

REZ2023-00024, WESTHAVEN PROPERTIES, L.L.C., ET AL.

Commercial and Residential Rezoning Report
Cold Harbor Magisterial District
Board Meeting Date: December 11, 2024



Overview

Requested Zoning	B-2(c), Community Business District with conditions RS(c), Single-Family Residential District with conditions
Requested Residential Density	Gross Density: 1.34 dwelling units per acre RS Density Calculation: 2.33 dwelling units per acre
Current Zoning	A-1, Agricultural District B-2(c), Community Business District with conditions
Acreage	17.6 acres
Address	6233 Mechanicsville Turnpike
GPINs	8725-60-4751, 8725-61-0081, 8725-61-6020, 8725-60-1789, 8725-60-0751
General Land Use Plan	Suburban Center
Major Thoroughfare Plan	Mechanicsville Turnpike: Major Arterial (140' ultimate right-of-way)
Case Planner	Claudia Cheely
PC Recommendation	Denial as submitted; approval with recommended changes (Vote: 7 – 0)

Executive Summary

This is a request to rezone to B-2(c), Community Business District with conditions, and RS(c), Single-Family Residential District with conditions, to accommodate a multi-use development with the following uses:

- Reuse of an existing building to accommodate retail, office, restaurant, and/or microbrewery uses;
- Construction of a new retail building; and
- Fourteen (14) residential townhouses.

Commercial uses will be adjacent to Mechanicsville Turnpike (U.S. Route 360), with residential uses to the rear. Some commercial and residential buildings will be oriented towards Westhaven Lake. There is a concurrent Special Exception (SE) request to allow four-story townhomes (SE2023-00019).

On September 25, 2024, the Board deferred this request to its December meeting to allow time for the applicant to work on proposed phasing and the associated proffers.

Outstanding Issues

At the September Board meeting, there were outstanding issues related to project phasing, and the applicant has proposed changes to the phasing proffer to address these concerns. To address stormwater-related concerns, the applicant has revised the conceptual plan to illustrate improvements to the on-site dam/impoundment and submitted a preliminary engineering report regarding stormwater management. The remaining issue relates to usability of the residential open space. Further details are outlined on p. 12 – 14.

Motion

I move that the Board of Supervisors:

- a. Approve REZ2023-00024, subject to proffers dated November 22, 2024.
- b. Deny REZ2023-00024.
- c. Defer REZ2023-00024 until the Board of Supervisors' meeting on January 8, 2025.

Planning Analysis

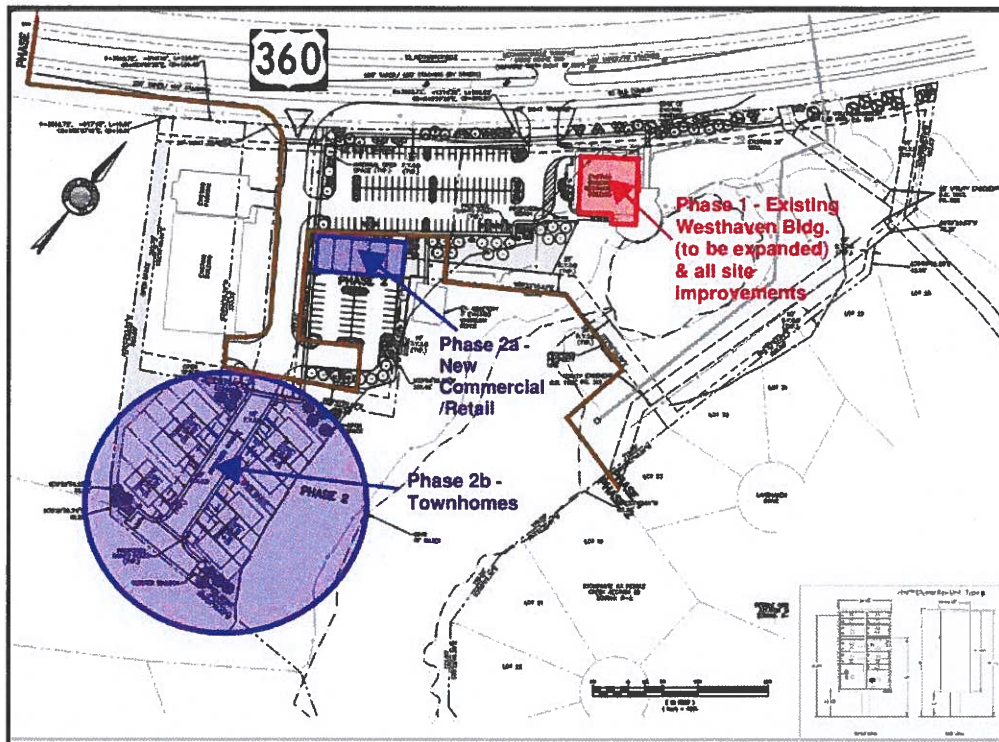
This is a two-part request to rezone a total of 17.6 acres to accommodate a multi-use development:

1. B-2 Area: 7.16 acres for possible development of retail, office, restaurant, and/or microbrewery uses
2. RS Area: 10.44 acres for the development of 14 townhomes

The plan shows that development will occur in three phases:

- Phase 1:
 - Rehabilitation of the old Westhaven Lake building and receipt of Certificate of Occupancy
 - Reuse for retail, office, restaurant, and/or microbrewery uses
 - Renovate and expand the building from 12,000 square feet to 18,000 square feet
 - Expand parking area
 - Construct proffered roadway and access improvements
 - Complete improvements to the on-site dam and associated impoundment per plans approved by the Corps of Engineers, applicable state agencies, and Hanover County
- Phase 2a:
 - Construction of new commercial building (at least 2,250 square feet in size) with associated parking
- Phase 2b:
 - After Phase 1 is complete, the site plan or subdivision plan for the RS District may be approved.
 - Three years after the date of zoning approval or after the Phase 2a commercial building has passed a framing inspection (whichever comes first), building permits may be issued for the 14 townhomes that are four stories in height with rooftop decks

All phases will have a unified architectural theme, with consistent materials in a more modern style.



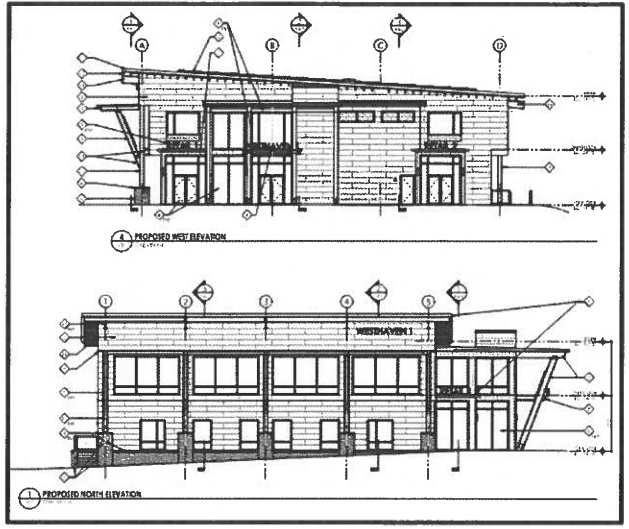
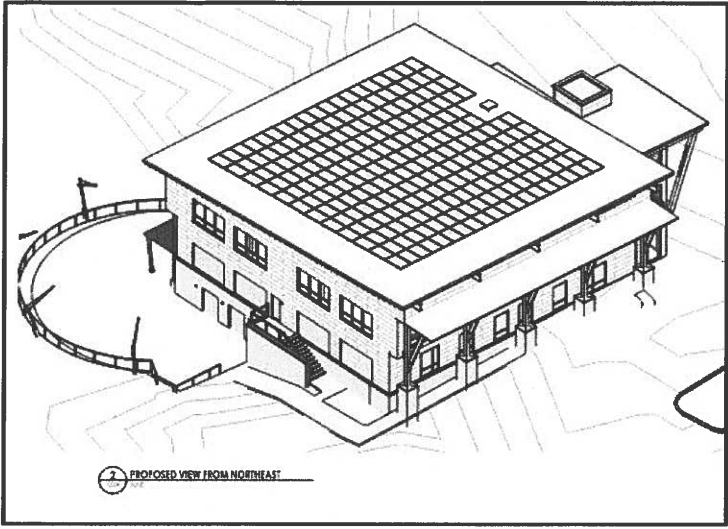
Conceptual Plan – B-2 Commercial

The conceptual plan for the commercial section shows the following features:

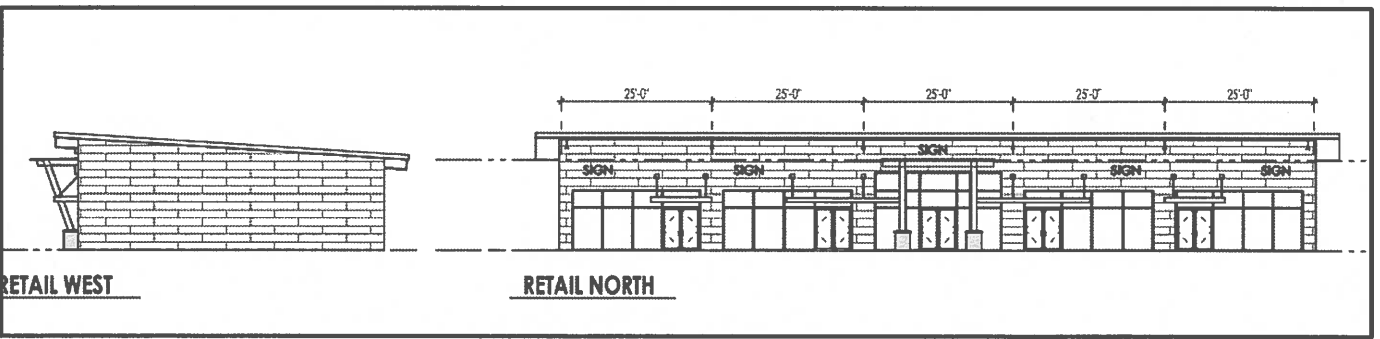
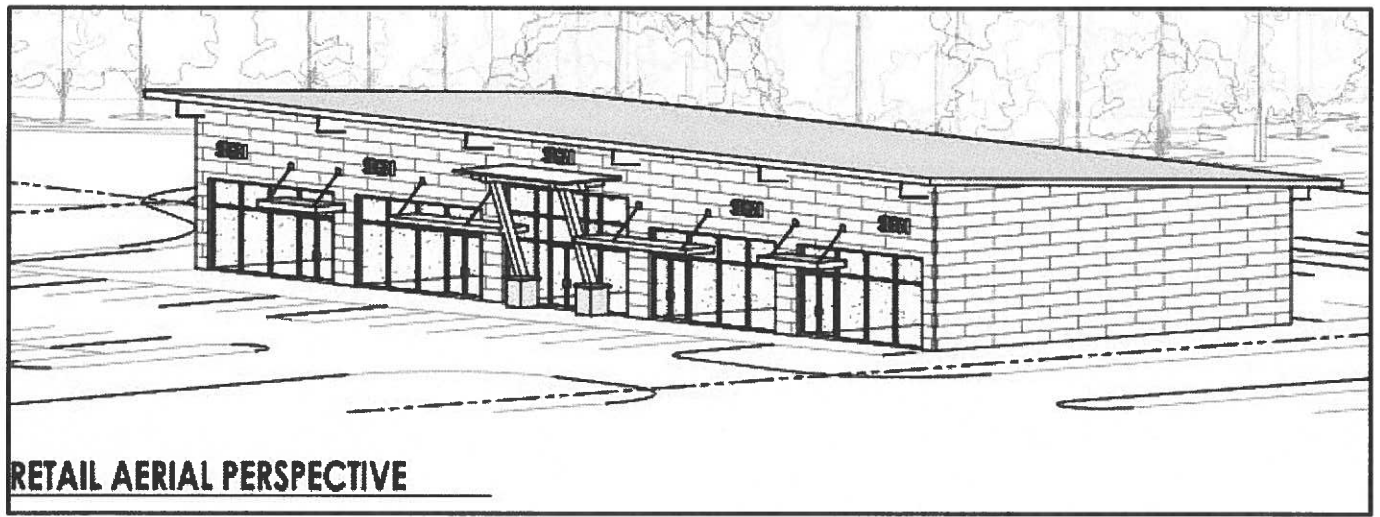
- *Buildings and Parking Areas:* Commercial uses are adjacent to Mechanicsville Turnpike (U.S. Route 360) and will be located within one existing/rehabilitated building and one new building:
 - Phase 1 of the proposal includes the redevelopment and enlargement of the Westhaven Lake building for a variety of possible uses, including retail, office, restaurant, and/or microbrewery uses from 12,000 square feet to 18,000 square feet.
 - Parking is provided for a 6,000 square-foot restaurant, 6,000 square feet of retail space, and 6,000 square feet of office space, which requires 99 parking spaces (shown with Phase 1).
 - Phase 2a of the proposal would include a new retail building with 6,250 square feet (minimum 2,250 square feet) and requires an additional 25 parking spaces (29 spaces are shown with Phase 2).
- *Thoroughfare Buffer:* An enhanced 25' thoroughfare buffer is provided along the frontage on Mechanicsville Turnpike. The applicant has proffered that the plantings for that buffer will include 25% more trees and 30% more shrubs than required by ordinance.
- *Pedestrian Paths/Sidewalks:* A pedestrian network is provided throughout the development:
 - The thoroughfare buffer will include a pedestrian path that runs across the property frontage from the western access drive to the wetlands on the eastern side of the property. These wetlands preclude continuation of the paths in that direction.
 - The paths are then connected to interior sidewalks and pathways that connect all commercial uses with the townhomes proposed for Phase 2.
 - A path is provided to an existing cemetery.
- *Site Landscaping:* The landscape plan shows a coordinated planting standard throughout the entire site and includes pedestrian benches near green space between the Westhaven Lake building and the proposed retail strip center.
- *Dam Improvements:* Improvements to the on-site dam and associated impoundment must be completed as required in accordance with all required permits. Notes on the dam were added to Sheet RZ-4 and a new sheet RZ-7 is provided showing details of the proposed spillway and embankments. The improvements will be designed so that the main pond has a normal pool elevation of 151 feet.

Elevations - All Phases

The elevations show that the character of the existing Westhaven Lake building will be greatly changed with an additional floor and windows. Architectural wood timber beam columns and pergola-styled support features for overhang roofing over outside areas will be added to building facades. Other materials being used to change the character of this building include stone veneer siding, fiber-cement paneling, aluminum storefront windows, and seamed metal roofing systems. Solar panels are also planned on the roof. See Sheets A3.1, A3.2 and CS.04 of the attached plans.



The retail strip center with five possible units is shown on Sheet A8. The materials used for the Westhaven Lake building are duplicated on this structure, which is otherwise the shape of a typical strip center. Consistent materials, architectural features, and styling help create a unified development.



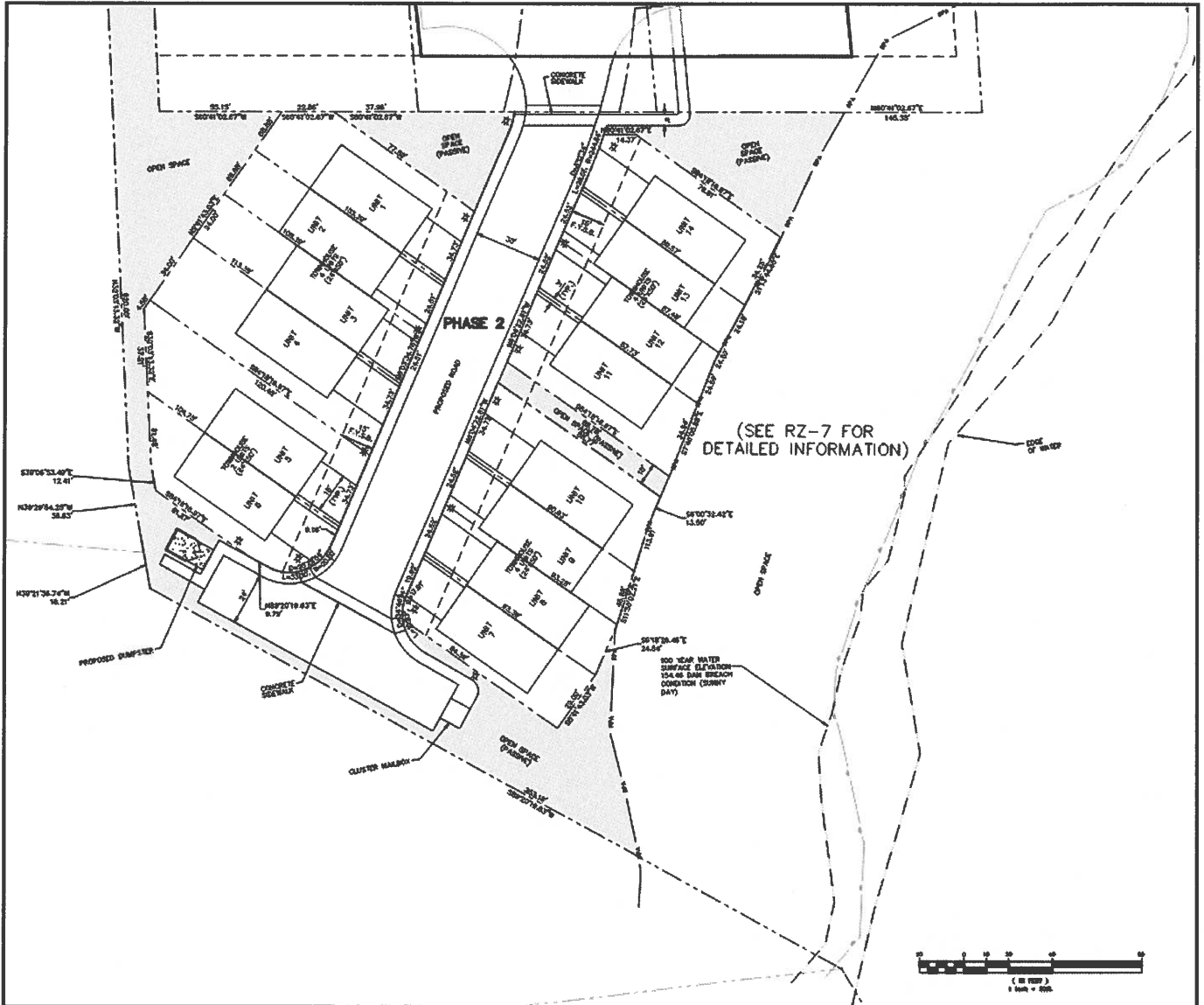
Conceptual Plan – RS District

The following table summarizes the required features of the proposed RS development as shown on the conceptual plan:

Conceptual Plan Features	
Housing Types	Four-story attached townhomes
Gross Residential Density	1.34 dwelling units per acre (14 units/10.44 acres)
Net Residential Density	2.33 dwelling units per acre Net Acreage: Total acres (10.44 acres) – 50% RPA (8.67 acres) = 6 acres 14 units/6 acres
Lot Sizes	Lot have been numbered and dimensions shown on each lot.
Access and Circulation	<ul style="list-style-type: none"> • One private access drive from Phase 1 commercial development provides access to Mechanicsville Turnpike. • This is a single straight drive that terminates at a hammerhead turnaround, which could be connected to the east of this property should that area be developed. • Each townhome has a driveway and garage with at least 2 parking spaces.
Open Space	<ul style="list-style-type: none"> • Net acreage: Total acres (10.44 acres) – RPA (8.67 acres) = 2.0 acres • 2.0 acres x 20% = 0.4 acres required open space • The applicant indicates 0.4 acres of required open space is being provided, and all appears to be for passive use. No open space is provided for active recreation. • Staff questions whether some of the 0.4 acres should qualify as required open space. A strip of land extending from the residential area alongside the adjacent commercial use to the frontage on Mechanicsville Turnpike is being counted towards meeting this requirement, although it is not usable open space. • With 8.67 acres of RPA and 0.4 acres of required open space, the total open space is 9.07 acres.
Streetlights	Lighting is not provided at the entrance because the RS District does not front on an existing public road. Lighting is provided along the interior road crossing into the RS area and at the front of each two-unit building.
Landscaping	<ul style="list-style-type: none"> • Total linear street frontage is 747 linear feet, and one tree is required for every 50', which calculates to 14.94 trees; 15 trees are provided to meet this requirement. • 15 trees are shown in groupings in the open space next to both rows of townhomes (not along the road frontage). Trees are permitted to be massed in appropriate locations within open space along streets to provide a terminal vista at an intersection, but staff questions whether these groupings achieve that perspective.

Pedestrian/Bicycle Infrastructure

- The location of this residential development does not have road frontage where bicycle infrastructure is needed.
- The townhomes do have sidewalks along the fronts of the access drive that connect to the commercial development for pedestrian connectivity. Benches are provided at key locations near green space.



The following are the RS standards for review of the conceptual plan found in Section 26-67.3 of the Zoning Ordinance:

- The open and common space areas shall be directly accessible to the largest practicable number of lots within the district. Non-adjointing lots shall be provided with safe and convenient pedestrian access to neighborhood common and open space.*

A total of 0.4 acres of qualified open space is provided, most of which is accessible. The plan shows four small open spaces at the end of each row of townhomes, which are accessible to the townhome units. However, some areas being counted to meet minimum open space requirements seem unusable for

recreation purposes, including a narrow strip of land between two townhome structures and a narrow strip that extends alongside a commercial structure without any pedestrian path. Because of the location of these open space areas, they will likely become unusable space that requires maintenance by the HOA.

- b. *The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.*

The 0.4 acres of open space are provided at the ends of the two rows of townhomes and should not interfere with adjacent dwellings, parking, driveways, and roads. All open spaces appear to be for passive recreational use.

- c. *The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.*

The open and common space areas are not divided by public or private roads.

- d. *Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.*

The qualified open space areas show the addition of street trees, and the RPA area shows no improvements, so that area will be left natural.

- e. *Historic features other than structures, when identified on the property, shall be incorporated into the open space areas and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.*

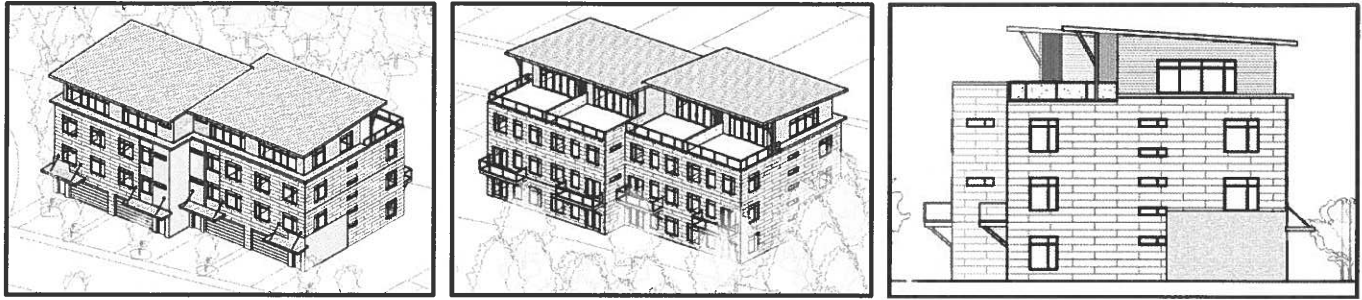
The Westhaven Lake building is a surveyed historic site that the Historical Commission determined was being preserved through adaptive reuse. The entire site is in the area of Civil War battlefields, but the Commission was informed by the National Park Service that no physical war features remained on the property, so mitigation measures are not necessary.

- f. *Streets shall generally be designed to minimize the area within the project devoted to vehicular travel; calm traffic speeds; promote pedestrian movement; and terminate in views of open or common space or other appropriate vista.*

A single private road provides access to the townhomes that terminates with hammerhead turnaround areas. There is currently a vista from that location to the adjacent property, but that area may be developed in the future.

Elevations – RS District

Elevations of the four-story residential townhomes are provided in the plan set on Sheets A4, A5, and A6. The elevations show all perspectives of the four-story townhomes, including from above to show the upper-level decks. The modern architecture of the townhomes incorporates the same mix of exterior building materials as the commercial area, including a mix of stone veneer siding, fiber cement paneling, and seamed metal roofing systems. The windows are also similar to those used on the commercial buildings, but at a smaller residential scale. Using materials and architectural features consistent with the commercial area helps create a cohesive development.



Transportation

The zoning application indicated that the trip generation for this site did not require a traffic impact analysis, as the development is anticipated to generate 338 vehicle trips per day (380 vehicle trips per day is the local threshold for a traffic impact analysis). While a traffic impact analysis is not required, VDOT requested a turn lane warrant analysis due to the frontage along Mechanicsville Turnpike. That analysis showed warrants were met for a left-turn lane and right-turn improvements at both entrances. The latest conceptual plan and the proffers include the following improvements to the entrances to this development:

1. *Western Entrance:* This entrance is designed as a right-in/right-out with a “pork chop” island to direct the flow of traffic. A right-turn lane is provided (100’ storage + 200’ taper).
2. *Eastern Entrance:* This entrance is designed as a full-service commercial entrance that includes:
 - a. Westbound left turn lane (100’ storage + 200’ taper)
 - b. Eastbound right turn taper (200’).

While the existing site has multiple entrances from Mechanicsville Turnpike, the proposed conceptual plan includes consolidating, relocating, and closing some entrances, reducing the total number of access points to improve safety. While there is a wider shoulder in this area, existing entrances do not have striped right turn lanes or tapers.

Right-of-way dedication on Mechanicsville Turnpike (U.S. Route 360) is not necessary because excess right-of-way already exists at this location. The Major Thoroughfare Plan is shown as a 140’ right-of-way, but there appears to already be approximately 148’ of right-of-way in this area. This information was confirmed by the Public Works Department.

Comprehensive Plan Analysis

Below is an analysis of how the rezoning request aligns with the Comprehensive Plan’s General Land Use Plan map that shows this area for *Suburban Center*:

<p>Overall Intent and Use</p>	<p>Request generally aligns with Plan recommendations:</p> <ul style="list-style-type: none"> • This request includes townhomes, offices, and retail use as appropriate uses for the Suburban Center land use designation.
<p>Appropriate Zoning Districts; Density</p>	<p>Request aligns with Plan recommendations:</p> <ul style="list-style-type: none"> • B-2, Community Business District, and RS, Single Family Residential District, are appropriate zoning districts. • The proposed density of 2.33 dwelling units per acre is within the range supported by this land use designation.

<p>Project Framework – Mix of Uses and Open Space</p>	<p>Request generally aligns with Plan recommendations. For example:</p> <ul style="list-style-type: none"> • 40.3% of the total acreage is proposed for commercial/retail uses when the plan prefers commercial uses to be in the 50% to 85% range. • 59.3% of the total acreage is proposed for residential uses when the plan recommends residential uses be kept to the 15% – 50% range. • A phasing plan is shown on the conceptual plan, and the applicant has proffered that all of Phase 1 will be completed prior to the issuance of any residential building permits in Phase 2. • The Plan encourages at least 25% of the project area as open space, with a mix of active and passive recreational amenities that are located to enhance the appearance of the development. The open space for the RS District calculates to 86% open space due to the size of the Westhaven Lake and associated RPA areas. Pedestrian paths and sidewalks are provided, along with benches at key locations, but no other active recreational uses are shown.
<p>Utilities and Infrastructure</p>	<p>Request generally aligns with Plan recommendations:</p> <ul style="list-style-type: none"> • This project must connect to public utilities. • Stormwater management facilities are not shown on the plan, but the applicant prepared a preliminary engineering report demonstrating that the existing ponds can accommodate stormwater (with improvements).
<p>Buffers and Landscaping</p>	<p>Request generally aligns with Plan recommendations. For example:</p> <ul style="list-style-type: none"> • The 25' thoroughfare buffer (less than the recommended 50') is proffered to be enhanced beyond the requirements for plantings in a thoroughfare buffer (25% more tree plantings and 30% more shrubs than required). • The parking lot in the commercial area will be required to be landscaped in accordance with the Zoning Ordinance requirements. • The trees in the RS District are not being provided along the roadway but instead are shown in four groupings in open spaces at the row ends of the townhomes.
<p>Building Design: Residential Buildings</p>	<p>Request generally aligns with Plan recommendations. For example:</p> <ul style="list-style-type: none"> • High-quality materials appear on all sides of the townhomes, including a mix of stone veneer siding/fiber cement paneling, seamed metal roofing systems, and large windows similar in style to those on the commercial structures. • The architecture and materials for all buildings, whether commercial or residential, are similar in style and materials. • Front loading garages are used due to the limited acreage for development. • Only market rate units are provided.
<p>Parking, Loading and Lighting</p>	<p>Request generally aligns with Plan recommendations. For example:</p> <ul style="list-style-type: none"> • Parking lots are located to the front and rear of the retail strip building and to the side of the Westhaven building. • Green space and parking islands are enhanced with landscaped plantings, softening the appearance of the parking areas.

Adj. to Lower Intensity Uses	Request aligns with plan recommendations. For example: <ul style="list-style-type: none"> • RS development is provided at the rear of this property closest to the Pebble Creek subdivision, and the lake and wetlands are being preserved between this development and that adjacent subdivision.
Access and Circulation/Active Transportation	Request generally aligns with plan recommendations. For example: <ul style="list-style-type: none"> • Sidewalks are provided throughout the project and within the thoroughfare buffer, except on the eastern side of the project where there are existing wetlands and RPA areas. • The street network is limited to the road that begins at the western entrance and extends to the RS area terminating in a hammerhead turnaround. If development occurs to the east, that road could be extended. Cross access will be provided throughout the entire site. • Sidewalks are provided on both sides of the road in the RS area, with one extended into the commercial area along the eastern side of the access road to Mechanicsville Turnpike. That pathway connects to sidewalks in the commercial area at two locations, including one at the front of the site within the thoroughfare buffer. • Crosswalks are shown at the three locations where pedestrian pathways cross parking lot drive aisles and at an entrance from the pedestrian trail in the thoroughfare buffer. To address staff comments that the crosswalks should be constructed of a different material to improve visibility, notes on the conceptual plan state “where (sidewalk or path) crosses a paved entrance, a minimum of 7” concrete shall be placed over 6” VDOT 21A/B.” • Sidewalks and pedestrian pathways accommodate pedestrian movement throughout the development, and benches are provided at key locations.

Compatibility with Surrounding Area

All structures in the proposed mixed-use development have a modern architectural style with timber frame components that support entrance features, with the same materials used in columns. This architecture will be different for the Mechanicsville area but presents a unified style within the development that is appealing. Proposed commercial uses will be next to an existing commercial use. The wetlands and lake provide a buffer between this site and adjacent residential neighborhoods. This development should provide a unique destination for the area that is also attractive and should be compatible with the surrounding area.

Historical Analysis

The Historical Commission reviewed the request because the property includes or is in the area of:

- VDHR#042-0818, Westhaven Lake
- Four delineated battlefields:
 - Confederates Advance to Gaines Mill - June 27, 1862
 - VDHR #042-5017, Cold Harbor
 - VDHR #042-5018, Gaines Mill
 - VDHR #42-5022, Totopotomoy Creek

The National Park Service reviewed these requests and indicated there are no known Civil War resources remaining on the property. Since the applicant will be rehabilitating and enlarging the main structure used on the Westhaven Lake property, that structure is being preserved through adaptive reuse. Based on this information, the Commission determined this project will not negatively impact the listed historic resources.

Community Meeting

Community meetings were held by the applicant on November 1, 2023 and September 12, 2024, and the following concerns were raised:

- Traffic
- Use of the pond by homeowners
- The RPA area
- Construction time to renovate the existing building (Phase 1), retail phase (Phase 2), and townhomes (Phase 3)
- Whether the townhouses be for sale or rental
- Whether the Westhaven building will be rented or owned
- The water level of the lake and repairs as part of the project

A petition requesting access to the lake from adjacent property owners was submitted following the community meeting. The applicant responded to state that the petitioners' properties are adjacent to the subject property but not to the lake itself. In addition, the applicant cannot take on the liability of adjacent owners using this lake.

Agency Analysis

Most agency comments have been addressed with the applicant's resubmittals or are features that must be addressed during the site plan and subdivision review processes. However, Public Works comments have not been fully addressed. No detention basins are shown on the plan, and Public Works has indicated that stormwater regulations will likely require on-site detention; there is concern that the plan layout does not provide space to accommodate a detention basin if one is deemed necessary.

The applicant's engineer has responded that the desired and preferred means to address the increase in stormwater runoff is by rebuilding the breached Westhaven Lake dam and using a riser/outfall barrel. This would bring the lake back to its original elevation, enhancing water quality. A hydraulic analysis of the proposed Westhaven Lake stormwater management plan has been submitted. The Public Works Department conducted a cursory review of the latest conceptual plan and stormwater management report prepared by ARM Group LLC and found that:

- The applicant completed modeling showing that the dam can be constructed consistent with regulatory requirements (based on cursory review), with final approval subject to review by applicable regulatory agencies and Hanover County.
- A normal pool elevation of 151 feet is consistent with elevations shown on plans for previously-approved sections of the Pebble Creek subdivision. That water level seems reasonable based upon modeling completed by the applicant.

A summary of the Hydraulic Analysis of Westhaven Lake Stormwater Management Report is provided in the background of this report. A full copy of the report is available in the citizen portal on the County's website.

However, if the Corps of Engineers/DEQ does not permit the proposed concept, alternative methods to address runoff exist. Those include oversized storm pipes, underground detention, infiltration, or making use of an improved downstream basin. Staff notes that if a detention basin is determined to be the necessary solution in the future, an amendment to the conceptual plan will likely be required, as its siting would necessitate significant changes to the project layout.

Proffers

The applicant has submitted the following executed proffers, submitted on November 22, 2024:

Applicable to the B-2 District:

1. Conceptual Plan. **Accept**. Substantial conformity with the conceptual plan most recently revised on November 20, 2024.
2. Architecture. **Accept**. The structures will be in substantial conformity with the elevations for the Westhaven Lake Building and the retail elevations.
3. HVAC. **Accept**. All HVAC equipment must be screened from view from adjoining properties and from the public right-of-way, and rooftop equipment must be screened using architectural features compatible with the architecture of the building façade. The proffer excludes proposed solar panels from screening requirements.
4. Signage. **Accept**. All freestanding signage must be a monument style, and corporate logos and color are permitted on buildings and sign panels.
5. Enhanced Thoroughfare Buffer. **Accept**. The 25' thoroughfare buffer must be landscaped in accordance with the Zoning Ordinance but will be enhanced by providing 25% more trees and 30% more shrubs.

Applicable to all Property:

6. Phasing. **Accept**. The proffer states that the Westhaven Building and all site and proffered roadway improvements, including the on-site dam and associated impoundment will be completed during Phase 1. Following receipt of a certificate of occupancy for the Westhaven Building, Phases 2a and 2b may be pursued, specifically:
 - Phase 2a requires a site plan to be submitted for the new commercial building (at least 2,250 square feet in size) and that construction may commence upon site plan approval.
 - Phase 2b relates to the residential townhomes. The site plan will not be approved for any residential structure until Phase 1 is complete. No building permits for residential units will be issued within three years of Board approval OR until after the Phase 2a commercial building has passed a framing inspection, whichever is first.

7. Cross-Access Easements. **Accept**. Cross access will be provided to and from the owners of all parcels included in the zoning request.
8. Road Improvements. **Accept**. The applicants have proffered to provide the following roadway improvements that will be designed and constructed in accordance with VDOT standards and specifications:
 - a. The right-in/right-out western entrance must include a “pork chop” island to direct the flow of traffic; and an eastbound right-turn taper that is 200’ long in length and a storage lane that is 100’ long;
 - b. A full-service eastern entrance must be constructed for a commercial entrance including:
 - i. A westbound left turn lane with 100’ storage and a 200’ taper;
 - ii. An eastbound right turn taper that is 200’ in length.
9. Lighting. **Accept**. Lighting may be no higher than 25 feet, and all fixtures must include house side shields.

Staff notes that this case includes one parcel owned by separate owners (Susan and Dana Cecil), who will not participate in the development of this property. These owners have agreed to allow the access drive to be moved a short distance to the east on their parcel, which will allow the applicant to rebuild the entrance for use as an access road through this site to the townhome portion of the development. These owners have joined the application for this purpose and executed the proffers, but only as to Proffers #1 and #7. The owners have agreed that their parcel will be developed as shown on the conceptual plan and agreed to participate in cross access easements so that all parties may use both access drives and traverse the site. The County Attorney has reviewed the proffers and agreed that the County can accept this arrangement between owners.

Summary of Outstanding Issues

As previously discussed in the report, staff has recommended the following:

Open Space Design/Usability: The open space designed for B-2 and RS should be reconfigured to make these areas more usable. Some areas being counted to meet minimum open space requirements seem unusable for recreation purposes, including a narrow strip of land between two townhome structures and a narrow strip that extends alongside a commercial structure without any pedestrian path. Because of the location of these open space areas, they will likely become unusable space that requires maintenance by the HOA.

Subsequent to the September Board meeting, the applicant addressed the remaining outstanding issues, which included project phasing and stormwater management, in the revised proffers, conceptual plan, and other documentation.

Planning Commission Recommendation

Public Hearing	February 15, 2024	
Speakers	Support	No speakers
	Opposition	No speakers
	Public Feedback	N/A
Vote	<p>DENIAL as submitted, but APPROVAL subject to the following changes: (Vote: 7 – 0):</p> <p><u>Plan Revisions:</u></p> <ul style="list-style-type: none"> • Correct the commercial square footage for the existing Westhaven Building • Correct the open space calculation • Provide the total linear street frontage measurement • Provide residential lot information, including lot numbers and measurements <p><u>Proffer Revisions:</u></p> <ul style="list-style-type: none"> • Proffer #1: Update the revision date on the conceptual plan. • Proffer #6: Eliminate the phrase “unless the market demand warrants otherwise”. • Proffer #8: It is recommended that Subsection (a) also include the phrase included in Subsection (b) that the proffered improvement “must be constructed to VDOT standards and specifications.” 	

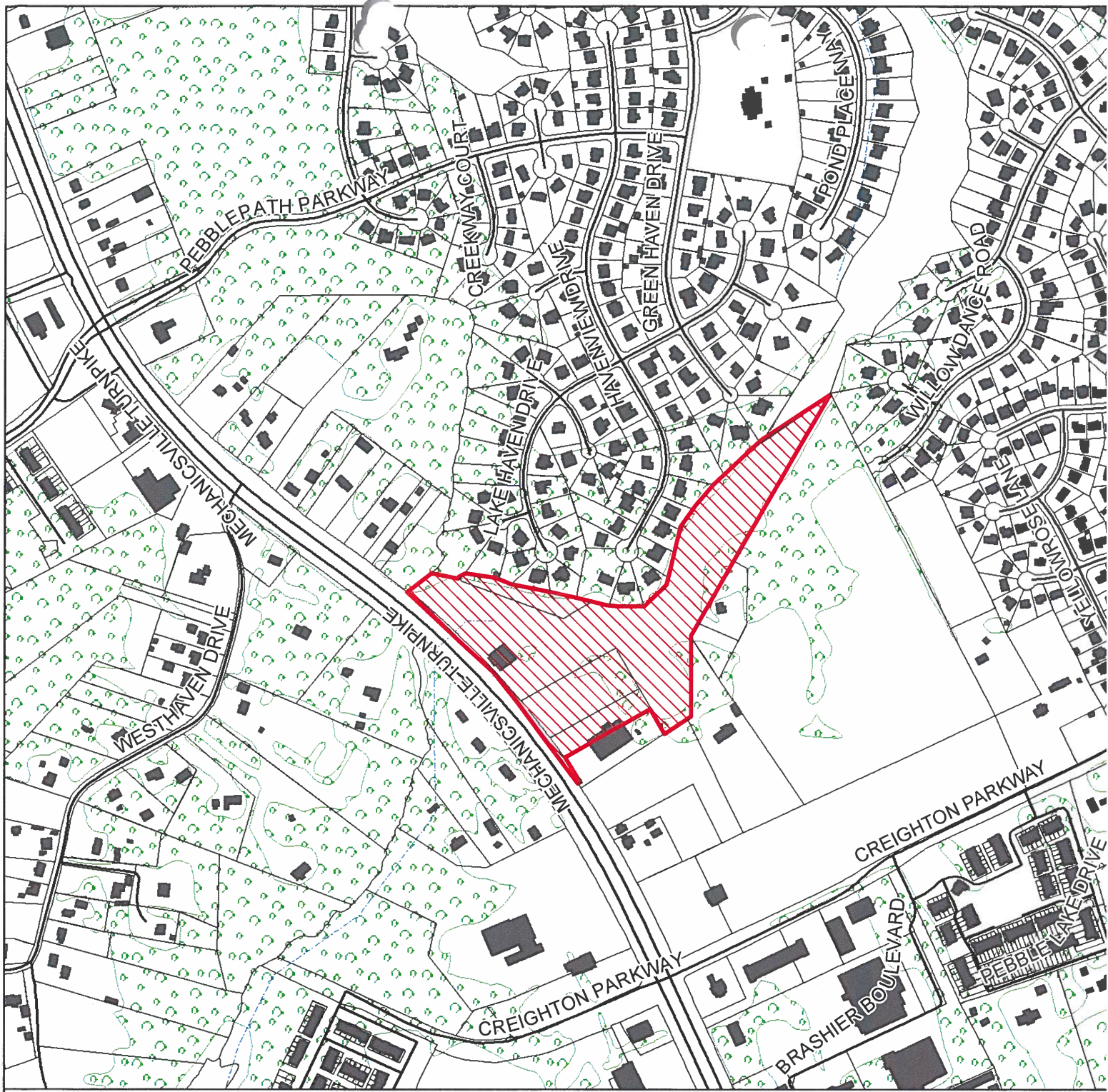
On June 5, 2024, a revised conceptual plan and executed proffers were submitted that address the Commission’s recommendations.

Attachments

- Maps (land use, vicinity, zoning, aerial)
- Photographs
- Application
- Trip Generation Analysis
- Summary of the Hydraulic Analysis of the Westhaven Lake Stormwater Management Report/Public Works
- Historical Commission Recommendation
- Community Meeting Notes
- Citizen Correspondence - Petition
- Proffers
- Conceptual Plan & Elevations
- Ordinance

Initials: CDC





Maps



**Hanover County,
Virginia**

General Parcel Map

Legend

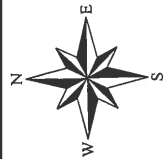
-  Roads
-  Water
-  Structures
-  Trees

REZ2023-00024

Westhaven Properties,
L.L.C., et al.

Rezoning B-2 to RS

8725-60-4751, et al.
Cold Harbor Magisterial District





















1 inch = 600 feet

July 06, 2023

Hanover County, Virginia

Land Use Map

Legend

-  Rural/Agricultural
-  Town of Ashland
-  Business Flexible
-  Parks and Conserved Lands
-  Destination commerce
-  Employment Center
-  Multi-Family Residential
-  Highway Commercial
-  Industrial
-  Limited Industrial
-  Suburban Neighborhood Residential
-  Suburban High Residential
-  Suburban Center
-  Neighborhood Commercial
-  Natural Conservation
-  Rural Crossroads
-  Rural Village
-  Suburban Transitional Residential

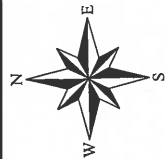
REZ2023-00024

Westhaven Properties,
L.L.C., et al.

Suburban Center & Suburban
Neighborhood Residential
Land Use

8725-60-4751, et al.

Cold Harbor Magisterial District



1 inch = 600 feet








July 06, 2023



Hanover County, Virginia

Zoning Map

Legend

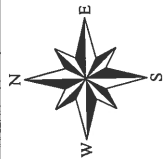
	Roads		R-2
	Water		R-3
	Parcels		R-4
	CUP		R-5
	A-1		R-6
	PUD		RM
	RRC		MX
	RR-1		B-1
	RO-1		B-2
	PSC		B-3
	POB		B-4
	PMH		O-S
	HE		B-O
	AR-1		M-1
	AR-2		M-2
	AR-6		M-3
	RC		
	RS		
	R-1		

REZ2023-00024

Westhaven Properties,
L.L.C., et al.

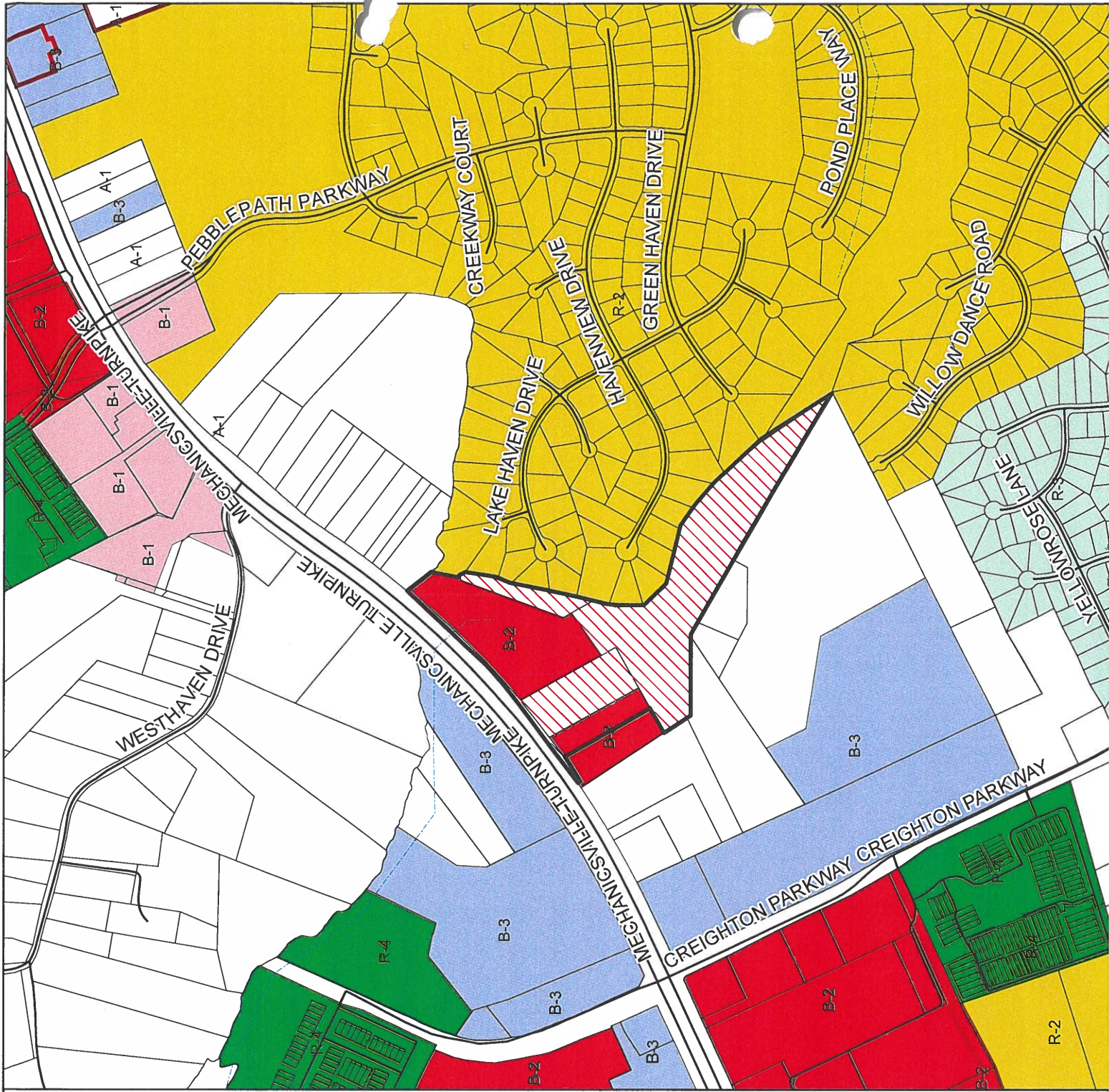
Rezoning A-1 and B-2
to RS and B-2

8725-60-4751, et al.
Cold Harbor Magisterial District



1 inch = 600 feet

July 06, 2023



REZ2023-00024



Application

Hanover County Planning Department Application

Request for REZONING

Case #: RE22023-00024

Please type or print in **black ink**.

APPLICANT INFORMATION	
Owner: <u>WESTHAVEN PROPERTIES, LLC</u> Contact Name: <u>Jay T. THOMPSON</u> Address: <u>11190 OPEN MEADOWS LANE, MECHANICSVILLE, VA 23116</u>	Telephone No. <u>804-393-0347</u> Fax No. _____ Email Address <u>TOMMYTRX@GMAIL.COM</u>
Applicant/Contract Purchaser: <u>SAME AS OWNER</u> Contact Name: _____ Address: _____	Telephone No. _____ Fax No. _____ Email Address _____

PARCEL INFORMATION	For <u>multiple</u> parcels, please complete Page 4 <input checked="" type="checkbox"/>
GPIN(s) (Tax ID #'s) _____ Deed Book _____ Page _____ Magisterial District <u>COLD HARBOR</u> Location Description (Street Address, if applicable) _____	Total Area (acres/square feet) <u>17.60 AC</u> Current Zoning <u>A-1, B-2/A-1</u> Requested Zoning <u>B-2 and RS</u> Requested Use <u>RETAIL SHOPS AND TOWNHOMES</u>

SIGNATURE OF OWNER <input checked="" type="checkbox"/> POWER OF ATTORNEY <input type="checkbox"/> CONTRACT PURCHASER <input type="checkbox"/> (attach contract)	
As owner or authorized agent of this property, I hereby certify that this application is complete and accurate to the best of my knowledge, and I authorize County representatives entry onto the property for purposes of reviewing this request.	
Signature: <u>Jay T. Thompson</u> Print Name: <u>JAY T. THOMPSON</u>	Date: <u>7/5/23</u>
Signature: <u>Dana L. & Susan B. Cecil</u> Print Name: <u>DANA L. & SUSAN B. CECIL</u>	Date: <u>7/5/2023</u>

QUESTIONS/ LETTERS/ REPORTS SHOULD BE FORWARDED TO THE FOLLOWING**:	
Name: <u>RESOURCE INTERNATIONAL, LTD.</u> Address: <u>9560 KINGS CHARTER DRIVE</u> <u>ASHLAND, VIRGINIA 23005</u> <u>SCOTT COURTNEY, PE</u>	Telephone No. _____ Fax No. <u>804-550-9259</u> Email Address <u>SCOURTNEY@RESOURCEINTL</u>
**It is the responsibility of the contact person to provide copies of all correspondence to other interested parties to the application.	

RECEIVED

JUL 05 2023

FOR APPLICATIONS WITH MULTIPLE PARCELS, PLEASE LIST:

GPIN	Property Owner(s)	Deed Book and Page Number	Area (acres/square feet)	Current Zoning	Requested Zoning
8725-60-4751	Print JAY T. THOMPSON	DB 3202, PG 1668	13.49	B-2/A-1	B-2 AND RS
	Sign <i>Jay T. Thompson</i>				
8725-61-0081	Print JAY T. THOMPSON	DB 3202, PG 1668	0.57	A-1	B-2
	Sign <i>Jay T. Thompson</i>				
8725-61-6020	Print JAY T. THOMPSON	DB 3202, PG 1668	0.81	A-1	B-2 AND RS
	Sign <i>Jay T. Thompson</i>				
8725-60-1789	Print JAY T. THOMPSON	DB 3202, PG 1668	1.82	A-1	B-2 AND RS
	Sign <i>Jay T. Thompson</i>				
8725-60-0751	Print DANA L. & SUSAN B. CECIL	DB 926, PG 595	0.908	B-2	B-2
	Sign <i>Dana L Cecil</i>				
	Print <i>DANA L. Cecil</i>				
	Sign <i>Susan B Cecil</i>				
	Print <i>SUSAN B CECIL</i>				
	Sign				
	Print				
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	Sign				
	Print				
	Sign				
	Print				
	Sign				

ATTACHMENTS - For ALL REQUESTS you must submit the following:

a. Acknowledgement of Application Fee Payment Procedure (Page 6)

b. Adjacent property owners, Board of Supervisors, and Planning Commissioner notification form (Page 7) – please list all adjacent property owners including those across roadways, watercourses, and/or railroads as well as the members of the Board of Supervisors and Planning Commission for the magisterial district in which the property is located. Adjacent property owners, Board members, and Planning Commissioners must be notified prior to submittal of this application. The form must include owners' names, address, and GPINs for all adjacent property owners. (This information is available from the County website or may be obtained from the Planning Department.) A sample letter has been provided (Page 9), and may be used to notify the adjacent property owners.

c. A plat of the subject property, which accurately reflects the current property boundaries, includes metes and bounds, is drawn to scale, and shows existing structures. If the full-size plat is larger than 8 ½" x 11", the plat must be folded no larger than 9" x 12", and a reduction of the plat must be submitted which is 8 ½" x 11" in size. (Typically available from the County Clerk's Office in the Circuit Court building.)

d. Responses to questions on Pages 10 and 11

e. Historic Impact Information (Page 12) (This information is available on the County website or may be obtained from the Planning Department.)

f. Traffic Impact Analysis Certification Form (Page 13) In compliance with VDOT's new Traffic Impact Analysis Regulations (24 VAC 30-155 *et seq.*, commonly known as "Chapter 527"), rezonings that meet certain thresholds require Traffic Impact Analyses (TIA).

The process for submitting a TIA is as follows:

- 1) Submit the number of copies of the TIA required by VDOT to the Hanover County Planning Department with your comprehensive plan amendment/rezoning/conditional use permit submittal.
- 2) The Hanover County Planning Department will stamp "received" on all copies of the TIA, and will keep a copy for its files.
- 3) The applicant will deliver the remaining copies of the TIA to VDOT and pay the necessary TIA review fee directly to VDOT.

g. Community Meeting Guide (Please check if you have read and understand Pages 14 & 15.)

h. USPS Cluster Box Units (CBUs), please show the general location of USPS' Central Box Units (CBUs) along with elevations, access, parking and lighting, if provided. Please contact the local postmaster to obtain specific guidelines.

i. For applications requiring plans, please submit thirteen (13) full-size plans, with sheets no larger than 24" x 36", folded to 9" x 12" in size, and **one – 8 ½" x 11" reduction**. MX Project Design Manuals no larger than 8.5" x 11"

Specific district requirements:

RS* - Conceptual plans that meet the requirements of Section 26-67 of the Zoning Ordinance.

RC - Existing Feature and Site Analysis plans that meet the requirements of Section 26-54(a).

RM* - Conceptual plans that meet the requirements of Section 26-84.

MX - Master Plan that meets the requirements of Section 26-93.

BP - Master Plan that meets the requirements of Section 26-157.

*RS and RM conceptual plans may also serve as the subdivision preliminary plat. In addition to the Zoning Ordinance requirements noted above, the preliminary plat requirements in Section 25-25 of the Subdivision Ordinance must also be addressed.

Check here if the conceptual plan will serve as the preliminary plat.

NOTE: When **conceptual plans and/or elevations** are requested by the Director of Planning which are larger in size than 8½" x 11" or are in color, please submit thirteen (13) full-size or colored plans, with sheets no larger than 24" x 36", folded to 9" x 12" in size, and **one - 8 ½" x 11" reduction**.

ACKNOWLEDGEMENT OF APPLICATION FEE PAYMENT PROCEDURE

Application fees are not accepted at the time of submittal. I hereby acknowledge that this application is not complete until the payment for all applicable application fees has been received by the Hanover County Planning Department. The Hanover County Planning Department shall notify me by mail, email and/or fax, (if selected below) of the applicable fee(s) at such time that they determine that the application is complete and acceptable. I acknowledge that I am responsible for ensuring that such fees are received by the Hanover County Planning Department by the Tuesday the week following the application deadline. I further acknowledge that any application fee submitted after this date shall result in the application being considered filed for the next application deadline.

Should the applicable fees not be submitted within forty-five (45) days of the date of the notification letter, it shall be my responsibility to arrange for the retrieval of all application materials. The application and any supplementary materials for incomplete applications that are not retrieved within forty-five (45) days of the date of the notification letter shall be destroyed by the Hanover County Planning Department.

Should my application be accepted, my fee payment will be due by _____. (To be filled in by a Planning Staff member.)

Signature of applicant/authorized agent Jay T. Thompson Date 7/5/23
Print Name JAY T. THOMPSON

Signature of applicant/authorized agent _____ Date _____
Print Name _____

Address to which notification letter is to be sent:
11190 OPEN MEADOWS LANE, MECHANICSVILLE, VA 23116

If you would like your letter emailed and/or faxed, please make selections, and provide the information below:
 Email TOMMYTRX@GMAIL.COM Fax _____

FEES

Following application acceptance, make checks payable to Treasurer, Hanover County:

A-1, OHP	\$500
AR-6 (>2 lots), RC, RS, RM, MX	\$1500 + \$75/acre* for 1st 200 acres; \$30/acre* for acreage>200 acres
B, OS, M, BP	\$1100
Amendment of Proffer or Planned Unit Development	\$1500

*Fractions of acreage are rounded up to the nearest whole number.

Please note: Applicants which request tax-exempt status may have their application fee waived upon presentation of official documentation of such status.

FOR STAFF USE ONLY:

Base Fee _____	Accepted by: _____ HTE #: _____
Acreage Fee _____	
TOTAL FEE _____	

NOTIFICATION OF ADJOINING PROPERTY OWNERS, BOARD OF SUPERVISORS, AND PLANNING COMMISSIONERS

Applicant's Statement:

I hereby certify that I have notified all adjacent property owners to the property, which is the subject of this request, as well as the members of the Board of Supervisors and Planning Commission for the magisterial district in which the property is located. Adjacent property includes all property across roadways, watercourses, railroads, and/or municipal boundaries. I further certify that the names and addresses below are those of the adjacent property owners as listed in the tax records of the Commissioner of Revenue of Hanover County.

Applicant's Signature: _____

COMMONWEALTH OF VIRGINIA)

COUNTY OF HANOVER)

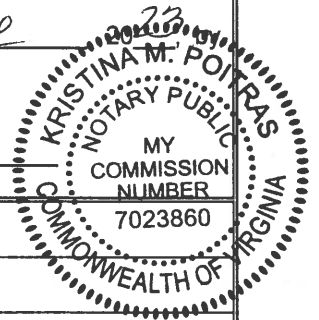
) to-wit.

The foregoing instrument was acknowledged before me this 5th day of July
M. Scott Courtney (Name of Applicant).

My commission expires:

March 31, 2025

 Notary Public



Board of Supervisors Representative: Mr. F. Michael Herzberg, IV

Planning Commission Representative: Mr. Fredric McGhee, Jr.

List of Adjacent Property Owners: Check here if list is attached.

GPIN	Name	Address
8725-51-8270	SXCW PROPERTIES II, LLC	7935 COUNCIL PLACE MATTHEWS, NC 28105
8725-61-2710	TREXLER, STEPHEN D	6214 MECHANICSVILLE TPKE MECHANICSVILLE, VA 23111
8725-61-8520	PULLIN, JOHN E.	6201 MECHANICSVILLE TURNPIKE MECHANICSVILLE, VA 23111
8725-61-7392	KEMP, WILLIAM E III & IRLENE G	8069 GARDEN CREEK COURT MECHANICSVILLE, VA 23111
8725-61-7179	WALKER, VICTOR & WALKER, CHANIVEA R/S	8065 GARDEN CREEK COURT MECHANICSVILLE, VA 23111
8725-61-7048	SAMPSON, KAREN & NATHAN	8074 LAKE HAVEN DRIVE MECHANICSVILLE, VA 23111
8725-60-7909	TIMBERLAKE, DANIEL FRANCIS & CARA MARIE	8078 LAKE HAVEN DRIVE MECHANICSVILLE, VA 23111
8725-60-6887	BURROUGHS, MICHAEL G & TAMELA M	8079 LAKE HAVEN DRIVE MECHANICSVILLE, VA 23111

NOTIFICATION OF ADJOINING PROPERTY OWNERS continued

List of Adjacent Property Owners:

GPIN	Name	Address
8725-60-7762	MOUNTAIN, LARRY & SHARON	6150 HAVENVIEW DRIVE
		MECHANICSVILLE, VA 23111
8725-60-6569	PECAN, MICHAEL J & JEAN E	6154 HAVENVIEW DRIVE
		MECHANICSVILLE, VA 23111
8725-60-6560	OLIVER, TWINKLE & JERRY WAYNE JR	6153 HAVENVIEW DRIVE
		MECHANICSVILLE, VA 23111
8725-60-7497	WHALEY, CHARLIE LEE & MELISA B	6151 HAVENVIEW DRIVE
		MECHANICSVILLE, VA 23111
8725-60-8484	ENNAS, ANTHONY M JR & ARIANE	6149 HAVENVIEW DRIVE
		MECHANICSVILLE, VA 23111
8725-60-9379	WILLIAMSON, ANTHONY & PATRICIA	6145 HAVENVIEW DRIVE
		MECHANICSVILLE, VA 23111
8725-70-0361	WOODSON, STEPHEN B & JESSICA H	6141 HAVENVIEW DRIVE
		MECHANICSVILLE, VA 23111
8725-70-1288	ATKINSON, RYAN W & KAITLIN A	6135 HAVENVIEW DRIVE
		MECHANICSVILLE, VA 23111
8725-70-3102	LEAKE, WAYNE O	6126 GREEN HAVEN DRIVE
		MECHANICSVILLE, VA 23111
8724-79-4909	GEORGE, LISA S & MICHAEL C	6127 GREEN HAVEN DRIVE
		MECHANICSVILLE, VA 23111
8724-89-2490	PEBBLE CREEK PROPERTY OWNERS A	7240 LEE DAVIS ROAD
		MECHANICSVILLE, VA 23111
8724-69-4686	HANOVER ASSOCIATES LLC	PO BOX 72075
		RICHMOND, VA 23235
8725-60-5186	WEST, JERRY E	6291 MECHANICSVILLE TURNPIKE
		MECHANICSVILLE, VA 23111
8725-60-4201	WEST, JERRY E	6291 MECHANICSVILLE TURNPIKE
		MECHANICSVILLE, VA 23111
8725-50-9124	POWELL, JANICE M	6287 MECHANICSVILLE PIKE
		MECHANICSVILLE, VA 23111
8725-50-8457	POWELL, JANICE M & MARTIN, DONALD G	6279 MECHANICSVILLE TURNPIKE
		MECHANICSVILLE, VA 23111
8725-50-9665	CECIL, DANA L & SUSAN B	6259 MECHANICSVILLE TURNPIKE
		MECHANICSVILLE, VA 23111
8725-60-0751	CECIL, DANA L & SUSAN B	6259 MECHANICSVILLE TURNPIKE
		MECHANICSVILLE, VA 23111

PLEASE RESPOND FOR ALL ZONING APPLICATIONS:

1. What is the General Land Use Plan Map designation for the subject property? MIXED USE
2. What, if any, is the Major Thoroughfare Plan designation for the public road on which the subject property has frontage? ROUTE 360 IS DESIGNATED AS A MAJOR ARTERIAL.
3. Describe in detail the proposed use of the property. THE PROPERTY HAS AN EXISTING BUT VACANT TWO STORY 12,000 SF BUILDING AND PARKING LOT. A THIRD STORY WHICH WILL BE ADDED FOR A TOTAL OF 18,000 SF. THE FACILITY MAY BE USED FOR OFFICE, RETAIL, AND RESTURANT/MICRO-BREWERY. A FUTURE 6,250 SF RETAIL BUILDING WILL BE CONSTRUCTED WEST OF THE EXISTING FACILITY. FOURTEEN RESIDENTIAL TOWNHOUSES WILL FRONT THE LAKE AT THE SOUTHERN END OF THE PROPERTY.
4. List any sensitive environmental or unique features on the property. Are there any 150kV or greater transmission lines, transmission lines for natural gas, other public utilities, or other entity? WESTHAVEN LAKE IS CONSIDERED PERENNIAL AND, THEREFORE, HAS A 100' RPA BUFFER FROM THE ASSOCIATED WETLANDS. A FENCED CEMETERY IS ALSO LOCATED ON THE PROPERTY. A PUBLIC SANITARY SEWER EASEMENT RUNS ALONG THE NORTH AND EAST SIDE.
5. Is the subject property located in a Dam Break Inundation Zone? Yes No (Please contact the Department of Planning or Public Works for assistance in addressing this question.) If yes, please contact the Department of Public Works for further information.

RESPOND FOR RS AND RM REZONING APPLICATIONS: (Attach additional pages, if needed)

1. Have you provided a conceptual plan of the proposed development, including general lot configurations and road locations? YES
2. How does your proposal preserve or protect the existing trees on the property? If the property is treeless, does your proposal contain provisions to provide trees on the property? TREE CLEARING WILL BE MINIMIZED AS MUCH AS POSSIBLE AND ANY CONSTRUCTION LOCATED NEAR THE RPA AREA WILL ENSURE THE TREE MASSES IN THE RPA WILL BE PRESERVED AND PROTECTED.
3. Are recreational amenities being proposed for the project? If so, specify in detail the amenities planned. EXISTING WESTHAVEN LAKE AND A PROPOSED WALKING PATH THROUGH THE RPA AREA TO PROVIDE LAKE ACCESS. A PIER IS ALSO BEING CONSIDERED.
4. What provisions will be made to ensure safe and adequate access to the subject property? (Note: A second means of access should be provided for any project in which there will be fifty-one (51) or more lots.) 30' ACCESS DRIVE WILL BE PROVIDED IN ACCORDANCE WITH VDOT STANDARDS.

RESPOND FOR AR-6 and RC REZONING APPLICATIONS: (Attach additional pages, if needed)

1. For **AR-6** rezoning requests: Have you provided a conceptual plan of the proposed development, including general lot configurations and road locations? Are the proposed lot sizes compatible with existing parcel sizes in the area? _____

2. How is the proposed subdivision compatible with the rural setting and sensitive to natural and cultural features? _____

3. What provisions will be made to ensure safe and adequate access to the subject property? (Note: A second means of access should be provided for any project in which there will be fifty-one (51) or more lots.) _____

**RESPOND FOR B-1, B-2, B-3, BO, OS, M-1, M-2, M-3 REZONING APPLICATIONS:
(Attach additional pages, if needed)**

1. Has a conceptual plan of the proposed development been provided, showing proposed building locations, parking lots, entrances, and other features? YES.
2. What provisions will be made to ensure safe and adequate access to the subject property? TWO OF THE THREE EX. ENTRANCES ALONG RT 360 WILL BE REMOVED AND THE REMAINING ENTRANCE, WHICH IS ALIGNED WITH AN EX MEDIAN BREAK, WILL BE THE PRIMARY ACCESS. TURN LANES WILL BE CONSTRUCTED AT THE BREAK. THIS PROJECT WILL SHARE A RIGHT IN/RIGHT OUT WITH THE ADJACENT PROPERTY FOR SECONDARY ACCESS.
3. How will the traffic impact of this development be addressed?: THIS PROJECT WILL HAVE A MINIMAL IMPACT ON TRAFFIC IN THIS AREA. HOWEVER, WITH THE CONSTRUCTION OF TURN LANES AND TAPERS, THE SAFETY OF THOSE TURNING INTO THE SITE OR PERFORMING A U-TURN WILL BE SIGNIFICANTLY IMPROVED.
4. Describe why the proposed use is desirable and appropriate for the area. What measures will be taken to assure that the proposed use will not have a negative impact on the surrounding vicinity? THIS PROPERTY IS DESIGNATED AS MULTI-USE IN THE COMP PLAN. MANY OF THE PROPERTIES ALONG RT 360 (AND SURROUNDING PARCELS) ARE ZONED B2. THE VACANT BUILDING WILL BE UPDATED AND OCCUPIED SO AS NOT TO BE AN EYE-SORE. RESIDENTS ACROSS THE LAKE WILL HAVE MUCH THE SAME VIEW SHED AS NOW.
5. What type of signage is proposed for the site? PROPOSED SIGNAGE WILL LIKELY BE MONUMENT STYLE. SOME SIGNAGE MAY BE PLACED ON THE BUILDING AS WELL.
6. Have architectural/building elevations been submitted with this application? YES

HISTORIC SITE IMPACT ANALYSIS

Please identify any **known or suspected historic resources on both the subject property and adjacent properties**, to include both structural and non-structural resources, such as trenches, cemeteries, and archeological sites. Please include the GPIN (Tax Parcel Number) associated with the resource. Please attach additional sheets, if necessary. Should you need assistance completing this form, please contact the Planning Staff.

- 1. Historic Resource/File No. _____ GPIN 8725-60-1789
- 2. Historic Resource/File No. _____ GPIN _____
- 3. Historic Resource/File No. _____ GPIN _____
- 4. Historic Resource/File No. _____ GPIN _____
- 5. Historic Resource/File No. _____ GPIN _____

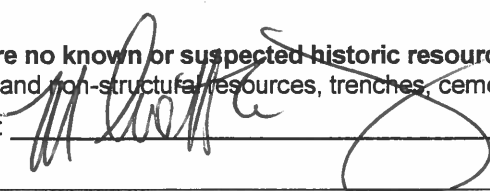
If you have identified known or suspected historic resources on the subject property or adjacent property, please provide the following information on each site:

- a) Is the historic site listed as a National or State Registered Landmark? NO
- b) Is the historic site open to the public? NO
- c) Describe the impact the proposed request will have on the identified historic resources with regard to noise, traffic, dust, vibration, visual impact, and air pollution. THERE WILL BE NEGLIGIBLE IMPACT TO THIS SITE (CEMETERY) DUE TO POTENTIAL INCREASES IN NOISE, TRAFFIC, OR VISUAL CHANGES.

- d) Describe voluntary measures that will be undertaken to help mitigate the impact that the proposed use may have on the identified historic resources. NO ADDITIONAL MITIGATION MEASURES ARE CURRENTLY PROPOSED.

If there are no known or suspected historic resources on the subject property or immediately adjacent, including structural and non-structural resources, trenches, cemeteries, and archeological sites, please sign and date.

Signature: _____



Date: _____

7/5/23

COMPLIANCE WITH VDOT & COUNTY TRAFFIC IMPACT ANALYSIS REQUIREMENTS

The following must be completed for all applications: The selection below is based on a projected daily trip generation of 338 vehicles per day and a site peak hour trip generation of 55 vehicles per hour, based on the stipulations of 24 VAC 30-155. The 10th edition (latest edition) of the ITE Trip Generation Manual was used in determining the trip generation (Code Number 220 & 820 and Page Number 31 & 138).

Choose one of the two options below:

I certify that this proposal **DOES NOT EXCEED** 380 vehicle trips per day that would require submittal of a Traffic Impact Analysis.

I certify that this proposal **DOES EXCEED** 380 vehicle trips per day that would require a Traffic Impact Analysis be submitted.

Choose one of the two options below:

I certify that this proposal **DOES NOT MEET** any of the VDOT thresholds identified in the Traffic Impact Analysis Regulations Administrative Guidelines (24 VAC 30-155) that would require a Traffic Impact Analysis to be submitted in conjunction with this application.

I certify that this proposal **MEETS** at least one of the VDOT thresholds identified in the Traffic Impact Analysis Regulations Administrative Guidelines (24 VAC 30-155) that would require a Traffic Impact Analysis to be submitted in conjunction with this application. A Traffic Impact Analysis, prepared in accordance with the Traffic Impact Analysis Regulations Administrative Guidelines (24 VAC 30-155), has been prepared and will be submitted to VDOT the same day.



(Signature of Applicant/Applicant's Representative)

7/5/23

(Date)

M. Scott Courtney, PE

(Applicant/Applicant's Representative – Print Name)

For questions regarding VDOT requirements:

Virginia Department of Transportation (VDOT) – Ashland Residency

Robert Butler, Assistant Residency Administrator

523 North Washington Highway

Ashland, VA 23005

Phone (804) 752-5511

Fax (804) 752-6431

Email: robert.butler@vdot.virginia.gov

<http://www.virginiadot.org/projects/chapter527/>

RECEIVED

JUL 05 2023

Westhaven
Legal Descriptions

B-2 Parcel HANOVER COUNTY
PLANNING OFFICE

Commencing at the Point of Beginning #1; thence South 39°22'38" West, a distance of 0.00 feet to the beginning of a curve concave to the northwest having a radius of 3862.72 feet and a central angle of 13°14'35" and being subtended by a chord which bears South 45°59'26" West 890.83 feet; thence southwesterly along said curve, a distance of 892.82 feet; thence South 52°36'53" West, a distance of 0.00 feet; thence South 34°54'26.51" East, a distance of 387.52 feet; thence North 60°41'02.67" East, a distance of 145.38 feet; thence North 33°04'56.37" West, a distance of 201.42 feet; thence North 56°22'10.62" East, a distance of 225.98 feet; thence South 77°06'12.39" East, a distance of 239.66 feet; thence North 12°53'47.61" East, a distance of 362.08 feet; thence North 30°09'02.20" West, a distance of 42.98 feet; thence North 09°31'29.53" East, a distance of 78.21 feet; thence North 30°10'46.74" West, a distance of 182.63 feet to the Point of Beginning. Containing 6.25 ACRES, more or less.

RS Parcel

Commencing at the Point of Beginning #2; thence South 12°53'47.61" West, a distance of 114.78 feet; thence South 12°53'47.61" West, a distance of 68.22 feet; thence South 13°11'30.61" West, a distance of 118.08 feet; thence South 03°09'07.39" East, a distance of 119.05 feet; thence South 38°22'41.39" East, a distance of 121.00 feet; thence South 77°25'33.39" East, a distance of 231.46 feet; thence South 47°57'33.23" East, a distance of 554.10 feet; thence South 35°57'21.45" East, a distance of 344.90 feet; thence North 59°20'40.97" West, a distance of 787.08 feet; thence North 60°19'48.57" West, a distance of 408.83 feet; thence South 89°20'19.63" West, a distance of 353.16 feet; thence North 39°21'37" West, a distance of 16.21 feet; thence North 39°29'54.25" West, a distance of 38.83 feet; thence North 32°03'13.32" West, a distance of 520.00 feet; thence North 90°00'00" West, a distance of 0.00 feet to a point of cusp on a curve concave to the northwest having a radius of 3862.72 feet and a central angle of 0°17'43" and being subtended by a chord which bears North 55°47'41" East 19.91 feet; thence northeasterly

along said curve, a distance of 19.91 feet to a point of cusp; thence North $90^{\circ}00'00''$ West, a distance of 0.00 feet; thence South $32^{\circ}10'49.96''$ East, a distance of 362.78 feet; thence North $60^{\circ}41'02.67''$ East, a distance of 222.87 feet; thence North $60^{\circ}41'02.67''$ East, a distance of 145.38 feet; thence North $33^{\circ}04'56.37''$ West, a distance of 201.42 feet; thence North $56^{\circ}22'10.62''$ East, a distance of 225.98 feet; thence South $77^{\circ}06'12.39''$ East, a distance of 239.66 feet to the Point of Beginning. Containing 10.44 ACRES, more or less.

Traffic – Trip Generation Analysis

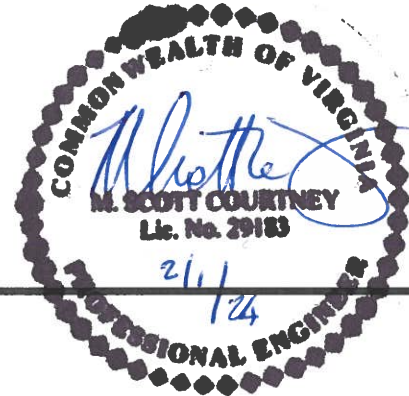


ARM Group

Engineers and Scientists

MEMORANDUM

TO: Mr. Adam Moore, PE
FROM: M. Scott Courtney, PE
DATE: 1/29/24
RE: Westhaven Rezoning Request
PN: 22003001.00
CC: Ms. Claudia Cheely



Introduction

As part of the rezoning process, VDOT has asked for a Right Turn Lane Warrant regarding the entrances into the development. This evaluation includes a trip generation and turn lane warrant analysis using the following items:

- ITE Trip Generation Manual, 10th Edition
- 2022 online VDOT traffic data
- Site-specific use data

Study Area

The site is located approximately 0.3 miles east of Creighton Parkway on the south side of Route 360. It is the site of the recreational venue known as Westhaven Lake. The proposed project is the renovation of the two-story 12,000sf building with an expansion of one 6,000sf floor. The ground floor, partially below grade, may be used for a microbrewery/restaurant with the second and third floors being used as retail and offices, respectively. Included in the larger project is a small 6,250sf retail center and four townhome buildings totaling 14 single family units.

Existing Traffic Volumes

The site access is located along Mechanicsville Turnpike. VDOT 2022 online traffic data provides the following information:

Mechanicsville Turnpike (50mph)

- Average Daily Traffic (ADT): 19,000 vehicles per day (vpd)
- Directional Factor: 0.68
- K Factor: 0.09

It is assumed that peak traffic trends are westbound towards Richmond during AM peak period and eastbound during the PM peak period. Using the above information, peak hour volumes along Rt. 360 are calculated as follows:

AM Peak: 1163 vph Westbound | 547 vph Eastbound
 PM Peak: 547 vph Westbound | 1163 vph Eastbound

These traffic volumes were used in the site's turn lane analysis.

Trip Generation

To assess the turn lane warrants, the full build out of the parcel was analyzed to determine access peak hour volumes.

Traffic was generated using the Institute of Traffic Engineers (ITE) Trip Generation Manual, 10th edition. The trip generation calculations used Land Use Codes 220 (Multifamily – Low Rise), 712 (Small Office) 820 (Shopping Center) and 925 (Drinking Place) which are summarized in Table 1.

Table 1. Trip Generation

Land Use (code)	Variable	AM Peak		PM Peak		Daily	
	KSF	In	Out	In	Out	In	Out
Multi-Family - Low Rise (220)	14*	2	5	5	3	33	33
Small Office (712)	6	10	2	5	10	49	49
Shopping Center (820)	12.25	98	60	55	60	721	721
Drinking Place (925)	6			45	23		

* Variable for Multi-Family is the number of Units

Trip generations were used in conjunction with the directional distributions from the VDOT traffic data to create directional assignments as shown in Table 2.

Trip Distribution:

68% from the West
 32% from the East

Table 2. Directional Assignment (vph)

Land Use (code)	AM Peak		PM Peak	
	From the East	From the West	From the East	From the West
Multi-Family - Low Rise (220)	0	2	1	4
Small Office (712)	7	3	1	4
Shopping Center (820)	67	31	18	37

Drinking Place (925)			14	31
Total	74	36	34	76

Turn Lane Warrants

In preparation of the right turn lane warrant analyses, it is assumed that the two AM Peak Hour trips for the townhomes would use the westernmost entrance, as would 60% of all other eastbound traffic. This means that 22vph will enter through this driveway. Similarly, it is assumed that all four vehicles heading to the townhomes and 60% of all other PM Peak Hour eastbound traffic will enter the westernmost driveway to avoid left turning traffic from the east. Therefore, 47vph will enter the driveway, which barely warrants a 100' right turn lane and 200' taper.

The westbound left turn lane warrant uses the AM Peak Hour distribution volume and shows that a 100' storage lane and 200' taper are warranted. Warrant graphics are attached.

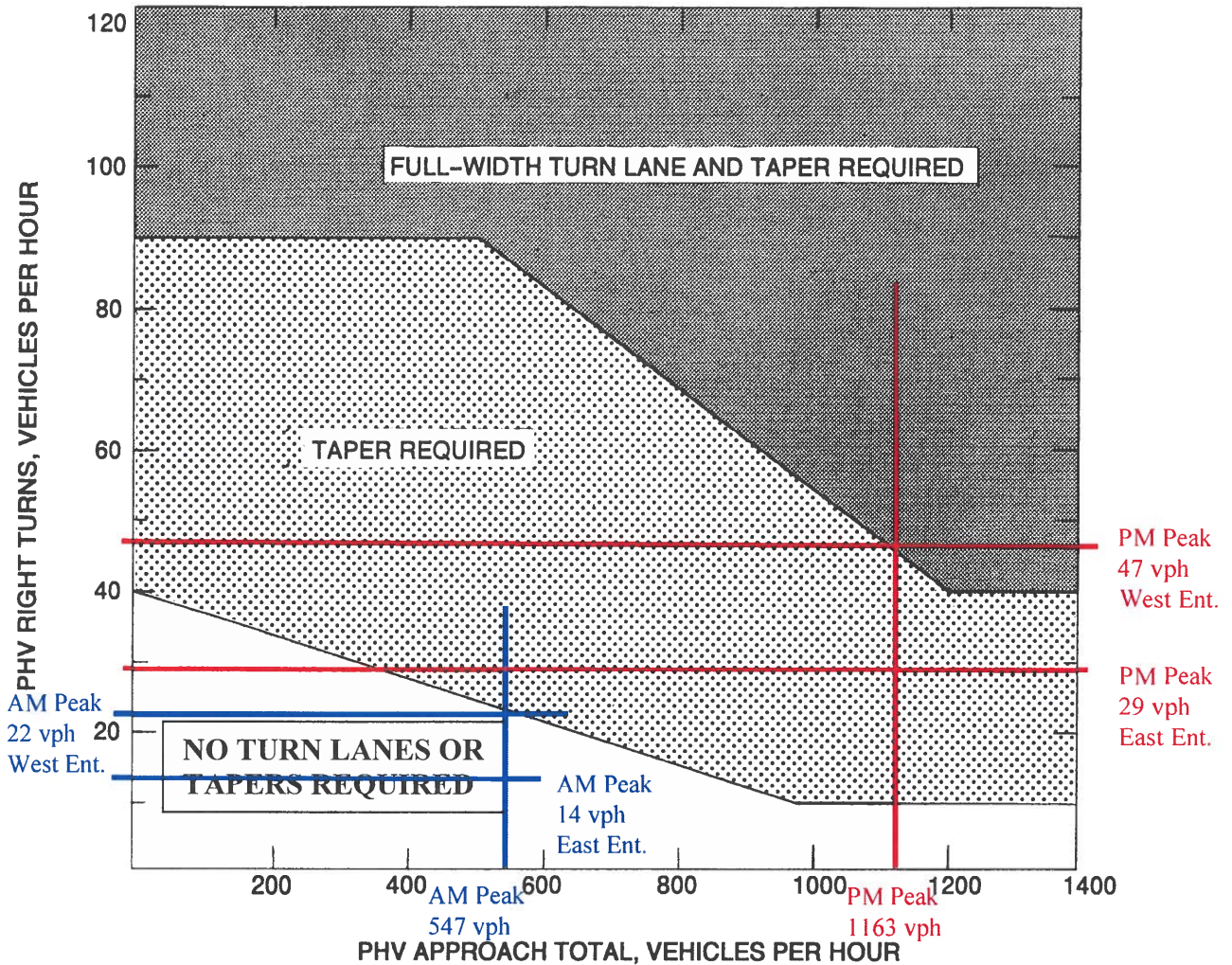


FIGURE 3-27 WARRANTS FOR RIGHT TURN TREATMENT (4-LANE HIGHWAY)

Appropriate Radius required at all Intersections and Entrances (Commercial or Private).

LEGEND

PHV - - Peak Hour Volume (also Design Hourly Volume equivalent)

Adjustment for Right Turns

If PHV is not known use formula: $PHV = ADT \times K \times D$

K = the percent of AADT occurring in the peak hour

D = the percent of traffic in the peak direction of flow

Note: An average of 11% for K x D will suffice.

When right turn facilities are warranted, see [Figure 3-1](#) for design criteria.*

* Rev. 1/15

Summary of the
Hydraulic Analysis of the Westhaven Lake
Stormwater Management Report
(Full report available in TrakiT)

HYDRALIC ANALYSIS OF THE WESTHAVEN LAKE STORMWATER MANAGEMENT REPORT

PRELIMINARY ENGINEERING REPORT

REZ2023-00024

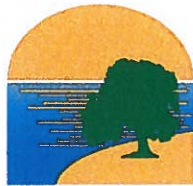
Submitted to:

**Hanover County
Department of Planning**

Prepared for:

Westhaven Properties, LLC

Prepared by:



ARM Group LLC
Engineers and Scientists

ARM Project No. 220030.01

November 2024

Westhaven Lake Stormwater Management Narrative

The following is a Summary of the Hydraulic Analysis of the Westhaven Lake to determine the intended "Normal Pool Elevation" all the while meeting the state's stormwater management regulations and the requirements within the Hanover County Drainage Manual.

Westhaven Lake existed before 1938 and has been used for various purposes throughout its life. Approximately August of 2004, the lake's embankment failed during the Gaston tropical storm. Since the failure, there has been no detention and no consistent water level of the lake. It fluctuates based on rainfall, drought, and other factors. During the design of the Pebble Creek subdivision, survey information shown on separate sets of plans show the lake's elevation varying between 151 and 152 within about a year's time.

As part of the proposed redevelopment of the Westhaven property, the lake will be used for stormwater management and flood control. To accomplish that, the embankment will be repaired, and a concrete riser will be installed to create a more permanent water level.

Based on information obtained from the County, ARM has used design plans, flood analysis data and other resources to complete this Preliminary Engineering Report for the Stormwater Management design. Three assumptions were made to help form the basis of design. First, since the Westhaven Lake's embankment has been breached for approximately two decades with no significant detention, then the runoff from the lake's drainage basin will be considered the "Pre-developed" condition. Development hereafter will be considered "Post-development". Second, without immediate access to the Pebble Creek Lake discharge information, ARM assumed that the pre-developed condition of its drainage basin had a CN factor of 58, given the percentages of A, B and C soils. The third assumption was that since the post-developed flows from the lake as a stormwater management basin must be less than pre-developed, an estimated amount runoff would be approximately equal to a CN of 56, or about 15% less.

The pre-developed drainage basin analysis data for Westhaven Lake was taken from a graphic entitled "Pebble Creek Lake Drainage Area Map" and dated 10-27-2010. It shows that 271 acres, with a CN factor of 71, drains to the lake with a time of concentration of 79 minutes. The graphic also shows that upstream of Westhaven Lake is the Pebble Creek Lake, which has 365 acres of drainage area with a CN factor of 71 and a time of concentration of 68 minutes. Pre-developed flows for each of the drainage basins are contained within this report.

As part of the Westhaven development, there will be less than 3 acres of additional impervious area created. The increased impervious area had no affect on the overall CN; it remained at 71. The post-developed total drainage area to the Westhaven lake includes the upstream drainage from the Pebble Creek Lake. This rate of flow is taken into consideration within Westhaven Lake; however, it is viewed as "pass-thru" flow and is not attenuated a second time.

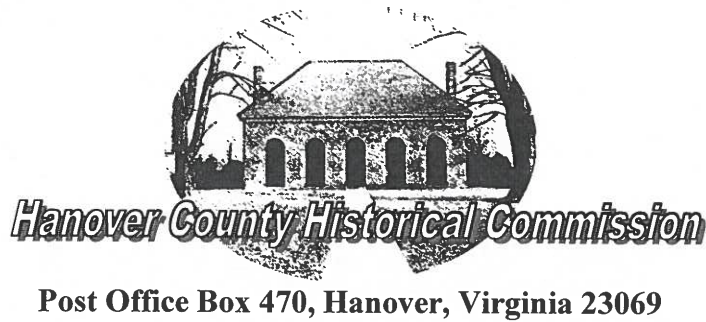
Westhaven lake repair will include the principal spillway with a crest elevation of 151 and an emergency spillway with two stages; one stage at crest elevation of 152.25 and another at 152.8. With the “normal pool” water surface elevation at 151 (crest elevation), the post-developed 100-year water surface elevation will be 153.84 the lake will have a 1-foot free board to the top of the dam which will be 154.85.

For comparison purposes, the bottom floor of the Westhaven building is at elevation 154.3 and the sag of Route 360 is at elevation 153.8. Therefore, the bottom floor of the building will need to be raised at least 0.5 feet (to 154.8).

Therefore, Westhaven Lake’s “normal pool” must be maintained at an elevation no higher than 151 so that the 100-year storm event will not exceed the required minimum freeboard of the embankment, and still be less than a foot lower than the basement finished floor elevation of 154.85.

Autodesk hydrograph computer program for Windows was utilized in the analysis of the lake. The storm events used for the analysis were the 1, 2, 10 and 100 year 24-hour storm with rainfall depths of 2.72, 3.3, 5.04, 8.43 inches, respectfully, per NOAA’s website.

Historical Commission Recommendation



MEMORANDUM

TO: Gretchen Biernot, Current Planning Manager

FROM: Claudia Cheely, Senior Planner II *CDC*

SUBJECT: Historical Commission Recommendation
REZ22023-00024 & SE2023-00019, Westhaven Properties, L.L.C., et al.

DATE: September 13, 2023

At the Historical Commission meeting on September 5, 2023, the Commission reviewed the referenced request to rezone to B-2, General Business District, and RS, Single Family Residential District, for development of retail spaces and fourteen townhomes. The Special Exception is for the proposed height of the townhomes.

The Commission reviewed this request because it includes the site known as Westhaven Lake, VDHR#042-0818, and this property is in the area of four delineated battlefields:

- Confederates Advance to Gaines Mill - June 27, 1862
- VDHR #042-5017, Cold Harbor
- VDHR #042-5018, Gaines Mill
- VDHR #42-5022, Totopotomoy Creek

The National Park Service has reviewed these requests and indicated there are no known Civil War resources remaining on the property. The applicant will be rehabilitating and enlarging the main structure used on the Westhaven Lake property, so that structure is being saved.

Staff recommended that the Commission find that development of this property will have no further impact on the nearby battlefields, and noted that through redevelopment of the site, the expansion of the historic structure will be impacted, but that this is adaptive reuse of that structure, which is a means to its preservation. The Commission determined that the battlefields will not be impacted, and that the existing form of Westhaven structure will be altered but it supports adaptive reuse.

Community Meeting Notes

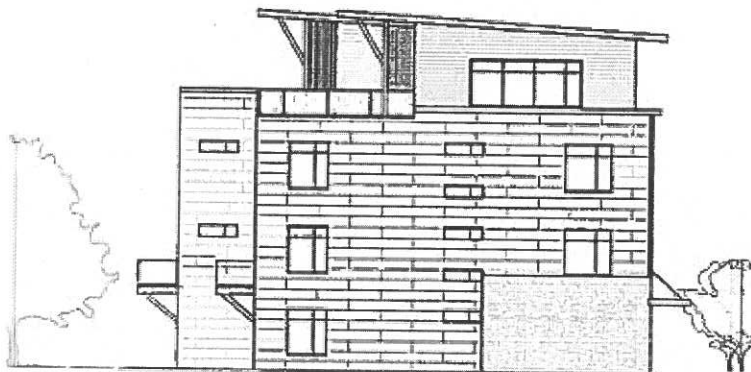
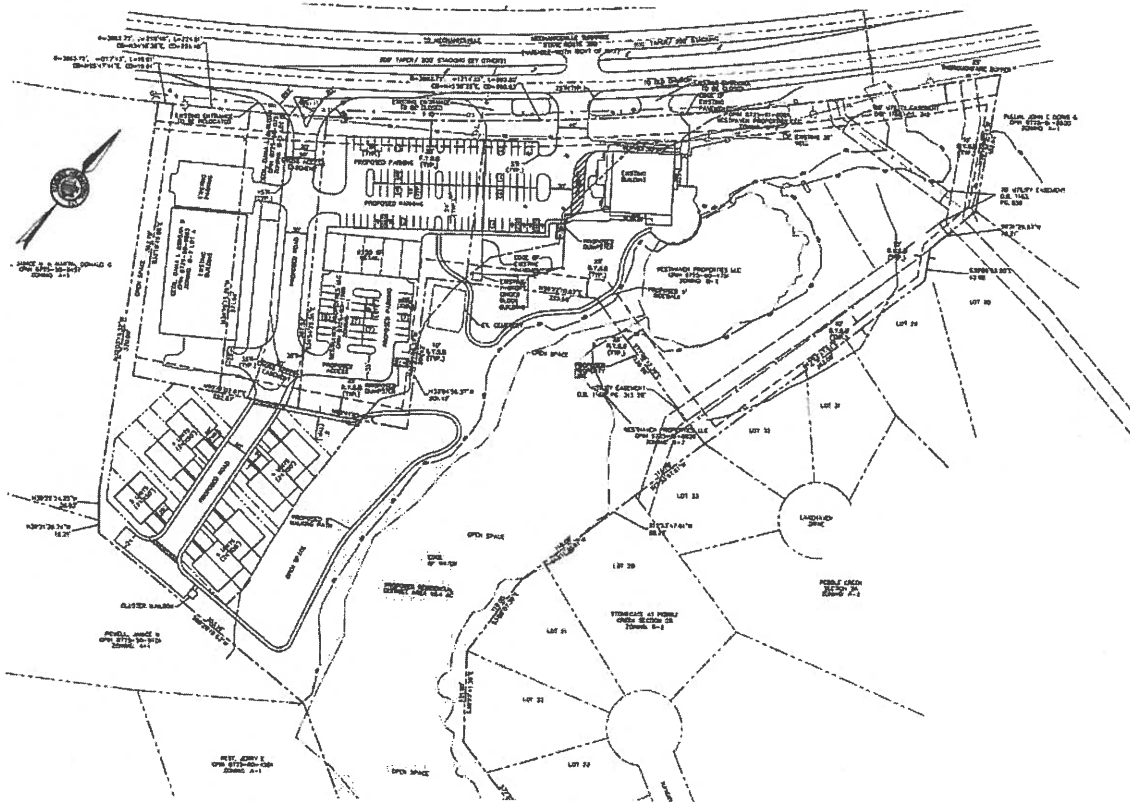
Community Meeting
REZ2023-00024/SE2023-00019, Westhaven Properties, L.L.C., et al.

A community meeting for REZ2023-00024/ SE2023-00019, Westhaven Properties, L.L.C., et al. was held on November 1, 2023 at 6:00 p.m. at Fairmount Christian Church. The applicant is requesting to rezone to B-2, Community Business District, and RS, Single Family Residential District. A Special Exception to permit buildings taller than permitted by the ordinance has also been submitted. Thirteen citizens were in attendance. The following Hanover County representatives were also in attendance:

Board of Supervisors: Michael Herzberg (Cold Harbor District)

Planning Commission: Fred McGhee (Cold Harbor District), Randy Whittaker (Mechanicsville District)

Staff members: Gretchen Biernot and Claudia Cheely



The following questions and concerns were raised at the meeting:

- Traffic –
 - The car wash was taken into consideration in evaluating traffic
- Will townhouse owners be able to use the pond?
 - Yes, this area will be part of the common open space.
- How much of the RPA area will remain as it currently exists?
 - 100' from pond, must remain natural unless the vegetation is dead or dying. Small trees may be removed. Boardwalks or piers are permitted in this area.
- The dam in this area is in need of repair. Will it be repaired as part of this project?
 - The dam will be repaired; the Army Corps of Engineers must review and approve the improvements to the dam; This will be part of Phase 1
- Construction time to renovate the existing building (Phase 1), retail phase (Phase 2), and townhomes (Phase 3)
 - The applicant was unsure about the construction times because it may vary depending on availability and costs of materials.
 - Approximate times: Phase 1 - 14-18 months , Phase 2 - 12 months, and Phase 3 - 12-18 months
 - Would like to flexible to be able to respond to the market
- Will the townhouses be sold to individual owners?
 - The townhouses will be for sale and not for rent.
- Will the existing building be rented or owned?
 - Unsure at this time; plan to upgrade the building first before looking for tenants; possible mixed use building
- The proposed building has to be built the way it is shown on the plans, correct?
 - Yes
- Where is the height measured? How does it compare to a single-family 3-story dwelling?
 - The required height is 45' or 3 stories, whichever is less. 4 stories are proposed, and parking will be on bottom floor
- Concerns were expressed about the water level of lake; to be good neighbors, it would be good to see the dam and the lake as a priority in this project; it would send a strong message to the community

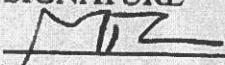
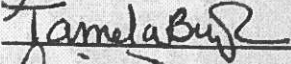
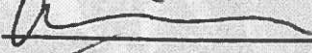



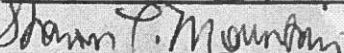
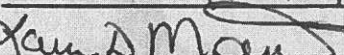
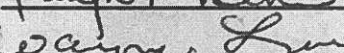



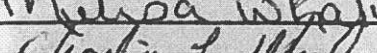
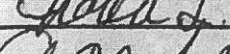

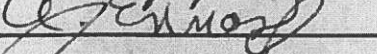





These cases are tentatively scheduled for February 2024 Planning Commission and the March 2024 Board of Supervisors.

Citizen Correspondence - Petition

To Whom It May Concern,

Hanover County Planning Department Request for Special Review SE2023-00019, Westhaven Properties LLC contains an item in the Explanation section that address the use of the lake. Specifically, item 2 states "TOWNHOUSE RESIDENTS WILL BE ABLE TO USE THE LAKE FOR RECREATIONAL PURPOSES SUCH AS FISHING, BOATING AND SWIMMING"

We, the undersigned residents of Pebble Creek who own property adjacent to Westhaven Lake, request the same rights and privileges be granted to us as proposed for the townhouse residence in regards to the use of the lake.

SIGNATURE	PRINTED NAME	ADDRESS
	MICHAEL BURROUGHS	8079 LAKE HAVEN DR.
	Pamela M Burroughs	8079 LAKE HAVEN DR.
	Anthony Williamson	6145 Havenview Drive
	Trish Williamson	6145 Havenview Drive
	Jerry Oliver	6153 Havenview Dr.
	Twinkle Oliver	6153 Havenview Dr.
	Sharon Mountain	6150 Havenview Dr.
	Larry D Mountain	6150 Havenview Dr.
	WAYNE LEAKE	6126 GREEN HAVEN
	Lisa S George	6127 Green Haven Dr.
	Michael C George	6127 Green Haven Dr.
	melisa whaley	6151 HAVENVIEW DR.
	CHARLIE L. WHALEY	6151 HAVENVIEW DR.
	ANTHONY ENNIS	6149 HAVENVIEW DR.
	Ariane Ennis	6149 Havenview Dr.
	Jeannie Pegan	6154 Havenview DR.
	Michael J. Pegan	6154 Havenview Dr.
	Kaitlin A. Atkinson	6135 Havenview Drive
	Ryan Atkinson	6135 Havenview Drive
	Jessica Woodson	6141 Havenview Drive
	Stephen Woodson	6141 Havenview Drive

Citizen Correspondence

Biernot, Gretchen W.

From: Planning
Sent: Wednesday, September 25, 2024 1:01 PM
To: Biernot, Gretchen W.
Subject: FW: REZ2024-00015 Westhaven Dr / Mechanicsville Tpk

Gretchen,

Please see email below regarding REZ2024-00015.

Kelley

Thank you,

Kelley R. Kirby
Code Compliance Planning Technician
Hanover County Planning Dept.
7516 County Complex Road
P.O. Box 470
Hanover, VA 23069
Department Phone: 804-365-6171
Fax: 804-365-6540



From: Jay McGhee <jbmiv1@gmail.com>
Sent: Wednesday, September 25, 2024 12:40 PM
To: Planning <planning@hanovercounty.gov>
Subject: REZ2024-00015 Westhaven Dr / Mechanicsville Tpk

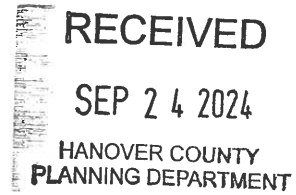
CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hanover County Planning Commission,
I'm writing in reference to the proposed development of two parcels along Mechanicsville Turnpike that abut Westhaven Drive (Fournoy & Trexler properties). Residential development is preferable to commercial for this site, as it's near both Westhaven Drive and Battlefield Green, as well as several larger residential parcels directly across Mechanicsville Turnpike. However, I have the following concerns that should be taken into consideration during the approval and planning process:

- Density - the internal design and sample house elevations are appealing enough, until you realize just how small of an area all of these homes and common area will be squeezed into. Density that high is incompatible with the adjacent Westhaven neighborhood and the residences across 360.
- Stormwater runoff - The amount of streets, 26 paved driveways, and 26 roofs on less than 10 acres will create a tremendous amount of runoff during rain events. The rear of the neighborhood sits along a tributary to the nearby Cherrydale Lake. In 2022 that lake was drained, dredged, and rehabilitated at great expense. This neighborhood will cause volumes of water to immediately run into the lake during storms, taking copious amounts of sediment, lawn fertilizer, oil, and other contaminants into the lake.
- Access - the proposed neighborhood should have its sole access on Mechanicsville Turnpike, not Westhaven Drive. There is no need for the traffic generated by 26 homes to pull onto Westhaven before entering the neighborhood. I expect the developer has proposed the entrance on Westhaven in order to avoid the expense of the turn lanes and other improvements along 360 that would otherwise be required to meet VDOT standards. However, with this increased volume of traffic on Westhaven, a turn lane would need to be constructed for Westhaven Drive anyway, in addition to improvements to the median to allow for a longer turnoff for eastbound 360 traffic turning left. A stub road can still be allowed to the west in case the adjacent property were ever to be developed, but an entrance on Westhaven Drive should be avoided completely.
- Driver and Pedestrian Safety - connecting the proposed neighborhood to Westhaven Drive would be a hazard to the existing traffic on Westhaven due to all of the expected pedestrians, including children and pets, that 26 additional homes would generate. Westhaven Drive is very narrow and currently when two vehicles meet, at least one must pull onto the shoulder to let the other one pass.

Feel free to reach out if you would like to discuss these concerns in more detail.

Thank you,
Jay McGhee
Henry District



9-23-2024

Hanover County Planning Office
P.O. Box 470
Hanover, VA 23069

Re: REZ2023-00024, WESTHAVEN PROPERTIES, L.L.C., ET AL.
SE2023-00019, WESTHAVEN PROPERTIES L.L.C.

To: Whom it may concern,

My name is Glenn Pullin. I am writing on behalf of the owner of an adjacent/adjoining property east of the one referenced above, John E. Pullin. John is my father and I am his P.O.A. and have been since his health began to decline. Mr. (John) Pullin still owns and occupies the property which he has owned since December 1960. My comments herein represent his thoughts on this matter.

Since purchasing the property our family has seen the Westhaven property through several life cycles of use, the best of which was as a community wide pool from the early to mid 1960's until the late 70's or early 80's when it closed. The property has struggled to survive several failed business ventures since that time and overall has fallen into decline since the Westhaven period.

I am familiar with the development plan that has been submitted for your review and action. I haven't identified any particular aspect of the plan that I would find a negative, especially in comparison to the present state of the property. Not only would this development plan benefit the owner, the surrounding property owners (ourselves included) would stand to benefit at every level, from individual personal property values to an improved and functional asset for the community to benefit from.

The County likewise would see a considerable improvement to the property visually and functionally and monetarily at multiple levels as well, largely at the expense of the owner/developer of the property.

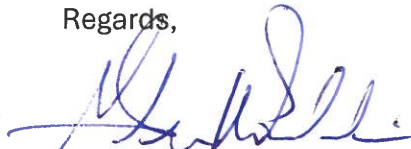
Simply put, we would be in complete support of a decision to approve the requests that would allow the process to move forward. As I understand the process, the Board of Supervisors does have the final say on the matter, pending Planning department review and approval. At this point in the process I don't believe the interests of the "majority" actually carries the day. These requests have been made by a private citizen, a long time county resident, with "improvements" in mind. Unless there is some overwhelming or overarching statute or condition that would interfere with the requests I would hope the County would approve and proceed post haste.

I would prefer to deliver my comments in person at the hearing on September 25th but I will be working out of state that day and be unable to attend.

I look forward to what appears to be a true opportunity to breathe new life into a dormant piece of property that is long overdue a real second chance.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink, appearing to read 'Glenn W. Pullin', written over a horizontal line.

Glenn W. Pullin
6201 Mechanicsville Trnpg
Mechanicsville, VA 23111

Proffers

PROFFERS: REZ2023-00024, WESTHAVEN PROPERTIES, L.L.C., ET AL.

The undersigned owner of parcels designated as GPINs 8725-60-4751, 8725-61-0081, 8725-61-6020, and 8725-60-1789 (“the Property”) voluntarily agrees for themselves, their agents, personal representatives, successors and assigns (collectively “the Owners”) that, in the event the Property is rezoned from A-1, Agricultural District, and B-2(c), Community Business District with conditions, to B-2(c), Community Business District with conditions, and RS(c), Single-Family Residential District with conditions, the development and use of the Property shall be subject to the following conditions:

APPLICABLE TO B-2 DISTRICT

1. Conceptual Plan. The Property must be developed in substantial conformity with the conceptual plan (“the Plan”), titled “Westhaven Rezoning Plan,” dated June 29, 2023, last revised November 20, 2024, and prepared by ARM Resource.
2. Architecture. The commercial structures must be constructed in substantial conformity with the elevations entitled “Westhaven Building” and “Retail Elevation”, prepared by Commonwealth Architects, dated November 26, 2019. The Property shall be developed with a unified and complementary color and architectural theme. Tenants will be permitted to include prototypical or corporate identification architectural elements in the design of their building or space. The standard or compatibility may be met through scale, materials, forms and/or colors. Retail and business structures shall be designed to meet the following general standards: elevations of the proposed structures, including proposed materials, shall be submitted to the Planning Director for his review and approval or disapproval, at his sole discretion, prior to site plan approval.
3. HVAC. All heating, ventilation and air conditioning equipment must be screened from view from adjoining properties or from the public right-of-way. Any mechanical units placed on the rooftops of buildings shall be screened by architectural features which are compatible with building façade architecture. Screening shall be designed so as to block such units from view by persons on any public streets immediately adjoining the Property, or from adjacent residential uses. Solar panels shall not be construed as “HVAC” or “mechanical units”.
4. Signage. All freestanding signage must be monument style. Tenants will be permitted to show their standard logo and colors on buildings and the signage panels.
5. Enhanced Thoroughfare Buffer. The 25’ thoroughfare buffer along Mechanicsville Turnpike must be landscaped in accordance with the thoroughfare buffer standards (Section 26-264.3), which will be enhanced by increasing the required plantings by 25% for trees and 30% for shrubs. Trees must consist of a combination of deciduous and evergreen trees and plant materials must be appropriately clustered to create a more natural and organic design.

RECEIVED

NOV 22 2024

HANOVER COUNTY
PLANNING DEPARTMENT

DAC *JBB*

APPLICABLE TO ALL PROPERTY

6. Phasing. The development of the Property shall be phased as follows:
 - a. *Phase 1 – Complete Rehabilitation of Existing Westhaven Building for Commercial Use*: A site plan or subdivision plan (as applicable) for the residential portion of the project will not be approved until the following are constructed and approved by the appropriate governmental agencies:
 - i. Construction and rehabilitation of the existing commercial building (Westhaven Building) is complete, and it qualifies for a Certificate of Occupancy;
 - ii. All site and road improvements shown as Phase I within the approved conceptual plan (Sheet RZ-4) and required per proffered conditions are constructed, inspected, and approved by the appropriate government agencies; and
 - iii. Improvements to the on-site dam and associated impoundment must be constructed and completed as required in accordance with permits issued by Army Corps of Engineers, Department of Environmental Quality, and Department of Conservation and Recreation (if required) and/or Hanover County Public Works.
 - b. *Phase 2a – Construction of New Building for Commercial Use*: The site plan for the Phase 2 commercial building, approximately 6,250 square feet or smaller, but not less than 2,250 square feet for the first portion, may be submitted concurrent with or after the site plan for the Westhaven Building.
 - i. Construction of the new building may commence any time after site plan approval.
 - c. *Phase 2b – Construction of Residential Buildings*: The site plan or subdivision plan (as applicable) for the residential portion of the project will not be approved until Phase 1 is complete. No building permits for residential units will be issued within three years of Board of Supervisors' approval OR until after a building permit has been issued for the new Phase 2a commercial building and a framing inspection is approved for that building, whichever comes first.
7. Cross-Access Easements. Cross access easements must be recorded between the Owners and the owners of GPIN 8725-60-0751 (“Easement Area Owners”), for access throughout the Property and portions of GPIN 8725-60-0751 as a condition of final site plan approval for Phase 1. See joinder of Easement Area Owners below.
8. Road Improvements – The Owners agree to design and construct the following in accordance with VDOT standards and specifications:
 - a. The right-in/right-out western entrance must include a pork chop island that directs flow of traffic; and an eastbound right turn taper that is 200’ long in length and a storage lane that is 100’ long.
 - b. The full service eastern entrance must include:
 - i. A westbound left turn lane with 100’ stacking and a 200’ taper;
 - ii. An eastbound right turn taper that is 200’ feet in length.

AZ SBC

9. Lighting. Lighting shall be installed at a height not greater than 25 feet in height. All light fixtures shall have house side shields.

OWNERS:

WESTHAVEN PROPERTIES, LLC

By: Jay T. Thompson III ~~Manager~~ manager Date 11/12/2024
Jay T. Thompson, III, Manager

COMMONWEALTH OF VIRGINIA,
COUNTY OF HANOVER, to-wit:

I, Stacey Gray, do hereby certify that Jay T. Thompson, III, Manager of Westhaven Properties, LLC, has acknowledged the foregoing Proffers before me, this 12th day of November 2024.

Stacey B Gray (SEAL)
Notary Public

My Commission Expires: 8 / 31 / 2026

ID: 142514



SPC

JOINDER:

The Easement Area Owners join in Proffer numbers 1 and 7 solely with respect to GPIN 8725-60-0751 and state that a cross-access easement in the area designated as "50' Cross Access Easement" on Sheet RZ-4 of the Plan between the Owners and the Easement Area Owners shall be recorded prior to site plan approval.

Dana L. Cecil

Dana L Cecil
Owner

11/21/2024
Date

COMMONWEALTH OF VIRGINIA,
COUNTY OF HANOVER, to-wit:

I, *Stacey B Gray*, do hereby certify that *Dana L. Cecil*, has acknowledged the foregoing Proffers before me, this *21st* day of *November* 2024.

Stacey B Gray
Notary Public

My Commission Expires: *8/31/2026*
ID: *142514*



Susan B. Cecil

Susan B Cecil
Owner

11/21/24
Date

COMMONWEALTH OF VIRGINIA,
COUNTY OF HANOVER, to-wit:

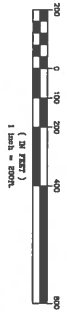
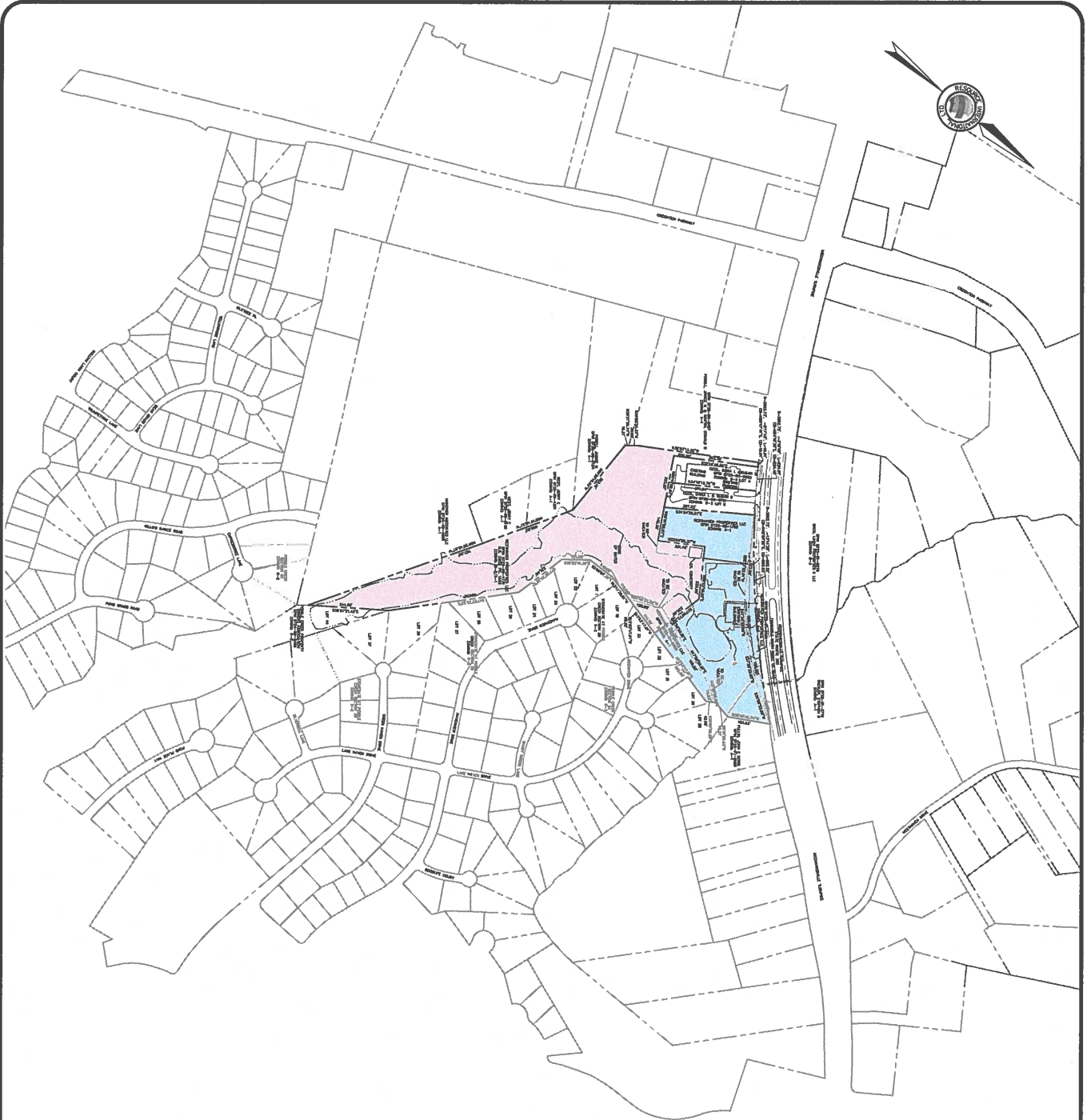
I, *Stacey B. Gray*, do hereby certify that *Susan B. Cecil*, has acknowledged the foregoing Proffers before me, this *21st* day of *November* 2024.

Stacey B Gray (SEAL)
Notary Public

My Commission Expires: *8/31/2026*
ID: *142514*



Conceptual Plan & Elevations



PROPOSED ZONING

B-2	6.25 AC
RS	10.44 AC

PROJECT NO:
220030.01
SHEET:
RZ-3

**WESTHAVEN
REZONING PLAN
MECHANICSVILLE TURNPIKE
HANOVER COUNTY, VIRGINIA**

PROPOSED ZONING BOUNDARIES

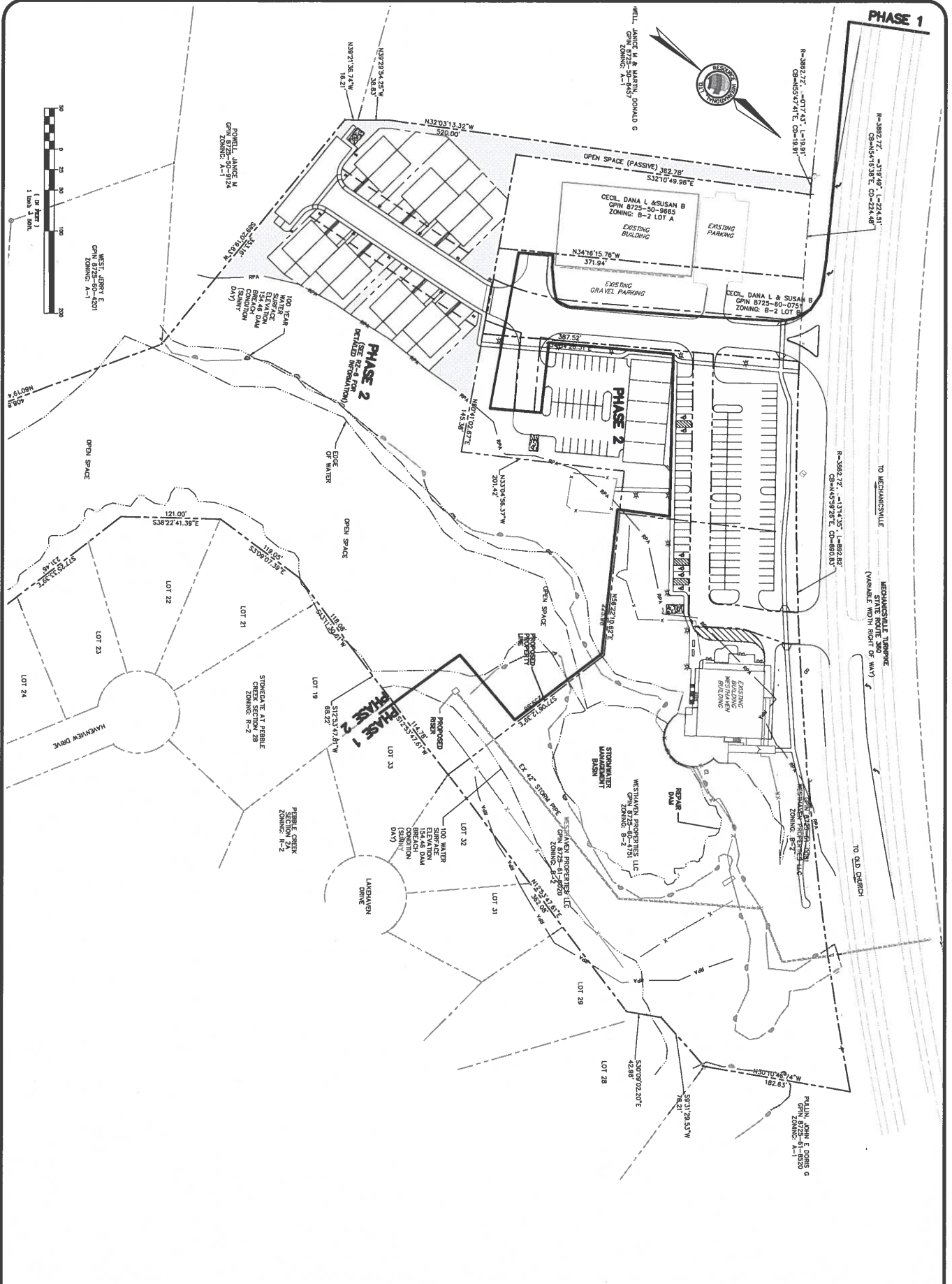
DESIGNED: MGF
DRAWN: MGF
CHECKED: MSC
DATE: 6-29-2023

REVISIONS:
1-22-2024 REVISED PER COUNTY COMMENTS
2-1-2024 REVISED PER COUNTY COMMENTS
6-5-2024 REVISED PER COUNTY COMMENTS
11-20-2024 REVISED (RZ-7 ADDED)

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P.O. Box 6160 #9560 Kings Charter Drive #Ashland, VA 23005
(804) 550-9200 * FAX (804) 550-9259



PROJECT NO:
220030.01
SHEET:
RZ-5

**WESTHAVEN
REZONING PLAN
MECHANICSVILLE TURNPIKE
HANOVER COUNTY, VIRGINIA**

PHASING PLAN

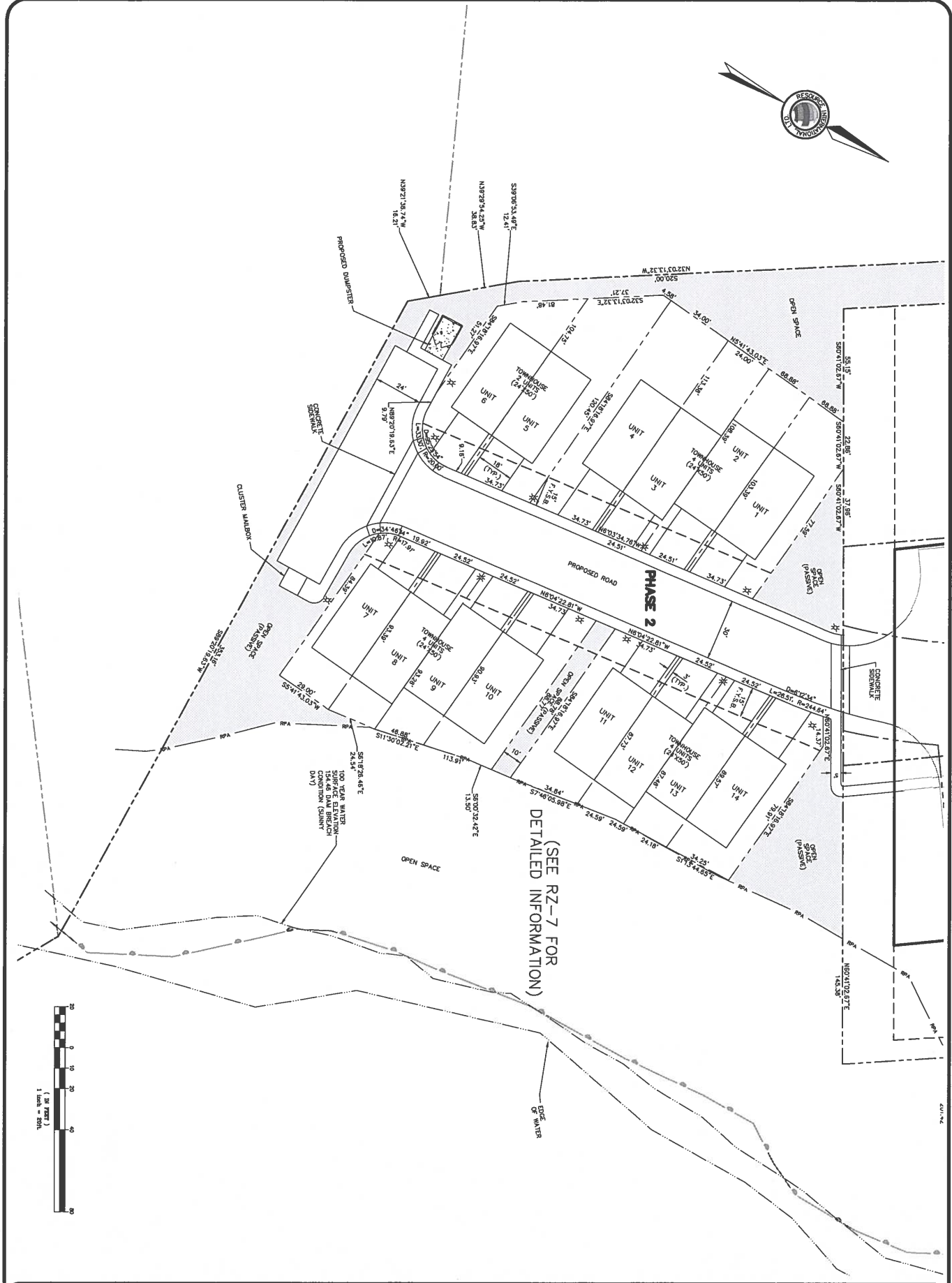
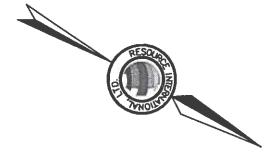
DESIGNED: MCF
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CHECKED: MSC
DATE: 6-28-2023

REVISIONS:
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2-1-2024 REVISED PER COUNTY COMMENTS
6-5-2024 REVISED PER COUNTY COMMENTS
11-20-2024 REVISED (RZ-7 ADDED)

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(804) 550-9200 • FAX (804) 550-9259



WESTHAVEN
REZONING PLAN
MECHANICSVILLE TURNPIKE
HANOVER COUNTY, VIRGINIA

 CONCEPTUAL PHASE 2 TOWNHOUSE
 BLOW-UP

DESIGNED: **MQF**
 DRAWN: **MQF**
 CHECKED: **MSC**
 DATE: **6-29-2023**

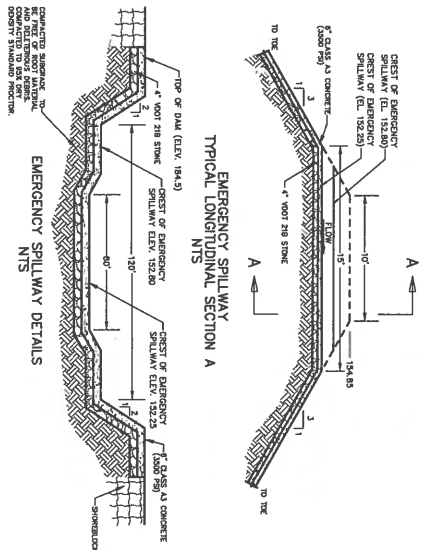
REVISIONS:
 1-22-2024 REVISED PER COUNTY COMMENTS
 2-1-2024 REVISED PER COUNTY COMMENTS
 6-5-2024 REVISED PER COUNTY COMMENTS
 11-20-2024 REVISED (RZ-7 ADDED)

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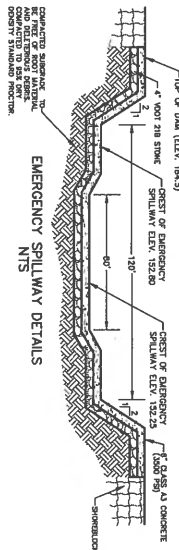
ARM Resource
 Engineers and Scientists
 An ARM Group Company

P.O. Box 6160 • 9560 Kings Charter Drive • Ashland, VA 23005
 (804) 550-9200 • FAX (804) 550-9259

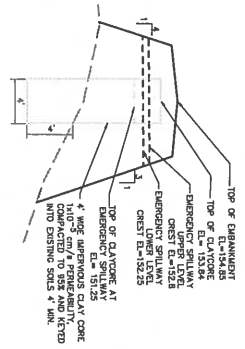
PROJECT NO:
220030.01
 SHEET:
RZ-6



**EMERGENCY SPILLWAY
TYPICAL LONGITUDINAL SECTION A**
NTS



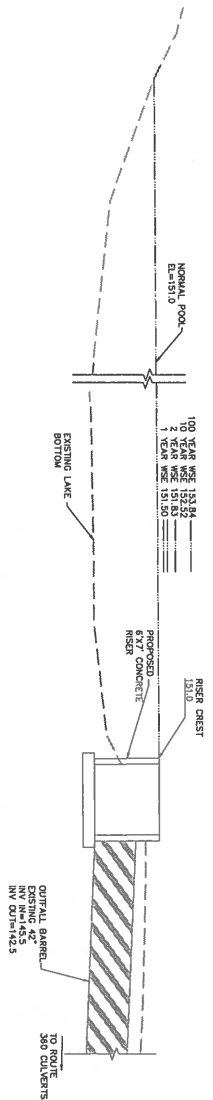
EMERGENCY SPILLWAY DETAILS
NTS



LAKE EMBANKMENT DETAIL
NTS

NOTES:
1. THE OUTFALL OF THE 42\"/>

LAKE PRINCIPLE SPILLWAY DETAIL
NTS



PROJECT NO:
220030.01
SHEET:
R2-7

**WESTHAVEN
REZONING PLAN
MECHANICVILLE TURNPIKE
HANOVER COUNTY, VIRGINIA**

LAKE OUTFALL DETAILS

DESIGNED: MCF
DRAWN: MCF
CHECKED: MSC
DATE: 6-28-2023

REVISIONS:
1-22-2024 REVISED PER COUNTY COMMENTS
5-2-2024 REVISED PER COUNTY COMMENTS
6-5-2024 REVISED PER COUNTY COMMENTS
11-20-2024 REVISED (R2-7 ADDED)

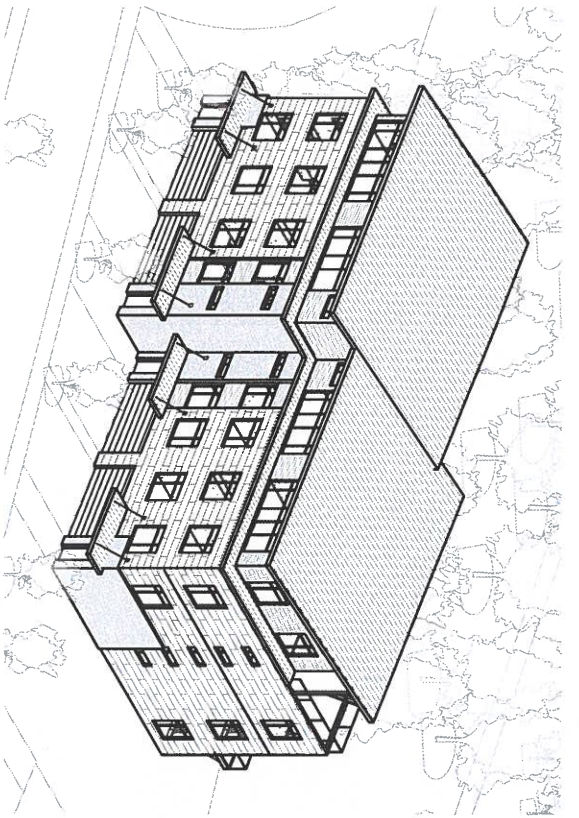
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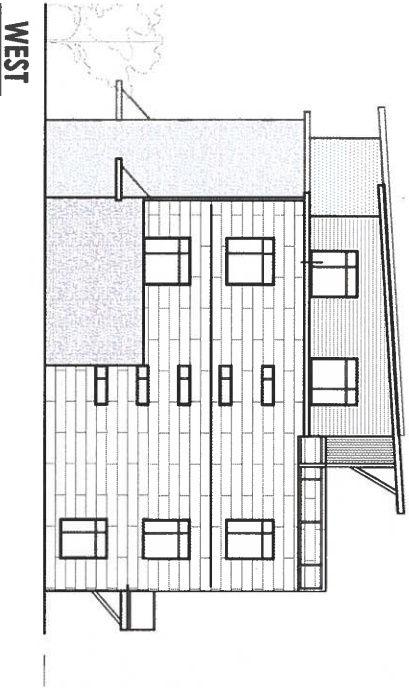
ARM Resource
Engineers and Scientists
An ARM Group Company



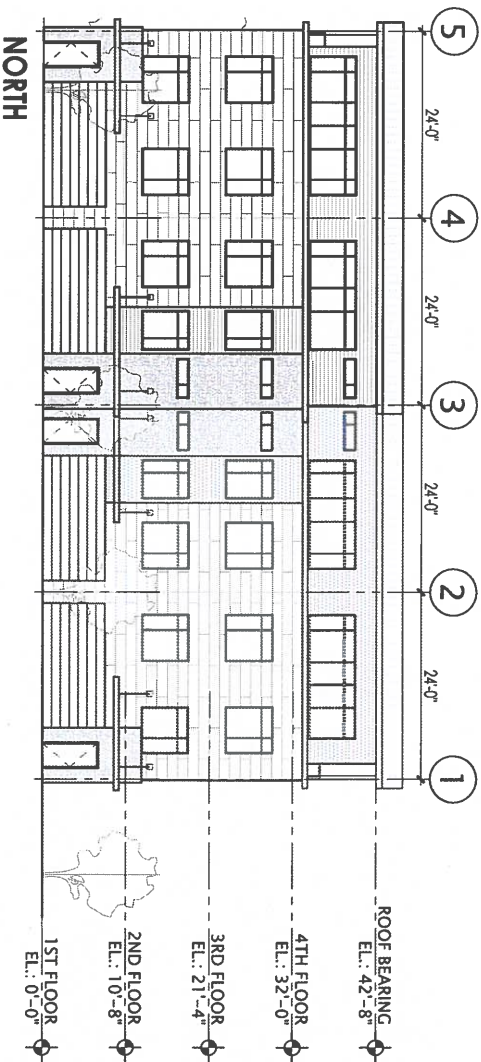
P.O. Box 6160 • 9560 Kings Charter Drive • Ashland, VA 23005
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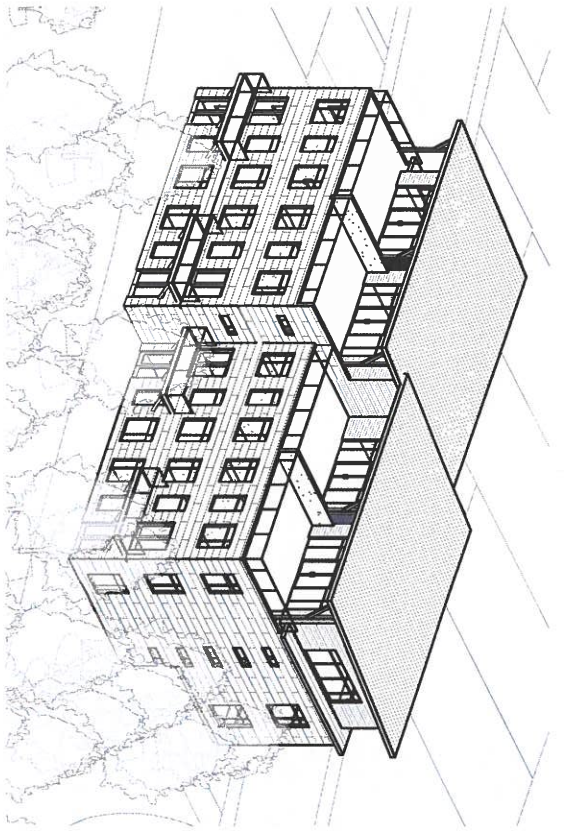
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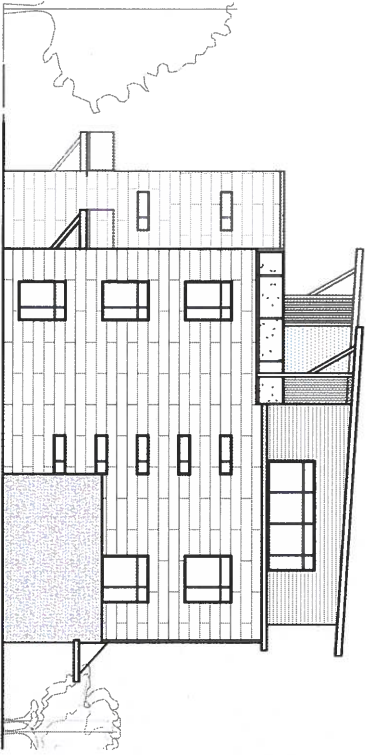
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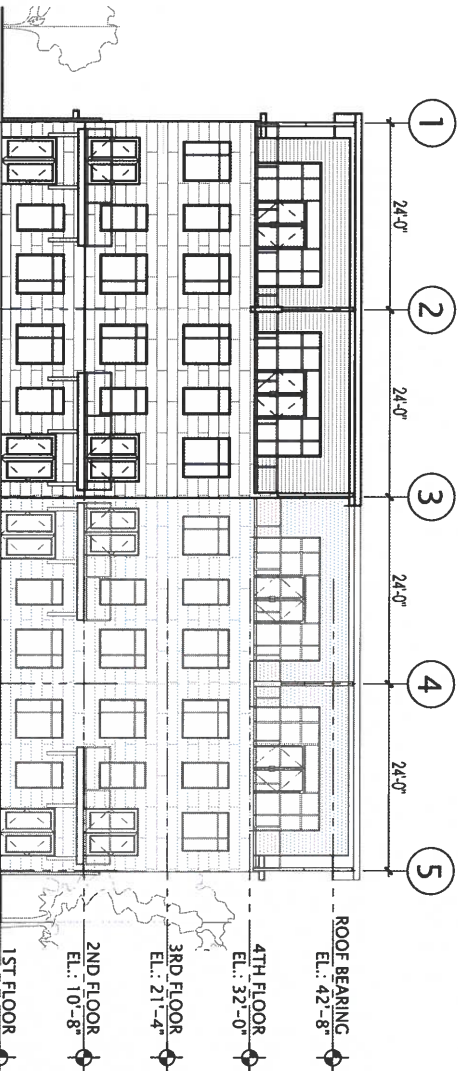
TOWNHOME ELEVATION
WESTHAVEN TOWNHOMES & RETAIL



AERIAL PERSPECTIVE



EAST



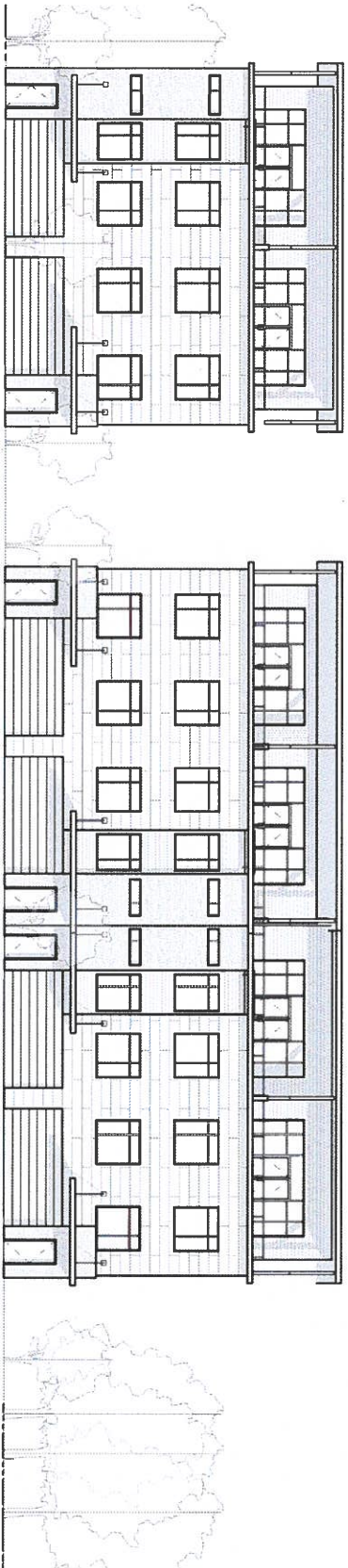
SOUTH

TOWNHOME ELEVATION
WESTHAVEN TOWNHOMES & RETAIL



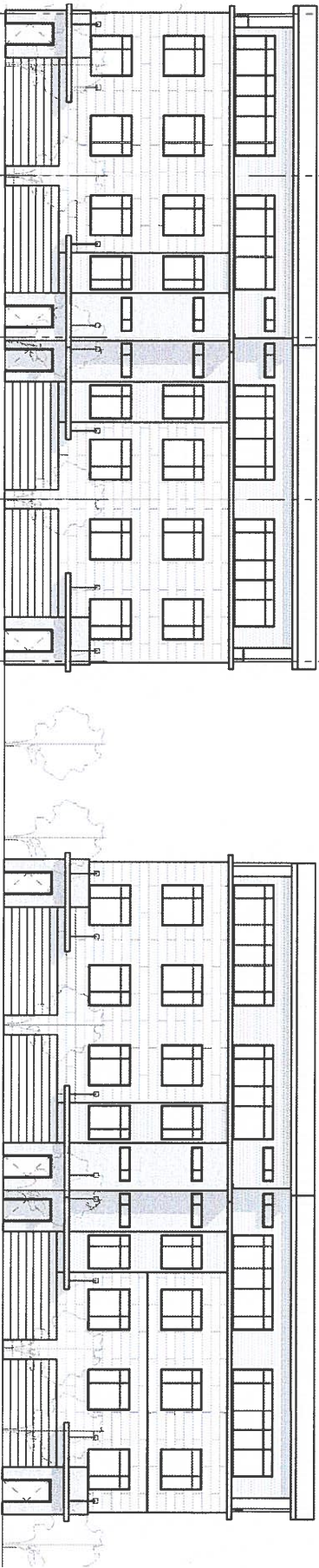
02/18/21

A5



STREET ELEVATION SOUTH

- 5
- 4
- 3
- 2
- 1



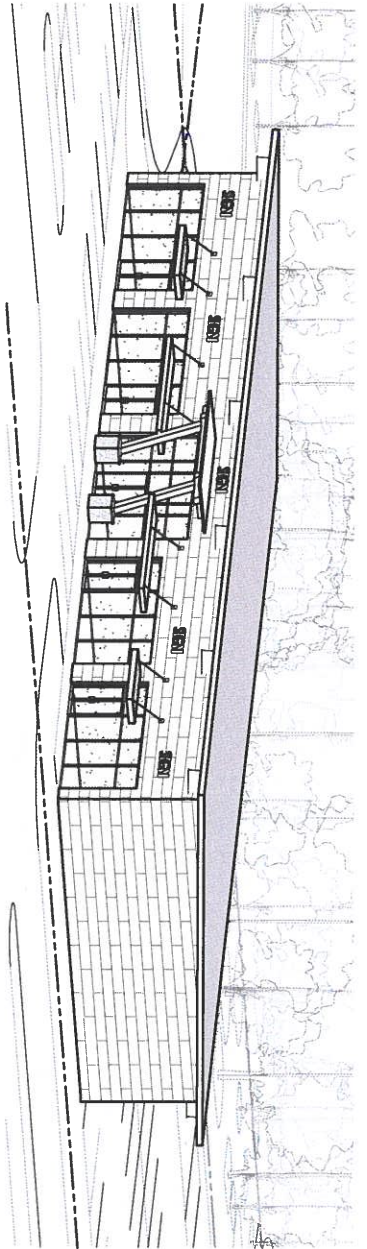
STREET ELEVATION NORTH

TOWNHOME STREET ELEVATION
WESTHAVEN TOWNHOMES & RETAIL

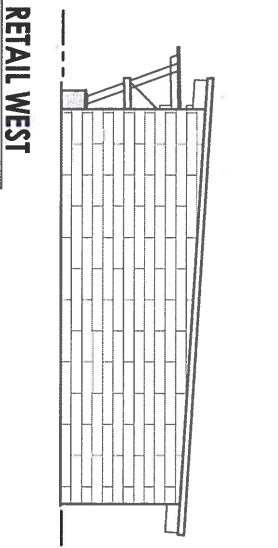


02/18/21

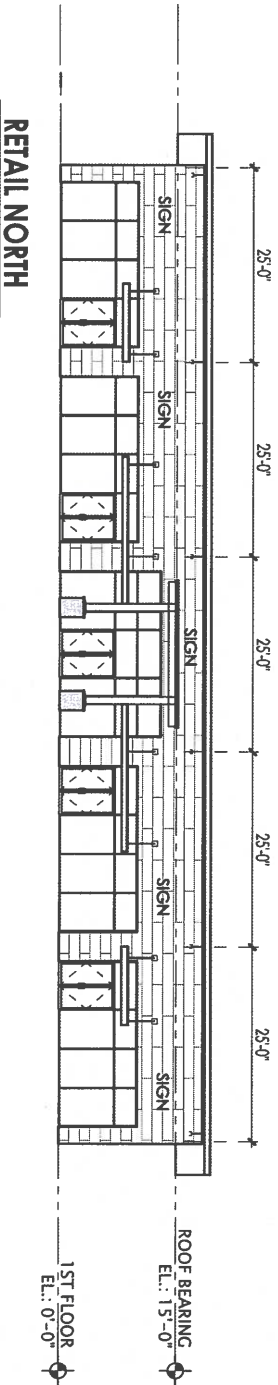
A6



RETAIL AERIAL PERSPECTIVE



RETAIL WEST



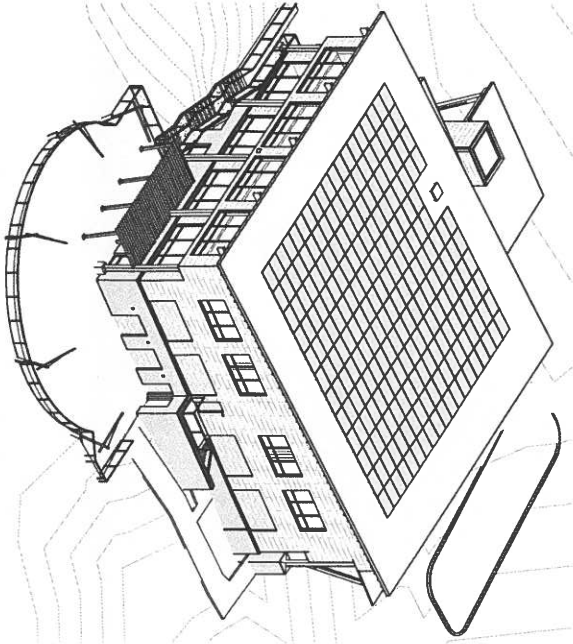
RETAIL NORTH

RETAIL ELEVATION
WESTHAVEN TOWNHOMES & RETAIL

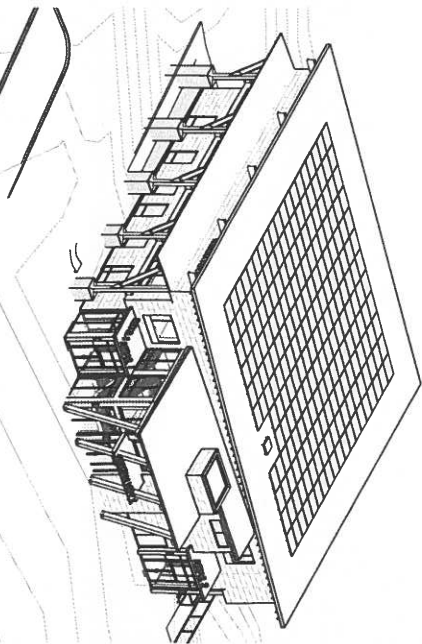


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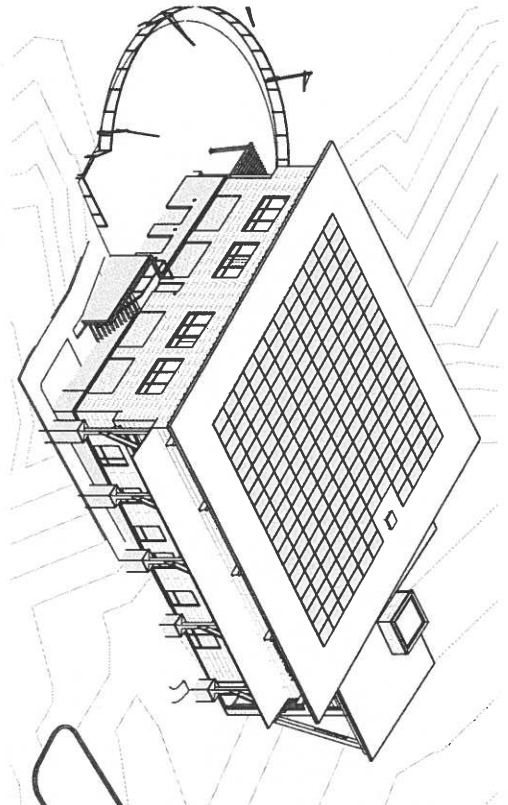
A8



3. PROPOSED VIEW FROM SOUTHEAST
1/8" SCALE



4. PROPOSED VIEW FROM NORTHWEST
1/8" SCALE



5. PROPOSED VIEW FROM NORTHEAST
1/8" SCALE

CS.04

DATE: 1/29/20

PROJECT USE
CONSTRUCTION

ARCHITECTURAL
MODEL
PROPOSED 3D
VIEWS

NOT FOR
CONSTRUCTION

DATE	DESCRIPTION
1/29/20	3D MODEL

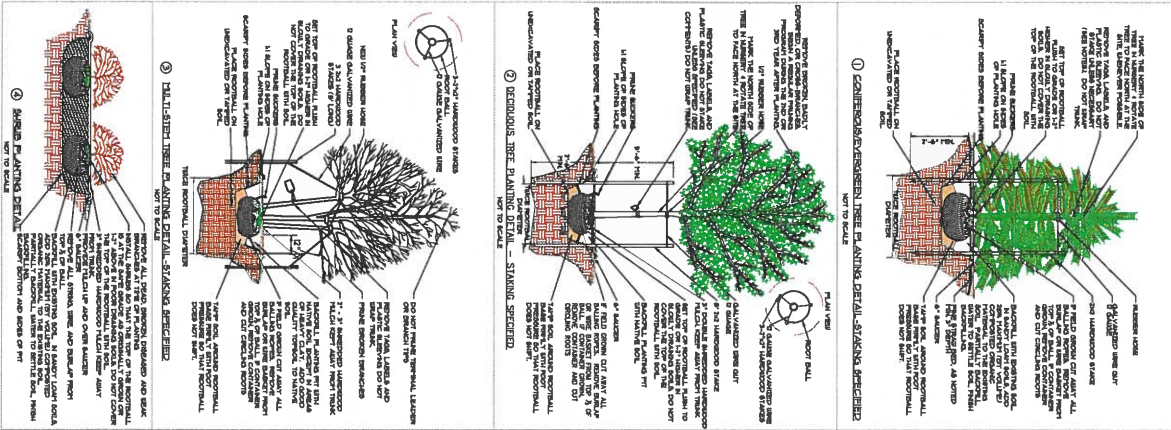
WESTHAVEN BUILDING

MECHANICSVILLE, VIRGINIA

Commonwealth
ARCHITECTS

101 SHOCKOE SLIP, THIRD FLOOR
RICHMOND, VIRGINIA 23219
TELEPHONE: 804.648.5040
FACSIMILE: 804.225.0329

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GENERAL NOTES:

- ALL TREES TO BE INSTALLED WITHIN THE PARKING AND CIRCULATION AREA MUST BE LIMBED UP TO 1.5 FEET ABOVE THE GROUND SURFACE. THE CALIPER SHALL BE MEASURED AT THE CALIPER WIDTH IT CAN BE LIMBED UP TO A HEALTHY PORTION THAT DOES NOT COMPROMISE THE VIABILITY OF THE TREE.
- ALL SHRUBS WITHIN THE PARKING AND CIRCULATION AREAS MUST BE INSTALLED AND MAINTAINED AT A HEIGHT NOT TO EXCEED TWENTY-TWO (22) INCHES.
- IF ANY EXISTING TREES ARE DURING CONSTRUCTION THE CONTRACTOR SHALL REPLACE THEM.
- HANOVER COUNTY ORDINANCE CHAPTER 28, ARTICLE 4, DIVISION 2, SUBDIVISION DEVELOPMENT OVERLAY, DOES NOT NEED LANDSCAPING TOTAL SQUARE FEET PROVISIONS (400) INCLUDING 40 SHRUBS PROVIDED.
- PER HANOVER COUNTY REQUIREMENT, MAINTAIN ALL SHRUBS IN LANDSCAPE ISLANDS ON THIS PLAN AT 2 FOOT HEIGHT.

LANDSCAPE PLANT SCHEDULE - PHASE 1

EXISTING QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	DETAIL	SIZE OF MATERIAL	ROOT BALL	PLANTING	COMMENTS
7	PM	ASPE SPANNA SPANNA QUARTZ	SPANNA QUARTZ - RED MAIZE	1	2.5"	8.8 B	UMB TO 5' AT PLANTING	
9	PP	FRAXINUS CESPICATA	FLOWERING PLUM	1	2.5"	8.8 B	UMB TO 5' AT PLANTING	
5	NO	QUERCUS SPANNA	RED OAK	1	2.5"	8.8 B	UMB TO 5' AT PLANTING	
12	PI	MAISONIA DIOICATA THORNTON*	THORNTON MAISONIA	2	18"-24"	CONT.		
8	AC	ABUTILON THORNTON*	"LITTLE REDCAP" ABUTILON	2	18"-24"	CONT.		
6	IC	LEIA GARDNERA	HERRERY HOLLY	2	18"-24"	CONT.		
12	IV	VERA VIGNA 'HONEY CANNET'	HONEY CANNET SWEETSPICE	2	18"-24"	CONT.		
6	BL	EDONWILUS APICATUS/EDONWILUS*	BOX LEAF EDONWILUS	2	12"-24"	CONT.		

LANDSCAPE PLANT SCHEDULE - PHASE 2

EXISTING QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	DETAIL	SIZE OF MATERIAL	ROOT BALL	PLANTING	COMMENTS
7	PM	ASPE SPANNA SPANNA QUARTZ	SPANNA QUARTZ - RED MAIZE	1	2.5"	8.8 B	UMB TO 5' AT PLANTING	
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11	IV	VERA VIGNA 'HONEY CANNET'	HONEY CANNET SWEETSPICE	2	18"-24"	CONT.		
7	BL	EDONWILUS APICATUS/EDONWILUS*	BOX LEAF EDONWILUS	2	12"-24"	CONT.		

THORNTON MAISONIA BUFFER TREES AND SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SPACING	CALIPER	HT./SP.	TREE TYPE	DETAIL	REMARKS
PM	FRAXINUS CESPICATA	FLOWERING PLUM	-	2.5"	-	B&B	2	DECIDUOUS
NO	QUERCUS SPANNA	EASTERN WHITE OAK	-	-	6'-8" HT.	B&B	1	DECIDUOUS
IV	VERA VIGNA	VIRGINIA SWEETSPICE	-	-	18"-24" HT.	CAULM	4	SHRUB

LANDSCAPE PLANT SCHEDULE - PHASE 1

EXISTING QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	DETAIL	SIZE OF MATERIAL	ROOT BALL	PLANTING	COMMENTS
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7	BL	EDONWILUS APICATUS/EDONWILUS*	BOX LEAF EDONWILUS	2	12"-24"	CONT.		

THORNTON MAISONIA BUFFER TREES AND SHRUBS

39 THORNTON MAISONIA BUFFER TREES AND SHRUBS REQUIRED

1 DECIDUOUS TREE PER 50 LF AT PLANTING

29 TREES REQUIRED PER FOOTPRINT

29 TREES PROVIDED

34 SHRUBS REQUIRED PER FOOTPRINT

40 SHRUBS PROVIDED

48 SHRUBS PROVIDED

LANDSCAPE PLANT SCHEDULE - PHASE 2

EXISTING QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	DETAIL	SIZE OF MATERIAL	ROOT BALL	PLANTING	COMMENTS
7	PM	ASPE SPANNA SPANNA QUARTZ	SPANNA QUARTZ - RED MAIZE	1	2.5"	8.8 B	UMB TO 5' AT PLANTING	
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THORNTON MAISONIA BUFFER TREES AND SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SPACING	CALIPER	HT./SP.	TREE TYPE	DETAIL	REMARKS
PM	FRAXINUS CESPICATA	FLOWERING PLUM	-	2.5"	-	B&B	2	DECIDUOUS
NO	QUERCUS SPANNA	EASTERN WHITE OAK	-	-	6'-8" HT.	B&B	1	DECIDUOUS
IV	VERA VIGNA	VIRGINIA SWEETSPICE	-	-	18"-24" HT.	CAULM	4	SHRUB

LANDSCAPE PLANT SCHEDULE - PHASE 2

EXISTING QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	DETAIL	SIZE OF MATERIAL	ROOT BALL	PLANTING	COMMENTS
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THORNTON MAISONIA BUFFER TREES AND SHRUBS

39 THORNTON MAISONIA BUFFER TREES AND SHRUBS REQUIRED

1 DECIDUOUS TREE PER 50 LF AT PLANTING

29 TREES REQUIRED PER FOOTPRINT

29 TREES PROVIDED

34 SHRUBS REQUIRED PER FOOTPRINT

40 SHRUBS PROVIDED

48 SHRUBS PROVIDED

LANDSCAPE PLANT SCHEDULE - PHASE 2

EXISTING QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	DETAIL	SIZE OF MATERIAL	ROOT BALL	PLANTING	COMMENTS
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11	IV	VERA VIGNA 'HONEY CANNET'	HONEY CANNET SWEETSPICE	2	18"-24"	CONT.		
7	BL	EDONWILUS APICATUS/EDONWILUS*	BOX LEAF EDONWILUS	2	12"-24"	CONT.		

LANDSCAPE PLANT SCHEDULE - PHASE 2

EXISTING QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	DETAIL	SIZE OF MATERIAL	ROOT BALL	PLANTING	COMMENTS
7	PM	ASPE SPANNA SPANNA QUARTZ	SPANNA QUARTZ - RED MAIZE	1	2.5"	8.8 B	UMB TO 5' AT PLANTING	
9	PP	FRAXINUS CESPICATA	FLOWERING PLUM	1	2.5"	8.8 B	UMB TO 5' AT PLANTING	
5	NO	QUERCUS SPANNA	RED OAK	1	2.5"	8.8 B	UMB TO 5' AT PLANTING	
12	PI	MAISONIA DIOICATA THORNTON*	THORNTON MAISONIA	2	18"-24"	CONT.		
8	AC	ABUTILON THORNTON*	"LITTLE REDCAP" ABUTILON	2	18"-24"	CONT.		
6	IC	LEIA GARDNERA	HERRERY HOLLY	2	18"-24"	CONT.		
11	IV	VERA VIGNA 'HONEY CANNET'	HONEY CANNET SWEETSPICE	2	18"-24"	CONT.		
7	BL	EDONWILUS APICATUS/EDONWILUS*	BOX LEAF EDONWILUS	2	12"-24"	CONT.		

THORNTON MAISONIA BUFFER TREES AND SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SPACING	CALIPER	HT./SP.	TREE TYPE	DETAIL	REMARKS
PM	FRAXINUS CESPICATA	FLOWERING PLUM	-	2.5"	-	B&B	2	DECIDUOUS
NO	QUERCUS SPANNA	EASTERN WHITE OAK	-	-	6'-8" HT.	B&B	1	DECIDUOUS
IV	VERA VIGNA	VIRGINIA SWEETSPICE	-	-	18"-24" HT.	CAULM	4	SHRUB

LANDSCAPE PLANT SCHEDULE - PHASE 2

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THORNTON MAISONIA BUFFER TREES AND SHRUBS

39 THORNTON MAISONIA BUFFER TREES AND SHRUBS REQUIRED

1 DECIDUOUS TREE PER 50 LF AT PLANTING

29 TREES REQUIRED PER FOOTPRINT

29 TREES PROVIDED

34 SHRUBS REQUIRED PER FOOTPRINT

40 SHRUBS PROVIDED

48 SHRUBS PROVIDED

LANDSCAPE PLANT SCHEDULE - PHASE 2

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Ordinance

ORDINANCE REZ2023-00024

OWNER OF RECORD: WESTHAVEN PROPERTIES, L.L.C., ET AL.

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

WHEREAS the Board of Supervisors has held a public hearing on the 11th day of December 2024, and advertised in the Mechanicsville Local once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended with conditions by the rezoning of the property described as GPINs 8725-60-4751, 8725-61-0081, 8725-61-6020, 8725-60-1789, and 8725-60-0751, consisting of approximately 17.6 acres, and located on the south line of Mechanicsville Turnpike (U.S. Route 360) approximately 1,100 feet east of its intersection with Creighton Parkway (State Route 615), from A-1, Agricultural District, and B-2(c), Community Business District with conditions, to B-2(c), Community Business District with conditions, and RS(c), Single-Family Residential District with conditions, subject to the following conditions, which were proffered by the applicant on November 22, 2024, and accepted by the Board:

APPLICABLE TO B-2 DISTRICT

1. Conceptual Plan. The Property must be developed in substantial conformity with the conceptual plan (“the Plan”), titled “Westhaven Rezoning Plan,” dated June 29, 2023, last revised September 25, 2024, and prepared by ARM Resource.
2. Architecture. The commercial structures must be constructed in substantial conformity with the elevations entitled “Westhaven Building” and “Retail Elevation”, prepared by Commonwealth Architects, dated November 26, 2019. The Property shall be developed with a unified and complementary color and architectural theme. Tenants will be permitted to include prototypical or corporate identification architectural elements in the design of their building or space. The standard or compatibility may be met through scale, materials, forms and/or colors. Retail and business structures shall be designed to meeting the following general standards: elevations of the proposed structures, including proposed materials, shall be submitted to the Planning Director for his review and approval or disapproval, at his sole discretion, prior to site plan approval.
3. HVAC. All heating, ventilation and air conditioning equipment must be screened from view from adjoining properties or from the public right-of-way. Any mechanical units placed on the rooftops of buildings shall be screened by architectural features which are compatible with

building façade architecture. Screening shall be designed so as to block such units from view by persons on any public streets immediately adjoining the Property, or from adjacent residential uses. Solar panels shall not be construed as “HVAC” or “mechanical units”.

4. Signage. All freestanding signage must be monument style. Tenants will be permitted to show their standard logo and colors on buildings and the signage panels.
5. Enhanced Thoroughfare Buffer. The 25’ thoroughfare buffer along Mechanicsville Turnpike must be landscaped in accordance with the thoroughfare buffer standards (Section 26-264.3), which will be enhanced by increasing the required plantings by 25% for trees and 30% for shrubs. Trees must consist of a combination of deciduous and evergreen trees and plant materials must be appropriately clustered to create a more natural and organic design.

APPLICABLE TO ALL PROPERTY

6. Phasing. The development of the Property shall be phased as follows:
 - a. *Phase 1 – Complete Rehabilitation of Existing Westhaven Building for Commercial Use*: A site plan or subdivision plan (as applicable) for the residential portion of the project will not be approved until the following are constructed and approved by the appropriate governmental agencies:
 - i. Construction and rehabilitation of the existing commercial building (Westhaven Building) is complete, and it qualifies for a Certificate of Occupancy;
 - ii. All site and road improvements shown as Phase I within the approved conceptual plan (Sheet RZ-4) and required per proffered conditions are constructed, inspected, and approved by the appropriate government agencies; and
 - iii. Improvements to the on-site dam and associated impoundment must be constructed and completed as required in accordance with permits issued by Army Corps of Engineers, Department of Environmental Quality, and Department of Department of Conservation and Recreation (if required) and/or Hanover County Public Works.
 - b. *Phase 2a – Construction of New Building for Commercial Use*: The site plan for the construction of a new commercial building of approximately 6,250 square feet, or smaller, but not less than 2,250 square feet, may be included as Phase 2 of the same site plan as the Westhaven Building.
 - i. Construction of the new building may commence any time after site plan approval.
 - c. *Phase 2b – Construction of Residential Buildings*: The site plan or subdivision plan (as applicable) for the residential portion of the project will not be approved until Phase 1 is complete. No building permits for residential units will be issued within three years of Board of Supervisors’ approval OR until after a building permit has been issued for the new Phase 2a commercial building and a framing inspection is approved for that building, whichever comes first.
7. Cross-Access Easements. Cross access easements must be recorded between the Owners and the owners of GPIN 8725-60-0751 (“Easement Area Owners”), for access throughout the Property and portions of GPIN 8725-60-0751 as a condition of final site plan approval for Phase 1. See joinder of Easement Area Owners below.

8. Road Improvements – The Owners agree to design and construct the following in accordance with VDOT standards and specifications:
- a. The right-in/right-out western entrance must include a pork chop island that directs flow of traffic; and an eastbound right turn taper that is 200’ long in length and a storage lane that is 100’ long.
 - b. The full service eastern entrance must include:
 - i. A westbound left turn lane with 100’ stacking and a 200’ taper;
 - ii. An eastbound right turn taper that is 200’ feet in length.
9. Lighting. Lighting shall be installed at a height not greater than 25 feet in height. All light fixtures shall have house side shields.

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

On motion of _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance REZ2023-00024, as follows:

Vote:

Ms. Dibble – Chair
Mr. Herzberg – Vice-Chair
Mr. Davis
Ms. Floyd
Mr. Hudson
Ms. Prichard
Mr. Stoneman

Public Hearings:

Planning Commission: February 15, 2024

Board of Supervisors: December 11, 2024

Adopted: December 11, 2024

This is to certify that the above is a true copy of REZ2023-00024 adopted by the Hanover County Board of Supervisors on December 11, 2024.

Dated: _____

John A. Budesky
County Administrator/Clerk Hanover County
Board of Supervisors