again, those single-family homes along Ashcake Road would face Ashcake Road, so you'd see the front elevations as you drive down the road. The applicant in their marketing materials, in the deeds, and on the plats and site plans would have to include a note disclosing the proximity of the site to Hanover County Airport industrial operations that may generate noise. Again, this isn't in the transitional area where you have residential adjacent to industrial uses, so that helps the property owners, the future

[01:22:06] buyers, be aware of the potential impacts of those businesses in the area. Recreational amendments bonded with section one, that's typical of our residential zoning request, an enhanced thoroughfare buffer, enhanced landscaping above ordinance requirements along Ashcake Road. And then at least 50% of the plantings along Virginia Crane Drive must be evergreens to help provide, again, that transition from industrial to residential uses. Consistent fence type along Virginia Crane Drive to create an attractive streetscape, right-of-way dedication along Ashcake Road and Virginia Crane Drive. And then, again, providing that transition and

[01:22:43] addressing the neighboring community. They have proffered that the lots that back up to the existing residences on Johnstontown Road will include house side shields or glare shields to minimize the lighting impacts on those existing residential homes. The outstanding issue with this particular project is its density and relationship to the comprehensive plan. Again, this is in the suburban neighborhood residential land use its designation on the edge of that as it transitions to industrial. The comprehensive plan recommendation is one and a half to three

[01:23:16] units per acre, primarily single family. This is 5.84 units per acre, a mix of attached and detached homes. While the density is higher, it may be compatible for this particular site as it does provide a transition from those industrial to residential uses. It helps limit further industrial development in that part of the Brown Grove community, which community members do not support and so it's up to the board of supervisors to determine whether or not deviation and density as recommended the conference of plan is appropriate based on the

[01:23:52] specific layout the specific proffer conditions and the specific characteristics of the site and existing land uses the planning commission reviewed this request at its last meeting and they recommended approval with a vote of six to one three members of the public spoke during the public hearing. Two people that spoke indicated support for the project as it represents an investment in the future of the community and addresses community's housing needs. One speaker spoke in opposition with concerns about how this may not be consistent with the comprehensive plan.

[01:24:27] That concludes staff's presentation. The applicant is here and they do have a formal presentation planned, but I'd be happy to answer any questions the board may have prior to the applicant's presentation. Any questions from board members? Thank you, Mr. Pompey. This is on the agenda for a public hearing. We will now open the public hearing. Anyone here wishing to speak in favor?

[01:24:57] Applicant, please state your name and your position, please. Hi, my name is Nathana Hodges. I'm the development coordinator with Roger Chenault. I would first like to thank the planning staff for their very thorough presentation, and I would also like to give a big thank you for all the input we have received from the adjacent property owners, as well as the members of the Brown Grove community and Ms. Pritchard. I'll try to keep this as brief as possible. This is the location of our property within the general land use plan. The property is located in the suburban neighborhood residential

[01:25:35] use along Ashcake Road and just north of- Excuse me just for a minute. We can't hear you. If you could speak a little bit more directly into the microphone. Thank you. Apologize. Okay. This property is located in the suburban neighborhood residential use along Ashcake Road and just north of the industrial use located on the southeast side of Virginia Crane Drive.

[01:25:59] Again, we do appreciate the dedication of the Brown Grove community to meet with us and give us input and provide feedback on the project, which impacts their community. This helped us design a plan that respects the residential character of the Brown Grove community and the compatibility of the area and options for reasonable priced housing.

[01:26:19] The property is currently designated as A1 Agricultural. We are requesting RM, multifamily residential, with conditions for 41 single-family residential lots. We believe this request provides a good transition from the heavy industrial area to the south to the rural residential areas in the north.

[01:26:38] Out of 41 lots, there are 36 townhome units and five detached houses. one of the five detached houses is the existing home on the property and we do plan to resell that as part of the subdivision this property is 7.019 acres and there are 2.91 acres of qualified open space some community features to note are the walking trails and sidewalks an active recreational area that includes a multi-purpose ball field and exercise stations enhanced landscaping buffers and a maintenance-free HOA, meaning that the HOA will be responsible for the exterior

[01:27:16] portion of the homes, yards, and common areas within the community. The lots shown in yellow are the single-family detached houses. Lot five is the existing home that we plan to resell with the subdivision, and with respect to the community input received, lots one through four will have that driveway access internally and from the private roads within the subdivision, but the front of the house elevations will face ash cake road and then we also do provide a sidewalk from the driveways that will lead to the front door so homeowners and their guests don't have to enter

[01:27:52] their home from the back door every single day the lots will uh shown in peach are the 36 single family townhouses and i'll show here shortly there are a mixture of sizes for the interior and in units of the townhomes and a variation between single level versus two floor layouts. Shown in the dark gray are the community sidewalks and the brown color designates the locations of those walking trails that you see throughout. And to the left you can see that multi-purpose ball field as well as the exercise stations that are kind of scattered throughout. This is our landscaping

[01:28:29] plan along Ashcake Road and Virginia Crane Drive. We have shown those enhanced thoroughfare buffers with a mixture of deciduous and evergreen trees and shrubbery. Internally, we have provided additional street trees to give more green foliage for out. And in addition to the preserved tree areas that you see kind of in the clouded areas, we're going to provide additional landscaping screening around the BMP so it's not visible to anyone around that area.

[01:28:57] We are also providing evergreens to fill in the gaps that you see towards the top of the property between the existing adjacent residential uses. Here are those proposed housing elevations for the detached lots. Some of the materials can include thicker vinyl or hardy plank siding options, offset reverse gables, A-frame dormers, craftsman trim, and more to provide our standard high quality materials. We use the same type of materials on our attached elevations and as you can see there are a variety of sizes between the units. The wider units will be single floor level

[01:29:35] living and then the more narrows are two-floor. I want to thank you again for listening to my presentation and I'm happy to answer any questions that you may have and I would also like to reserve the remaining time for a rebuttal if necessary. Any questions from board members? Mr. Chair. Mr.

[01:29:56] Davis. Just a matter of name you can't reserve time but but this does not take away from your time but you'll have five minutes for rebuttal so you can you could still talk if you want to but we don't carry over reserve time. Real quick for the record what's what's directly behind this proposed community?

[01:30:12] Directly behind it, you'll see Johnstontown Road, and there are existing residential houses. You mean down on the other side of Virginia Crane? Yeah, if you go down Virginia Crane Drive, what's the business behind there? Those are industrial uses, and I can't believe, I can't remember off the top of my head, off the side, but I do know the concrete.

[01:30:32] And this is not an inquisition or an indictment, but you're right, it's an industrial use. You'll have construction debris from which is customary and normal when you build houses where would you take that construction debris uh i am not the best person to ask you likely take it i think i saw mr rogers here is he here you'll likely take it to that construction debris landfill located just right down the road yes sir um were you aware that there was an opposition by the brown grove community on that construction landfill that had been operating for many many many years uh just

[01:31:06] recently. It's not your concern. And then lastly, have you heard about any, without getting into your proprietary business matters, can you help me understand how this, were y'all approached?

[01:31:23] Did the developer approach these folks? Because there are going to be some more questions. This is a residential project in an area, and there's also a distribution center down the road, which folks have heard of. Were y'all approached by the property owner? Did y'all approach a property owner, how did we get to the residential use here? We were approached by the property owner originally, and we were very informed of the issue with what was planned originally, but then we found out that the community itself really wanted something residential, so we started looking into it from there. That helps a lot. Okay, thank you, ma'am. Yes, sir. Thank you, Mr. Chairman.

[01:32:01] Any other questions from board members? Okay, as I had said previously, this is a public hearing, And can I get a show of hands of people who would like to speak either in favor or opposition to this application?

[01:32:20] Please raise your hands, okay? You will each have five minutes. First, those in favor, anyone wishing to speak in favor, please state your name and the district in which you live.

[01:32:46] Good evening, Mr. Chair, members of the board. My name is Alonzo Dendi, and I reside in the Brown Grove Historic Community. And we are in favor of this new development. We think it will be great to welcome new homes and new families to our community. Thank you. Thank you, sir.

[01:33:02] Anyone else who wishes to speak in favor, please state your name and the district in which you live. Hello, my name is Bernada Harris, and I am in the Brown Grove community.

[01:33:19] And I just want to thank you for the opportunity to speak. And I'm speaking on behalf of the Brown Grove Preservation Group. and I stand before you to advocate for the rezoning from A1 to a multifamily residential and the development of the Brown Grove Villas. This project is not just about building houses, it's about unlocking the potential of our Brown Grove community and how it can be a vibrant place to be despite the industries that we have in our community. This rezoning would offer our community

[01:33:57] well-constructed homes with modern amenities, which would improve the overall aesthetic of our community. The new housing options would attract young families and professionals. It would create a sense of community pride and belonging. And the development of the Brown Grove Villas would necessitate the upgrades to local infrastructure, such as the roads, the utilities, and it would benefit the entire community. And some may raise concerns about the potential impacts. But however, with careful planning and responsible development, these

[01:34:32] concerns can be mitigated. And we've talked with RCI and we voice our concerns about how they would fit into the overall aesthetics of being across the street from a landfill and being next door to a concrete facility. And so we can definitely prioritize environmental sustainability, minimize disruption to the existing community homes and to ensure that our homes that these homes would flow seamlessly into the existing homes that are in within our community and the county

[01:35:08] administration has definitely worked closely with our community to write the vision for our community and this is exactly what we've asked for and so I would like to for the people that are in the Brownville community to stand just to show that they are represented. Thank you. Okay, anyone else

[01:35:37] who wishes to speak in favor, please state your name and the district in which you live. Okay, good evening board and staff. I am Deshonda Artis. I am in the Beaverdam district and I tonight will represent the Hanover NAACP, and we are in agreement with the rezoning. We do believe that

[01:36:10] by rezoning and putting the villas on this land, it would be a great addition to the community, and we ask that you do approve this. Thank you very much. Anyone else who wishes to speak in favor of this rezoning. To be clear, we're still in favor. Seeing none other, we will now

[01:36:45] call anyone here who wishes to speak in opposition. Please state your name and Magisterial District. Good evening, Chairman Herzberg and members of the Board of Supervisors. My name is Bob Nelson.

[01:37:01] I reside in the Ashland District. Here's the key question. If the comprehensive plan is a guide, when should you follow the plan and when not? Here's my answer. The comprehensive plan should be followed when an issue is fundamental. Last month in West Haven, this board confirmed once again that phasing is fundamental to multi-use. Without it, a single use can result. Absolutely nothing is more fundamental than comprehensive plan land use designations. They apply to every

[01:37:40] parcel in the county. They determine what zoning districts are available and how to apply the comprehensive plan. In fact, without land use designations, the comprehensive plan would be meaningless, an empty shell. Here, the land use is suburban neighborhood residential. RM zoning is unavailable. RS is the only compatible zoning district. Absent a comprehensive plan amendment

[01:38:13] and review of land uses in the area, this application should be denied. In September 2023, the board determined, without exception, that five areas in Brown Grove should become suburban neighborhood residential. That's what the Brown Grove community wanted. After that decision that was made, this board eliminated industrial zoning along Cobb Road and approved an RS

[01:38:47] District in May 2024, aligning land use and zoning. The applicant and staff now seek to create a conflict between land use designations and zoning in the Brown Grove community. One rule last year, a new one this year. That's capricious planning. An unbroken line of board decisions for The last six years requires comprehensive plan land use changes before incompatible zoning is considered.

[01:39:27] Garland Anderson in January 2024 is the most recent case. There is no principled basis for ignoring these board decisions. The staff report fails to discuss or analyze other important issues.

[01:39:43] First, the maximum density is 3.3 dwelling units per acre, not the 5.84 requested. Second, the board approved plan is larger homes for Brown Grove, not the smaller ones proposed here.

[01:39:59] Third, the applicant requests 36 attached homes, 88% of the total. That's almost three times the 30% maximum in the comprehensive plan for suburban neighborhood residential.

[01:40:16] The board should not set a precedent which mocks comprehensive plan standards and board decisions. There is no reason to stand down and see RM development along Atlee Station Road in the form of developer-owned or rent townhouses like Mr. Shia plans for Caldwell.

[01:40:36] High-density RM zoning should not be available for suburban neighborhood residential and suburban transitional residential without required comprehensive plan land use changes. No cutting corners on fundamental comprehensive plan issues.

[01:40:57] A land use review and amendment must be approved before RM zoning can be considered. The RS ordinance applies, and RS issues must be addressed, not casually discarded. This rezoning could be denied.

[01:41:15] Thank you very much. Anyone else who wishes to speak in opposition to the rezoning request? Okay, seeing none, we will now close the public hearing.

[01:41:33] This is in the, we will, before we will move on, we will go back for the applicant to have an opportunity for rebuttal. Okay, I'll make sure. Okay, so the public hearing is closed. This is in the Ashland District. Supervisor Pritchard. Thank you, Mr. Chair. I think most people who know,

[01:42:11] excuse me, most people who know me know that I very rarely support development. This is the first time in 20 years that I can say I enthusiastically a thousand percent support a development. And I'm so committed to this and to the Brown Grove community that if you will all bear with me, I have asked the county attorney to help me prepare some comments tonight about this particular development, as well as Mr. Nelson's concerns. So if you'll bear with me for a second. One of the

[01:42:48] issues identified by staff is that the requested density of this project exceeds what's called for in the comprehensive plan. And after reviewing this case and hearing from affected individuals and looking at this project in the context of the Brown Grove community and other nearby issues, other nearby uses, I'm sorry, I believe that this proposal is appropriate even with the higher density. So I want to say first that the comprehensive plan is an important part of our land use planning and our decisions. And in 2023, we completed our five-year review after

[01:43:25] looking at development patterns, hearing from the public as to what kinds of uses they want and their commitments to their community vision. We are looking at, we want to make sure that we can commit to providing a full range of services, including roads, public water and sewer, schools, public safety libraries, other public services to our residents. And those are the founding principles upon which we develop our comprehensive plan. One of the ways that the board ensures that

[01:43:58] the county can do this is to establish density guidelines. And clearly how many people are in an area and how the population is dispersed throughout the county is essential for the board to be able to plan for and provide those services. The board takes those density guidelines very seriously, and we look long and hard at requests that go outside of those guidelines.

[01:44:25] A little more than a year ago, we did not denied a request in the Mechanicsville District where a proposal for age-restricted apartments exceeded the density range, even though a lot of people came out asking for us to approve that density. The board decided that the extra dwelling units there would impact the community and put a strain on public service. But the density guidelines are not a hard and fast, inflexible rule. They are meant to guide development, but the comprehensive

[01:44:57] plan is not a zoning ordinance. So we have had situations where properties fit within a recommended a density range, but we have found that the development is not appropriate. We even had one case in the South Anna district where the proposed density was below the range, and the board still found that, given the conditions in the community, the impact on the road network in that area was not appropriate. Here, the comp plan calls for residential density in the area between 1.5 and

[01:45:30] three units per acre. Their proposal is for a density of 5.8 dwelling units per acre, and I know that sounds like a huge increase, but as I've looked at this, I've asked whether there are good reasons not to

strictly follow the density guidelines, and I believe there are good reasons.

[01:45:50] Staff has identified a few of those, including that it would provide a good transition from existing industrial uses to the rural residential nature of the historic Brown Grove community. As you look at the comp plan for this area, it is clear that Brown Grove is in a unique position and is a unique community. On one side is the part of the county outside of the suburban services area, and there are no plans to add to the SSA. On all other sides, Brown Grove is surrounded by

[01:46:28] industrial uses, which have been constructed, and Interstate 95. Given Brown Grove's location, it is important to look at what has already developed in that area and how the remaining properties are likely to develop. Most of the properties are owned by descendants and family members of the founders of Brown Grove. They have deep, long-term ties to this area and have largely built out their properties. So we should look at the density of the entire area rather than just

[01:47:04] this one property. When I do that, it becomes clear that this development will not overwhelm the transportation network, the schools, public safety, or any other public services that are provided in the area. For example, staff has not indicated that this proposal would impact the design or functionality of the roundabouts that are proposed in the area on both sides of the property along Ashgate Road. And while the views of the neighbors aren't controlling in what we do, we need to listen to our community members. When they say that something will clearly result

[01:47:42] in the change to the character of their community, we shouldn't ignore that. And when they say that something that seems inconsistent would be a valuable addition to their community, we should pay attention to that as well. Here, the community has said loudly and clearly that this proposal would be a welcome addition to their community and would provide some benefits that wouldn't be here if this plan wasn't developed. In light of all of that, I believe when taking into consideration all the things in state law that we are supposed to look at and looking at the

[01:48:18] provisions of the comp plan, this is a proposal that is appropriate for this location, even with the higher density than the comprehensive plan i would also like to add that 10 years ago this would not have been possible to build residential next to industrial properties but we don't have to look very far to see the success of developments like that such as in scott's edition in richmond when when i was a child growing up scott's edition was all industrial property and i couldn't have

[01:48:53] imagined somebody building housing development there now people are basically fighting to get into it um we're not we're not building scott's addition here but we are putting properties in a in a place and in a way that will lead to the kind of development of community that brown grove is looking for for their future i'll stop there unless you're ready for me to make a motion would any other board members like to make comments i had a couple questions this is devil

[01:49:27] um mr pompey can you um i guess can we go back to uh zoom out a little bit more so we could see more of the surrounding area i just had a question with regard to virginia crane drive on any given day what vehicles are already traveling up and down that road so the zoning

[01:50:01] map we don't have an aerial that shows the larger area but the zoning map does show that there are those industrial uses along virginia crane drive and some of them are heavy industrial that m3 zoning does indicate that there are heavy industrial uses such as the cement plant there next door and that kind of thing so this map shows shows that and once you go farther west there is the some of those other

zone properties are part of the airport those don't access virginia crane drive but there are multiple industrial businesses that do and one of those businesses

[01:50:39] did submit a letter to you all um recently so in order for those vehicles to get out they have to travel along the virginia crane drive is a is a dead-end road so they have to go past this project to get to ash cake road okay and um going back to the layout yeah i agree that this type of development would attract young families and i wonder what accommodations or how a bus would pick

[01:51:10] up children in a development like this oh that that i i do not know the answer to um it does create a loop they can get into the development they would need to pick up the children on the road with dump trucks and cement trucks coming by.

[01:51:39] So I guess I would just like to make a recommendation at the time of site plan approval that that is thought through in a very thoughtful and safe manner, because it definitely is something that would need to be addressed sooner rather than later and getting those children on and off the bus.

[01:52:02] May I respond to that, Ms. Dibble? Supervisor Pritchard. Currently, the Hanover County school bus that serves that area goes down Johnson Town Road, which is immediately adjacent to this development. And there are paths, as you can see, there are pathways through the development walking paths.

[01:52:23] It would be very little issue for those students to just walk really across, not a road, to walk across a path to Johnson Town Road. That's where the bus goes now. Some of us helicopter parents would prefer children that walk through the woods, but that's fine.

[01:52:41] It's not woods, I promise. Let's make sure that we address it so that we get these children that are probably going to live here on and off the bus, because I'm very concerned about little people and the traffic that is going up and down and in that area.

[01:53:04] Any other questions from board members? Comments? Mr. Stoneman? Thank you, Mr. Chair. You know, I'm not opposed to this development in concept, but, you know, I want to echo what Ms. Dibble just brought up, is that you've got an industrial-use road there that's going to be the main access to this development, and those trucks, concrete trucks, and then the packaging plant that's behind it that's going to be going in and out with the children playing, you know, I think that might not be the best environment for them.

[01:53:40] But, however, I just want to make a few statements like that. And then the comp plan, as I'm a new member, and I've made it kind of my practice since I've been on here, is to try to follow the comp plan to the best of our ability. And so that is a little bit of a concern for me, is making or approving a zoning case like this and setting a precedent that down the road, you know, if somebody comes out and wants to do the same thing, you know, we'll be hard-pressed to turn them down as well.

[01:54:10] And the third thing is proffering the possibility of a development like this, if the townhomes are not selling, is there any way we can proffer that they would be owner-occupied and not a rental? So those are just some statements I just want to make.

[01:54:29] Mr. Hudson. Thank you, Mr. Chair. I'm not opposed to the project, but I do want to say that the comprehensive plan can be frustrating as a supervisor because particularly in my district, I look at some

of the designations, and I know a lot of people worked really hard on the comprehensive plan as a guide, but there's a reason that we're in the seats that we're in doesn't always fit.

[01:55:05] My good friend, Mr. Davis, once said, talked about nuance when it comes to land use. Is it harmonious? Does it fit? And sometimes there are exceptions that need to be made. One thing I know about Ms. Dibble is that she listens to and communicates with the folks in the Brown Grove community and Ms. Pritchard, excuse me, Ms. Pritchard, is that she does that.

[01:55:31] And I think that in this case, they've worked very hard to make the project as best possible and it would seem that the folks that are going to be most affected by it are for it.

[01:55:49] So thank you, Mr. Chair. Mr. Chairman. Mr. Davis. I agree with all of those comments, and I can tell board members put some thought into this. Nuances don't apply here.

[01:56:06] I'm trying to find a way to get to where I think folks want to be. I do have to look at some background. A number of years ago, we were told about a Virginia Economic Development Project that was coming in. At the time, it was called Project Wild Tiger, and we always said it was the worst-kept secret in Hanover County.

[01:56:27] It was Wegmans, and we were notified once Governor Northam had flown to Rochester, signed the deal for Virginia that Wegmans was going to come on a piece of property. They were going to build on a property that was zoned, at this point, 35 years ago, but about 30 years prior to the deal being cut.

[01:56:49] So once Hanover was notified that the governor had made the deal, came down, folks became very upset. And one of the things that happened, a lot of folks came to the board and said, you've got to stop this, you've got to stop this. That wasn't the question before the board at the time. The question before the board was, what type of safety precautions can we put in place?

[01:57:06] What is it that this needs to look like? It was not a rezoning case. Now, I will say, politically—oh, thank you, sir—politically, some folks did a good job. The average citizen in Hannover County thought that that was a rezoning case. But then I saw legislators from different areas of the state, northern Virginia and the like, start coming in and talking about the bad things that were going to happen to the Brown Grove community.

[01:57:34] Now, to Governor Northam's credit, he called those because they were friends of his, if you will, And he said, hey, knock it off. And so they were of the same alignment, so they knocked it off. And we were appreciative of that.

[01:57:50] He basically said, I cut the deal. It's going. Don't mess it up. So we started looking at what we call proffers, conditions. And Wegman would have to agree to them. And we essentially started negotiating. But in the back of that deal, it was always, we can come because this was voted on before any of y'all were on the board.

[01:58:11] And the folks in Brown Grove said, hey, there's a problem. Many people around there said, hey, there's a problem. One of the issues that arose were a lot of the neighborhoods at that time had purchased their property after the Wegmans property, if you will, was already re-zoned.

[01:58:30] So folks were upset, and we said, look, there's very little we can do. They have the right to come. How do we make it better? And Brown Grove certainly played a part in that. Then we come up to the construction dump facility, for lack of any better term, but that's the nomenclature.

[01:58:48] It's a landfill, and the folks in Brown Grove that had been there for a number of years, hadn't heard anything about it, they came up and said, we don't want any more expansion in that facility, and that was denied. Here's what I'm looking at here, and I want to do what I think folks want, but this is a land use case.

[01:59:10] It's not a popularity case. When I'm looking at this overhead and I'm looking at this development, I don't see any of these high-density houses there. So I don't see a harmonious community. I'm wondering why there's a mix of single-family and then the high-density.

[01:59:31] But it's probably, and I read a note in here, it's probably to make the project work, I would imagine. Is that right, Mr. Rogers, to get the density that you would need? That's reasonable. That's a legitimate business concern, what you pay for the property and what you can get out of it.

[01:59:47] So I think that answers the question. In 2018, this board took a pretty drastic action. A number of us were on the board at the time and reduced the density in Hanover County, allowable density in the comp plan, drastically.

[02:00:04] It took tens of thousands of potential single-family residential homes, even multifamily, out of any opportunity to be built. And that was a drastic reduction. And then we used those guidelines.

[02:00:21] I will agree that the comp plan is a guide. There's no question about it. But I'm looking at a property in the back that's industrial. I'm looking at a property on the other side that is industrial. I'm going back to the things that I heard Brown Grove say during the Wegmans case and traffic and so on and so forth.

[02:00:43] They said, we have residential cars going up and down that road, and we tried as best we could. Mr. Herzberg worked a great deal on some things with the green tea. The board said, you know, that seemed to be a suitable fix. But when I look at the other side, I see single-family larger lots, and they probably can't get built for the land acquisition cost, and that's nothing wrong with that.

[02:01:08] That's a legitimate business interest. But there are a lot of hurdles here, and what I worry about is, Thursday morning and that's a term we use around here what happens on Thursday morning and I by the way I have no issue with anybody who's going to vote for this I just don't know what's going to happen if this is approved it gets built and folks say you just heard what we said the same community who said they wanted this a couple of years said hey this is coming into our neighborhood we've got too many houses we've got so on and so forth so I get the idea that you want the residential so you

[02:01:46] don't get more industrial. The problem is it's surrounded by industrial. These are built, people buy it. You can say, well, they knew. Well, okay, they did know. But now I'm putting a whole bunch of cars on the road. I've got a, in an industrial area that folks already have concerns with.

[02:02:05] I'm going exactly against the comp plan and transitional areas that we just put in the last comp plan review I don't see any consistency or any harmoniousness harmonious development here as it relates to this and I'm trying my hardest to get to a yes I just can't clear those hurdles those are legitimate concerns other than the fact that the folks in Brown Grove say hey I want this and by the way if I don't support this I'm not voting against Brown Grove I'm looking at a

[02:02:39] legitimate land use issue and I just wonder if this had come up five or six years ago if you would have said, you know, all of y'all have lost your ever-loving minds looking at a project like this. I

know times change, but I have to throw a lot of things out of a land use plan to get here, and that severely concerns me for the duties that I believe I hold as a board member. I'd love to see something in there that's not industrial for the same reasons that y'all would like to have

[02:03:10] this, but this is a huge hurdle, and it's not consistent with anything that we do other than the fact of trying to make sure that folks get what they want in the communities that they live, and that weighs heavy, so I just put those concerns on the record.

[02:03:30] If somebody wants to speak to them, I'm happy. Again, I'm not trying to say my opinion should outweigh anybody else's. These are just stated concerns that I have. Thank you, Mr. Chairman. Supervisor Dibble. I'd like to sort of follow up on that.

[02:03:47] We talk about the comprehensive plan, and I have stated many times that the comprehensive plan is one of our tools in the toolbox. It's just one of our tools. For me, I believe that this is not something that my district would embrace because I know my people and I know our vision, and I think this is a project that this community wants

[02:04:20] this is a project that supports their vision I don't quite understand it I wouldn't want to live next door to all this industrial but if this is what this community wants that for me weighs heavy as long as they figure out how to keep those children safe and get them on and off that school bus so for those reasons i'm going to support this um because if if this is what these folks want then i would like them

[02:04:59] to have it and any any other comments or questions before i recognize supervisor pritchett some other board members mr stoneman so it does appear that it's the comp plan does does weigh heavy on this board and i think most of us want to abide by that is it any way that we would consider maybe so that we can isolate this one particular instance to have maybe go to a vote for, I mean, to bring it about as a comp plan amendment first and then move into this project.

[02:05:35] You know, because I think we want to support and we want Brown Grove to grow and to have the kind of community that they want to have, and I know I do. But it would make me feel a lot better if this were in line with our comp plan.

[02:05:51] And I don't take, you know, my first vote was, you know, was a nay on a project when, you know, it was a great project. It was a wonderful project by all circumstances, but it was against the comp plan.

[02:06:06] And so, you know, with that being said, I want to stay consistent so people can, they know they can count on me. They know that I'll stick by what I say. And so I'm just going to ask if that's a possibility, if they would be interested in that. I don't want to delay the project for it, but it would make me feel better.

[02:06:27] Supervisor Pritchard. Thank you, Mr. Chair. In the spirit of getting this done, because this is, for me, perhaps the most important vote I've taken since I've been on this board, I would be more than willing to defer until next month to get the comp plan amendment in there if that is what the board feels is best.

[02:06:50] And I'm pretty sure Mr. Rogers would be willing to proffer that he would plan for a safe bus stop to be connected to this community. I haven't talked to him, but I'm pretty sure that he would. Mr. Davis?

[02:07:05] Thank you, Mr. Chairman. My comment is brief. I agree with Mr. Stoneman 100%, and I thank Ms. Pritchard for that. I always tell folks, if the comp plan allows it, then you can bring your case forward. That's really all it gets you. It does give you a guide. the comp plan doesn't allow it, I'm really unable to hear it. If there was an opportunity for a comp plan amendment, I think it would be far better for this community and for this county to have a comp plan amendment and look at that on its merits. I would ask though, I don't know, could

[02:07:40] that be done in 30 days because we'd have to go through some public hearings, get through the PC and those types of things. But I would certainly support a deferral to look at a comp plan amendment in historic Brown Grove.

[02:07:55] And I think that's more appropriate and provides some better clarity on why this project may go forward. That would be my thought. Thank you, sir. So, Mr. Chair, I know Ms. Dibble wants to make a comment. And I'm certainly in support of Ms. Dibble making a comment.

[02:08:12] But if we could, could we take a short break after that so I can confer with Ms. Hohner and see what we need to do for a timeline. Supervisor Dibble? Yeah, I guess I have a question on process. I was under the impression that the decision had already been made that this particular case did not require a comp plan amendment.

[02:08:38] So if that's not the case, then somebody needs to say so. It's residential. It doesn't meet the comp plan as far as density, But I thought that would have been a question that we should have had answers from the beginning.

[02:08:57] Does it require a comp plan or does it not? Mr. Pompey. So Ms. Hunter and I have worked in other communities where this instance has come up before. And other communities don't require a comprehensive plan amendment for such a small, partial specific, especially as you mentioned, Ms. Dibble, it's residential and residential.

[02:09:17] It's just the density piece. So other communities we have worked when it's a smaller project and it's the correct use but higher density, it's been up to the Board of Supervisors to decide whether it is appropriate or not based on the comprehensive plan and other factors.

[02:09:37] So because, again, the comprehensive plan is not parcel specific. It's a 20,000-foot level. So that's why some of these particular ideas aren't caught because we're looking, again, that higher level and the board interprets the plan on and applies on a case basis it's been good to have that in our staff report and maybe just as a side note we do put that in the staff report in the future so that we don't have these conversations like i said i was under the impression that the decision of it been made and consistent with what we've done in the past yes ma'am

[02:10:14] supervisor pritchard thank you mr chair um i'm going to ask if for the indulgence of the board to take a very short break so that i can confer with staff and we figure out where to go next i'll support that with the condition that you go with staff and there's we are all under foia and we should not be discussing this case or this application amongst ourselves So we will take, you think, five minutes?

[02:10:46] Five minutes will do it. We will take a five-minute break for the purpose of Supervisor Pritchard having a discussion with staff. Board members are free to move around, but we are not free to discuss this case. We're in recess. No deal.

[02:15:47] Okay, we are back in session.

[02:20:31] The chair will recognize Supervisor Pritchard. Thank you, Mr. Chair. I would like to make a motion that we will defer REZ 2024-00014 to Linda and Charles Forno for two months.

[02:20:48] Second. There is a motion and a second by Mrs. Floyd. All in favor of the two-month deferral, please indicate by saying aye. Aye. Any opposed? None. Case has been deferred. I have a second motion, please. The chair recognizes Supervisor Pritchard.

[02:21:06] I would also at this time like to direct staff to move ahead with a comprehensive plan amendment on REZ 2024-00014. I've talked to staff, and that is their recommendation.

[02:21:25] There is a motion on the floor. Is there a second? Second. All in favor of that motion, please indicate by saying aye. Aye. Any opposed? None. The ayes have it. The case has been deferred, and staff has a directive.

[02:21:42] Okay, so let's see what we have next here. We have this and this. I would like to get a show of hands. How many people here in attendance are here for the dog kennel case?

[02:21:58] Please raise your hand. Okay, we're going to proceed with the dog kennel case next. Mr. Pompey.

[02:22:21] so the next public hearing is a special exception request in the henry district to permit a commercial dog kennel on a property zoned a1 agricultural on studley farms lane the property is outside outside the suburban service area in an area designated rural agricultural again off of studley farms lane in the henry district the subject property is zoned a1 agricultural and there are a mix of zoning districts in that area, AR1, AR2, A1 of course, and R1. This area

[02:23:00] has a rural residential character and those zoning districts correspond with the existing character of the area. Again, in the A1 zoning district, commercial kennels do require a special exception permit that is approved by the Board of Supervisors. This is a view of the property. Again, it's located the end of studley farms lane the cul-de-sac and the applicant is requesting the special exception request they live on the property and use the garage and fenced area for kennel operations they offer overnight boarding and daycare services and have operated at this location since 2017 they have

[02:23:36] not secured the special exception permit that the board must approve so they are now requesting the special exception to bring it in compliance with zoning requirements this is a sketch plan the special exception application does require a sketch plan it shows the existing house in purple and then the access from steadily farms lanes at the top of the screen with the circular driveway the kennel operations are behind the house in that magenta area that's just under 1100 square feet and then behind that is the fenced outdoor dog area the remaining portions of the property are largely wooded and those trees would remain and the sketch plan does show a privacy fence to

[02:24:15] further screen the outdoor dog area these are photos of the inside and outside of the kennel operation so this particular property again is zoned a1 agricultural it's a non-conforming lot meaning does not meet the minimum area requirements right now the minimum lot size in a1 is 10 acres and this lot is just over five again the surrounding properties are either agricultural or agricultural residential zoning and the rural residential character of the area must be considered

[02:24:52] because this particular use again is residential and the kennel may generate additional noise and traffic in the area and may impact the appearance of the community particularly the outdoor run areas the sketch plan and proposed conditions could help mitigate these negative impacts or potential impacts associated with noise traffic and appearance the community meeting was held in December. There were several concerns raised by those in attendance. A kennel area is not appropriate for the residential character of the area. Traffic could cause some issues on the adjacent roadway. Dogs could escape and attack neighbors. There are concerns about property

[02:25:31] values and, again, negative impacts on the surrounding community along Studley Farms Lane. Additional community input, there was a petition with 30 signatures where nearby residents expressed opposition to the request. After the petition was submitted and it's including your packet, there were two citizens that one of their names removed. And then there are emails from those expressing support for the business and how it operates. Those emails are included in the agenda packet and additional emails that were submitted later in the process are in the

[02:26:08] folders at your desk. So staff is recommending eight conditions with this special exception request should it be approved. The number of dogs cannot exceed 20. Pick up and drop off times are limited with no pickup or drop off between 8 p.m. and 7 a.m. Dogs may not be outside between 10 p.m.

[02:26:28] and 7 a.m. to limit noise in the area. Existing trees within that green area shown in the sketch plan must remain. A six foot tall privacy fence must be constructed as shown in the plan again to provide screening and help mitigate the impacts of the kennel on adjacent properties an employee in parking space must be marked that's an ordinance requirement and then if this request is approved the planning department would inspect the property within 90 days to ensure that these conditions and the features shown in the sketch plan have been implemented and then the final condition condition eight compliance with development regulations that's a standard condition

[02:27:03] with all of our special exception permits so that concludes staff's presentation the applicant does have a presentation they'd like to share with the board at this time but i'd be happy to answer any questions from board members prior to the applicant's presentation. Any questions for Mr. Pompey? Seeing none, this is a matter for a public hearing, but before we do that, I'm going to recognize Mr. Davis for a statement. Thank you, Mr. Chairman. Mr. Chairman, the state

[02:27:39] and local government conflict of interest acts provides for when elected officials are disqualified from participating in matters. For the record, the attorney for this case is Mr. Jim Driggs, attorney at law here in Hanover County, and Mr. Driggs is also my attorney and one of my business interests. With that, I do not have any financial interest in or connection with the applicant in this zoning case, nor do I have any financial interest with the attorney's firm. I merely hire him to do work for me as any person can. I have verified with the county attorney that this work relationship is not a conflict under state law. I have also considered what impact that

[02:28:15] working relationship has on my review of this case, and I have determined that it does not impact my ability to be involved in this case, and I can consider this request fairly, objectively, and in the public interest. While there is no conflict and a public declaration of my working relationship with Mr. Driggs is not required, I think it is in the public interest that I disclose it so that my work, and more importantly, the work of the board, is not put into question.

[02:28:39] With that said, I will be participating in discussion, consideration, and vote on this matter. Thank you, Mr. Chairman. Thank you, Mr. Davis. We will now open the public hearing. Can I get a raise of hands of the number of people who wish to speak in favor of this application.

[02:28:59] Seeing the number of hands, we will limit the time to three minutes. The time will be kept by Mr. Davis. Please state your name and your magisterial district. My name is Bill Todd, and I'm in the Coal Harbor District. Michael's my supervisor. Yes, yes, I apologize. Mr. Todd, I have to ask you to go back to your seat.

[02:29:32] We have to get the applicant back up. Will the applicant please come forward with your presentation? I apologize, ma'am. I saw all the people, and I got a little distracted. My apologies.

[02:29:48] Please state your name and what you do. My name is Jackie Melton, and this is my husband, JR. We are the owners of Positively Perfect Pets Sitting and Boarding here in Mechanicsville.

[02:30:05] Our business has been an operating dog boarding and daycare facility since 2017. do we have uh since 2017 it was brought to our attention over the summer that we did not have the necessary permit to operate our business on our a1 zoned property as soon as we found out that we needed this we started the application process we are seeking to gain a special exemption permit from the hanover county board of supervisors for the continued operation of our small family business i'd like to start off by telling you why we started this business um i decided to

[02:30:43] have a career change back in 2016. And that is when I began providing in-home pet sitting services where I would go to people's houses and take care of their animals. From there, we decided to grow our family and had our son. He's now six. That was in 2018. Once COVID hit, we were unable to continue the in-home visit part of our business because nobody was leaving their houses. That is when we decided to pivot a little bit and started doing dog boarding and daycare um let me see

[02:31:23] so this business has allowed myself and my husband to prioritize prioritize our time together as a family and be able to run our business from our home we've also had the privilege to allow other members of our community the ability to prioritize their families as well due to our convenient location and business hours this includes about 25 of our actual neighborhood um this is the aerial view of our property um it looks like this was the 2021 view um the majority of our neighborhood

[02:32:03] are these out of order these might be out of order um i think we might have the slides backwards sorry so the neighborhood here is outlined in blue our neighborhood is out our property parcel is outlined in purple. As you can see, many of the lots in our area are larger or spacious.

[02:32:26] Ours is 5.3 acres. This is the aerial view of our parcel from the Hanover GIS system. It's very wooded, and we plan to keep it that way. We have no intentions or desires to remove any of the surrounding trees. Some of the concerns about the operation of our business in our area have been raised at the previous meeting. We take those concerns very seriously and have and are willing to do whatever we can to make everyone around us comfortable and that it's going to have the

[02:32:59] smallest impact on our neighborhood and neighbors. For the seven years prior to this application, we were unaware of any complaints or noise or disruption from any of the neighbors. Nobody had come forward to us about any of that. Since the application process started, more concerns from our immediate neighbors have been have arised um the county has recommended that we do not have dogs outside from the hours of 10 p.m to 7 a.m that is well within our current hours

[02:33:36] we don't start having dogs dropped off until 7 30 in the morning and it ends at 6 p.m on the weekends we have different hours we're only open from 9 to 12 on Saturdays and on Sundays we're open for an hour and a half in the morning from 9 to 10 30 and then in the afternoon 2 to 5 30.

[02:33:55] Another hours, these hours also are ensuring that we minimize the traffic and disruption within our neighborhood. Our drop-off and pickup times are staggered to prevent lines of cars leading in and out.

[02:34:12] That way it's a nice flow and there's no just people waiting around, everything like that. Another concern was dog waste runoff because we do have a small creek that is down on the back of our property. We do collect and dispose of waste twice daily to make sure that there is no runoff.

[02:34:33] We also have artificial turf all around the yard so that it's not seeping into the ground. It's all properly ventilated and all that. This one?

[02:34:53] I don't know which slide this is. It's not numbered. So we are taking the county's recommendations of putting up a six-foot privacy fence around part of the property. that fence is highlighted in dark blue which is behind our home but in front of the dog kennel this would prevent any loose dogs that may or not may or may not be getting out this would essentially provide a three to five foot buffer from a car to a dog being within a fenced in area

[02:35:28] our pre-existing kennel structure is shown here in the pink and orange the pink side is actually our office it's our little external office the orange side is the dog kennel side um the striped green area is our fenced in dog area that has our artificial turf and toys and all the other fun stuff for the dogs the wooded areas shown here in the solid green will remain and will help with the

[02:35:57] mitigation of noise and visual concerns. So since our business has been open, we had a success rate of 99.92% of all dogs being contained on our property. With this new fence that we have proposed to be structured outside of the dog kennel, we are pretty confident that that will raise that number to 100% containment. We do have a lot of hunting dogs that run around as well

[02:36:32] in the area we try very hard to make sure that our dogs do not join those dogs um we will also be adding an appropriately marked parking space for our employee with railroad tie or a cement i don't know what's called block um and then these are just some pictures of the indoor and outdoor of the kennel um as you can see it's very shady very clean nice updated um the indoor area with

[02:37:07] our gray and green kennels do help with the sound so there's not sound bouncing around um it's a little hard to see but on the picture there in the top middle we do have soundproofing tiles as well helps prevent the sound from escaping through the front and sides of the structure during our most recent decibel meter reading the amount of noise coming from our facility during the busiest time which is typically pickups in the afternoon usually between four and five um the decibel

[02:37:43] reading was reading at 32 decibels, which for most people is just a number, but that decibel reading is equal to a normal conversation between two people. We hope that these impact mitigation measures will maintain the integrity of our neighborhood in which we live, while also allowing us to continue to support our family by providing a much needed service to the citizens of Hanover County. I'd like to thank the members of the planning department and the many members of our community who's shown up for us tonight. Thank you for time, and we humbly appreciate you for allowing us to make this request. I'm available for any questions from the board at this time.

[02:38:23] Any questions from board members for the applicant? Yes, sir, Mr. Chairman. Mr. Davis? You know what, Mr. Chairman, I'll wait till we hear comments. I did have a question, but it may be best left. I apologize, ma'am. Yeah, I'll wait. I'll wait. Thank you. Thank you, Sure. Anyone else? OK, ma'am, you do have time for rebuttal after the other people speak.

[02:38:54] OK. Thank you. Thank you. OK, Mr. Todd, Cold Harbor District, you're up. I'm here to speak in favor of the kennel on behalf of my dog, Bailey.

[02:39:11] Bailey is an eight-year-old Cocker Spaniel. I've had him two years. He's visited this kennel seven times in two years. He's got a reservation for early February because I've got to run down to Florida. he loves this kennel. He's tried other kennels here in Hanover and King William. This is his favorite kennel of all time. And he's taken care of quite nicely. The Mellon family do a great job.

[02:39:43] And I can't imagine Bailey going to another kennel. And so I'm wholeheartedly in favor of this kennel. And I think they do a great job. Thank you very much. Thank you, Mr. Todd. Next, You have three minutes.

[02:40:00] Please state your name and the district in which you live. You have three minutes. Hi, I'm Linda Atkinson, and I live in the Henry District. And he made me think of my dog, August. August, too, loves the kennel. But August died in January last year.

[02:40:16] So Jackie, knowing that I love this particular breed of dog, she helped me find another dog. When I met Jackie, she told me that she'd been in the commercial world, in the corporate world. And she thought one day, what I really like to do, it's not this.

[02:40:33] I love dogs. I love to take care of dogs. And I went to meet her for a first interview before I left my dog down there. And she had several dogs playing. And my dog joined them in playing. And she had her little son swinging in a little seat over there.

[02:40:51] And she was as confident as you are looking at me. She was very confident, very calm. And I made some comment to my daughter about that situation. She said, that's who you want to take care of your dog. I've not been sorry that I've been in business with them, Jackie and JR.

[02:41:11] They're pleasant. They're confident. They are caring. And I wish that you would see that they are continuing their business. Thank you. Thank you very much. Next, you have three minutes. Please state your name and the district in which you live.

[02:41:30] My name is John Van Naaman. I'm in the Henry District, and I offer the perspective of being a resident of Studley Farms. My dog's name is Sophie, golden retriever, severe separation anxiety. If I brought her here tonight as an advocate for Jackie, I would let her loose in here.

[02:41:51] There's only one person she would go to, and it's not me. I'd like to point out that I also walk Sophie continuously, well, I walk her three times a day in the neighborhood, particularly during times when people are dropping their dogs off. I find that the traffic is, as we say, non-invasive.

[02:42:10] Sure, there are a few cars coming around. There are more speeders who live in the far end of the development than people who come in to drop dogs off and pick dogs up. I also want to speak on behalf of the dogs that stay there and the people who put their dogs there. This is something that is very important to people to find a place where dogs can be taken care of.

[02:42:31] It is important to their business life. It's important to their personal life to know that there is a satisfactory place that cares for the dogs more than I think they care for the people, but they care about all of us. So I ask that this special exemption be provided for.

[02:42:48] I also know that some of the neighbors may not appreciate a business being in the neighborhood, but this is something where it is an exception, and that's why it's a special exception. Thank you very much. Thank you, sir. Next, you have three minutes.

[02:43:06] Please state your name in the district in which you live. Can you hear me okay? I don't currently reside in Hanover. I was a 25-year resident of the Mechanicsville and in the Chickahominy District.

[02:43:22] I now reside in King William, but I utilize this business and would like to speak. I lose my word, so I'm going to read from my phone if that's okay. I worked for Hanover County Emergency Communications for 16 and a half years, beginning my career in 1991, When the county was very rural, and small businesses such as Kelly Stores, Bar Store, The Houndstooth, Smoky Pig, CrossFit Store, Studley Store, even Beaverdam Quickstop way out in the west were the small businesses we relied on.

[02:43:52] They were central to our culture, and they were a part of our community. Hanover was built on small business. It's what kept our community thriving. We knew the owners. We were more than customers who were on in revenue. We were family. We supported one another.

[02:44:08] Today we're here because a small woman-owned business, no disrespect to your husband, Jackie, wants to keep that and respect that tradition and has done so since 2017. I understand the complaint before you. I'd like to ask you work with her, not against her.

[02:44:24] Given our opportunity to correct any situations and issues, I believe there can be viable solutions other than closing down her business and taking away her livelihood. let her work with her neighbors to resolve the issue collaboratively and with her board representative. That's what neighbors should do, communicate, listen to each other, and work towards shared understanding of any issues. Hanover just has so many big businesses. It's overwhelming, and the charm of what drew me to Hanover County is really being lost on big business. Please decide from your humanity and governance of keeping Hanover a place where all

[02:45:02] businesses welcome, big and small. She serves the needs of so many people of which you're going to here. Lastly, I'm a cancer patient. Mr. Todd, my dog, is Bailey too. She helps with my anxiety. When places refuse to let her come, I trust Jackie and Irving care for her. It's not just a business. It's a safe haven for our pets. We have appointments when we do drop-off. We have to wait in our car. We have to have them on a leash. She's non-negotiable on the drop-off and

[02:45:39] pick-up times. And I really wish we as a people cared about each other as much as she and her husband care about our animals thank you for allowing me to speak so thank you ma'am next you have three minutes please state your name in the district in which you live a little bit taller than that um good evening i'm jeff waters i'm from the um ashland district and i'm here to in support of the special exams i'm going to come up to it from a little bit different angle though because you're going to hear lots of stories about how great they are for the pets and they are we have a four-year-old golden retriever who's gone there since before she was a year old if you know golden

[02:46:18] retrievers, they get hyper. If you want to see a super hyper golden retriever, jump in my truck on the way to drop her off as we pull off Studley Road. I literally have to close the windows to keep her in the vehicle because she knows where she's going. She doesn't get that excited when I bring her home, which is kind of scary. But I do want to do one thing because I think we have a lot of bashful people. How many people here are in support but aren't going to speak? They're just here showing their support. I think that says a lot. I think if you've seen the pictures, one of the first things that i noticed when we went and we were evaluated to see if willow was a good candidate was the care that jr had put into creating the backyard it looks like a very lush

[02:46:58] green field because it is it's artificial turf that he drove down and picked up and brought up and set up himself the toys they play with in the in the backyard every picture that my dog gets she's on top of the little star thing hovering over it in control of it they have better toys than some of the children in the county have to get up and play on in their backyards.

[02:47:18] And that's just what it is. To me, as a previous dog owner, those people have been in the county a long time. We remember the up, up and away dude ranch, which was considered one of the good kennels to take your dogs to. And we paid for the private room because my wife thought Charlie was important enough to have a suite when we had to go out of town for a week.

[02:47:36] So that's what Charlie stayed in. What these guys have done here should be a template for other small boarding and daycare centers in the county it is a well run it's clean there are always going to be things with businesses if speed was a concern with business i'm sorry you're going to have to come shut down the club house at king starter because i have more people speed into that than i do people that live in the neighborhood dogs barking my neighborhood is louder than i've ever heard it when i'm picking up or dropping off willow there unless they open the door and happen to have everybody inside of

[02:48:12] one at one time it's just that well run of an organization and i can't advocate strongly enough for them um i don't typically get up here and speak this is how strongly i believe in in this case for this particular family in this particular small business thank you thank you sir next you have three minutes please state your name in the district good evening ladies and gentlemen my name is travis abeer i'm from uh the beaverdam district with mr stoneman i live in the hanover depot building right at Hanover Courthouse. I really thought I was going to be original tonight and

[02:48:49] coming up with great ways to laud and advocate for the Meltons in their business, but I think everybody else has kind of dumped it for me. Just to reiterate the things you've heard tonight, it is a wonderful, wonderful operation. Mr. Soman, as you know, we actually are members and patrons of your own organization, Posse Enda. Our problem is that we live in Hanover Courthouse.

[02:49:14] Palacienda is in almost Beaverdam. It's 23 miles away. This is seven. So no offense to your operation, but the convenience really pays off. I don't know if that, you know, presents a conflict of interest for you or not in this particular case.

[02:49:32] And nothing against your operation. But, you know, everything we've seen from the Meltons, as everyone has said before, has been fantastic. the consideration, the care, the attentiveness, the regulation of the pickup, the drop-offs to minimize the impact on the neighbors and operations. They even have a cul-de-sac set up in front of their yard so you can come up and pull out without ever having to back up. And I've never seen another car behind us. It's that well regulated. So just understand this is not some,

you know, fly-by-night operation. These people have put a great deal of thought, a great deal of consideration, a great

[02:50:09] deal of planning into everything they do and hence the reason for them to now present to you tonight uh well before tonight the opportunity to become a fledged full-fledged business within hanover county i please please recommend you consider to do so thank you thank you sir next you have three minutes please state your name in the district my name is douglas maupin i'm in Henry District. I'm a third generation Hanover resident. My grandfather had a small farm up on

[02:50:48] 301. He moved there in the late 40s. He died in 1960. My parents moved from Henrico County to Hanover once they retired. We moved to Hanover and to Studley area and to a life that we could only imagine. We're pretty much newbies. We've only lived there 46 years. We had a chance as my grandfather was to meet many small farmers, many small business owners. We had a chance to

[02:51:27] see people thrive. Karen Kirby and her husband, who's now deceased, they started off on 70 acres they inherited from their grandmother, lived in a single Y. I'm sure, and looking at Mr. Davis, he knows the story with the Kirby's. I just can only reiterate what the people that came before

[02:51:59] me so adequately described. The kennel is professionally run. The people care about the pets. That's what it's all about. And they will do anything possible to stay in operation to try to bring about a consensus of people getting along with each other. And I think that's what ultimately we all want. The board is trying to find some common ground. And I feel that's what

[02:52:33] Jackie and Jay are trying to do. Thank you for letting me speak. I definitely vote in favor. Thank you very much. Thank you, sir. Next, you have three minutes. Please state your name and your district. Good evening. My name is Jim DeFord. I'm in the Beaverdam district.

[02:52:55] I have been taking my dog, Millie, there for four years, and I cannot describe just the way that she has changed she was a holy terror when we first got her she was great pyrenees and jackie worked with her and she now i leave her at home with my 95 year old grandmother who i'm the primary caregiver for so i've been sitting in this meeting watching her on the camera um i just want to say they run a great business i respect the residents of that neighborhood i know personally when i come

[02:53:31] into it i don't go over 15 miles an hour and i stop and wave and talk to anybody who's walking and definitely have stopped and talked to sophie's owner so i just want to say i wholeheartedly as another small business owner i'm a sole proprietor handyman support what they're doing i respect the residents in that neighborhood and i hope that they can continue to operate out of there thank you thank you sir next you have three minutes please state your name in your district good

[02:54:07] evening. My name is Lauren Palino and I have grown up in the Henry district and I'm just going to read off my phone. A few years ago, I went through a breakup and a little rough patch resulting in the adoption of a puppy. Similar to many people in their mid twenties, I probably didn't give this enough thought. My dog Obi is a Husky Lab German Shepherd mix. He is absolutely crazy, strong, and restless. There were times where I questioned whether or not I could keep Obi due to the

[02:54:46] additional time commitment he quickly became. But as I learned week after week that his siblings were being rehomed and brought to shelters i was determined to do the opposite um sorry i turned to other community members specifically pole green dog park goers for help and they absolutely raved about jackie and jr at positively perfect goodness um i i used to make fun of people

[02:55:26] who brought their dogs to daycare i thought it was ridiculous um but having a place that i could bring Obi to get the activity that he needed was a game changer. In the beginning, it ensured that I could balance being a new teacher with one less worry. And now they have become a cornerstone of our weekly routine and a vital resource when I travel and need peace of mind that Obi will not only be watched, but loved while I'm away. Jackie and JR have been wonderful to work with. And out of all of this, I think it's really important that you know that they always are thinking about their

[02:56:03] neighbors and their neighborhood first. They are quick to remind us when the school year is coming back from summer and to watch out for kids at the bus stops. They close early on days like Halloween to make sure that there's less traffic and everyone can just live and be safe. With all of that, I would like to ask the board to consider allowing the operation of Positively Perfect to continue,

[02:56:39] assured that it is an asset to the community. Thank you. Thank you, sir. You have three minutes. Please state your name and your district. Michael Allen, Henry District. I've grown up in Hanover County ever since my parents moved from Fairfax when I was five years old. I went to Hanover County Public Schools and it came time for my wife and I to figure out where we're going to buy our forever home. We picked Hanover because it's perfect for our family and that includes our dog, Lily. And with Positively Perfect, we have a space where we know she's going to be safe

[02:57:18] and cared for and taken care of when we are at work and when we go away on business or personal travel. With that, I would like to ask the board to please support Positively Perfect. Thank you.

[02:57:33] Next, you have three minutes. Please state your name and your district. Hi, my name is Sarah Ashworth um I don't know what district I'm in um Lee Davis Mechanicsville yeah sorry um anyways you'll have to excuse me I have um uh communication issues but I and I well I don't

[02:58:11] have any pets that I bring there I have um taken Millie um Mr. DeFord's dog and I know some other people that are here and um that have dogs that go there and also um i know other places that you have to pay extra for extra care for their dogs extra play time any play time and you know that that's not even necessary there they they um again to reiterate um what other people

[02:58:49] have said about, you know, how professional they are when you come to their house and pick up times and what they're doing to reduce noise and willing to, you know, make accommodations for the people in the surrounding area to make sure it's, you know, efficient and not of disturbance um they they've always been very kind and um that you should see their their

[02:59:27] facebook posts all the dogs look so happy and you know they celebrate birthdays and um it's just i just can't see in the past however long they've been here i don't remember but all these people come to support them how they could have gone this long with that you know just to you know stop now um i apologize for rambling but anyways um thank you for letting me speak and i strongly

[03:00:02] urge you to um consider uh supporting them thank you very much please state your name in your district you have three minutes hi my name is lauren connelly i live in the chickahominy district um i really mostly just want to echo what everyone else has already shared but i also wanted to highlight the communication that Jackie and J.R. are always really on top of throughout every week. My dog Sammy, who's a four-year-old, super energetic Labradoodle, who needs somewhere

[03:00:38] to go and get that energy out through the day and through the week. They communicate through the weekends to schedule in advance to make sure that we have appropriate pickup and drop-off

times. They send out reminders about keeping our speeds down in the neighborhood, making sure that we're aware of neighbors, of kids waiting at the bus stops. Like someone else mentioned, they close early on holidays to make sure that the kids that are like going out trick-or-treating are able to run around the neighborhood safely. The hours that they have available right now are well within the hours that Hanover County had asked them to change to. And honestly, I just want to share that I

[03:01:13] really appreciate the hours that they have because I had looked at a couple other dog daycares and a lot of times they have pretty much the same hours as business hours. And I'm a mental health provider and i really like offering slightly extended hours especially kids after school and it's been really wonderful to be able to have a few hours in the afternoons to work with the youth and child clients that i really appreciate working with and still know that my dog is well taken care of i just really appreciate their family-owned operation and i appreciate your support thank you next you have three minutes please state your name in your district good evening my name is dawn

[03:01:52] parent and I'm in the Cold Harbor district. I have had, I know this isn't about the business. This is about land use, right? It's in a neighborhood, it's residential, but I believe what they have proposed would help with whatever concerns are out there. I believe that the extra fence, I mean, my dog has been into training and walks me with his leash to the door and brings it to them. But other dogs do run. So I understand that and respect it. But I know that they are strict about the leash. They're strict about speed. I had gotten a new car. I was going down

[03:02:29] the road and she said, Miss Perrin, if you can't slow down in my neighborhood, you can't bring your dog back. I was like, oh, right. I mean, that's her neighborhood and she wants to respect her neighbors. I go 15. That one reminder did not want to crush my dog. My dog gets excited. I say it's daycare day and he gets his leash. He's an Australian shepherd. When I leave there, he whimpers. When I get there, he's so excited that I don't even get to say goodbye to him.

[03:02:58] He's out the door. And for me, that's huge. You know, we got these dogs during COVID, stressful time for us. Now we have to go back to the office. Where do we take our dogs? We got to take them somewhere safe. I've been to other dog daycares to interview them and my dog wouldn't leave my side. Just would not. I went there and it was like, I was like, he's going to be skittish.

[03:03:22] He's going to be shy. Jackie's like, he'll be fine. He took off. I had a blast. They send me pictures all day long of my dog and all our dogs. And my husband thinks it's absolutely ridiculous that he goes to daycare. Absolutely. But my four kids left me and went and got a life.

[03:03:43] So what am I supposed to do? I need something to take care of besides him. We've been together 35 years. I'm done taking care of him. Anyway, end of day is, I know it's a residential issue, but she is stern on the fact that we have to respect the neighborhood. She is strong on her hours and she doesn't wait from them. Even if we're catching a flight that might be an hour later and I really want my dog back, it's fine. I'll wait till the next day. I think the measures she wants to put in here and meet the county's needs are well sufficient for the special request.

[03:04:18] And I really hope you guys consider a special request because this doggy daycare, as you've heard, is run by two people that really care about these animals, our animals, and really provide a service that I haven't found anywhere else. So thank you for your time, and have a great night.

[03:04:38] Thank you. Thank you. Next, you have three minutes. Please state your name and your district. My name is John Palino, Henry District. I've been a resident of Hanover Mechanicsville for 26 years. this is the first time i've ever come to one of these meetings and i'm here in support of positively perfect that's why i'm here that's what brought me out 26 years of being here this is the only time i could recall that i felt i needed to be here for an issue um with that being said i'm just going to read off my phone if i could if you don't mind let's see here um now

[03:05:17] i've raised two kids in town they went to mechanicsville high school i guess that's what what it's called now, raise two dogs previous to the two I have currently. We have those two dogs for 16 years. We use a number of dog centers. We go out of town, drop them off for overnight stays, weekend stays, week-long stays, whatever. We've never experienced a dog care center that to us

[03:05:51] is as friendly as caring as loving as supportive to our animals as we do with them um i i find it hard to imagine them not being in business i just it baffles my mind to think that that could actually happen um i live in the henry district i live uh in an area where the uh some of the districting. There's people that don't adhere to some policies that the board oversees. I know

[03:06:31] they're not adhering. Other members of the community where I live know they're not adhering. And for the most part, everybody gets along. Everybody talks through issues. Everything I've experienced with them in their business, they're always worried about their neighbors. Same thing that everybody had mentioned coming through. I'm driving slow. I'm waving. I know two members of their neighborhood outside of their business. One in particular, when I brought it up to them just to ask them what they thought about the issue, they didn't know that there was an issue.

[03:07:09] They didn't even know that they had the business in the neighborhood. Eight years, seven years, eight years, they didn't even know it existed. And they live in that neighborhood. So I just don't see um the issues that uh have been expressed um i'm currently raising two dogs uh large dogs um they take a lot of energy we do make use of the county complex at pole green park uh we take them

[03:07:44] to other places i walk them religiously i try to make sure they get all the activity that they could possibly get you've got 30 seconds okay so that my neighbors uh appreciate me for for taking care of the dogs they need the activity that they're getting at this location um and i'm hoping you guys support the special exemption to keep them in business so that my dogs can go to a place that they love going to thank you sir anyone else who wishes to speak in favor you have three minutes

[03:08:24] please state your name and your district I'm Samantha Hudgens with Henry District and I just want to say we got a rescue puppy like a lot of people and then she was raised with us for a few years and not around no other dogs when she had to go somewhere overnight we're like we don't know so when we went to Positively Perfect it was actually a two-way interview we were interviewing Jackie but she was also interviewing our dog to make sure that she was a good fit and she was and it's her second home she loves going there it's so easy to be able to drop her off and go on vacation and not have to worry about it and jackie is really strict with the rules she's always sending reminders about drop off and pickup times there's been a couple times i'm like hey can you

[03:09:02] watch your dog last minute and she's like no we're full so they do adhere to all the rules already i am very much in favor of them thank you guys for your time thank you very much there you have three minutes please state your name in your district i'm in minutes three rob willoway chickahominy district um been in the hand over 37 years before that grew up in short pump before it became the armpit that it is

now uh the only reason i'm up here because y'all know my basset hound is not going to go anywhere but at home is that in in short pump at three chop and cox there's a kennel

[03:09:42] there you know looking at the overhead plat from this it's it's larger lots this kennel out there in short pump survive surrounded by townhomes so the only reason come up here is because of the size of lots even though it's residential there's a lot more space on these lots than this kennel that has functioned in short pump for all those years and they're still in operation they're surrounded by restaurants and townhomes so you know not having anything to do with this other than knowing what i saw growing up and how they work i think that y'all should have proved the

[03:10:16] exception. Thank you. Thank you. Anyone else who wishes to speak in favor? You have three minutes.

[03:10:32] Please state your name and your district. I'm really nervous. My name is Linda Maupin. I'm in Henry Dickinson. My husband already spoke on our behalf regarding Corgi Wally, but one thing that hasn't been addressed is how Jackie keeps up with immunizations and the rabies. She's got all that documented so that I feel that my dog is going to a healthy environment. And my husband and I are

[03:11:12] retired. We travel and we board with her and couldn't be happier. Please consider this exemption for her. Thank you. Thank you. Anyone else who wishes to speak in favor? Okay, moving on. Anyone who wishes to speak in opposition, please come forward. You have three minutes. Please state

[03:11:47] your name and your district. Thank you, Chairman Herzberg, Vice Chair Davis, and Board of Supervisors. My name is Andy Foxwell. I live on Studley Farms Lane. My parents live next door to They are directly adjacent to the applicant's property.

[03:12:08] Their house is within 200 feet. Their back door is within 200 feet of the kennel. They are 90 years old and 91 years old. My mother's afraid to go to the mailbox, afraid a dog will jump on her. Just recently, they started to put leashes on the dogs and lead them in and out.

[03:12:26] But that was only after this all got brought up and there was a chance that they would lose the right to run the business. My parents have lived there for over 50 years. I've lived next door to them for 30. The property directly adjacent to the applicant on the other side, they're in their 80s also.

[03:12:48] So I'm sure it's a very nice business. They're kind of dogs, but it doesn't belong in Studley Farms. It's a residential neighborhood. If I recall during the earlier presentation, I believe I heard it right, that this neighborhood would not be zoned agricultural if it was done today because of the size of the lots.

[03:13:09] So I would, you know, I would hope that you guys would look out for the interest of the property owners who have been there for a long time and not somebody just trying to, you know, run a business out of convenience. Thank you. Thank you.

[03:13:24] Anyone else? You have three minutes. Please state your name and your district. I'm Carol Longest, Henry District. I live on Stodley Farms Lane and Stodley Farms Drive on the corner. We have no problem with knowing that they have a wonderful business and they should be proud of it.

[03:13:44] The problem is it should not be in a subdivision, should not be in our neighborhood. There are many of us in that neighborhood that have been there 35 to 52 years. We're old and we're set in our ways. We are used to not having traffic.

[03:14:02] I believe yesterday there were 13 cars that went in and out in the morning, in and out in the afternoon. That's 52 cars in a day. We have small children, and we have people who are afraid to walk because of the traffic.

[03:14:18] When we moved to that neighborhood, a majority of us, we had covenants, conditions, and restrictions. And we've abided by those all these years. They did expire after 50 years, so they recently expired.

[03:14:35] But, number three says, no fowl, swine, goats, cattle, mules, or dog or cat kennels, rabbit hutches, or pigeon lofts are allowed. That's our neighborhood. That's why we don't want a commercial dog kennel.

[03:14:53] Also, no offensive activity shall be carried on upon any parcel, nor shall anything be done therefore which may be or become an annoyance or nuisance to the neighborhood or injure the value of the property. The property owners on either side of the kennel are very concerned about their property value. As Andy stated, one couple in their 80s, one couple in their 90s. Yes, we are set in our ways. These ladies are afraid to go in their yard. Mrs. Foxwell, it breaks my heart that she

[03:15:33] gets in her car to drive to her mailbox. Then she drives up Stowley Farms Lane, turns around, and goes back home. And she should not have to do that, have to live in that neighborhood for 50 years. Now, maybe she's not justified to feel that way, but she feels that way, and you know you're not going to change her mind no matter what. The things that I told Jackie that cannot be changed. Number one, the traffic that none of us like. And the fact that the two elderly couples

[03:16:10] are not comfortable and the fact that the dogs are noisy. I'm at the end of the road and I can hear them. So we don't mean to be bad neighbors. We don't want to close their business, but it just needs to be someplace else and not in our neighborhood thank you thank you anyone else who wishes to speak in opposition please come forward you have three minutes please state your name in your district all right i've got three minutes i'm going to try to make it work my name

[03:16:46] is marla colman i'm glad to see so many of you here tonight that i know and back here my neighbors are all around me tonight and this isn't working so i'm going to hang on to it i am having to take a position that's different from those in my neighborhood. And what's happening is that this episode unexpectedly is causing a schism in our very wonderful neighborhood. That neighborhood dates back to the Balducci's in the early 1900s. I've forgotten when I came out here. We've been

[03:17:22] here 40 some years. We've raised dogs in our home and on our property many, many, many times. I'm appropriate of your joints. I cannot leave here tonight and tell you that I'm not concerned for my neighborhood.

[03:17:37] And I am especially concerned and feel a great deal of compassion to the two couples that live on either side of this noisy business. And having said that, the business has been there a long time before we knew about it.

[03:17:55] It's only when this came up that we were able to learn about it across the neighborhood. I want to ask a pardon of my neighbors that I do so with. I want to tell you that I have compassion for the neighbors who've been there for over 40 years, who've raised their children, just as you and I do, and who also are in their last years.

[03:18:17] They don't want this. They don't need this. And I implore you to give consideration and passion. If you will notice, most of the people who are using this business are from out of the area. They have no idea what goes on all day long.

[03:18:36] They would not want it in their homes. So I'm asking them, and I'm suggesting that given their talents and given their abilities that have been so touted tonight, that they could easily find a sponsor for the business that they're operating.

[03:18:53] And I think a whole lot of us would appreciate that and appreciate the work that they're doing. They're just in the wrong place. And they kept it to themselves for a long time. and now they're telling us they're not going anywhere. But I wish them luck, and I want to thank...

[03:19:11] I want you to know my husband drives 45 miles one way to put our dogs in a professional kennel, and I thank you all for your time. I know you're tired. I've seen you moving around a lot and wiggling. It's time to go home, but I just want my neighbors to know that I care about what's happening to them against their will, and I implore the family to find another location.

[03:19:39] They have a big business, and they've made it work for themselves. So thank you very much. Thank you, sir. You have three minutes. Please state your name in your district. I'm Joe Bowles, and I own property behind this situation.

[03:20:00] That this neighborhood does not need a kennel, dog kennel, or the traffic that it will cause. But I've been in the neighborhood all my life, and this we don't need now.

[03:20:19] And by the way, I know the Headlers. I've known them for 60 years. Thank you. Thank you. You have three minutes. Please state your name and your district.

[03:20:37] My name is John Headley. I'm in our district. I live next door to this doe camel. I think Shane Davis has a recording of the noise that's generated by these doves during the day.

[03:20:59] And this is every day, not just once in a while. It's every day. I'll be glad to play off of my phone the different days and let you know the different days, different times of day standing in my Florida room.

[03:21:18] And this is what I hear. I look out in the mornings when I'm there with cars coming in. And as they said, there's no backup. I've got pictures, and Mr. Davis, I think, has a picture of the cars backed up in the cul-de-sac, which is an occurrence regularly because they can't go in their driveway until it's this time or that time.

[03:21:50] If y'all would want to listen to the dogs barking, I'd be glad to play it. Sir, board rules do not allow for that because we don't know what's on the recorder and it's live streamed. It could be anything. So that has to be submitted to staff and vetted before the board meeting.

[03:22:08] And Mr. Chairman? Mr. Davis? We are in receipt of those. Those were forwarded to board members, Mr. Headley. The ones that you sent me were sent to staff and then forwarded to board members via email. Okay, and did you also give the board members the text messages that was generated by them trying to intimidate me?

[03:22:33] I won't speak to the classification that you just used, but I am in receipt of the text messages, yes, sir. Okay, but I want to ask the board, I've been living in that subdivision for 35 years now.

[03:22:50] The neighbors that we've had prior to that have been just as sweet as they can be. I mean, we still stay in contact with them. And they have moved to North Carolina, West Virginia, and so forth.

[03:23:08] You have 30 seconds remaining, Mr. Hiddler. My time's up. No, sir. You have 30 seconds, sir. Oh, okay. These people are fine. I'm sure they do a good job with their pets and dogs. but living next door to such a mess is just it's just unbelievable i don't think either one of y'all would want to live next to a dog can't listen to him bark oh thank you thank you sir anyone else

[03:23:41] you have three minutes please state your name in your district uh ned coleman my wife was just uh up here a few minutes ago i'm in um henry district uh i'm gonna top what she said we've lived there 53 years obviously the dog kennel wasn't there when we got there was a fine quiet place great

[03:24:12] quality of life i have no problem with the people that run the dog kennel i'm sure they do a great job but the thing that concerns me are two things that concern me number one if you approve or if they are allowed to remain there you set a precedent for this business you set a precedent for any business that comes into a neighborhood, a subdivision that creates noise. How about a shooting range? Would you want a shooting range next door? Would you want a car repair next door?

[03:24:50] Don't think so. You got to think about that. What happens to the value of my property if my next door neighbor sells their house to someone that wants to put in a dog kennel? We've used Posse for a long time. They do a good job, but they're not in the middle of a subdivision.

[03:25:11] The other thing just up this cul-de-sac is a bus stop. So the traffic, when they bring their dogs in the morning, you've got a bus sitting there. You've got kids getting on the bus. That's the main pickup for the whole neighborhood. You ask about kids getting on the bus over at the other previous discussion.

[03:25:36] I heard Studley Farms Drive. Traffic impedes kids' ability to get on safely. So I have no problem with the individuals running the business. It's just the fact that you're going to set a precedent and you can't take that away.

[03:25:57] Thank you. Thank you. Next, you have three minutes. Please state your name and your district. Hi, my name is Ellen Hadley, and my district is Henry District. I am adjacent to the dog kennel right next door to it.

[03:26:17] It's unbelievable the noise that we have throughout different parts of the day, holidays, weekends, it's all the time. And actually, before they had their own dogs with the invisible fence, they would be over actually in our yard all the time.

[03:26:42] I was afraid to get my mail. I would take a stick or something in hand to go with me in order before being attacked by them. It's unbelievable living next door. I just can't explain how it is from day in to day out, wondering if a dog is going to get loose when it gets out of the car or when they come to pick it up.

[03:27:11] I truly oppose this. and to live you've got to live next door to truly understand it thank you thank you next you have three minutes please state your name and your district my name is nathaniel hedley and i live in the henry district um so i'm the grandson of one of the neighbors and i also run a small business in hanover county and i know that when i first started this was a big deal on your zoning

[03:27:43] on where you can be what you can operate where you can operate and i think that now is the discussion of the professional business run you know there's no discrepancy on that it's the placement of

the professional business and there's plenty other places in hanover county that a dog boarding facility can be operated on but in the back of a elderly neighborhood is not the place for

[03:28:12] and that's the general my opinion on it. I appreciate it. Thank you. Anyone else? You have three minutes. Please state your name and your district. My name's Kevin Headley. I'm the son of the neighbors, the adjoining property. We've seen a lot of people come in here tonight talking about the facility and you have a lot of people that showed up in here tonight to speak well of the folks running the kennel. Please direct your comments to the board, please. Okay. I'd like to,

[03:28:50] if you would indulge, you asked how many people were here to support. Raise those hands again. I don't need to look back there. If you're a landowner adjacent to the property, keep your hand up. How many are up? I don't think it's very many. Okay. There's a business. There's lots of businesses out. There's a lot of businesses that I support and I'll go and say, oh, this is a great

[03:29:23] business. They take care of me. They provide what I need. I don't want to live it. I don't want to have it living next to me, but I support them. You want a lot of drama? You want me to cry and get upset? Yeah, I can do that. I have pets. I've had dogs and cats all of my life. So I understand the emotional connection to your animal, but I don't want a kennel next to me. I support businesses,

[03:29:58] but I don't want those businesses next to me, in my neighborhood, next to my house, where I'm raising my family. The folks, they're good people. There's nothing wrong with them. As a parent, they have a very good operation. They run a good business. That's great. They're good business people.

[03:30:15] The problem is you don't need to be running a business in the neighborhood when you have a petition of more than 20 people that do not want it there. I ask you to consider when you vote, would you want it next to your house?

[03:30:36] Thank you. - Thank you. Anyone else who wishes to speak in opposition? Seeing no one, we will now recognize the applicant for an opportunity for rebuttal.

[03:30:56] Okay, with that, we will now close the public hearing. This is in the Henry District, Mr. Davis. - Thank you, Mr. Chairman. Mr. Chairman, first of all, I'd like to thank all the folks who have come out tonight, did attend a community meeting, for this. I do have some comments because so many folks have said so many things, all of which I think are valid. Certainly, yes. Thank you. And look, I apologize. I spoke with the county administrator. I spoke with the chair. This is not our normal setting, and these microphones are very problematic. So thank you for saying that. We are trying to address that.

[03:31:36] This is a great business. I don't think there's any question about it, and I think you got very good owners, and that they have a passion for their business, and that wouldn't be something for us necessarily to consider, but I think it's important if everybody came in here and said, I took my dog to that kennel and it was lousy and they didn't take care of my dog, I think that could be pertinent to the business operations, but that certainly didn't happen. We do want this business in Hanover County, and I do want to see its continued successful operation. The question before the board tonight is one of land use, and if we were simply voting on whether we like the

[03:32:15] business or not, I believe the answer would be an overwhelming and resounding yes. We do have discretion given to us by delegation of those who have placed us in office. That discretion is not an arbitrary or capricious discretion to be yielded on whether we like something or we don't like something, whether a bunch of folks show up and say it's good and a bunch of folks say it's bad.

[03:32:39] There is certain criteria, and you want us self-governed by that. We publish what that criteria is. Everybody in the county has access to that and says you can't just go and influence a policymaker by saying, hey, everybody wants this or everybody doesn't want that.

[03:32:55] It is important to hear that input, but it has to be relevant and germane to the case. Tonight, we saw a very similar case where some folks came up and said, we'd like to have this. We had to work on some of those nuances, as Mr. Hudson and I have spoken about, and say this may not be able to move forward, even though there are a lot of folks that want it, until we get it right.

[03:33:17] Noting the comments tonight, and it's been mentioned, and I won't belabor the point, is that it's evident that these people who use the business like the business, and I want that to be on the record. We talked a lot tonight, or y'all spoke a lot about business operations.

[03:33:37] With that, we're looking at whether we will grant an exception to operate a kennel in a residential setting. That's the question before us tonight, because the first use of this land is single-family residential. And when I was at the community meeting, a neighbor mentioned that they had restrictive covenants.

[03:33:54] Now, let me be clear. The board is not bound by restrictive covenants. That said, if there was a restrictive covenant in place that prohibited this, it would serve no purpose other than contention in the neighborhood for me to grant a special exception with the concurrence of the board. It wouldn't make any sense. However, there are no restrictive covenants in place, but I went and researched that when a neighbor brought it up. In 1971, restrictive covenants were put in place, and I did speak with Mr. Driggs about this the other day, not to spring

[03:34:31] anything on anyone. And I went and looked at those. And Frank Hargrove, Jr., clerk of the court, assisted me in that. I got them over to myself and Mr. Walter. And that did give me a really good idea of what the flavor of the neighborhood was, what people wanted when it was first built. So that went on for about a half a century. Now, why those weren't renewed, I can't speak to that. And I say this respectfully, it was probably just a lack of administration of the neighbors coming together, maybe having annual meetings, forgot about it.

[03:35:08] They'd been in place for 50 years and said, you know, it was no major issue to renew those. But that was specifically excluded for 50 years. Within that 50-year time, the kennel did operate, so expiring in 2021.

[03:35:28] So all residents, to include the applicant, voluntarily agreed to that restriction. And when I say voluntary, I mean through the successful settlement of a real property purchase. So when you purchased a home, you saw the restrictive covenants. They were presented to you. You have an opportunity to look at them in the Commonwealth of Virginia.

[03:35:45] You have three days. And then you agree to them. You can settle on your property. So not only were you out of compliance from your restrictive covenants, which we are not here to enforce. I just used it for context and historical data, but there was also a problem with operating that from the county ordinance standpoint because the first use when it was rezoned was residential.

[03:36:11] So that background, that historical perspective, I have to look at that. There is a compliance issue with the zoning regulations, and I appreciate these folks coming up and recognizing that it did operate for quite a long time out of compliance.

[03:36:33] And this is not meant to cast dispersions on the applicant at all. It may be that you didn't know you had that restriction and you talked to your realtor. I don't know. And I say that respectfully. You should have been presented those. I'm not giving legal advice, but that's what I have to go on because that's the code of Virginia.

[03:36:55] So that's why the case is before the board. What we are not here to do is prohibit your business. We're not voting on whether we prohibit your business. I do understand certain consequences of the way the vote goes, whether it be prohibited in that location.

[03:37:10] But we're not you're not applying for a business license with the board. This is also not a binary choice of if you don't vote yes, then you don't like the business and you don't want it in Hanover. And if you do vote yes, then consequently, the other would be true. That's not the case. I do want it operating in Hanover.

[03:37:30] There are a lot of people here today, so I recognize how big this business is. I did not know that it was that big. I didn't know you had that many clients or customers, which also did cause me to question traffic and a number of different things.

[03:37:47] Somebody brought up Karen and Wayne Kirby. And for the record, you're right, I've been down to their farm many times. I'll be there in a couple of weeks cooking chili with the Rewardton. But Wayne, prior to his death and now his children and Karen still running that operation, They were running an operation on agricultural land that was agricultural use.

[03:38:10] They were operating a farm. And I think that there are properties in some places, maybe even with the same land use designation, where this would be appropriate. But we're bound by certain duties to look at zoning cases through the lens of land use.

[03:38:29] And so while it is impressed upon me that you have a great business, I don't know that this is the best place for the business because it is inside a neighborhood. And I just want to be clear. The very next item on the agenda is us talking about home-based businesses. And I'll end with this.

[03:38:46] There are a lot of opportunities for folks to have home-based businesses in Hannover, but they do require a special exception. And the reason they require that is because the nature of the initial zoning is what people need to expect when they go there. So this is not a binary choice.

[03:39:03] I know when I vote, if I'm at 75, 25, when I vote, it's 100%. I get that. But the question before us now is, do you have a commercial kennel? Do you have a kennel that could operate at a level of this success somewhere else? Maybe it could. Should it be operating in a residential neighborhood? And I think the answer to that is no.

[03:39:29] So it's regrettable that it was here. I'm glad that you've had so many years' success. I am going to ask, while I can't mandate this, that if you're trying to get the business settled out and find another location, one, you can speak with our planning department and our economic development department.

[03:39:45] They will meet with you at zero cost and try to help you free of charge to find appropriate places to put your business. We have a number of different folks in our Economic Development Authority that keep a list of properties for appropriate uses that may be able to help you out with that.

[03:40:04] And our planning staff will help you find properties, some of which may already have pre-zoning that's available for you. I'm also going to ask, as you run that down, you're going to probably need

to do it as quickly as possible. But we recognize that we're not going to send animal control and code enforcement out there tomorrow.

[03:40:22] But if this is denied, it's in your best interest to try to get this done as quick as possible so the complaints don't come in. And then the last thing, folks talked about having other properties that are out of compliance.

[03:40:38] That's absolutely true. I mean, Hanover is not a county that rides around looking for things. It normally comes through complaints. This could have come the first day that they opened. It just happened to go seven or eight years before the complaint came, and we just don't have the arbitrary authority to say, well, go ahead and keep operating that out of compliance.

[03:41:00] So with that, Mr. Chairman, I move to deny SE 2024-00018. There is a motion on the floor to deny. Is there a second? Second. There is a motion and second.

[03:41:16] Is there any discussion per board members? Mr. Stoneman. So, full disclosure, it's been brought up that I do own a kennel in Montpelier, and it was my intention to be able to vote tonight, but I'm a little concerned.

[03:41:32] I don't want to take away from the work of this board, but I do want to share a little story with you. Twenty-some years ago, it was actually 26 years ago, I began the same journey that you're on, and I wanted to do it at my house. I had 10 acres, and I thought, wow, what a great idea.

[03:41:50] And I went to my neighbors, and I made a mention of what I wanted to do, and it didn't seem to be in the opposition at the time. But after I filed my application with the county, I went back and just checked with everybody, and they were in opposition to it.

[03:42:07] So the point of this is that they did me the best favor they could have ever done for me. It's because it forced me to go out and find a piece of property that was more appropriate for the use that I was using it for. and it gives you the opportunity to grow and flourish because obviously you run a great business.

[03:42:27] You've got so many fans, so many people that appreciate what you do. Your business has, you know, you could expand to any level that you wanted to, and this will get you out of the nest and give you that opportunity to be everything that you can be. And so I just, you know, like I said, I understand exactly where you are.

[03:42:46] My passion is with the animals, and I love my dogs, and so I love taking care of them as well. and I try to run the best business that I can. But with that, I would just like to say that I would like to not vote on this because I don't want to take away from the work of the board, if that's okay with everyone. I don't want to defer my duty as a board of supervisors, but I think it could be misunderstood if I vote a certain way.

[03:43:10] So I'm going to step back. Mr. Davis? Mr. Chairman, there was one comment that was brought up for the matter of public record, receipt of some text between the applicant and their neighbors. And I don't see any need, any benefit to read those out loud.

[03:43:29] They are part of the public record, conversations between the applicant and their neighbors. But I'm not sure that it serves anything, not withholding anything from the public record at all. But at a

discretion, I've chosen not to read those into the record, but they will be placed in the record for those who want to look at it for posterity purposes.

[03:43:48] But I'm not sure it serves any purpose tonight to go through those communications between the applicant and some of their neighbors, but I read all of them and processed all of those, sir. So thank you for sending those, yes. Mrs. Dibble?

[03:44:06] Ma'am, not at this time. Sorry, Mrs. Dibble? Yeah, I just wanted to make a comment. It is absolutely positively obvious to me you have inside of you a great business model, a great business mind, and it breaks my heart to say this just isn't going to work.

[03:44:29] but at the end of the day, it's our job to protect the quality of life for the people that live in these residential areas. And they move there for a quality of life. I have to ask myself, do I want to live next door to a kennel? And it would probably be no. But the fact of the matter is, is that your neighbors have stood before us and written us letters that say that they don't appreciate this business in your neighborhood. And it really breaks my heart to say that,

[03:45:09] but I also want to recognize that you've got a huge following and you're going to land on your feet. And again, as Mr. Davis has said, we have a great economic development department and a great planning department that want to help you figure this out. Anyone else? So my comments are short.

[03:45:37] I think that there's cases to be made for this, there's cases to be made against this. And we saw that with the citizens who spoke in the public hearing. When you listen to one group, what a great business. Supportive, you listen to the other group, you can see the downside to it.

[03:45:56] The one factual thing that is strong on my mind is the restrictive covenants. I know that they expired. However, it shows the original intent of a subdivision. And I remember a case out in Beaver Dam, I believe it was four or five years ago, we had an applicant came before the board, four of us were here at the time, and the applicant wanted to do a commercial dog kennel, and one of the neighbors brought up their restrictive covenants, and it clearly said, you know, no commercial dog kennels.

[03:46:28] I mean, you can have the pets, you know, cell phone pets, but not the commercial traffic and the volume. And I remember that case, and I remember thinking, well, geez, how could I support the application when the restrictive covenants are a legal document that are recorded at the circuit court?

[03:46:50] So that concludes my comments. Anything else before we call for the vote? Okay, there is a motion and a second on the floor. all in favor of denial please indicate by saying aye aye any opposed to that case um the case is denied madam clerk please call uh please poll the board certainly mr hudson

[03:47:28] aye mr stoneman abstain miss dibble aye mr davis aye miss floyd aye miss pritchard aye. Mr. Herzberg. Aye. The reason I asked for the board to be polled was for the abstention. Get that on the record. Okay, that concludes that matter. I'm going to let the room clear and I'm going to ask how many people are here and then I'm going to ask if you have

[03:48:07] the board members if we want to proceed with this tonight or not. Board members can decide in majority whether we're going to proceed with it or not. How's that? I mean, it's freaking 10 minutes to 10. We were ahead. I mean, I feel bad to do it so late at night for the public, but I'm ready to get it off.

[03:48:37] How many people are here in attendance in the audience for these short-term rentals?

[03:49:11] We have one, two, three. Four. Okay. Okay, we are going to go into recess for five minutes.

[03:49:28] the board is in recess for five minutes board is back in session miss hunter yes good evening

[03:59:58] good evening mr chair members of the board uh this is the long-awaited short-term rental ordinance amendment uh was scheduled for last month and it was deferred to this month so i just wanted to cover what the goal of the ordinance is um i think there's been some confusion among the citizens that we are proposing this legislation to provide additional restrictions currently short-term rentals are not allowed anywhere in the county they're not addressed in the zoning ordinance which means they cannot operate legally within the county so this ordinance amendment

[04:00:37] would actually give additional rights if someone if it was approved to operate a short-term rental a lot of feedback on this it's very weird yeah uh so we've been working on this ordinance amendment for about a year and a half there's been lots of compounding factors as we've been working on it so we have no local regulations we had several residents who were currently operating short-term rentals or had been operating short-term rentals so we got about halfway through the process there

[04:01:13] There was changes to the state legislation, as well as Attorney General's opinion on short-term rentals. And this has probably been, surprisingly, one of the most controversial zoning ordinance amendments that we've worked on.

[04:01:30] People who have opinions on both sides of the position feel very strongly about it. So what is a short-term rental? It is the provision of a room or space for sleeping or lodging purposes, and the most important thing is this is for periods of 30 days or less in exchange for a charge for occupancy.

[04:01:57] This would not impact people who want to rent out their home or a room for 12 months, on a month-to-month basis. This is just for short-term periods, 30 days or less. So, again, what may be included in the short-term rental?

[04:02:16] It could be the entire home. It could be rental of an accessory structure or a garage or a barn facility. It could be just a rental of a bedroom within an existing home. What is not included is renting out your home for more than 30 days, renting your home on a month-to-month basis, allowing a family member or a friend come live in your home that is not a short-term rental. As I said, short-term rentals are not permitted anywhere

[04:02:48] in the county. We did have 11 property owners in the county who were operating short-term rentals that we were notified through a complaint basis process. They were cited with violations. They have corrected those. And we are one of the few localities in the region that does not have a short-term rental ordinance as i said about halfway through the process uh that there was some state legislation that changed regarding short-term rentals which required us to pivot

[04:03:28] and go in a different direction um so the governor signed a bill that first of all defined short-term rentals um which i've already discussed with you in the previous slides it also stated that any locality may establish a short-term registry and require operators to register annually.

[04:03:52] That's a may. It's not a requirement. But the biggest change was that if any locality adopts a short-term rental after December 31st, 2023, they cannot require a special exception or a conditional use permit for a property someone's using a short-term rental in their primary residence so when you look at short-term rental ordinances some of this terms are some

[04:04:26] often called host it so if you're living there it's your principal residence and you are operate you want to have some short-term rental within your home or on your property, you cannot require a cup or a special exception for that. In addition, the attorney general made an opinion regarding agritourism. Agritourism is very widely defined. It's any activity carried out on a farm

[04:05:01] or ranch for recreational entertainment or educational purposes to appreciate the rural character or rural nature, but short-term rentals are permitted by right as an agritourism activity.

[04:05:20] Let's get into the ordinance amendment that's being proposed before you tonight. There are three provisions of the ordinance. One is to provide a definition of short-term rentals, identify where the different types of short-term rentals would be permitted and whether that would be buy-write or a special exception, and then to establish use standards.

[04:05:46] So first of all, the definitions, it would be three definitions. The short-term rental was the one that has been defined by the state, and we'd be using that. And then there'd be two subsections of the short-term rentals. The first one is short-term rental owner-occupied.

[04:06:06] Again, this is the one that could not be restricted with a cup or a special exception, but it says short-term rental owner-occupied. If it's the home you live in for at least 185 days a year and it's considered your permanent address.

[04:06:26] So where do you vote? Where is your license? That sort of information would prove your permanent residency. If that, you can have it a short-term rental within your home, within an outbuilding.

[04:06:43] It must occur on the same G-PIN as the primary residence. And the primary residence has to be occupied by the owner of the property. But somebody could use the short-term rental as the accessory structure.

[04:07:00] The other definition is short-term rental, non-owner-occupied. These are more of like investment-type properties where people use the entire property. As a short-term rental, there's less supervision because the owner is not on site.

[04:07:21] And that would be considered our non-occupied or some short-term rentals consider those on-hosted. So, you have a couple different options when you're considering the short-term rental. If you don't approve, you don't adopt the ordinance, all short-term rentals in the county would be prohibited except for agritourism.

[04:07:45] If you do want to adopt an ordinance amendment, these are your following options to align with the state code. So, for those owner-occupied properties, you could allow it by right, allow it by right in specific locations, which I'll review, or you could prohibit countywide. For the non-owner occupied or the investment owned properties, you could have all of those options. And then you can also require a cup or SE for that one. So those are the only ones that you can require a cup or

[04:08:24] a special exception for, we're recommending a special exception, but that would be the ones that it's the non-owner occupied and it's the whole house. So with the community development committee and the planning commission, we did look at locations that could be considered on where you locate short-term rentals and where they may be appropriate. Some of the suggestions that were reviewed were allowing within the suburban service area outside the suburban

[04:09:00] service area only on a1 agricultural properties there was discussion about prohibiting in repealed residential districts those are r1 r2 r3 subdivisions they have those are generally our old subdivisions prior to the rs becoming our only residential zoning district and many of those many of those subdivisions do not have hoa documents and that was one of the reasons that was discussed prohibited in rs prohibit in any approved subdivision allow only on properties

[04:09:40] five acres or greater or so there's a variety of options so again the only restriction is is for the primary residents, you cannot require a cup or a special exception, but you can identify areas of the county on where you think they are appropriate. So you don't have to require to allow them everywhere. You can identify certain specific areas, which these are suggestions.

[04:10:14] So the ordinance that comes before you tonight from the Planning Commission, Their recommendation to the board was to add short-term rental owner-occupied with standards in all agricultural and single-family residential districts, and then to add the short-term rental non-owner-occupied as a special exception in all agricultural and single-family districts.

[04:10:41] So now I'll go into the standards. So this would be the standards for short-term rental owner occupied. Again, the way the ordinance is before you, this would be an accessory use permitted in all agricultural and residential districts. So the person must certify that they occupy the property at least 185 days per year and provide proof of principal residence. There's parking

[04:11:15] space requirements of one space per bedroom. They must be able to provide contact information to the county while they're providing that proof of residence where it's a phone number where the county can reach them within 60 minutes to notify them if there's any sort of complaints or concerns.

[04:11:37] Limits the number of occupants to twice the number of bedrooms or maximum occupancy of 10, which is the max of the septic system, whichever is less. No other commercial use is permitted on site, which means you couldn't combine it with an event venue or something like that.

[04:11:56] Prohibit, prohibit, sorry, prohibit, can't allow to rent to minors. Yeah. Check-in, check-out is not permitted between 11 p.m. and 7 a.m.

[04:12:13] Safety equipment is required, such as smoke detectors, fire extinguishers. They would need to post pertinent information, such as the noise ordinance, when trash pickup occurs, and things like that. Number of pets must be in clients with the county code.

[04:12:32] They must keep records of rentals for a two-year period. And then, again, limitation of one short-term rental poor property. And then this was added by the Planning Commission based on concerns during the public hearing that came up prohibits, can't do that word again, prohibition against renting to undocumented immigrants.

[04:12:55] so those are the standards for the owner occupied the non-owner occupied would have the same standards except for the following changes again there would be no proof requiring principal residents because it would not be their principal residence a registry would be required there was some concerns at the planning commission that they're within the registry there's some information in there that real estate board register real estate timeshares that they would not have to

[04:13:31] be licensed that they are already licensed and they don't need to register. The point of the registration is to make sure that we have contact information and can reach out to them. If they are members of any of those things, we can look up their contact information and get it. So that's why that was in there and that was in the state code it's not something we just picked to have in there and they would still to meet all the other short-term rental requirements so this is what

[04:14:05] we've heard through this year and a half process of working on this earning ordinance probably about Close to a year ago, we did a website survey and got some varied opinions on this. So generally, the feedback of what we heard for people who support the uses is that it provides temporary housing, it generates income for residents and owners, including farmers,

[04:14:34] It promotes investment in neighborhoods, supports tourism, support that it really can minimize negative impacts due to having to get raided by their people who rent each year, each time, and just general support.

[04:14:57] People who have been opposed have indicated that it could reduce housing affordability, concerns with noise, safety, traffic concerns, particularly on rural roadways, and just general opposition.

[04:15:12] So the CDC discussed this at multiple meetings ranging between August 2023 and May 2024. The recommendation that came forward for authorization to advertise the public hearing was all short-term rentals be permitted by right in all residential zoning districts with no registry requirements and no specific use standards.

[04:15:42] that was a two to one vote. The planning commission also just struggled with this ordinance amendment. They held three different public hearings. The first one was back in July. You can see we had seven speakers. Second one was September 19th, two speakers. And then again in november with three speakers and their recommendation was to have the ordinance that's

[04:16:14] presented you tonight with short-term rentals primary residence to be allowed by right with those standards that i reviewed with you and to allow the investor or non-owner occupied with a special exception. So I'd be happy to answer any questions on this topic. Any questions from board members? Mr. Hudson? What is to prevent someone from doing a 30-day lease over and over again with

[04:16:54] a kickout clause? My situation changed. I can move out in four days with no penalty. I guess legally somebody could do that if they want. I think if they're going through a short-term rental, if they're going through a platform you would think they would be paying additional fees but yeah i mean i'm just i we had apparently 11 driven complaints i i can think of 50 in my district

[04:17:28] alone that are long-term rentals and i really wish that we could do something about them and that was yeah one of the comments of people who were supporting it saying that they keep their properties up better than and and who's going to go in and see that they have a fire extinguisher no one is that in there i i don't i i don't like it from start to finish i'm not saying that something i understand we have to have something um but people don't take take care of their their

[04:18:06] own homes people don't take care of their long-term rentals and they're absent and i've experienced that where we're trying to get a key holder plenty um i i'm just i'm not sure of the premise or you know i i understand that in some places it can get out of hand but i i'm not seeing it in hanover thank you mr chair mrs floyd thank you um i agree with ryan completely on everything

[04:18:42] he said um i've not obviously been quiet about my stance and i i don't mind standing alone in my beliefs. I understand that we need to address the short-term rentals so people can confidently know what they can and can't do with their property. I like black and white. I don't like a gray area, but I'm not happy with the restrictions. I understand we need to have something written, though, so I do think we need an ordinance, but I'm not in favor of more

[04:19:13] government regulation and overreach, in my opinion. I do think, as Ryan said, that they are much better maintained than the long-term rentals. I do notice, though, on page two, it says that this, we're addressing this because the zoning ordinance generally does not address short-term rentals. It also doesn't address long-term rentals. Does that need to be written as a permitted use?

[04:19:46] That's just always generally been considered residential. I think the short-term rental is a different type of residential use. Okay, I would just worry about the long-term rentals being considered something that people would want to regulate next.

[04:20:09] But I understand we need something in writing, and that makes me happy to have things written in black and white. But, you know, as Ryan said, I don't, I'm not, I'm not happy with it. This is, excuse me, Supervisor Pritchard.

[04:20:32] Actually, just for a minute, I have a question. We just, sorry, sorry, sorry. We just voted. There's no in between, sir. Yeah, this is awful.

[04:20:47] We just voted on the issue with the dog kennel. And overwhelmingly, we said the people who live in the subdivision deserve the first consideration because they live there and they deserve to have their quality of life protected. How is this different from that? And I'm happy to hear a difference. I just don't get how it's different. I believe the difference is that the quality of

[04:21:22] life is not diminished by a short-term rental i guess that's the main thing where people would think that the quality of life was diminished um by the dog kennel because of but what if it is and how could what what's the recourse if it is by the way i stay in short-term rentals all the time so i'm not anti-short-term rentals but i'm really worried about what happens to people who have a

[04:21:47] problem. I want to make sure we stay on track. We have our staff presentation. This was question and comment time for staff. We still have the public hearing, and then we'll have plenty of time for comments and discussion. That's our normal procedure. So what is on the floor right now, and I appreciate the comments and the questions that have been made, questions or

[04:22:22] comments for staff in relationship to the presentation mr hudson did did we check with fire and ems and the sheriff's department to see if there's any correlation and calls for service between and short-term rentals and you know whether they i'm not sure they would know other than the ones that we cited if there's a short-term rental or not when they go to it okay thank you um but i do know that the sheriff we did consult with the sheriff's office

[04:22:56] they recommended we model our ordinance after harrico counties and ours is similar mrs dibble we've used the word family in the presentation but we haven't identified what family is and i would think we would need to identify that if we're going to have an ordinance that says family can live with you because family to me might be different than family.

[04:23:33] Is it immediate family? No, ma'am. What are we really saying? No, ma'am. Do we want to limit? But it's been an issue in other bills and so forth. So if we don't identify what we mean by family, we don't know.

[04:23:53] I guess there was a section in there that said what was not a short-term rental. And we said if you were rent, you know, renting to a family member or a friend that that's not, or letting a family member stay. And then we talked about single family, but that's the only references I'm aware of.

[04:24:14] Mr. Chairman. Mr. Davis. Generally speaking, and Ms. Dibble brings up an excellent point. Generally speaking, we use a state code definition of family familial status. So as an example, that does not have to be blood relation. One of the examples is used. So adoption obviously uh under the code of virginia is is familial status um but someone who is brought into the home that is being provided care um foster children uh extended family that does

[04:24:50] have a blood connection is covered under the code uh but generally speaking we try to align our ordinances with the state code because that's going to supersede anyway as to what familial status would be. And a lot of that, and Mr. Walter can correct me if I'm wrong, certain standards and length of care. So if there's a long-term care need and somebody's brought into the home, they generally fall under that familial status in so much as certain occupancy requirements

[04:25:23] are not allowed to be regulated for family. As an example, I have three children and my neighbor has nine children there's no occupancy restriction on someone having children living in that home it's just the number of of bedrooms which goes to sewage treatment through through drain fields so I would imagine and I think Ms. Dibble brings up an excellent point we I would think we would want to say family in here is defined as what is defined by the Code of Virginia. So Mr. Chairman

[04:26:00] The zoning ordinance actually has a definition of family, and it's largely, not surprising, it's largely what Mr. Davis indicated, but our definition is an individual or two or more persons who are related by blood, marriage, adoption, or legal guardianship living together and occupying a single housekeeping unit with single culinary facilities, or a group of not more than four persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a non-profit cost-sharing basis. That second part,

[04:26:35] the four folks not related, largely has come about through federal litigation with respect, as you might imagine, often comes up near colleges and universities where individuals who are not related by blood or marriage live together, but they share expenses. There's a recognition that There can only be so many of those folks together, and that number has generally been for four.

[04:27:01] So when Ms. Hunter talks about family members, that can be largely that those are biological or by marriage type of relations, or you may have one or two individuals who you consider family, although not legally, but there's a cap of up to four individuals.

[04:27:21] There needs to be some connection. It isn't just somebody that you meet, but you can only have up to the max of four. Any other questions for our planning director? Seeing none, thank you, Ms. Hunter.

[04:27:44] Okay, this is on the agenda for a public hearing. We will now open the public hearing. Is there anyone here wishing to speak in favor of anything on short-term rentals? Please come forward, sir.

[04:28:04] You have up to five minutes. Please state your name and your district. Thank you, Mr. Chairman. I was just getting last-minute orders from the boss I sleep with. My name's Harry Sadler. I live in the quiet community of Hannibal Courthouse, right next door to the bail bondsman, right next door to the tavern.

[04:28:27] Who shoots off guns in the day and has stuff going on at night? Right across the street from the courthouse, what goes on there? All kinds of stuff. He'll wish it was quieter.

[04:28:46] It ain't. Now you're saying, well, this guy's here to speak for short-term rental. And I am. But I'm listening to you people. I'm not sure that you people know what what is. I really am not sure. It kind of galls me to have to get up here and defend myself for the use of my property or anybody else that's doing the same thing.

[04:29:12] If we're going to regulate short-term rental, this lady right here had it right. Go after long-term rental. Go within a mile of the courthouse itself and look at some of the long-term rental and in what kind of condition this long-term rental is in.

[04:29:35] Now, I was going to speak to the objections that people had, but no. Short-term rentals, as of August of last year, if I'm not mistaken, bought \$275,000 of revenue into this county.

[04:29:54] Did you know that? You can interpret it to \$3 million that was spent in this county. That money turned over again a couple of times. Oh, these people came in.

[04:30:09] Oh, by the way, have to have something to eat. So let's go to Food Lion and buy groceries or Aldi or Kroger or wherever. There's a little bit more money in the till there for you folks. Oh, maybe they might need to go to Walmart and buy a pair of shorts or maybe some shoes or whatever.

[04:30:31] A little more money in the till. Oh, wait a minute, we're here to go to King's Dominion. A little more money in the till, all from short-term rental. You're missing the point. A short-term rental is not a body house.

[04:30:49] It's not a gin joint. It's not a poker joint. It's a place for people and their family can bring their families and stay and enjoy life in Hannibal County. You know, \$275,000 may pay for Mr. Bedusky's salary, but the point I'm trying to make is it's money coming into this county.

[04:31:19] And oh, by the way, if you don't want it, send it back. But short-term rentals are here, whether you like it or not. Thank you for your time. Thank you.

[04:31:38] Anyone else who would like to speak in favor of anything on short-term rentals, any different position or policy? Hello. You've got three minutes. please state your name and district. Okay. I'm Deshawn D'Artis. I'm in the Beaverdam District.

[04:31:56] I am in favor. I'm in favor of short-term rentals. I believe this would be a great asset to the county. We have the big companies coming in and benefiting from Hanover County. And I think we should have small companies or just residents who are here to also be able to do that.

[04:32:23] I stay in short-term rentals all the time when I travel, and I do see the benefit, especially, like you said, with King's Dominion being there. We have people staying locally instead of staying in Henrico County or in Richmond City.

[04:32:43] As far as it being regulated or, you know, do we know if the fire extinguisher is there? Maybe there could be something with the fire department, with the fire marshal coming in at a specified, you know, interval to check on those things.

[04:33:05] And maybe there is a fee that goes along with that. So there are ways to make sure that things are being done in accordance to how they should be and maybe adding that into what's already there.

[04:33:20] But I do see a benefit for short term rentals in Hanover County. Thank you. Thank you. Anyone else who wishes to speak in support of a position or a policy on short-term rentals?

[04:33:39] I'm in favor of them. My name is Diana Sadler, and I live across the street from the courthouse. Just to let you all know, in case you're not familiar with short-term rentals, we use Airbnb.

[04:33:56] We went through Airbnb. They require fire extinguishers. They require smoke detectors. They require carbon monoxide detectors. If you are reported for not having those, you are taken out of the platform. You can no longer rent through Airbnb.

[04:34:12] They do regulate us. We have certain standards that we have to keep for cleanliness. And you're reported. Everyone who comes and stays gives you a rating. And we've been doing this for three years.

[04:34:28] We've had nothing but five-star ratings in our Airbnb. And believe you me, we don't want to go back to full-time renting our apartment out because you have no control over it. You can't keep people from smoking.

[04:34:45] You can't keep people from having parties. You really can't regulate somebody who's renting on a long-term basis. But we regulate everybody that comes into our Airbnb, and it's very popular. We've had people even come from Italy and stay for two weeks.

[04:35:02] We'd also accept pets. We have people come to the dog shows. they bring their pets. It's just, I'm all for it. And it's much better than staying in a motel because you have a kitchen and you have a washer and dryer. So come and stay with us.

[04:35:20] Anyway, I just really am in favor of it. And I hope you all do approve it because we'd like to operate legally. I mean, it would mean a great deal to me, but thank you. Thank you for your time. Thank you. Anyone else? Anyone who wishes to speak in opposition to short-term rentals seeing none we will now close the district mr chairman sorry close the public hearing mr chairman mr davis mr chairman i move that we extend the board of supervisors meeting

[04:35:58] to no later than 11 30 unless another additional motion is required doesn't require us to go to 11 30 i heard a comment from my board member my motion stands that we extend it to 11 30 unless further extended by another motion second discussion because i'm not going to support it because it's getting too late to take up this issue at 11.30 at night.

[04:36:23] But I'll follow the will of the board. Any other discussion? All in favor, extending the board meeting to 11.30, please indicate by saying aye. Aye. Any opposed? No. Please poll the board. Mr. Hudson?

[04:36:43] Aye. Mr. Stoneman? Aye. Ms. Dippel? Mr. Davis? Aye. Ms. Floyd? Aye. Ms. Pritchard? Aye. Mr. Herzberg? No. Okay, so the motion passes to extend the meeting to 11.30.

[04:37:00] all right are we open for discussion that doesn't mean we have to i didn't i will open it now for discussion for board members for motions for board members who would like to go first mr chairman

would like to have a check you have no sir i defer to Ms. Dibble. Are you sure, ma'am? Okay. Mr. Davis. Okay. Mr. Chairman, first of all,

[04:37:36] for clarification, this ordinance here tonight is for the purposes of reviewing and approving short-term rentals. So hopefully folks know that this is not, right now they're prohibited. So if this ordinance passes, it will allow short-term rentals. A vote against it would be to prohibit short-term rentals or keep them prohibited unless there were some changes. A lot of questions have come up as to what's the difference between short-term rental and long-term rental other than the name. There are substantial differences. If this was a residential use, we wouldn't be

[04:38:13] considering this at all tonight. A residential use is where someone resides and you get the zoning for residential use. So, people reside there. When you have transient occupancy, when somebody's transient, it turns that into a non-residential use. So, therefore, just like we had with the dog kennel earlier, it would require an SE special exception because it's not what's approved in that area. So, using some of the arguments with long-term rental and short-term rental, they have two very, very different uses. So as an example, an HVAC contractor is not prohibited from operating

[04:38:53] in Hanover County. An HVAC contractor wanting to operate out of their home would require a special exception. I was speaking with Ms. Floyd at one time. I said, if I have people come over to my house and eat burgers and hot dogs and drink beer, that's not a problem. If I did that every night or three times a week at a specific time and it became a restaurant, then we might have a problem.

[04:39:18] So that is to simplify the use. One's a residential use, the other's an occupancy use. And folks like you are exactly who I think you would want operating short-term rentals, and that's why I'm going to support this as it's written. To say government regulation, I think that's a standard unequally applied.

[04:39:38] We're here to make decisions. So if you say, well, I don't want any more government regulation, I think you have a hard time when zoning cases come up saying I shouldn't be voting on this. Any development gets to go. It's a standard unequally applied. I get the talking point. I do. I understand that.

[04:39:54] But we've had board members in the past and even current board members that when a residential development comes in, they say, hey, can we restrict the rentals in there? Well, wait a minute. You want to restrict a rental for long-term rental inside a housing development, and there's probably a good reason for it.

[04:40:11] I just don't see the corollary, at least one that I can support. Voting yes will remove the prohibition of this regulation. Folks said they want it. I think there is a place for it, no question about it. Commercial uses in residential areas require special exception.

[04:40:29] That is not the only special exception we hear in Hanover County, but uses outside of current zoning require special exceptions. Owner-occupants renting out a room already allowed, not a problem there. Last year, Senator Bagby out of Richmond did propose by-right usage, And there are some by-right use legislation proposals at the General Assembly now.

[04:40:55] And I kind of pulled that up to see what some of the talking points were. Some folks will get it. So when Senator Bagby out of Richmond proposed it, I looked and said, okay, what worse? By-right. By-right. And I do want to be fair to our legislature, I mean, to our delegation from Hanover.

[04:41:16] Senator McDougal voted against it. Delegate Wyatt voted against it. a delegate. Fowler voted against it, went to the governor, came back, had some changes, whatever. Long story short, didn't get through. That was SB 544. So I would say this to Senator Bagby, whom I know, let the city of Richmond decide if they want it by right, right? Let Hanover decide how we want it here in accordance with the local ordinances that we're allowed to pass here in Hanover. That said, historically, a number of years ago, buy right group homes as a residential

[04:41:54] use became the law in the Commonwealth of Virginia. Hanoverians are overwhelmingly against this overreach into local matters. They said, hey, I'm not against a group home, but I don't want one coming in to my neighborhood without some of the same things that somebody might do if they have a small HVAC business. The state passed it, and that has become an issue. Group homes in Hanover County meet certain criteria. They do not come before the board. I have been on conference call after conference call with state legislators, citizens who have gotten

[04:42:31] Senator Donovan involved. There's nothing that can be done. Got the comments, well, these are care facilities. You know, how are they regulated? I don't want to say it doesn't matter, but it doesn't matter within the duties of this board because they are by right. So having a special exception to run a business out of your home is not an uncustomary thing here in Hanover County.

[04:42:55] We do want to allow additional uses. I think that's very important, and that's why we're looking at removing the current regulation that prohibits short-term rentals. And so I, for one, in support of allowing this through a special exception process where it can be vetted like we've done on many other things, will be supporting the ordinance as presented. Thank you, Mr. Chairman.

[04:43:20] Thank you, Mr. Davis. I'm now going to recognize board members who have not spoken to the issue yet. Thank you, Mr. Chair. When this was presented in our community development, I didn't support it when it left community development.

[04:43:40] But I recognize that Airbnbs do have a place in our county, and they do have a place in our economy. And I acknowledge that. But I'll also say that I do not believe that they belong in any subdivision without a special exception.

[04:44:03] Just like the case that we heard tonight, you know, these people live there. Do they want a dog kennel or do they not? And in my opinion, even though my subdivision has, we have 10 to 30 acres apiece, I didn't move into that environment to live next door to what, in my perspective, would be a hotel.

[04:44:27] And I just, I wouldn't want it. And I should be able to say I don't want it, just the same as these folks tonight who said, I'm not interested in living next door to that because I bought into a certain perceived environment.

[04:44:44] And so I would support Airbnbs in Hanover County, But I would have to add that in a non-owner, I think I'm getting this right, non-owner occupied in a residential subdivision that we are required to have a special exception.

[04:45:08] And that at the time of the application, if there are any restrictive covenants, they would have to be submitted at the time of the application as well. so i just want to protect the subdivisions no matter what the zoning i think if you're in a subdivision it's a group decision and for the record mr chairman when i say it's presented i see that's on the board i meant as presented through the conversations here at

my apologies that could be misconstrued what miss dimble said it presented from board members here tonight that's what i would support is what also just a clarification i know we haven't voted but

[04:45:47] Thank you, sir. Chair recognizes Supervisor Pritchard. So for the record, I'm not opposed to Airbnbs. In fact, I stay in them all the time, probably more than most of you. I have stayed in owner-occupied. I have stayed in non-owner-occupied, and the experience has never been a negative for me.

[04:46:08] I've stayed in Airbnbs where it is very clear that the Airbnb is a bonus in that neighborhood. I've stayed in neighborhoods where if the clientele was bad, it clearly wouldn't be. What I'm just concerned about is how do we protect existing residents?

[04:46:32] That's it. I'm for owner-occupied by right. I'm for agriculture by right. But I think if it's non-agriculture, non-owner-occupied, we should just have a special exception. I'm not opposed to these things. And because there's already a problem with long-term rentals, which I agree with, I don't think that not having any control over short-term rentals makes that any better.

[04:47:02] I just, I want to protect residents, and I want to protect residents' business. You want to have an Airbnb? I'm for you. But I just want to make sure it's taken care of for everybody else. The same thing, but agricultural doesn't necessarily mean you're not in a subdivision, because we, especially out in our areas, we have, so that's why I said residential, subdivision, a subdivision.

[04:47:31] Have you completed your comments, ma'am? I have, thank you. Okay, I will now take my turn. Two years ago, I didn't know what an Airbnb was, but unfortunately, one of them showed up on Cairo Trace in the Cold Harbor District, and I received a letter signed by eight of the neighbors.

[04:47:55] And before I read some of the contents of this letter, I want everyone to know, just because it's one bad experience, it doesn't mean it ruins everything for everybody. But I would like everyone to know that this was my first experience. And since then, I have collectively, I'm not saying 50 different people, I've had about 50 different phone calls and complaints about Airbnbs.

[04:48:20] And tonight, let me back up. Unfortunately, this senior widow who lives on her own on a very small cul-de-sac has been smeared on social social media um and so tonight she's going to have her set and i'm going to speak on her behalf and the eight people the eight residents on the same short street on the cul-de-sac who signed this letter the weekend of february 17th and 18th 2023 the airbnb located at

[04:48:54] 6361 caro trace was leased to some very disrespectful people there was trash in front my property there were many many cars being driven i'll add another resident has told me approximately 20. there were many many cars being driven some very fast up and down carat trace both leaving and going to the airbnb continuously we i am stating that on our street we have small children preschool elementary ages who ride scooters bikes motorized riding toys and play

[04:49:33] with the remote control vehicles on the cul-de-sac they are in danger of being hurt there's not room for more than one car to be parked in front of our properties on the cul-de-sac, but there were many, numerous cars attending the party at the Airbnb, even though no parties supposedly are allowed.

[04:49:56] As a result, I had to shout to one person and tell him he could not block my driveway. There was loud music from cars parked on Cairo Trace, doors slamming, headlights flaring through our windows well after midnight. Cars were parked in the front yard and backyard of the Airbnb.

[04:50:12] one homeowner called the police after midnight to complain and notified the owner of the Airbnb about the disturbances. I was told another family on the street notified Airbnb website of the disturbances and filed a complaint. They went on all weekend, day and night. Now we keep our properties in good repair with neat and clean yards. We work hard to pay for our homes and take pride in their appearances this is not acceptable to the homeowners on car trace that i have

[04:50:46] conferred with we do not want to see our property values negatively impacted there's a lot more i'm not going to read it all it actually gets worse i will focus in on line nine we purchased a single family home if we wanted to live next door to a motel we would have purchased a home next to one And I think that will conclude my remarks on this letter.

[04:51:18] And now I'll make my own remarks. I think that there is a place for Airbnb in Hanover County where they're located in places that are sensitive to neighbors, citizens, and taxpayers. I've always said that our priority, number one, should be Hanover citizens, residents, and taxpayers.

[04:51:38] What I found out from some of these neighbors also is that several of the subdivisions in the Cold Harbor District have protective covenants, restrictive covenants. I brought a copy of four of them tonight and every single one of them for subdivision, they either, they're worded differently, they either state residential dwellings or single family dwellings. And the one for Pebble Creek, which has 700 residences, states that and also

[04:52:10] states no commercial uses. I believe that people who live in Hanover County are residents. They have their driver's licenses here. They're registered to vote here. Their auto registration is here. The people that go into Airbnbs, they're not residents. They don't go into an Airbnb for seven days and change their driver's license, do they? They don't take their Michigan tags off their cars and go down a DMV on Brook Road and get new tags for Virginia and then turn them in

[04:52:48] seven days later do that because they're vacationers they're tourists and they could be visitors and you know i represent a district that has a national historic battlefield widely popular for tourism we we attempt through regional partners to try to bring tourism to hanover county uh pole green park and uh the national junior collegiate athletic association run the marathon so we try to attract that type of business but i think that the people need to need to stay you know when they visit they

[04:53:26] need to stay in the proper locations i'm sorry they need to stay they need to stay they need to stay in the right location so i do support the special exceptions um i believe we should have a special exception for all subdivisions i am okay with the a1 parcels 10 acres and higher i think even in residential uses with a special exception airbnbs can work on state highways such

[04:54:00] as 360 and other roads i have studied the short-term rental policy for the city of richmond which is a city in our region i've also looked at henrico and i've also looked at a royal county called lancaster because i have a friend of mine who's very familiar with it so i looked at all three the city of richmond does not allow short-term rentals in residential zoning period if i'm wrong feel free to show it to me henrico county requires a cup lancaster county requires

[04:54:34] some sort of process where neighbors are notified the applicants have to come before the board they have to agree to certain things the one thing i would like to add if there is a motion to support this as written is i agree with mrs dibble i believe that applicants in all subdivisions owners of parcels in all

subdivisions should provide a copy of the written protective covenants or restrictive covenants with their applications for an se and that would be an amendment that i

[04:55:11] would be willing to propose to a motion if mrs dibble doesn't do it first the chair now recognizes mr i think you've all covered it and plus i'll try to get you at it before okay i'll be glad to make motion as the chair of community development that we accept what has been presented tonight with things like dad but that we uh accept what has been presented tonight to us in addition to

[04:55:48] the following amendments that any short-term rental proposed in a residential subdivision will require a special exception and in that special exception process any restrictive covenants will be submitted with that application not cover second there is a motion on the floor is there a second and we'll have discussion second i'll okay so there's i just have a question about the marshal supervisor pritchard how do you take into account or did you take into account

[04:56:27] owner occupied subdivisions or owner occupied airbnbs do you recognize the difference between those recognize the difference between non-owner the sc is non-owner so as written we talked about it so i wanted to make sure it was yeah you can put i would like you that personally would like an sc in any residential scenario that was my understanding when that was my understanding when i seconded the motion mr chairman for a point of discussion i don't believe

[04:57:06] an sc can be required in the owner occupied by state code is that correct our planning director is nodding her head up and down and she presented that in the presentation correct and to my understanding i didn't i didn't hear miss my apologies i seconded a motion that's what i believed I seconded was to add special exception for the subdivisions notwithstanding the current provisions that we can't add additional requirements on the state code for owner occupied. That's what I thought we were there. I know what Ms. Dibble wants and I would probably agree with her but I

[04:57:45] don't think either one of us anybody nobody can get it in the commonwealth because that's not available to us under state code am i uh am i misunderstanding anything is owner occupied mean the owner and the renter needs to live in the same structure or does that mean that you can have a house and you can have an out be the outbuilding and you both live on that property yeah property or in the same house i may go back to the definition because it describes

[04:58:23] what the owner occupied is um so it does not have to be in the same house uh it can be in a garage or guest house or an outbuilding uh the only thing is they have to uh it has to be their primary residence they have to live in it at least 185 days a year and they have to occupy the main structure but they could rent out either a room in their home they could rent out a guest house They could rent out an apartment over the garage.

[04:58:56] And those are the ones that we cannot restrict with a cup or a special exception. And I will go on record that I don't like that. But I just want to go on record that I don't like that because I think it's the beginning of what Mr. Davis gave us a lecture on a couple months ago.

[04:59:16] Chair recognizes Mr. Hudson. Thank you, Mr. Chair. Just a comment. I fully support Airbnbs. I just cannot vote for this ordinance in its current structure.

[04:59:31] But I do agree that we have to have something in writing. Are we comfortable with my motion, or would you like me to restate it one more time? So a motion that in any non-owner-occupied proposal for a short-term rental will require, in a residential subdivision, will require a special exception.

[04:59:56] And at the time of the application, the restrictive covenants, if any, will be submitted in conjunction with the application. Second. There is a motion and a second. Any more discussion before we call for the vote?

[05:00:14] All in favor of the motion, please indicate by saying aye. Aye. Any opposed? No. Madam Clerk, please poll the board. Mr. Hudson? No. Mr. Stoneman? Aye.

[05:00:29] Ms. Dibble? Aye. Mr. Davis? Aye. Ms. Floyd? Ms. Pritchard? Aye. Mr. Herzberg? Aye. So the motion passes. I would like to ask a question of our planning department. Do you have the directive that you need?

[05:00:45] Is it clear?

[05:00:57] Right now, the non-owner-occupied requires a special exception, regardless of where it is. and I think that's what your motion was. The only change that we need me to make is that when they file an application, they have to provide the deed restrictions for the subdivision.

[05:01:17] Is that correct? Protective covenants. Yes. Restrictive covenants. Yes, we're clear. Thank you very much. Thank you. So we do have announcements remaining on the agenda. Any announcements from board members? Any announcements from board members?

[05:01:33] Okay. Mr. Chairman, before you adjourn, please, I'd like to recognize planning and planning directors for the job that they did. Most people, but there's their hands on this thing, and they did a wonderful job.

[05:01:53] Okay, next board meeting, Wednesday, February the 12th, 2 p.m. in the boardroom of the Hanover County Administration Building. That is our regular meeting place. We are adjourned.



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