

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County
2 held in the County Administration Building in the Government Center at Parham and
3 Hungary Springs Roads beginning at 7:00 p.m. Thursday, December 6, 2018. Display
4 Notice having been published in the *Richmond Times-Dispatch* on November 19, 2018
5 and November 26, 2018.
6

Members Present: Mrs. Sandra M. Marshall, Chairperson (Three Chopt)
Mr. Gregory R. Baka, Vice-Chairperson (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. William M. Mackey, Jr. (Varina)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
Secretary
Mrs. Patricia S. O'Bannon (Tuckahoe)
Board of Supervisors' Representative

Members Absent: Mrs. Adrienne Kotula, Planning Commissioner (Brookland)

Also Present: Ms. Jean Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. Michael Morris, County Planner
Ms. Kristin Smith, County Planner
Ms. Luanda Fiscella, County Planner
Mr. John Cejka, Traffic Engineer, Public Works
Mr. William Moffett, CPTED Planner, Police
Ms. Sylvia Ray, Recording Secretary

7
8 **Mrs. Patricia S. O'Bannon, the Board of Supervisors' representative, abstains on**
9 **all cases unless otherwise noted.**

10
11 Mrs. Marshall - I call this meeting of the Henrico County Planning Commission
12 to order. This is our Rezoning meeting for December 6, 2018. At this time, I ask that you
13 please take a moment to silence your cell phones; and as you do, please stand with the
14 Commission for the Pledge of Allegiance.

15
16 Do we have anyone in the audience this evening with the news media? We do not. We
17 have Mrs. Pat O'Bannon, our representative from the Board of Supervisors with us. Thank
18 you for being here. At this point, I will turn the agenda over to Mr. Emerson, our Secretary.
19

20 Mr. Emerson - Thank you, Madam Chair. The first item on the agenda this
21 evening are the requests for withdrawals and deferrals; and, those will be presented by
22 Mr. Jim Strauss.

23
24 Mr. Strauss - Thank you, Mr. Secretary. We have three requests for deferral
25 this evening. The first two are in the Brookland District. The first is on page 2 of your
26 agenda. It's REZ2017-00032, this is The McGurn Company and the applicant is
27 requesting a deferral to the March 14, 2019 meeting.

28
29 **Deferred from the November 8, 2018 Meeting)**

30 **REZ2017-00032 Arthur McGurn for The McGurn Company:** Request to conditionally
31 rezone from R-2 One-Family Residence District and [R-6C] General Residence District
32 (Conditional) to R-3C One-Family Residence District (Conditional) Parcels 767-760-8701
33 and 768-760-1507 containing 4.305 acres located at the northeast intersection of Hungary
34 and Hungary Spring Roads. The applicant proposes a single-family development. The R-3
35 District allows a maximum overall density of 3.96 units per acre. The use will be controlled
36 by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan
37 recommends Suburban Residential 2, density should not exceed 3.4 units per acre.

38
39 Mrs. Marshall - Is there anyone present in opposition to the deferral of
40 REZ2017-00032, Arthur McGurn for The McGurn Company? I see no opposition.

41
42 Mr. Archer - Madam Chair, I move that REZ2017-00032 The McGurn
43 Company be deferred, at the applicant's request, to the March 14, 2019 meeting.

44
45 Mr. Mackey - Second.

46
47 Mrs. Marshall - We have a motion by Mr. Archer and a second by Mr. Mackey.
48 All in favor, say aye. Those opposed, say no. There is no opposition; this motion passes.

49
50 Mr. Strauss - The second request for deferral this evening, also in the
51 Brookland District, on page 3 of your agenda, REZ2018-00045, Hunt Club, LLC; and, the
52 applicant is requesting deferral to the February 14, 2019 meeting.

53
54 **REZ2018-00045 T. Preston Lloyd for Hunt Club LLC:** Request to conditionally
55 rezone from R-5 General Residence District to R-6C General Residence District
56 (Conditional) Parcel 770-749-9008 and part of Parcel 770-750-4811 containing 19.13 acres
57 located on the south line of Bremner Boulevard approximately 170' east of Beth Road. The
58 applicant proposes a continuing care retirement community. The use will be controlled by
59 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
60 recommends Multifamily Residential.

61
62 Mrs. Marshall - Is there anyone present in opposition to the deferral of
63 REZ2018-00045, T. Preston Lloyd for Hunt Club, LLC? I see no opposition.

64

65 Mr. Archer - Madam Chair, I move deferral of REZ2018-00045, Hunt Club
66 to the February 14, 2019 meeting, at the request of the applicant.

67

68 Mr. Baka - Second.

69

70 Mrs. Marshall - We have a motion by Mr. Archer and a second by Mr. Baka.
71 All in favor, say aye. Those opposed, say no. There is no opposition; this motion passes.

72

73 Mr. Strauss - And the final request for deferral this evening is in the Varina
74 District, page 3 of your agenda, REZ2018-00019, Liberty Homes, and in this case the
75 applicant is requesting deferral to the March 14, 2019 meeting.

76

77 **Deferred from the November 8, 2018 Meeting)**

78 **REZ2018-00019 Mark Rempe for Liberty Homes:** Request to rezone from B-
79 3 Business District to R-3 One-Family Residence District Parcel 825-720-6242 containing
80 .24 acres located on the west line of E. Nine Mile Road (State Route 33) approximately
81 150' north of its intersection with Elsing Green Way. The applicant proposes a single-family
82 residence. The use will be controlled by zoning ordinance regulations. The 2026
83 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4
84 units per acre. The site is in the Enterprise Zone and the Airport Safety Overlay District.

85

86 Mrs. Marshall - Is there anyone present in opposition to the deferral of
87 REZ2018-00019, Mark Rempe for Liberty Homes? I see no opposition.

88

89 Mr. Mackey - Madam Chair, I move deferral of REZ2018-00019, Mark
90 Rempe for Liberty Homes to the March 14, 2019 meeting, at the request of the applicant.

91

92 Mr. Baka - Second.

93

94 Mrs. Marshall - We have a motion by Mr. Mackey and a second by Mr. Baka.
95 All in favor, say aye. Those opposed, say no. There is no opposition; this motion passes.

96

97 Mr. Emerson - Madam Chair that completes the requests for deferrals and
98 withdrawals this evening. We now move onto requests for expedited items. Those will
99 also be presented by Mr. Jim Strauss.

100

101 Mr. Strauss - Thank you, Mr. Secretary. We have four requests for approval
102 on the expedited agenda this evening. The first request is in the Fairfield District on page
103 1 of your agenda, PUP2018-00019, HHHunt River Mill, LLC. Staff is recommending
104 approval, with the conditions in the staff report.

105

106 **PUP2018-00019 Hans Klinger for HHHunt River Mill, LLC:** Request for a Provisional
107 Use Permit under Sections 24-13.4(c), 24-120 and 24-122.1 of Chapter 24 of the County
108 Code to allow adjustable side setbacks for lots within the R-5A General Residence District
109 on Parcels 779-773-4325 and 779-773-9041 and part of Parcels 780-774-2957, 780-771-
110 4988 and 781-773-2686 located approximately 2500' west of the intersection of Brook

111 Road (U.S. Route 1) and Magnolia Ridge Drive. The existing zoning is R-5AC General
112 Residence District and C-1C Conservation District. The R-5A District allows an overall
113 maximum density of 6 units per acre. The 2026 Comprehensive Plan recommends
114 Suburban Residential 1, where density should not exceed 2.4 units per acre, and
115 Environmental Protection Area.

116

117 Mrs. Marshall - Is there anyone present in opposition to the deferral of
118 PUP2018-00019, Hans Klinger for HHHunt River Mill, LLC? I see no opposition. Mr.
119 Archer.

120

121 Mr. Archer - Madam Chair, I move that PUP2018-00019, HHHunt River
122 Mill, LLC be sent forward on the expedited agenda with the recommendation for approval.

123

124 Mrs. Marshall - Second.

125

126 Mrs. Marshall - We have a motion by Mr. Archer and a second by Mrs.
127 Marshall. All in favor, say aye. Those opposed, say no. There is no opposition; this
128 motion passes.

129

130 **REASON -** Acting on a motion by Mr. Archer, seconded by Mrs. Marshall,
131 the Planning Commission voted 4-0 (one absent, one abstention) to recommend the
132 Board of Supervisors **grant** the request because it is reasonable in light of the surrounding
133 uses and existing zoning on the property.

134

135 Mr. Strauss - The next request for approval on the expedited agenda is in
136 the Three Chopt District on page 1 of the agenda. PUP2018-00017 Brian Wiley. Staff is
137 recommending approval with conditions on page 3 of the staff report.

138

139 **PUP2018-00017 Brian Wiley:** Request for a Provisional Use Permit under Sections 24-
140 58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow extended hours
141 of operation of a fitness facility on part of Parcel 738-760-8449 located on the west line of
142 Pump Road approximately 580' north of its intersection with Three Chopt Road. The
143 existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan
144 recommends Commercial Arterial. The site is located in the West Broad Street Overlay
145 District.

146

147 Mrs. Marshall - Is there anyone present in opposition to PUP2018-00017
148 Brian Wiley? I see no opposition.

149

150 Mrs. Marshall - I move that PUP2018-00017 Brian Wiley be sent to the Board
151 of Supervisors, with a recommendation of approval with conditions 1-8 in the staff report.

152

153 Mr. Baka - Second.

154

155 Mrs. Marshall - We have a motion by Mrs. Marshall and a second by Mr.
156 Baka. All in favor, say aye. Those opposed, say no. There is no opposition; this motion
157 passes.

158
159 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr. Baka,
160 the Planning Commission voted 4-0 (one absent, one abstention) to recommend the
161 Board of Supervisors **grant** the request because it is reasonable in light of the surrounding
162 uses and existing zoning on property and it would not be expected to adversely affect
163 public safety, health or general welfare.

164
165 Mr. Strauss - And the next request for approval on the expedited agenda is
166 on page 2 of the agenda, REZ2018-00044 Gumenick Properties. This is a request for
167 amendment of proffers. Staff is recommending approval. The revised proffer amendment
168 has been handed out this evening; and I believe, we're handing them out right now.

169
170 **Deferred from the November 8, 2018 Meeting)**

171 **REZ2018-00044 James W. Theobald for Gumenick Properties:** Request to
172 conditionally rezone from B-1 Business District and O-2 Office District to UMUC Urban
173 Mixed Use District (Conditional) Parcels 774-740-5174 (.754 acres) and 771-740-8005
174 (.305 acres) located at the southwest intersection of Staples Mill Road (U. S. Route 33)
175 and Bethlehem Road and the east line of Libbie Avenue approximately 185' north of its
176 intersection with W. Broad Street (U.S. Route 250). The applicant proposes inclusion in
177 the adjacent UMUC development (Libbie Mil). The uses will be controlled by zoning
178 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
179 recommends Light Industrial and Commercial Concentration. The applicant also proposes
180 to amend proffers accepted with Rezoning case REZ2015-00018 on Parcels 771-740-
181 9118, 772-740-0431, -1137, -1743, -2229, -2836, 773-739-3784, -9074, 773-740-4815,
182 -5180, 774-739-2373, -5672, 774-740-0804, -4456, -4637, -4716, and -4802 located on the
183 east line of Libbie Avenue approximately 310' north of W. Broad Street (U. S. Route 250)
184 at its intersection with N. Crestwood Avenue, then along the east line of Spencer Road to
185 the south line of Bethlehem Road and the west line of Staples Mill Road (U. S. Route 33).
186 The applicant proposes to amend proffers related to the concept plan, density, prohibited
187 uses and hours of operation, location of parking garages, building height limits, architectural
188 elevations, square footage of the community building, and outdoor music. The existing
189 zoning is UMUC Urban Mixed-Use District (Conditional). The 2026 Comprehensive Plan
190 recommends Urban Mixed-Use and Environmental Protection Area.

191
192 Mrs. Marshall - Is there anyone present in opposition to REZ2018-00044
193 James Theobald for Gumerick Properties? Mr. Archer.

194
195 Mr. Archer - Madam Chair, I move that REZ2018-00044 James W.
196 Theobald for Gumenick Properties be approved on the expedited agenda subject to the
197 new proffered conditions he just handed in.

198
199 Mrs. Marshall - Second.

201 Mrs. Marshall - We have a motion by Mr. Archer and a second by Mrs.
202 Marshall. All in favor, say aye. Those opposed, say no. There is no opposition; this
203 motion passes.
204

205 **REASON -** Acting on a motion by Mr. Archer, seconded by Mrs. Marshall,
206 the Planning Commission voted 4-0 (one absent, one abstention) to recommend the
207 Board of Supervisors **grant** the request because it continues a form of zoning consistent
208 with the area and the proffers continue to assure a quality form of development with
209 maximum protection afforded the adjacent properties.
210

211 Mr. Strauss - And the last request for approval on the expedited agenda this
212 evening is the companion case to the previous case, just approved. PUP2018-00016
213 Gumenick Properties. Staff is recommending approval. The conditions just handed out
214 this evening.
215

216 **Deferred from the November 8, 2018 Meeting)**

217 **PUP2018-00016 James W. Theobald for Gumenick Properties:** Request for a
218 Provisional Use Permit under Sections 24-32.1(a, i, n, s, w, z, aa), and 24-122.1 of Chapter
219 24 of the County Code to amend conditions of PUP2015-00006 for the mixed-use
220 development on Parcels 771-740-8005, -9118, 772-740-0431, -1137, -1743, -2229,
221 -2836, 773-739-3784, -9074, 773-740-4815, -5180, 774-739-2373, -5672, 774-740-0804, -
222 4456, -4637, -4716, -4802, and -5174 located on the east line of Libbie Avenue
223 approximately 185' north of W. Broad Street (U. S. Route 250) to its intersection with N.
224 Crestwood Avenue, then along the east line of Spencer Road to the south line of Bethlehem
225 Road and the west line of Staples Mill Road (U. S. Route 33). The applicant proposes
226 changes in development standards related to floor area limitations, parking plan, fire
227 protection, drive-through services, separation between townhouse buildings, and signage
228 plan for the mixed-use development. The existing zoning is O-2 Office District, B-2
229 Business District, and UMUC Urban Mixed-Use District (Conditional). The 2026
230 Comprehensive Plan recommends Commercial Concentration, Light Industrial, Urban
231 Mixed-Use, and Environmental Protection Area. A portion of the site along Libbie Avenue
232 north of W. Broad Street (U.S. Route 250) and along Staples Mill Road (U.S. Route 33) is
233 in the Enterprise Zone.
234

235 Mrs. Marshall - Is there anyone present in opposition to PUP2018-00016,
236 James Theobald for Gumenick Properties? I see no opposition. Mr. Archer.
237

238 Mr. Archer - Madam Chair, I move for approval for PUP2018-00016
239 Gumenick Properties subject to the original staff report and the conditions handed out
240 tonight.
241

242 Mr. Baka - Second.
243

244 Mrs. Marshall - We have a motion by Mr. Archer and a second by Mr. Baka.
245 All in favor, say aye. Those opposed, say no. There is no opposition; this motion
246 passes.

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REASON - Acting on a motion by Mr. Archer, seconded by Mr. Baka, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors grant the request because when properly developed and regulated by the recommended conditions, it would not be detrimental to the public health, safety, welfare and values in the area.

Mr. Emerson - Madam Chair that completes the requests for expedited items this evening. We now move into your regular agenda on page 1, for REZ2018-00046, Mike Goleski request to conditionally rezone from O-2C Office District to R-3C One Family Residence District .709 acres located at the intersection of Lakeside Avenue and Kent Street. The applicant proposes single family dwellings. The R-3 District allows a maximum density of 3.96 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. The site is in the Enterprise Zone, and the staff report will be presented by Mr. Michael Morris.

Mrs. Marshall - Good evening. Is there anyone present in opposition to REZ2018-00046, Mike Goleski?

Citizen - Madam Chairperson. I do have a question. I live off of Lakeside Avenue at (inaudible).

Mrs. Marshall - Excuse me just for a minute, please. We will, after we have the presentation, I will give you the chance to speak.

Mr. Morris - Thank you, Madame Chair, members of the Commission. The applicant has requested to conditionally rezone .709 acres from O-2C Office District Conditional to R-3C One-Family Residence District (Conditional) to allow for the development of single-family homes. The vacant property is located at the northwest intersection of Lakeside Avenue (State Route 161) and Kent Street.

Surrounding uses include both residential and non-residential. A non-conforming office, zoned R-4 One-Family Residence District, is located to the north. To the east, across Lakeside Avenue is a county-owned office on property zoned B-2 Business District and B-2C Business District (Conditional). To the south and west are R-4 zoned parcels originally recorded with Bryan Park Heights subdivision.

The 2026 Comprehensive Plan recommends Office for the subject property. As shown, the majority of the properties fronting on Lakeside Avenue in this area are designated Office, Commercial Concentration, and Commercial Arterial. The Office designation is intended to accommodate office developments of varying intensities. Additionally, the property is located in the Enterprise Zone that runs along both sides of Lakeside Avenue, from the Henrico County line north to Hilliard Road. These areas are identified by Henrico County as targets for incentives that stimulate business development and job growth.

341 The applicant has submitted proffers and an unproffered perspective rendering, shown
342 here. The proffers show they are requesting a maximum density of 3 lots, however, based
343 on the requested zoning district and size of the property, they could only achieve a
344 maximum of 2 lots. The applicant has not submitted a conceptual plan, so the planned
345 access on the property is not known.

346

347 The proposed rezoning is inconsistent with the land use designation of Office and could
348 set precedent for other properties in the area. The proposal would also remove land
349 eligible for incentives tied to development and job creation from the Enterprise Zone
350 program. Lastly, staff has concern regarding access for any future use on the property.
351 For of these reasons staff does not support this request. This concludes my presentation.
352 I am happy to answer any questions you may have.

353

354 Mrs. Marshall - Any questions from the Commission?

355

356 The Commission - No.

357

358 Mrs. Marshall - Thank you. At this time I'll have Mr. Emerson go over our
359 rules for when we have people who would like to speak at the podium. If you could listen
360 to this, then we'll get started.

361

362 Mr. Emerson - Yes ma'am. Madam Chair notes that we do have guidelines
363 that the Commission observes in the administration of their Public Hearing process, and
364 they are as follows. The applicant is allowed ten minutes to present the request and time
365 may be reserved for responses to testimony. The opposition is allowed a cumulative ten
366 minutes to present its concerns. Meaning the opposition needs to fit within that ten
367 minutes everybody that wishes to speak. The Commission's questions do not count within
368 the time limits; and, the Commission may waive the limits for either party at its discretion.
369 Comments made must be directly related to the case under consideration.

370

371 Mrs. Marshall - Mr. Archer, who would you like to hear from first?

372

373 Mr. Archer - The gentleman in the back had a question. Since he stood up
374 first, I think he should come up first.

375

376 Mrs. Marshall - Sir, when you approach the podium, if you could please state
377 your name for the record?

378

379 Mr. Bailor - Yes, my name is Richard Bailor and as I stated earlier, I reside off of
380 Lakeside Avenue, at property 5606 Lakeside Avenue. It's adjacent to Kent and Ginter.
381 And what we're having a problem with is ... I'm not directly against what this company is
382 getting ready to do. But, people are using the alleyway as a cut-through, and since we've
383 had the flooding, it has really kind of wreaked havoc on that alleyway and that's the only
384 way I have to get into my home and I had called the Department of Works this morning
385 to see if they could send somebody out, to even if no more than to lay some stone or
386 gravel out as they did a couple of years ago and I was informed, this morning, that they

87 could not do that; and, since I got this letter to come to the meeting, I said well let me just
388 come to the meeting and let you all know that it's got to be another remedy to this because
389 it is wreaking havoc to my neighbors and people are chasing the vehicles coming through
390 as people are using their front way coming through. And the wall by the Fast Mart, I don't
391 know if something has happened, but when we have torrential rains like we have been
392 having, its water coming through the block into my yard and it's kind of flooding my yard
393 ... and again, that driveway needs some upkeep in a most good way and I just wanted
394 let y'all to be aware of that. If you can get that straight for me, I would appreciate it. Thank
395 you.

396
397 Mr. Archer - Mr. Bailor, before you go, is that the only access to your
398 home?

399
400 Mr. Bailor - Right, and I'm off of the main drag, so I was also told.

401
402 Mr. Archer - Off of Lakeside, you mean?

403
404 Mr. Bailor - Yes. I don't know if the County could do a cut-way so I
405 wouldn't have to go back through the alley. You know that might also be a remedy, but
406 the only way I have to actually get to my actual home is going on that little alleyway, back
407 on Kent Street that runs out ...

408
409 Mr. Archer - Now, that alleyway runs behind the subject property too, does
410 it not?

411
412 Mr. Bailor - I believe, I believe so.

413
414 Mr. Archer - Somebody is saying, no.

415
416 Ms. Turner - (INAUDIBLE). I also live on Kent ... (INAUDIBLE) ...

417
418 Mr. Archer - Ok.

419
420 Mrs. Marshall - If you don't mind, you can come forward, if you like and state
421 your name.

422
423 Mr. Archer - Don't leave, Mr. Bailor. We might need you to speak.

424
425 Ms. Turner - My name is (INAUDIBLE) Turner. I live at 2109 Kent and the
426 alleyway he is speaking of, stops off Kent. It runs behind his homes; and the houses there
427 do not have any access from Lakeside. They can only come in from the back. I can't even
428 take my small car down the alley he's talking about because it will not fit, not make it
429 through.

430
431 Mr. Archer - I'm trying picture it in my mind. As you come off of Lakeside
432 on to Kent.

433
434 Ms. Turner - Yes, sir.
435
436 Mr. Archer - ...and pass the subject property.
437
438 Ms. Turner - That's on your right, and before you finish passing it, the very
439 first house that faces Kent, there is an alleyway on your left.
440
441 Mr. Archer - On the left, which is across Kent from the subject property,
442 right?
443
444 Ms. Turner - Yes, sir.
445
446 Mr. Archer - Ok.
447
448 Ms. Turner - It runs from Ginter to Kent.
449
450 Mr. Archer - You remind me of my wife, who answers yes to every word.
451
452 Mr. Bailor - When you get to that Fast Mart corner, you can't miss it; and
453 you can see that's the only way we have to get in. Somebody has to recommend that
454 (INAUDIBLE)...there ought to be a place that I can get into my home from Lakeside.
455
456 Mr. Archer - Well, let me ask Mr. Secretary. So, what do we do?
457 Somebody else besides us has to provide any relief, if any is available.
458
459 Mr. Emerson - As far as the maintenance of the alleyway, the Traffic
460 Engineer is here with us tonight from Public Works. He may be able to tell us about their
461 policy regarding the alleyways. I'm uncertain. It was stated that, that it's been said, I
462 guess, that they cannot or they will not maintain the alleyway, but possibly Mr. Cejka can
463 lend a little light to that.
464
465 Mr. Bailor - It had to have been over two years ago, somebody came and
466 did come and did a good job, just with the gravel, but when I called two weeks ago, then
467 I called again yesterday because I had not gotten an answer in two weeks. This certain
468 person told me that the county didn't maintain the alley. I was like, that didn't make sense.
469 That's the only way I have to get to my home.
470
471 Mr. Emerson - Yes, sir.
472
473 Ms. Turner - If the County doesn't, who does? My question is more about
474 the housing, but it sounds like the County is suggesting not to go forward with that. Did I
475 understand that correctly?
476
477 Mr. Emerson - The staff recommendation is that we're not in support of this
478 because it is not in consistent with the Comprehensive Plan, yes Ma'am.

79
480 Ms. Turner - Thank you.
481
482 Mr. Archer - Well, before y'all go, regardless of which way this case goes.
483 I'm trying to figure out how your situation attaches to this property. It seems, if I remember
484 correctly, you go in off of Lakeside, the lots that we are talking about are on the right, and
485 you are on the left side of Kent?
486
487 Ms. Turner - Yes.
488
489 Mr. Archer - Ok, so this property doesn't really touch it?
490
491 Ms. Turner - I don't know. At one point, there was an alley continued, but
492 there is none now. At least not a maintained alley.
493
494 Mr. Emerson - Mr. Morris, can you bring the map up so we can better
495 understand what's going on here and then maybe Mr. Cejka can help us understand
496 Public Works' maintenance policy regarding the alleyways? I'm not surprised that they
497 may not be maintained. I'm sure Mr. Cejka is familiar with the policy.
498
499 Mr. Bailor - And the last thing is, at the beginning, at Kent Street where
500 that runs down, something needs to be done with that draining system. Because
501 whenever we get any kind of substantial rain it creates that flooding and those drains are
502 not working properly. I just wanted the county to address that.
503
504 Mr. Emerson - Mr. Bailor, can you use the mouse and maybe Mr. Morris can
505 help you out there with it and show us exactly where you enter into the alleyway and going
506 on to your property? I think I understand where you are, but I'd sort of like to understand
507 a little bit better where you are.
508
509 Mr. Morris - You're right there, the second house in from Kent?
510
511 Mr. Bailor - Ok.
512
513 Mr. Morris - So you enter in the alleyway here, and come this way.
514
515 Mr. Bailor - But wait a minute, then mine would be ... I'm right by the Fast
516 Mart, so mine's the first one.
517
518 Mr. Morris - Right, ok.
519
520 Mr. Emerson - So you're on the opposite side of Kent.
521
522 Mr. Bailor - But I have to, most times, come this way because this is so
523 low. I choose to come that way because it might would mess up my bumper from trying
524 to enter that way.

525
526 Ms. Turner - I guess it's ... (INAUDIBLE) ...
527
528 Mr. Emerson - Sure, and you're on the same alleyway, on the opposite side
529 of Kent?
530
531 Ms. Turner - ... (INAUDIBLE) ...
532
533 Mr. Emerson - Ok.
534
535 Mr. Bailor - Maybe we need some help with that if anything could be
536 remedied.
537
538 Mr. Emerson - Yes, sir. Maybe Mr. Cejka could speak to it quickly.
539
540 Mr. Archer - Thank both of y'all for coming.
541
542 Mrs. Marshall - Yes, thank you.
543
544 Mr. Archer - This really is not germane to this case so much, but maybe
545 Mr. Cejka can offer some sort of remedy for you. How are you, sir?
546
547 Mr. Cejka - I'm fine.
548
549 Mrs. Marshall - Good evening.
550
551 Mr. Cejka - It's a pleasure to be here. To the best of my knowledge, all
552 alleys are unmaintained right-of-way. The county does not maintain them. I can confirm
553 that when I get back to the office tomorrow, but that's to the best of my knowledge.
554
555 Mr. Archer - Could you see that they get your phone number so that they
556 can call you and get an answer or you can call them and reach out to them?
557
558 Mr. Cejka - Yes.
559
560 Mr. Archer - Alright. Thank you so much, sir.
561
562 Mrs. Marshall - Thank you.
563
564 Mrs. Archer - Alright, I guess we need to hear from the applicant now,
565 Madam Chair.
566
567 Mrs. Marshall - Is there anyone else in opposition who would like to speak?
568 Can we ask the applicant come forward?
569
570 Mr. Goleski - Good evening, my name is Mike Goleski.

571
572 Mr. Mackey - How are you, sir?
573
574 Mrs. Marshall - Good evening.
575
576 Mr. Goleski - So, what my clients are trying to do is beautify that area with
577 that street, that empty lot. The idea was to try and put three homes on it with an alleyway
578 coming from Kent Street, to come in the back way to the property; houses facing
579 Lakeside. That was our proposal we were hoping, maybe to see if we could get that done.
580
581 Mr. Archer - So, your alleyway is sort of across Kent
582 Street from this one?
583
584 Mr. Goleski - It would be the opposite side of the alleyway that they are
585 talking about. Yes, sir.
586
587 Mr. Archer - And it would not run all the way through, either? Doesn't look
588 like it.
589
590 Mr. Goleski - It would not run all the way through.
591
592 Mr. Archer - Ok. I've visited the property. They've kept a well-maintained
593 lot
594
595 Mr. Goleski - We've bought other homes in Lakeside. The idea was to
596 beautify them and make it nicer. My clients really like the area. They don't build homes
597 for a living; but, they just want to put out a footstep, I guess, for their kids. They have two
598 children. They have bought homes they have bought in there. We're closing on one
599 tomorrow on Hermitage that they are getting ready to clean up.
600
601 They won an award in the City of Richmond for a property on Broad Street. So they are
602 really just trying to beautify and help that Lakeside area grow. We talked about, with Mike,
603 doing a business front, maybe with some apartments, but they weren't really interested
604 in the apartments. They thought homes, maybe homes similar to those already there
605 would help that area; just make that lot look a little nicer.
606
607 Mr. Archer - Well, you've read the staff report I'm sure.
608
609 Mr. Goleski - I did.
610
611 Mr. Archer - You've also talked to Michael. And, so you understand the
612 position that staff has taken?
613
614 Mr. Goleski - Don't know, if you don't ask, right? We tried.
615

616 Mr. Archer - Have you thought about anything that would fit within the O-
617 2C District?
618

619 Mr. Goleski - We talked about like a little strip-type center in the front, to do
620 some buildings like that. I don't know if they are really inclined to do something along
621 those lines. I think that they are more into the cottage-style homes, looking similar to
622 what's there. Just continue what's in the area. We've talked about it; and we've talked
623 about it with Mike and some of the folks about maybe doing two homes in the backside
624 and maybe an office in the front. We talked about doing apartments above a building,
625 but never really got any further than that. Thought we'd try the residential side first.
626

627 Mr. Archer - You understand where we're coming from then, right?
628

629 Mr. Goleski - One-hundred percent...If you don't ask, you don't know.
630

631 Mr. Archer - Ok. Well.
632

633 Mr. Goleski - My question would be ... I understand the three doesn't work
634 and I understand the idea for the business to be along Lakeside Avenue ... Would two
635 homes fit there with alleyway coming off the backway? If you took two homes instead of
636 the three?
637

638 Mr. Archer - Well, the three homes is just another spike in the side of it, but
639 it seems like there are other reasons that beyond just how many homes are there that
640 makes this sort of go against the Comprehensive Plan, the Enterprise Zone, and I think
641 it's difficult to overcome with residential, at all. So, it would be difficult to send this forward
642 with a recommendation for approval, but there may be something along the office line
643 that you could think of ...
644

645 Mr. Goleski - Yeah, we'd like to ... We bought it before we even knew what
646 it was zoned because they loved it. They just loved the lot. They wanted to do something
647

648 Mr. Archer - It's a very neat lot.
649

650 Mr. Goleski - It is a gorgeous lot and it's close to what the people have
651 already done, refurbishing some of the properties and stuff ... they really do like the lot
652 so they want to do something to enhance that part of Lakeside and Kent.
653

654 Mr. Archer - Well, I guess the best way to look at it is that if we ought to
655 defer away from the Comprehensive Plan and all of the other objections that have been
656 raised, and it would have to be something really super nice.
657

658 Mr. Goleski - Sure.
659

660 Mr. Archer - And I can't say that fits in this category. So, I haven't any
661 choice, at this point, but to recommend denial.

662
663 Mr. Goleski - Ok. We'll follow it up and ...
664
665 Mr. Archer - We appreciate your effort.
666
667 Mr. Goleski - Yeah, we'll do something. It'll be more consistent with what
668 you're asking for, I think. We just thought we'd try this route first.
669
670 Mr. Archer - Ok.
671
672 Mr. Goleski - Yeah, alrighty.
673
674 Mr. Archer - Thank you.
675
676 Ok Madam Chair, based on the staff report and my conversation with Mr. Goleski, I think
677 my only option would be to send this along to the Board with a recommendation for denial,
678 and that's my motion.
679
680 Mrs. Marshall - I'll second. We have a motion by Mr. Archer. Second by
681 Mrs. Marshall. All in favor say aye.
682
683 The Commission - Aye.
684
685 Mrs. Marshall - Those opposed say no. There is no opposition. This motion
686 passes.
687
688 **REASON -** Acting on a motion by Mr. Archer, seconded by Mrs. Marshall,
689 the Planning Commission voted 4-0 (one absent, one abstention) to recommend the
690 Board of Supervisors deny the request because the request because it does not conform
691 to the recommendation of the Land Use Plan nor the Plan's goals, objectives and policies,
692 and it would likely set an adverse zoning and land use precedent for the area.
693
694 Mr. Emerson - Madam Chair, we now move on to the next agenda item ...
695
696 Citizen - ... (INAUDIBLE) ...
697
698 Mrs. Marshall - Excuse me.
699
700 Mr. Archer - Come up, please.
701
702 Mrs. Marshall - Come forward.
703
704 Citizen - I'm Richard Hankins and I own 5710 Lakeside Avenue, which
705 is the building just north of this property. I bought it in 1987. It's not been an alley behind
706 this property since, at least 1987.
707

708 Mr. Archer - Ok, now you are speaking to what?
709
710 Mr. Hankins - The discussion about the alley in the back. There hasn't been
711 one for the last 30-something years.
712
713 Mr. Archer - Ok.
714
715 Mr. Hankins - But, ok.
716
717 Mr. Archer - Ok, appreciate your information.
718
719 Mrs. Marshall - Thank you.
720
721 Mr. Hankins - I just thought it strange to have a discussion for an alley that
722 doesn't exist.
723
724 Mr. Archer - You all have to go outside if you want to discuss this
725
726 Mr. Mackey - Thank you.
727
728 Mr. Archer - Thank you, sir.
729
730 Mr. Emerson - Madam Chair, we now move to the next item on the agenda,
731 which appears on page 3. It is a discussion item
732
733 **DISCUSSION ITEM:** I am requesting the Commission consider scheduling a work
734 session for your January 10th meeting, at 5:00 p.m. That will be 2019. We did have
735 another community meeting regarding the Glen Allen Small Area Study. As you will recall,
736 at your last meeting, you did defer the Glen Allen Small Area Study to the January 10th
737 meeting. So we'd like an opportunity to review with you the outcome of the community
738 meeting and any recommendations we may wish to make to you regarding any changes
739 in that plan. So if it meets with your approval, we would like to schedule a work session
740 for you, at 5:00 p.m. that evening.
741
742 Mrs. Marshall - Mr. Baka, Mr. Mackey ... (INAUDIBLE) ...
743
744 Mr. Emerson - Thank you, we'll consider that done.
745
746 I will apologize to you on your Minutes from your last meeting. They're late. We've had a
747 little mix up with our contractor that takes care of the Minutes for us. They promised us
748 that they will get on the ball and we won't have this problem again. If not, I guess we'll
749 have to come up with an alternative method of transcribing the Minutes. Hopefully, we'll
750 have those Minutes for you in January.
751
752 Mr. Archer - Ok.
753

754 Mrs. Marshall - Is there any more business to conduct this evening? If not, a
755 motion to adjourn would be in order.

756

757 Mr. Archer - So moved, Madam Chair.

758

759 Mr. Baka - Second.

760

761 Mrs. Marshall - A motion by Mr. Archer, second by Mr. Baka. This meeting
762 is adjourned.

763

764

765

766

767

Aug Baka For

Mrs. Sandra M. Marshall, Chairperson

768

769

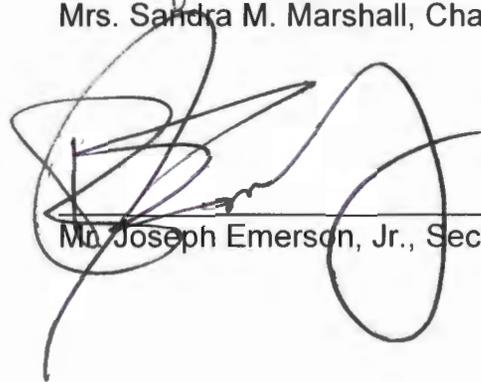
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Mr. Joseph Emerson, Jr., Secretary