

SE2023-00019, WESTHAVEN PROPERTIES, L.L.C.

Special Exception Report
Cold Harbor Magisterial District
Board Meeting Date: September 25, 2024



Overview

Request	Special Exception in accordance with Section 26-336 of the Hanover County Zoning Ordinance to permit townhomes that are taller than permitted (four stories)
Zoning	A-1, Agricultural District (concurrent request for RS(c), Single-Family Residential District with conditions, and B-2(c), Community Business District with conditions)
Acreage	13.98 acres
Address	6233 Mechanicsville Turnpike
Location	South line of Mechanicsville Turnpike approximately 1,100 feet east of its intersection with Creighton Parkway
GPIN	8725-60-4751
General Land Use Plan	Suburban Center
Major Thoroughfare Plan	Mechanicsville Turnpike: Major Arterial (140' ultimate right-of-way)
Suburban Service Area	Inside
Case Planner	Claudia Cheely
Related Cases	REZ2023-00024

Executive Summary

This is a request for a Special Exception to allow four-story townhomes within the RS, Single Family Residential District. The zoning district only permits buildings that are up to three stories or 45 feet in height (whichever is less). The proposed townhomes will be four stories and 42' 8" tall; since they will exceed three stories, a Special Exception is required. There is a concurrent rezoning request associated with the proposed development (REZ2023-00024, Westhaven Properties, L.L.C., et al).

At the June meeting of the Board of Supervisors, this request was deferred to the September 25, 2024, meeting.

Outstanding Issues

There are no known outstanding issues with this specific request at this time.

Motion

I move that the Board of Supervisors:

- a. Approve SE2023-00019.
- b. Approve SE2023-00019 with the following amendments: _____.
- c. Deny SE2023-00019.
- d. Defer SE2023-00019 until the Board of Supervisors' October 23, 2024, meeting.

Planning Analysis

Project Overview

The proposed townhouses are part of a larger proposed development along the south line of Mechanicsville Turnpike (U.S. Route 360) adjacent to Westhaven Lake. If the associated rezoning request is approved, the multi-use development will include the following:

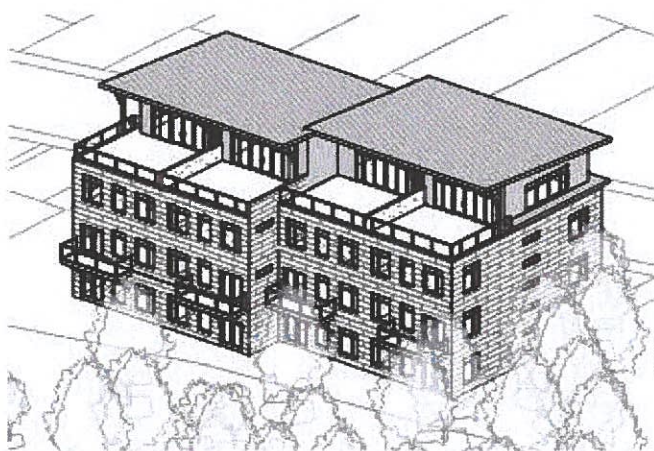
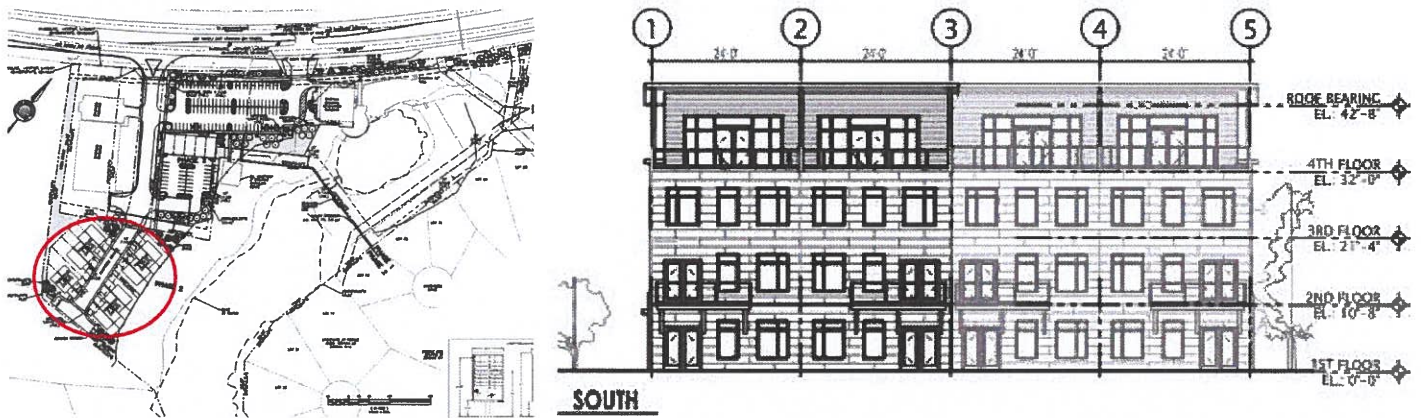
- Redevelopment of an existing building to accommodate retail, office, restaurant, and/or microbrewery uses;
- Construction of a new retail building; and
- Fourteen (14) residential townhouses.

The commercial uses will be adjacent to Mechanicsville Turnpike (U.S. Route 360), with residential uses to the rear.

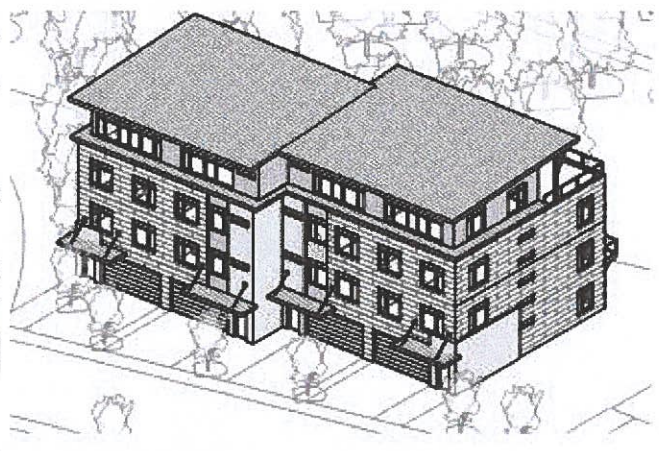
Proposed Townhouses

The RS portion of the property, which will include the 14 townhouses, will be behind existing and proposed commercial development, adjacent to Westhaven Lake.

Below is the sketch plan and the proposed elevations.



AERIAL PERSPECTIVE



AERIAL PERSPECTIVE

Standard Findings

General Findings for All Special Exceptions

A special exception may only be granted if the Board makes the following findings per Section 26-332:

1. *The proposed use or proposed modification of generally applicable regulations is compatible with the character of the surrounding area;*
2. *The proposed use or proposed modification will not produce noise, odor, vibration, or glare beyond that which is generally produced by uses that are permitted by right in the applicable zoning district;*
3. *The proposed use or proposed modification will not create traffic congestion and will not impair the safe and efficient travel along the county's road network;*
4. *The proposed use or proposed modification will not diminish the view shed as seen from the public right-of-way, or unreasonably impact historic or natural resources;*
5. *The proposed use or proposed modification will not impair the public health, safety, and general welfare;*
6. *The approval of the special exception is consistent with good zoning practices and the comprehensive plan; and,*
7. *All other additional requirements for a proposed use or proposed modification that are set forth elsewhere in this chapter are satisfied.*

This request seems to meet all criteria specified above:

- Due to their location behind existing commercial development in an area with a mix of uses (existing and planned), it is unlikely that fourteen (14) 4-story townhomes will have a detrimental effect on the character of the area or historic resources. It will not impact local roads (as the townhomes are well outside of the right-of-way and sight triangles), nor will it impair the public health, safety, and general welfare.
- Since the townhomes will be located within an area planned for mixed-use development (within the *Suburban Center* land use designation), this request is generally consistent with good zoning practice and the Comprehensive Plan.
- Townhouses are an appropriate land use within the *Suburban Center* land use designation. The Comprehensive Plan recommends that townhouses located on the perimeter of mixed-use projects, when adjacent to lower-intensity uses, be designed so that there are no more than four attached units in a row and units are no more than three stories in height (p. 38). There will be no more than four units within a row, but the proposed units will be taller than three stories. While taller than recommended, there are some mitigating factors that may make increased height acceptable:
 - The uppermost level (fourth floor) steps back from the rear façade, so it has less square footage than the other three floors. This “stepback” minimizes visual impacts to adjacent properties.
 - Adjacent properties to the west and south are designated *Suburban Center* on the General Land Use Plan, with higher-intensity mixed-use development planned.
 - To the east, there is existing single-family residential development within the Pebble Creek community. Visual impacts to this community will be minimized, as there is a 100-foot RPA area between the townhouses and Westhaven Lake, in which existing vegetation must be

maintained. With Westhaven Lake and the RPA area, the townhouses will be approximately 320 feet from the Pebble Creek subdivision.

- The Comprehensive Plan recommends that residential buildings within the *Suburban Center* land use designation include high-quality materials, with architectural features that break long facades. Awnings, balconies, windows, changes in materials, a top-floor setback, and change in building setback add visual interest. High-quality materials (which are unique to residential structures in Hanover) are provided and coordinate with planned commercial development along Mechanicsville Turnpike.

Findings for Special Exceptions Related to Height

A special exception may only be granted if the Board makes the following findings per Section 26-336 related to height exceptions:

1. *Any application for a special height exception shall be made and processed in the same manner as an application for a special use exception and subject to the rules for same by the Board.*
2. *An application for a special height exception shall be considered by the Board only after a public hearing following adequate notice as provided for by state law.*
3. *An exception to the height limit shall be granted only where the Board finds that such exception will not impair the appropriate use and enjoyment of surrounding property nor derogate from the intent and purpose of this Ordinance.*
4. *No exception shall be granted which would allow encroachment into a "controlled airspace" (as defined). No exception shall be granted which allows a structure located within ten thousand (10,000) feet of any airport runway to exceed an elevation which is one hundred fifty (150) feet above the elevation of the lower end of the airport runway.*
5. *In granting a special height exception, the Board may impose such conditions as may be necessary to reduce the impact of the building or structure for which the exception is requested. The Board may also impose such conditions as may be necessary to maintain the character of the zoning district.*

This request seems to meet all criteria specified above:

- Visual impacts will be minimized due to the townhouses' location:
 - Visual impacts to Mechanicsville Turnpike will be minimized, as the townhouses will be approximately 400 feet from that roadway behind existing and proposed commercial development.
 - The townhouses will be 320 feet from the Pebble Creek subdivision, with a natural area between them (RPA along Westhaven Lake).
 - A "step back" on the fourth floor reduces the massing of the building.
- Recommended Conditions #2 and #3 are intended to minimize the impact lighting on upper floors may have on adjacent properties.
- This area is not within an area with "controlled airspace."

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

A community meeting was held by the applicant on November 1, 2023, 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

There were no substantive comments from the reviewing agencies.

Ordinance Required Conditions

In accordance with Article 6, Division 4, Section 26-333, the site shall be developed and maintained in substantial conformity with the sketch plan titled, "Westhaven Rezoning Plan, Sheets RZ-5 and RZ-6," dated June 29, 2023, revised June 5, 2024, and prepared by ARM Resource, and the elevations titled, "Townhome Elevation, Westhaven Townhomes & Retail, Sheets A4, A5 and A6" dated February 18, 2021 and prepared by Commonwealth Architects.

Staff-Recommended Conditions

1. *Maximum Height:* Townhouses within the portion of the Westhaven development zoned RS only may be up to four stories or 42’8” feet in height.
2. *Exterior Lighting:* All exterior lighting must be fully shielded (i.e. be a full cut-off luminaire or a decorative luminaire with full cut-off optics) and constructed and installed such that all light emitted by the luminaire is projected below the horizontal plane running through the luminaire’s lowest-emitting part. The specific exterior light fixtures to be installed on each townhouse unit must be submitted with the building permit application to ensure compliance with this condition.
3. *Fourth-Floor Step-Back:* The fourth floor of all townhouses must include a building step-back on the front or rear of the building similar to what is shown on the sketch plan, so that the fourth floor has less finished living space (less square footage) than the third floor.
4. *Expiration:* The Special Exception is valid for four (4) years from the date of Board of Supervisors approval and thereafter will become null and void unless construction or use is substantially underway. An extension may be granted by the Planning Director prior to the four-year expiration date in accordance with procedures set forth in the Zoning Ordinance.
5. *Adherence to Development Regulations:* The site must comply with all applicable federal, State, and local statutes, ordinances, and regulations.

Attachments

- Maps (land use, vicinity, zoning, aerial)
- Photographs
- Application
- Traffic Study
- Approval Letter Proffers/Elevations/Conceptual Plan
- Historical Commission Recommendation
- Agency Review Comments
- Community Meeting Notes
- Proffers
- Sketch Plan/Elevations

















Initials: GJWB

Maps

Hanover County, Virginia

Land Use Map

Legend

- Streets
-  Agricultural
-  Rural Village
-  Suburban Transitional
-  Suburban General
-  Suburban High
-  Multi-Family
-  Commercial
-  Multi-Use
-  Business-Industrial
-  Industrial
-  Limited Industrial
-  Planned Business
-  Mech MU Low
-  Mech MU High
-  Destination Commerce
-  Flood Plain

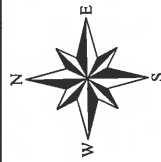
SE2023-00019

Westhaven Properties, L.L.C.

Multi-Use

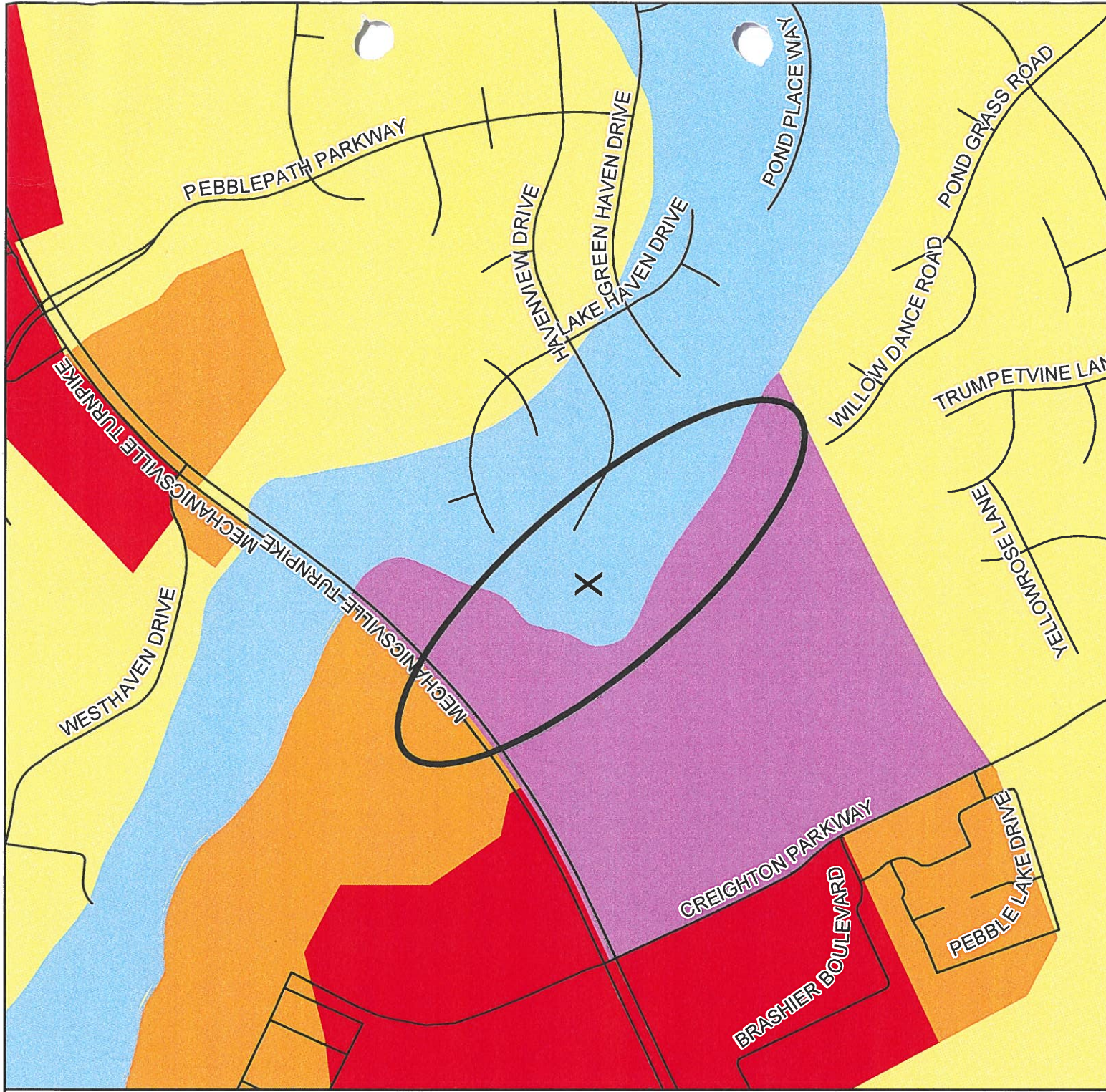
Height

GPIN: 8725-60-4751
Cold Harbor Magisterial District



1 inch = 600 feet

July 06 2023



**Hanover County,
Virginia**

General Parcel Map

Legend

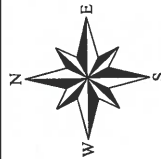
- Roads
- Water
- Structures
- Parcels
- Trees

SE2023-00019

Westhaven Properties, L.L.C.

Height

GPIN: 8725-60-4751
Cold Harbor Magisterial District



1 inch = 600 feet

July 06 2023



Hanover County, Virginia

Zoning Map

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

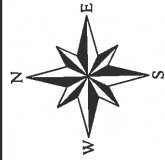
SE2023-00019

Westhaven Properties, L.L.C.

Zoned A-1 and B-2

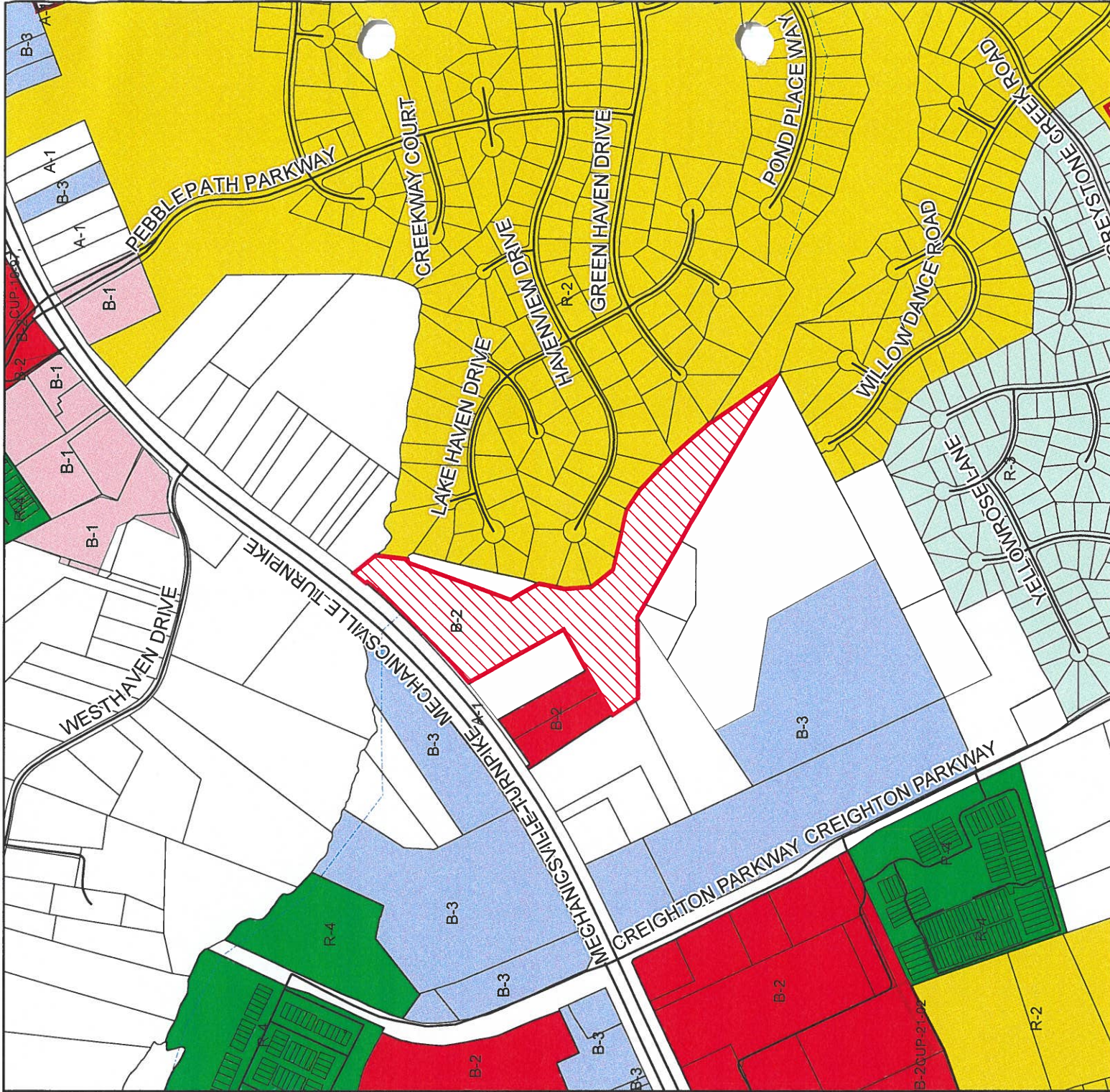
Height

GPIN: 8725-60-4751
Cold Harbor Magisterial District

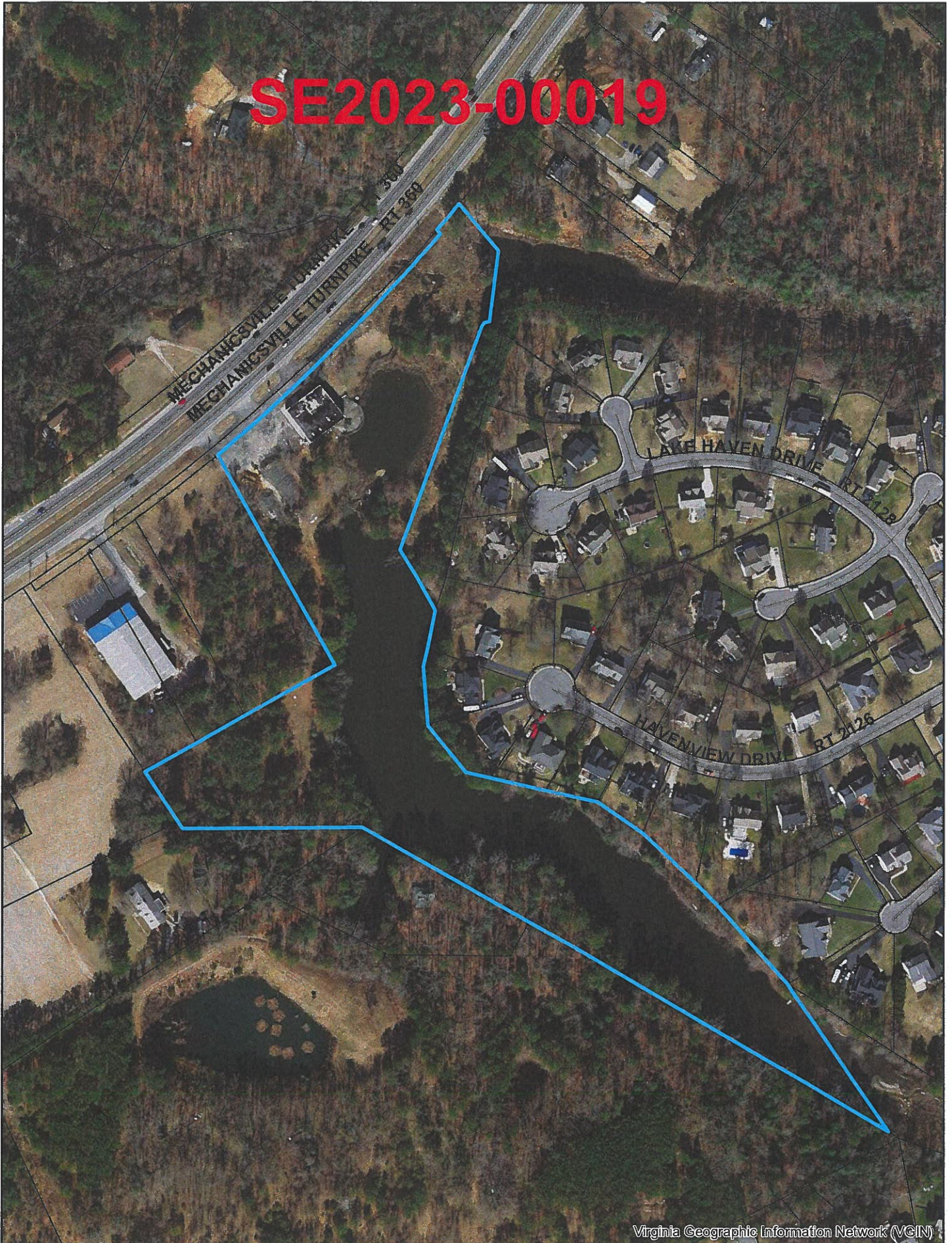


1 inch = 600 feet

July 06, 2023



SE2023-00019



Application

Hanover County Planning Department Application

Request for a Special Exception

Case #: SE2023-00019

Please type or print in black ink.

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

PARCEL INFORMATION	For multiple parcels, please also complete Page 4 <input type="checkbox"/>
GPIN(s)(Tax Parcel #'s) <u>8725-60-4751 (a part)</u>	Area (acres/square feet) <u>10.44</u>
Deed Book <u>3202</u> Page <u>1668</u>	Current Zoning <u>B-2/A-1</u>
Magisterial District <u>COLD HARBOR</u>	Requested Use/Exception <u>This SE request is for 4-story townhomes with an eave height of less than 45 feet.</u>
Location Description (Street Address, if applicable) _____ <u>6221 MECHANICSVILLE TURNPIKE</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>	Date <u>7/5/23</u>
Print Name <u>JAY T. THOMPSON</u>	_____
Signature _____	Date _____
Print Name _____	_____

QUESTIONS/ LETTERS/ REPORTS SHOULD BE FORWARDED TO THE FOLLOWING**:	
Name <u>RESOURCE INTERNATIONAL, LTD.</u>	Telephone No. _____
Address: <u>9560 KINGS CHARTER DRIVE</u>	Fax No. <u>804-550-9259</u>
<u>ASHLAND, VIRGINIA 23005</u>	Email Address <u>SCOURTNEY@RESOURCEINTL.COM</u>
<u>SCOTT COURTNEY, PE</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

HANOVER COUNTY
PLANNING OFFICE

REQUIREMENTS/ ATTACHMENTS - For ALL REQUESTS you must submit the following:

- a. **Signature of Property Owner or Contract Purchaser** (Page 3) – If the contract purchaser signs the application, please provide a copy of the signed contract, with all sensitive information redacted.
- b. **Acknowledgement of Application Fee Payment Procedure** (Page 6)
- c. **Adjacent property owners and Board of Supervisors notification form** (Page 7) - please list all adjacent property owners including those across roadways, watercourses, and/or railroads as well as the member of the Board of Supervisors for the magisterial district in which the property is located. Adjacent property owners and Board members 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 can be obtained from the Planning Department.) The form on Page 9 may be used to notify these property owners.
- d. **A plat of the subject property**, which accurately reflects the current property boundaries and the location of existing structures on the property. 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.)
- e. **Historic Impact Information** (Page 10) (This information is available on the County website or may be obtained from the Planning Department.)
- f. **Responses to questions** on Page 11
- g. **Community Meeting Guide** (Please check if you have read and understand Pages 12 & 13.)
- h. A **sketch** of your proposal, showing the following:
 - 1) The proposed title of the project, the name of the developer, and the name of the preparer of the plan.
 - 2) The north point, scale, and date. The scale of the plan shall not exceed 1" = 200'.
 - 3) The boundaries of the property involved; county or town boundaries; property lines; existing streets, buildings, and waterways; areas affected by Chesapeake Bay preservation requirements; and major tree masses.
 - 4) The general location and character of construction of proposed parking lots, driveways, curb cuts, entrances, and exits.
 - 5) The locations of all proposed buildings and structures.
 - 6) The general locations, heights, and materials of all fences, walls, screen plantings, berms, and landscaping.

If the full-size sketch is larger than 8 ½" x 11", please provide **thirteen (13) copies of the sketch and elevations**, folded no larger than 9" x 12", and **one (1) a reduction of the sketch**, which is 8 ½" x 11". Sheets must be no larger than 24" x 36".
- i. For applications for manufactured/mobile home needed for **medical hardship** please provide a note from a medical doctor verifying that it is necessary for someone to live in close proximity to provide care.
- j. For SE applications for telecommunication facilities, a **Telecommunications application** must be completed and include all of the required attachments.

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 application fees has been received by the Hanover County Planning Department. The Hanover County Planning Department shall notify me by mail, email or fax (as 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 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:

If you would like your letter emailed and/or faxed, please make selections, and provide the information below:

Email TOMMYTRX@GMAIL.COM Fax _____

FEES

After application is accepted for review, make checks payable to Treasurer, Hanover County:

Special Exception	\$750
Extension	\$20
Special Exceptions for manufactured homes needed in a medical hardship case	\$200

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:

Fee: _____	Accepted by: _____ HTE #: _____
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NOTIFICATION OF ADJOINING PROPERTY OWNERS AND BOARD OF SUPERVISORS

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 member of the Board of Supervisors 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: M. Koller

COMMONWEALTH OF VIRGINIA)

COUNTY OF HANOVER)

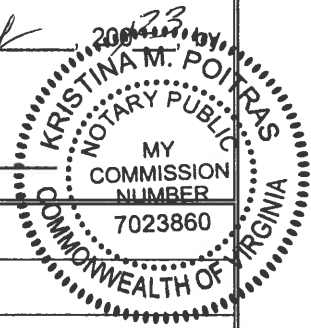
) to-wit: [Signature]

The foregoing instrument was acknowledged before me this 5th day of July, 2023, by M. Scott Courtney (Name of Applicant).

My commission expires:

March 31, 2025

[Signature]
Notary Public



Board of Supervisors Representative: MR. F. MICHAEL HERZBERG, IV

List of Adjacent Property Owners:

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
8725-60-7762	MOUNTAIN, LARRY & SHARON	6150 HAVENVIEW DRIVE MECHANICSVILLE, VA 23111

NOTIFICATION OF ADJOINING PROPERTY OWNERS continued

List of Adjacent Property Owners:

GPIN	Name	Address
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

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 _____

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 AND 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

EXPLANATION: (Attach additional sheets, if necessary)

1. This Special Exception is being requested in order to: THIS EXCEPTION REQUEST IS TO ALLOW THE FOR THE CONSTRUCTION OF 4-STORY TOWNHOMES WITH AN APPROXIMATE HEIGHT OF 40 FEET.

2. Briefly describe how you plan to develop the property for the proposed use and any associated uses. THERE WILL BE 14 UNITS WHICH HAVE A 30-FOOT ACCESS DRIVE, SIDE WALK AND RECREATIONAL AREA. A WALKING TRAIL WILL PROVIDE ACCESS TO THE LAKE FOR THE FUTURE RESIDENTS. TOWNHOUSE RESIDENTS WILL BE ABLE TO USE THE LAKE FOR RECREATIONAL PURPOSES SUCH AS FISHING, BOATING AND SWIMMING. A PIER OR DOCK MAY BE CONSTRUCTED ON THE LAKE.

3. Describe why the proposed use or exception is desirable and appropriate for the area. What measures will be taken to assure that the proposed use or exception will not have a negative impact on the surrounding vicinity? (For example, this may include traffic or environmental impacts.) THE PROPOSED EXCEPTION IS APPROPRIATE SINCE THE TOWN- HOUSES ARE ACROSS THE LAKE FROM R-2 RESIDENTIAL USES ON THE EAST. PROPERTY TO THE NORTH IS ZONED B-2. PROPERTY TO THE SOUTH AND DIRECTLY ADJACENT WEST ARE ZONED A-1. THE A-1 LOTS ARE APPROXIMATELY 20 HIGHER IN ELEVATION. THESE SAME PARCELS ARE COMPREHENSIVELY PLANNED AS MULTI-USE. THE HEIGHT DOES NOT CREATE A NEGATIVE IMPACT TO THE ADJACENT WESTERN AND SOUTHERN PROPERTIES AS THE TOWNHOUSES WILL APPEAR TO BE TWO-STORY STRUCTURES. TREES WILL BREAK THE VIEWS OF THOSE ON THE EAST SIDE OF THE LAKE. ALTHOUGH THE NUMBER OF STORIES EXCEEDS THE MAXIMUM ALLOWED, THE OVERALL HEIGHT IS STILL LESS THAN THE MAXIMUM OF THE RS ORDINANCE WHICH IS 45FT.

4. Are there any deed restrictions concerning the type of use proposed? If so, provide the date the said restrictions expire. (You may attach a copy of the restrictions.) NO

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.

COMPLIANCE WITH VDOT & COUNTY TRAFFIC IMPACT ANALYSIS REQUIREMENTS

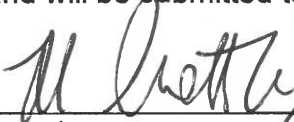
The following must be completed for all applications: The selection below is based on a projected daily trip generation of 103 vehicles per day and a site peak hour trip generation of 0.56 vehicles per hour, based on the stipulations of 24 VAC 30-155. The 10 edition (latest edition) of the ITE Trip Generation Manual was used in determining the trip generation (Code Number 220 and Page Number 31).

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/>

Historical Commission Recommendation



Post Office Box 470, Hanover, Virginia 23069

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.

/cdc

Community Meeting Notes

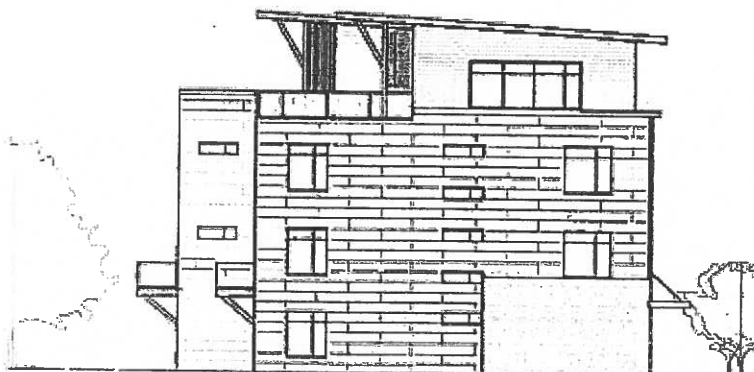
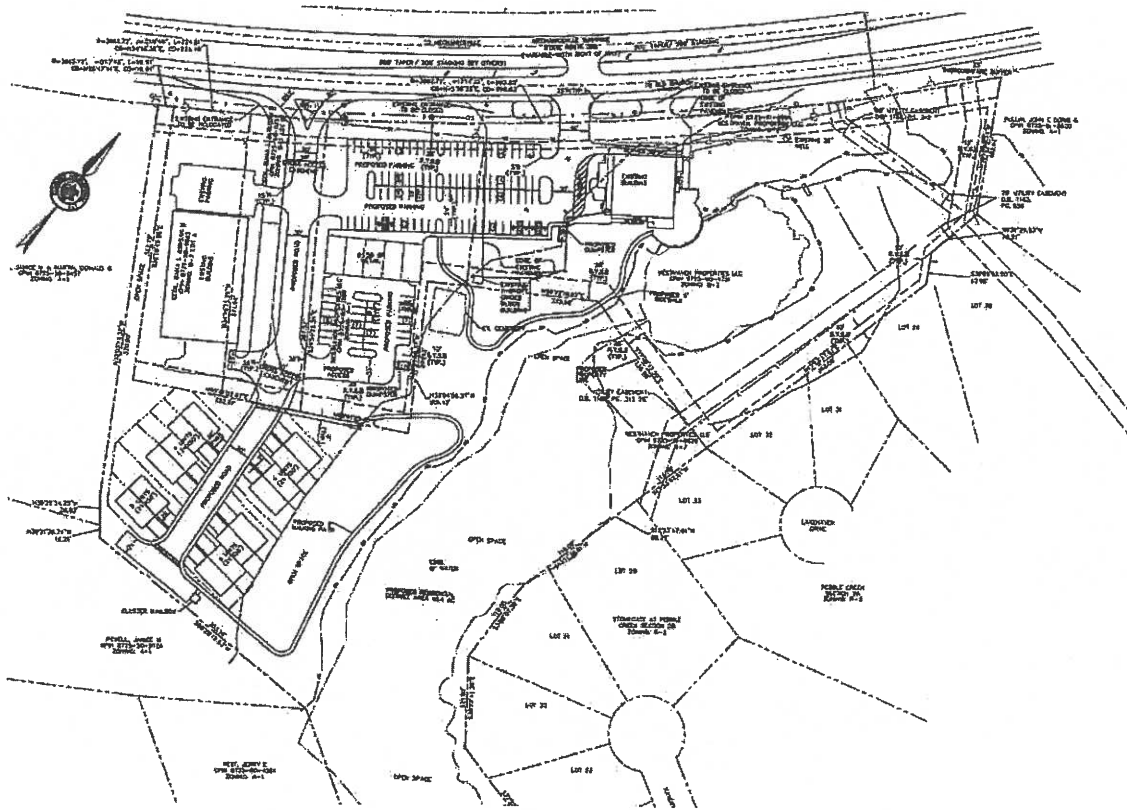
Community Meeting
REZ2023-00024/SE2023-00019, Westhaven Properties, L.L.C., et al.

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.

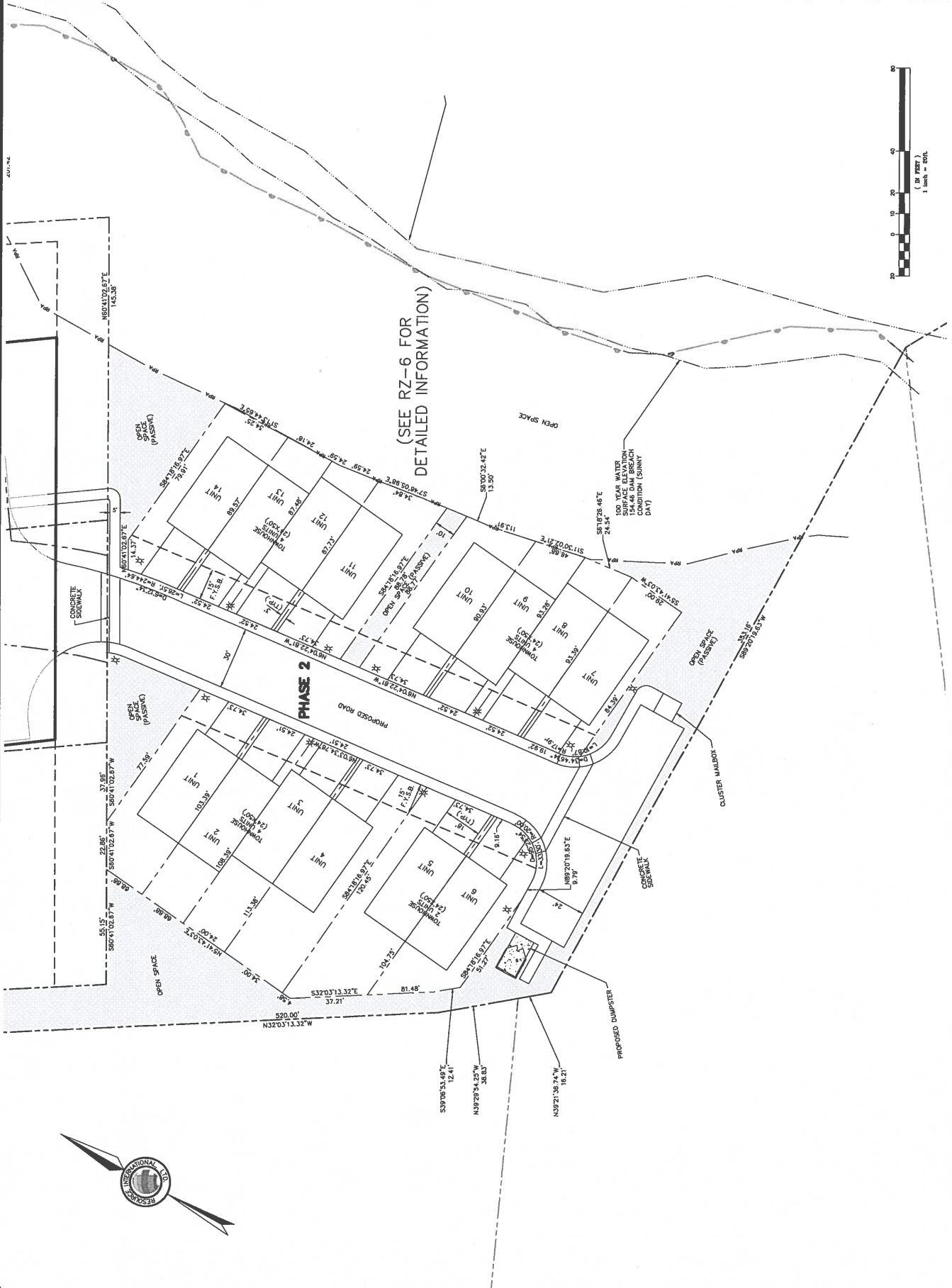
Sketch Plan/Elevations

REVISIONS:
1-22-2024 REVISED PER COUNTY COMMENTS
2-1-2024 REVISED PER COUNTY COMMENTS
8-5-2024 REVISED PER COUNTY COMMENTS

DESIGNED: MCF
DRAWN: MCF
CHECKED: MSC
DATE: 8-29-2023

WESTHAVEN
REZONING PLAN
MECHANICSVILLE TURNPIKE
HANOVER COUNTY, VIRGINIA
CONCEPTUAL PHASE 2 TOWNHOUSE
BLOW-UP

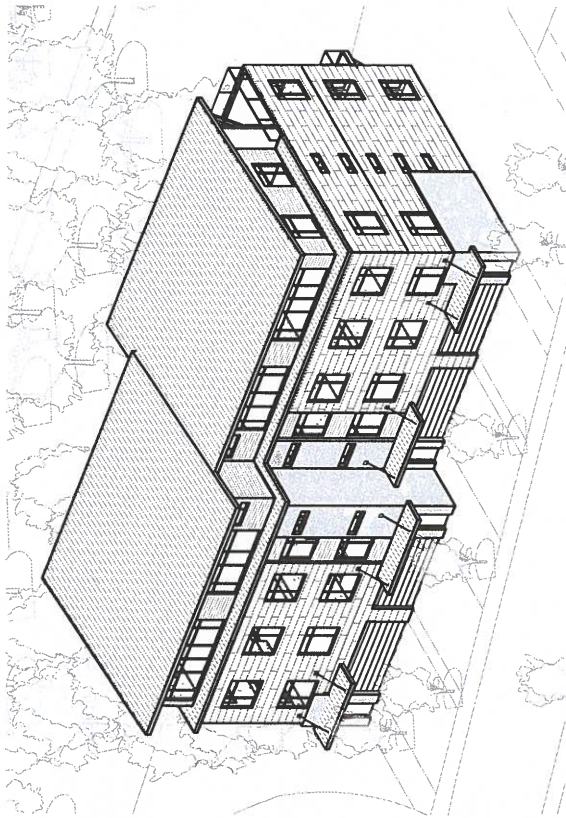
PROJECT NO.: 2200030.01
SHEET: PZ-8



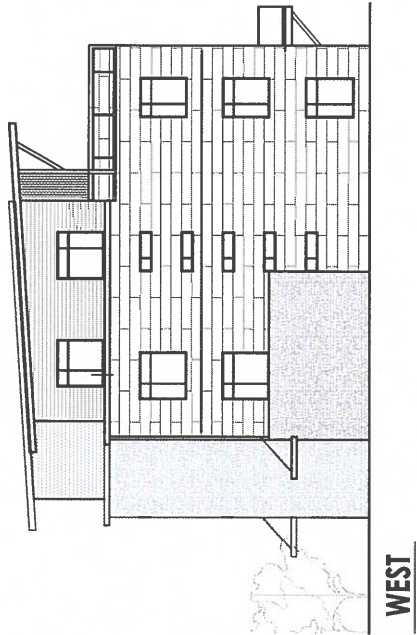
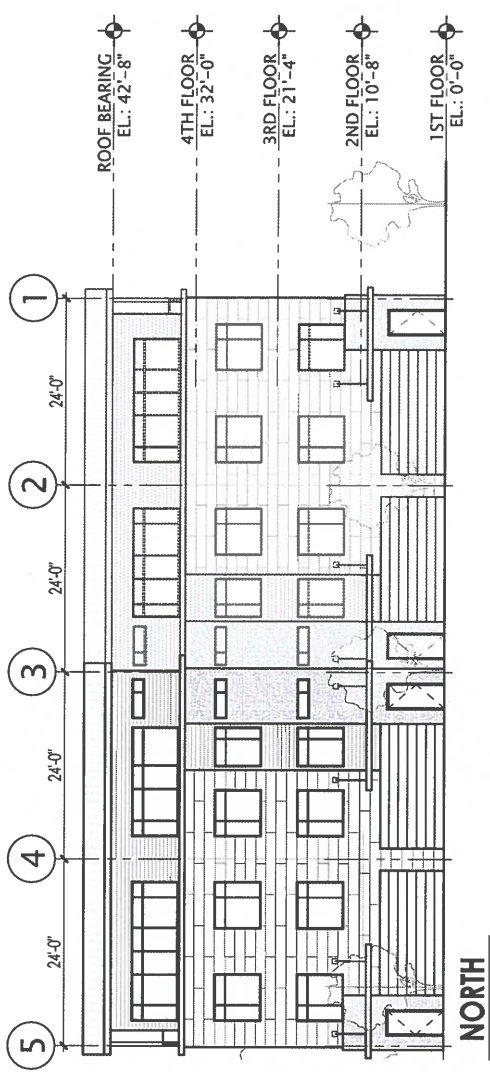
(SEE RZ-6 FOR
DETAILED INFORMATION)

PHASE 2





AERIAL PERSPECTIVE

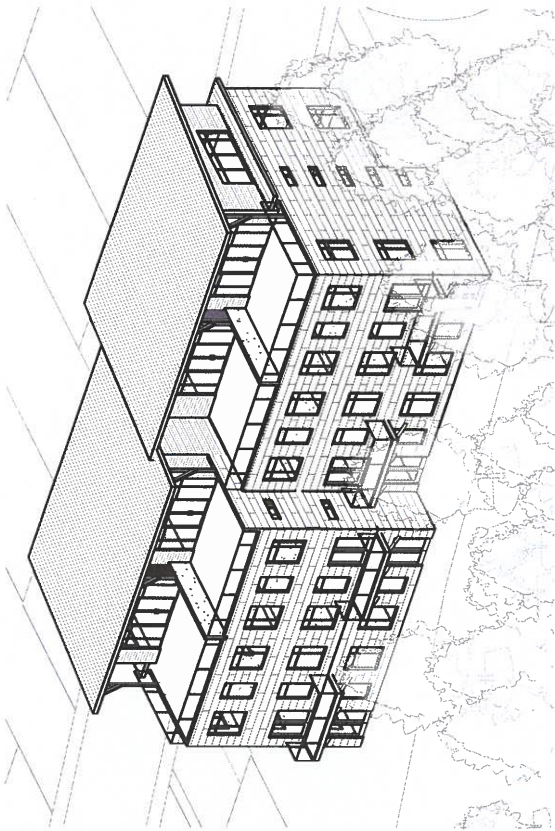


TOWNHOME ELEVATION
WESTHAVEN TOWNHOMES & RETAIL

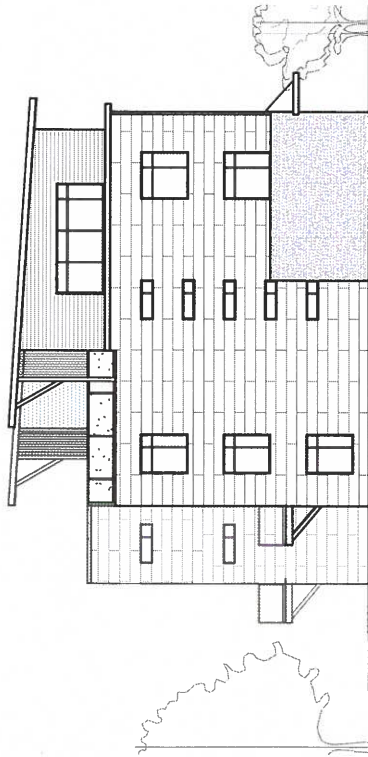


02/18/21

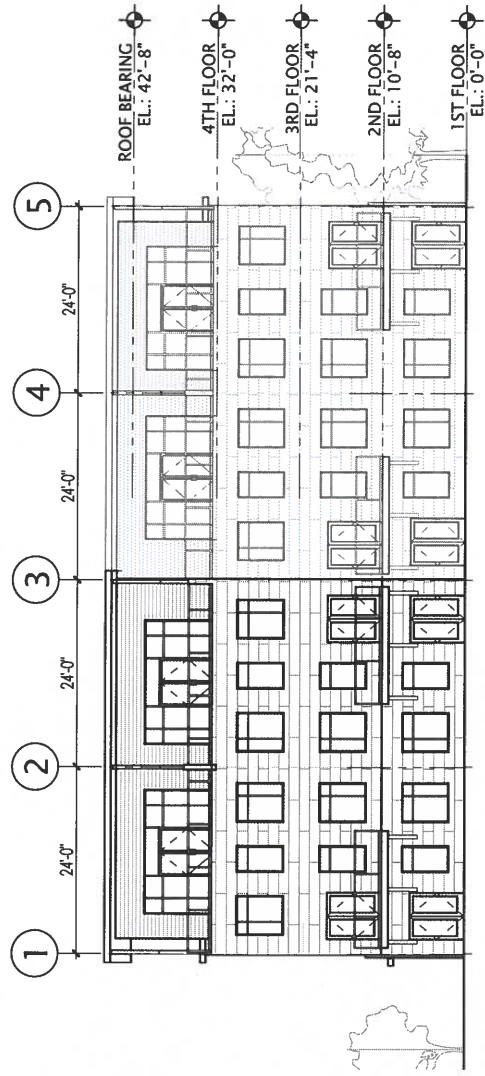
A4



AERIAL PERSPECTIVE



EAST



SOUTH

ROOF BEARING
EL.: 42'-8"

4TH FLOOR
EL.: 32'-0"

3RD FLOOR
EL.: 21'-4"

2ND FLOOR
EL.: 10'-8"

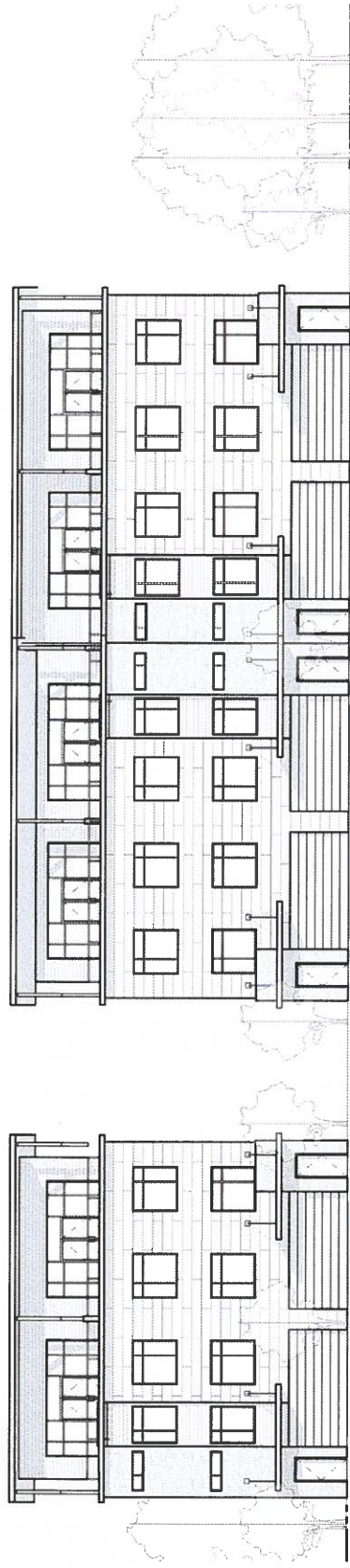
1ST FLOOR
EL.: 0'-0"

TOWNHOME ELEVATION
WESTHAVEN TOWNHOMES & RETAIL

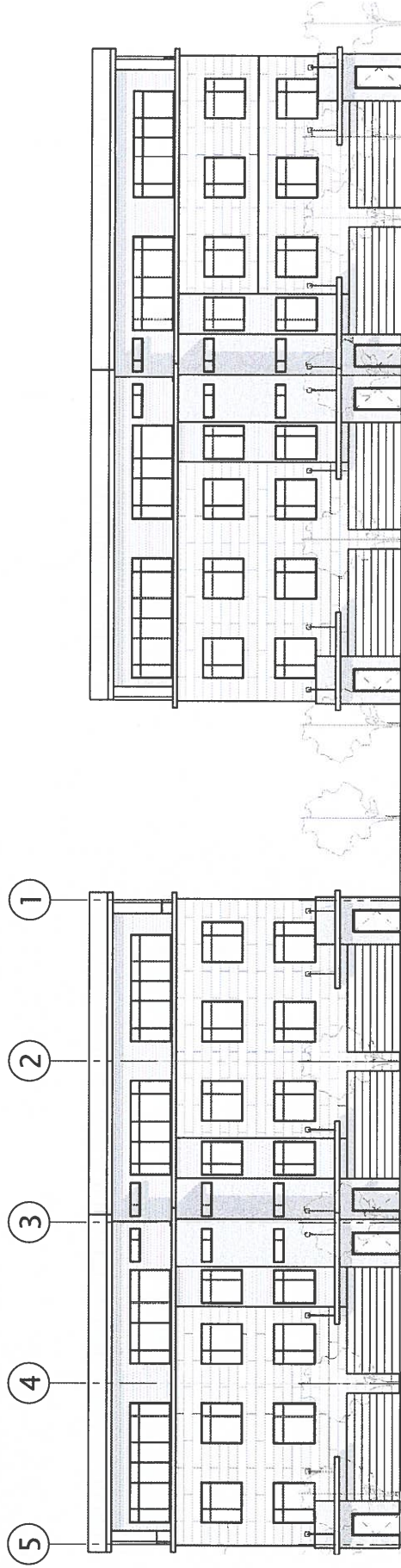


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A5



STREET ELEVATION SOUTH



STREET ELEVATION NORTH

TOWNHOME STREET ELEVATION
 WESTHAVEN TOWNHOMES & RETAIL

Commonwealth
 ARCHITECTS

02/18/21

A6