

ORDINANCE

C-13-94(c), AIR PARK ASSOCIATES

OWNER OF RECORD: Air Park Associates, L.P.

Upon motion of Mr. Gillis, seconded by Mr. Ward, the Board of Supervisors adopted the following ordinance:

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

WHEREAS the Board of Supervisors has held public hearings on the 22nd day of March, 1995, and the 26th day of April, 1995, advertised in the Herald-Progress once a week for two successive weeks as required by Virginia Code Section 15.1-431; 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 Tax Map Parcels 60-180, 60C-((1))-5, 6, 9, 13, 14, 15, 18-22, 23, 24, and 25-31:

From A-1, Agricultural District, to M-2, Light Industrial District with conditions:

Parcel A - Tax Parcels 60C(1)5, and 60C(1)6, consisting of 7.813± acres, located on the south side of State Route 657 (Ashcake Road) approximately 3600 feet west of its intersection with State Route 656 (Sliding Hill Road).

Parcel B - Tax Parcels 60-180, 60C(1)25, 60C(1)26, 60C(1)27, 60C(1)28, 60C(1)29, 60C(1)30, and 60C(1)31, consisting of 141.162± acres located on the south side of State Route 657 (Ashcake Road), approximately 900 feet west of its intersection with State Route 656 (Sliding Hill Road) and also having frontage on State Route 656 approximately 1000 feet west of its intersection with State Route 657 (Ashcake Road).

From M-2, Light Industrial District, to M-2, Industrial District with conditions:

Parcel C - Tax Parcel 60C(1)9, consisting of 4.454± acres, located on the south side of State Route 657 (Ashcake Road) approximately 3000 feet west of its intersection with State Route 656 (Sliding Hill Road).

Parcel D - Tax Parcels 60C(1)13, 60C(1)14, 60C(1)15, 60C(1)18, 60C(1)19, 60C(1)20, 60C(1)21, 60C(1)22, 60C(1)23, and 60C(1)24, consisting of 63.993± acres, located on Morris Road (private) and Church Road (private) approximately 1300 feet south of State Route 657 (Ashcake Road), south of Parcel A, and approximately 500 feet west of State Route 656 (Sliding Hill Road). (a detailed description is filed with the Board's papers)

The rezoning request is subject to the following conditions, which were proffered by the Applicant on April 10, 1995, and accepted by the Board:

1. Architectural Treatment. No butler-type building shall be built on the property. All front facades of main buildings on the property and wall surfaces fronting on Ashcake, Sliding Hill, Relocated Ashcake and New Ashcake Extended Roads shall be constructed of any of the following, or combination of the following, or other materials of similar quality: brick, granite, marble, decorative block glass wall, glass curtain wall, architectural precast, architectural concrete, metal and glass curtain wall, or metal curtain wall construction systems. The internal structural system of the building may be a pre-engineered prefabricated metal building design system. Metal and/or aluminum may be incorporated for window and decorative treatments. All rooftop heating and cooling equipment shall be screened from public view at ground level from all public thoroughfares.
2. Protective Covenants. Prior to or concurrent with the approval of any site plan, there shall be recorded a document in the Clerk's Office of the Circuit Court of Hanover County, Virginia, setting forth controls on the development, architectural compatibility and maintenance of the property.
3. Signs. All signs, if lighted, shall be internally lighted.
4. Outside Storage. Outside storage of equipment, materials, or supplies, shall be permitted only in side or rear yards. Outside storage within line of sight from any public thoroughfare shall be screened. Such screening shall be in accordance with the standards specified in Article 7, Section 2A. Where outdoor waste receptacles are used on site, and screen other than plantings is used, such screening shall be architecturally compatible with the buildings on site and shall otherwise comply with the standards of Article 7, Section 2A. Vehicles used in conjunction with the permitted use on site may be stored within a parking area designated for such use, but the parking area shall be landscaped in accordance with the standards of Article 5A, Section 3.2, or shall be screened in accordance with the standards of Article 7, Section 2A. Owner agrees that no outside storage of materials or vehicles shall be permitted in any front yard.

5. Fences. Fences on sites fronting along Ashcake, Sliding Hill, Ashcake Relocated and New Ashcake Extended Roads shall be located in the side or rear yard only. Erection of ornamental fencing inside the front yard shall be allowed.
6. Loading Spaces. Loading spaces shall be located only within side or rear yards.
7. Parking. On sites fronting Sliding Hill, Ashcake, Ashcake Relocated and New Ashcake Extended Roads, all parking areas located within front yards shall be paved, and curb and gutter shall be used around and within all such parking areas. Subject to reasonable modifications for maneuvering and loading of trucks, the owner will provide landscaping for all parking areas as required by Article 5A, Section 3.2, Title I., Hanover County Zoning Ordinance. Any modification shall be agreed upon during site plan review. The Planning Commission shall resolve, in its sole discretion, any disagreement regarding such modification.
8. Buffer Strip. Owner will provide and maintain a landscaped buffer strip 25 feet in depth from (i) the new right-of-way line of Sliding Hill and Ashcake Roads, (ii) adjoining existing R zoned or A-1 zoned property fronting Little Egypt Road (Route 741), and (iii) adjoining existing R or A-1 zoned property fronting on Ashcake Road. The buffer will be increased to 50 feet between points A and B shown on Exhibit A. The buffer referred to in (ii) and (iii) shall be required only so long as the adjoining property is R or A-1 zoned. Such buffer strips shall be landscaped and otherwise regulated in accordance with the commercial buffer site standards required by Article 7, Section 2B.1, Hanover County Zoning Ordinance. Where the property adjoins an R zoned property, or an A-1 zoned property on which there is a dwelling within 200 feet of the common property line, buffers shall be provided along such line in accordance with the standards specified in Article 7, Section 2B.3a. Buffers may be penetrated for access, stormwater facilities, signage, traffic control devices and utilities; provided that, any such penetration for access, drainage, stormwater facilities and utilities will be at an angle as close to 90° as possible. The landscaped buffer strips will be installed in phases as each site is developed. Until development and except for penetration for access, stormwater facilities, signage, traffic control devices and utilities, site clearing will only occur when a site is approved for development.

9. Parking Lot Lighting. Parking lot lighting fixtures shall not exceed 25 feet in height above grade level. As a minimum, directional lighting shall be used of an intensity measured to be no greater than 0.5 foot candles above background at the property line. Such lighting shall be shielded from direct view from any adjoining residential district or from any public right-of-way. All exterior lighting shall be reduced to the minimum level necessary for security during the close of business.
10. Utility Lines Underground. Except for major transmission lines and existing lines that now traverse the property, all utility lines, such as electric, telephone, CATV, or other similar lines shall be installed underground or located overhead along rear property lines. To the extent possible, utility service lines shall be located so as to minimize disturbance of any tree of 15 inch caliper or greater on site. All junction and access boxes, when located on sites fronting on Ashcake or Sliding Hill Roads shall be screened from view with landscaping.
11. Use Restrictions. Except for the following, all permitted uses in the M-2, Light Industrial District, shall be allowed:
 - (a) Animal, poultry, and bird raising, commercial.
 - (b) Tire retreading, recapping and vulcanizing (as a principal use).
 - (c) Coal and wood yards, coke storage and sales.
 - (d) Plating, electrolytic process.
 - (e) Poultry packing and slaughtering (wholesale).
 - (f) Outside storage or dispensing of bulk fertilizer.
 - (g) Insecticides, fungicides, disinfectants, and related industrial and household chemical elements (as a principal use).
 - (h) Animal hospital or animal pound.
 - (i) Kennels, boarding or otherwise.
12. Traffic. The maximum density of this property shall be that which does not generate in excess of 2710 a.m. and 2420 p.m. peak hour trips based on the trip generation rates as set forth in the Institute of Transportation Engineers Trip General Manual, 5th Edition, which density is, by way of example, equivalent to 2,258,718 square feet of general office space, unless such higher densities are approved by the Planning Director in conjunction with site plan reviews based on additional traffic studies.

- (a) Turn Lanes. Prior to issuance of any occupancy permit, the owner shall construct at the intersection of New Ashcake and Sliding Hill Roads additional pavement so as to provide a right-turn lane from New Ashcake Road onto Sliding Hill Road and a right-turn lane from Sliding Hill Road onto New Ashcake Road. Such additional lanes shall be constructed in the existing right-of-way or on such additional right-of-way provided by the County at the expense of owner. No certificate of occupancy shall be refused based upon the County's inability to provide additional right-of-way (if required) in a timely fashion.
- (b) Accesses. Except as provided below, there shall be no more than two (2) access points located along Sliding Hill Road, and no more than two (2) access points along Ashcake Road. No access centerline shall be located within 800 feet of the Sliding Hill/Ashcake intersection (measured at the point where the centerline of those roads intersects). No entrance shall be located within 200 feet of Countryside Lane (measured from centerline to centerline). No access shall be located directly across from Brown Grove Church. The owner may be granted additional access points by the Planning Commission upon the submission of a Master Plan (which may be a preliminary subdivision plan) which identifies additional site access locations and internal street systems. Additional access points based upon a Master Plan shall be permitted or denied by the Planning Commission at the sole discretion of the Commission. The owner shall construct left-turn lanes and right-turn lanes at each public road access. Such turn lanes shall be provided at each private site access from Sliding Hill and Ashcake Roads if required by VDOT.
- (c) Phasing. Development on the site will be limited to trip generation of not more than 610 trips in the p.m. peak hour (based on ITE trip generation rates) prior to 4 laning of Sliding Hill Road from New Ashcake Road to I-95. Upon the completion of the Sliding Hill improvements, total trip development shall be limited to not more than 1815 trips in the p.m. peak hours until such time as two (2) lanes of New Ashcake Road extended are constructed between Sliding Hill Road and Lewistown Road. In no event shall development on site exceed trip generation of more than 2420 trips in the p.m.

In the event the owner desires to construct all or a portion of the aforementioned road improvements and is unable to acquire the off-site right-of-way necessary for such construction, the owner may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the owner. In the event the County chooses not to assist the owner in acquisition of such right-of-way or is unable to acquire the right-of-way, the owner shall be relieved of the obligation to cap this development below 2420 trips in the P.M. In the event the new Ashcake Road extended improvements are made prior to the Sliding Hill improvements, the Planning Commission may, in its sole discretion, adjust the phasing caps, but in no event shall development on site exceed trip generation of more than 2420 trips in the P.M.

13. Merry Oaks Tavern Site. The owner agrees that within six (6) months from the date of the approval of this rezoning by the Board of Supervisors, a 2 acre site adjacent to Ashcake Road may be designated an archaeological investigation site (the "Site") by the Hanover Historical Commission (the "Commission"). The Site shall be identified by a metes and bounds survey and provided to the owner. The owner agrees that the Site will not be developed for a period of thirty-six (36) months from the date of approval of this rezoning. During such thirty-six (36) month period, the Commission, its agents and designees, may perform archaeological investigations in its sole discretion in order to inventory the cultural resources, if any, within the project area. Such archaeological investigations may include excavations, the recovery of artifacts and the mapping and identification of any particular areas that have historical significance. Upon completion of any such archaeological investigations, the owner will consult with the Commission regarding the dedication, sale, etc., of an appropriate area, if any, for preservation and/or interpretation. As a minimum, the owner will provide an area of no less than .2 acres to be chosen by the owner at a prominent location to be eventually accessible to the public, to surround a historical marker to commemorate past events of historical significance occurring on the property. The owner will consult with the Commission on the creation and location of such area and marker.

In the event the Site is needed for development prior to the end of the above referenced thirty-six (36) month period, the owner will, at its sole cost and expense, conduct a phase 1 cultural resources documentation study. Such study shall be pursuant to guidelines adopted by the Virginia Historic Resources Department for phase 1 identification and prepared by a qualified archaeological consultant approved by the Department. The results of any such study shall be provided to the Commission and the owner will consult with the Commission regarding the dedication, sale, etc., of an appropriate area, if any, for preservation and/or interpretation. In any event, the owner shall erect a marker and provide the minimum area as set out above.

14. Right-of-way Dedication. The owner agrees to dedicate (but not construct) areas of the property for the improvement of public roads as follows:
- (a) A 30 foot strip of land over the property measured from the existing centerline of Ashcake Road for the full front of the property.
 - (b) An area not to exceed 100 feet in width for improvements to Sliding Hill Road, which area shall be located and measured no farther than 100 feet from the existing right-of-way line of Sliding Hill Road.
 - (c) An area for New Ashcake Road Extended not to exceed 100 feet in width located in the general area of the dashed line shown on Exhibit A and as close to the western property boundary as feasible as long as VDOT alignment standards can be met.
 - (d) An area not to exceed 100 feet in width in the general area shown on Exhibit A as Relocated Ashcake Road.

The specific areas for dedication shall be identified and agreed to at the time of subdivision. In the event the new roads shown on Exhibit A are not constructed within eighteen (18) years from the date of their dedication, the County shall reconvey to the owner any area dedicated but not constructed and the owner shall be relieved of any responsibility to so dedicate such property.

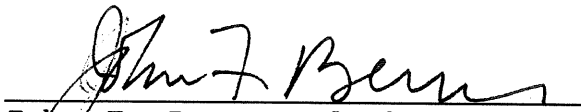
15. Burial Grounds. Owner shall not disinter or displace any dead human body, or any part of a dead human body, which has been deposited in any vault, grave or other burial place. Any grave, object or structure marking a place of burial shall be identified on any subdivision or site plan. The owner shall allow access, after reasonable notice at his last known address, to representatives of local historical commissions or persons with identifiable ancestors buried to enter upon the land for the purpose of conducting official business or visiting ancestors graves sites. The owner shall provide and maintain suitable decorative metal fencing around any identifiable graves for the purpose of security and protection.

16. Severance. The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of other proffers or the unaffected part of any such proffer.

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.

Public Hearings:

Planning Commission March 9, 1995
 Board of Supervisors March 22, 1995 and April 26, 1995
 Adopted April 26, 1995


 John F. Berry, Clerk, Hanover
 County Board of Supervisors

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