

1 Minutes of a Public Hearing to amend and reordain three Zoning Ordinance
2 amendments, and the regular monthly meeting of the Planning Commission of
3 the County of Henrico held in the County Administration Building in the
4 Government Center at Parham and Hungary Spring Roads, beginning at 6:00
5 p.m. Thursday, May 12, 2011. Display Notice having been published in the
6 Richmond Times-Dispatch on April 25, 2011 and May 2, 2011.

7
Members Present: Mr. C. W. Archer, Chairman, C.P.C. (Fairfield)
Mr. Tommy Branin, Vice Chairman (Three Chopt)
Mr. E. Ray Jernigan, C.P.C. (Varina)
Mrs. Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
Mr. David D. O'Kelly, Assistant Director of Planning, Secretary

Members Absent: Mrs. Patricia O'Bannon, Board of Supervisors' Representative
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mr. R. Joseph Emerson, Jr., Director of Planning
Ms. Jean Moore, Assistant Director of Planning

Staff Present: Mr. James P. Strauss, LLA, Principal Planner
Mr. Benjamin Blankinship, AICP, Principal Planner
Ms. Rosemary Deemer, AICP, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Ms. Lisa Taylor, County Planner
Mr. Mike Jennings, Traffic Engineer, Public Works
Ms. Kim Vann, Police
Ms. Sylvia Ray, Recording Secretary

8
9
10 Mr. Archer - The meeting will come to order. Welcome, everyone.
11 Let us all stand together and Pledge Allegiance to our Flag.

12
13 Just as a reminder, please mute or silence your phones. I don't think I see
14 anyone here from the media. Tonight Mr. Emerson is not present and Mr. O'Kelly
15 has graciously agreed to be the secretary of the meeting tonight. Mr. O'Kelly, I
16 will turn it over to you.

17
18 Mr. O'Kelly - Thank you, Mr. Chairman. The first item of business
19 on your agenda tonight is a public hearing for rezoning ordinance amendments.
20 The Planning Commission has held work sessions on all three of these
21 amendments and we believe most of your questions have been answered and
22 we are currently ready for a public hearing.

23
24 The first of those amendments has to do with the regulation of menu signs at
25 drive-through restaurants. Secondly, we have an amendment that deals with the
26 temporary family healthcare structures that the General Assembly is requiring the

27 County to regulate. Lastly, we have an ordinance amendment to regulate group
28 homes and assisted living homes. In all three cases, Mr. Ben Blankinship will
29 lead you through the ordinance amendments.

30

31 Mr. Archer - All right. Thank you, Mr. Secretary. Mr. Blankinship,
32 good evening, sir.

33

34 Mr. Blankinship - Good evening, Mr. Chairman, members of the
35 Commission.

36

37 As Mr. O'Kelly said, we have three amendments this evening that I'm going to go
38 through, I hope smoothly, beginning with menu signs at drive-through
39 restaurants. We have been notified of an industry trend. This came to us as a
40 request from an owner of several restaurants in Henrico County who notified us
41 that the industry is starting to use multiple drive-through lanes at drive-through
42 restaurants because it helps them move their traffic flow faster and decrease the
43 waiting time for their customers. They gain that efficiency from having more than
44 one place where the customers place their orders. Even if all of those customers
45 come to the same place to pay for and pick up their order, they gain quite a bit of
46 efficiency by having two or more points of ordering. They need one menu sign for
47 each of those locations.

48

49 We noticed when we surveyed the restaurants in the County that many of them
50 also have a preview sign and we thought that was a good idea. The applicant
51 also thought that was a good idea, so we added that to her request during the
52 process.

53

54 The current regulation is that a restaurant is allowed only one detached menu
55 sign, which can be no more than 24 square feet in area, no more than eight feet
56 in height, may not include logos, and "may not face a public street," are the
57 words in the Code. Our experience has been the 24 square-feet is too small;
58 most restaurants are already finding ways to expand beyond that. The eight feet
59 does seem to satisfy everybody. We haven't had anyone suggest that they need
60 anything taller than eight feet. We don't see any harm in allowing corporate logos
61 on the signs. We weren't sure about the wording of the provision, "may not face
62 the public street." It is unclear exactly how far away a sign can be and still not be
63 clearly legible from a public street.

64

65 We are proposing an amendment that would allow one menu sign and one
66 preview sign for each location where orders are taken. The menu sign would be
67 limited to 48 square feet in area and 8 feet in height. The preview sign would be
68 limited to 24 square feet in area and 8 feet in height. And rather than saying that
69 it must not be visible from the public street, we have included a requirement that
70 it must be screened from view from the public street. So that would be worked
71 out with you at the time of plan of development, the location of the sign, the
72 location of screening landscaping or whatever they want to use, berms, so that

73 the sign does not distract drivers or have an undo effect on residents if it's near a
74 residential area.

75
76 And finally, we added a provision that additional signs or larger signs may be
77 approved by you by a special exception. So if you get a POD some day that
78 needs an additional sign or a larger sign they could request that from you and
79 you could look at it case-by-case and decide if there's something you can trade
80 off against allowing them more or larger signs.

81
82 So that's it for the first one. The second one, the temporary family healthcare
83 structures—

84
85 Mrs. Jones - Excuse me, Mr. Blankinship. If we have a comment
86 about the signs is it appropriate to mention it now or should I wait until the end?
87 Okay. I just wanted to touch on something. We discussed this I think at our work
88 session and you just mentioned it, but I want you to explain to me where it is
89 within this proposed wording. I'm trying to wrap my head around the size of these
90 signs; this has always been my issue from the beginning. But I'm moving on to
91 what I feel is an important part of our job and that is to make sure we have good
92 public policy to protect the aesthetics and the citizens from undue intrusions.

93
94 You just made the comment that all of the public right-of-way has provisions in
95 here in order to keep it from being a distraction for motorists, but then you
96 mentioned residences. The light and visibility from these signs as they get bigger
97 and bigger and the noise from ordering—those kinds of things that naturally go
98 along with restaurants like this—where in here do we have wording to protect
99 adjacent properties—I'm thinking specifically of residences—from that visibility,
100 light, noise, and those kinds of things?

101
102 Mr. Blankinship - That is not stated explicitly in this amendment. We
103 would fall back on the general provisions for plan of development review and that
104 authorize the Planning Commission to exercise judgment in the review of the
105 plan of development.

106
107 Mrs. Jones - Since we're specifically targeting signage would it not
108 be an appropriate addition to somehow reference adjacent properties—
109 specifically residences—in here for protections that are deemed appropriate? I'm
110 not trying to place limits on it; I just want us to have the ability to review these
111 cases as they come before us with their impact. A thought.

112
113 Mr. Blankinship - We could add something to that effect.

114
115 Mrs. Jones - I don't know if my fellow Commissioners agree. We
116 do have a lot of restaurants tucked into residential pockets here and there.

118 Mr. Jernigan - Probably most of them now have appropriate
119 screening. If you're adding another lane, if it already has a barrier up there it's not
120 going to look like—

121

122 Mrs. Jones - I was thinking of the Chick-fil-A not far from me with
123 residences so close. Now they don't have anything visible from the residences,
124 but I started to think—

125

126 Mr. Branin - Which one?

127

128 Mrs. Jones - The one right on Parham. That's fine, it's fine. But I
129 was thinking about how close it is to residences.

130

131 Mr. Branin - It is.

132

133 Mrs. Jones - The McDonald's on Parham has residences not very
134 close by, but the Chick-fil-A does. So they'll be other places where we consider
135 residences in close proximity with these restaurants. Don't you think?

136

137 Mr. Branin - With that Chick-fil-A there was a 20- to 25-foot buffer
138 of wood line that was there. It was a 30-year existing building that was taken
139 down. I added an eight-foot fence and landscaping to buffer.

140

141 Mrs. Jones - Tommy, before you get defensive about this, which I
142 can tell I've touched a nerve, I'm just using it as an example. Trust me, I think it's
143 wonderful and I like the food. However, I did want to say that that's an example
144 of how close things are where we really do have to make special efforts to make
145 sure the residences are well protected.

146

147 Mr. Archer - Would we have some leeway at plan of development
148 time or are there going to be any instances where the signage can be increased
149 without having to come for POD review?

150

151 Mr. Blankinship - I suppose there could be some. I'd be uncomfortable
152 saying there would never be one of these that wouldn't need POD review. We
153 anticipate that they would need POD review because at the least you're changing
154 the circulation on the site.

155

156 Mr. Archer - Right. I'm speaking mostly of already-existing
157 restaurants that merely want to add a lane and signage. They would probably
158 mostly have to come before us before they can do that because it's a significant
159 change.

160

161 Mr. Blankinship - Yes sir.

162

163 Mr. Archer - Okay.

164 Mr. Blankinship - We can add a few words to the draft just to—
165
166 Mrs. Jones - I raise the question only to see whether the Planning
167 Department feels that we have all the protections already in place or whether we
168 need to add any wording to this.
169
170 Mr. Blankinship - I think the staff is comfortable with it, but if you want to
171 add a few words it wouldn't be difficult.
172
173 Mr. Branin - I don't disagree that we should add a couple words
174 because I think any time we give away any of our rights—
175
176 Mr. Archer - It's hard to get them back.
177
178 Mr. Branin - —we can't get them back.
179
180 Mr. Blankinship - In the middle of the paragraph it says, "It shall be
181 screened to prevent the sign from distracting motorists." We could just add the
182 words, "or affecting nearby residences." That would do it.
183
184 Mrs. Jones - Something like that would be fine. It isn't the
185 situations we can imagine; it's the ones that we haven't thought of yet.
186
187 Mr. Jernigan - Ben, when you went out and checked and found that
188 nine out of ten were out of Code, were those signs considerably larger?
189
190 Mr. Blankinship - We pulled the Sign Permits on many of them. Some
191 of them, if you measured only the area where there were actually words and
192 numbers—
193
194 Mr. Jernigan - And not the frame.
195
196 Mr. Blankinship - Right. You could get it under 24. Some of them, they
197 presented that way but then they had added some additional signage afterward.
198 Some of them were just nowhere close.
199
200 Mr. Jernigan - But most of them were not over 48.
201
202 Mr. Blankinship - Most of them were not over 48.
203
204 Mr. Jernigan - Okay, all right.
205
206 Mrs. Jones - Excuse me. Ben, I don't mean to pursue this, but if
207 you put in a little phrase like you were suggesting there, then unfortunately the
208 way the sentence is set up it applies only to those signs that are visible from a
209 public right-of-way.

210 Mr. Blankinship - Oh, good point.
211
212 Mrs. Jones - It would just have to be kind of shifted around a little
213 bit.
214
215 Mr. Blankinship - Right. Maybe just cast a new sentence.
216
217 Mrs. Jones - Yes. It doesn't have to be much. Thank you.
218
219 Mr. Archer - Mr. Blankinship, is this the end of your presentation
220 on this particular part?
221
222 Mr. Blankinship - On signs, yes sir.
223
224 Mr. Archer - Okay. I say that to say this is a public hearing, so I
225 would like to ask if there is anyone here from the audience who would like to
226 speak on this part before we move to the next section.
227
228 Ms. Freye - Good evening, I'm Gloria Freye. I'm an attorney from
229 McGuire Woods here representing McDonald's. We would be perfectly fine with
230 adding the language about not affecting residential properties. That would work
231 well. Thank you.
232
233 Mr. Archer - All right, Mr. Blankinship, you can move to the next
234 one.
235
236 Mr. Blankinship - All right. The second subject this evening is temporary
237 family healthcare structures, which we refer to as Med Cottages for short—and
238 that's a trade name from the individual who presented this proposal to the
239 General Assembly. The General Assembly adopted an amendment to the State
240 statute requiring every county with a zoning ordinance to allow these temporary
241 structures. So this evening's amendment is before you not because staff
242 particularly wanted it or because any property owners in the County approached
243 us and asked for this, but because the State Code has changed and we're
244 required to accept them whether we amend the code or not. That said, some of
245 the provisions in the new statutory provision are mandatory and some of them
246 are optional. We are proposing this amendment primarily for the purpose of
247 getting the optional protections that the State Code has offered us.
248
249 This diagram was borrowed from the washingpost.com website and shows a
250 diagram of what a Med Cottage might look like. This is based on the ones
251 manufactured by the person who took this to the General Assembly. It's not the
252 only thing that this provision could allow, but it is one example. This photograph
253 taken from medcottage.com is what it looks like on the ground in front of another
254 house.
255

256 I mentioned there were some mandatory and some optional provisions. Among
257 the mandatory provisions, the structure has to be used to provide care for a
258 mentally or physically impaired person. It is limited to one occupant who shall be
259 the impaired person. It has to be placed on property owned or occupied by the
260 caregiver. It has to be primarily assembled off site; it cannot be stick-built on site.
261 It must comply with the Industrialized Building Safety Law and the Building Code.
262 It can accommodate no more than 300 gross square feet. The diagram we were
263 just looking at is 12 by 24, which is 288 square feet. So that's about the
264 maximum size we're looking at.

265
266 We're required to treat it as an accessory structure, but it's also required to meet
267 the setbacks for the principal structure. So, for example, if it's in a district with a
268 40-foot rear yard, a shed or a garage could be within three or five feet of that
269 property line, depending on the Building Code provisions. But this would have to
270 meet that 40-foot setback, the same as the principal structure. Finally, it may not
271 be placed on a permanent foundation; that's part of the State Code.

272
273 The optional provisions that the State has allowed the County to adopt if we wish
274 are we may require that they be connected to the same utilities that the house is
275 connected to. We think that's very important because we could see somebody
276 putting one of these in a backyard and not wanting to pay to connect it to water
277 and sewer. That's one of the main reasons we wanted to bring this amendment
278 before you so that we can be sure that we can require connection to utilities. It
279 may require building permits and it may also require a separate zoning permit.
280 We can charge a one-time fee of up to a hundred dollars. We may require
281 evidence of compliance annually. We can require that the property owner provide
282 us with written proof every year that the person living in there still needs care.
283 That can take the form of a note from a doctor. We, by ordinance, can be
284 authorized to inspect these not only at the annual compliance but any time we
285 get a complaint or any time we have reason to believe that there's an issue. And
286 finally we would have the authority to revoke a permit for non-compliance.

287
288 We have to allow these whether we amend our code or not. The reason we feel
289 it's important to amend the code is so that we can take advantage of the optional
290 provisions.

291
292 The proposed amendment is that we would write into the County Code all of the
293 mandatory provisions of the State Code and we would also take advantage of all
294 the optional provisions.

295
296 That is the end of my remarks on this subject.

297
298 Mr. Archer - Thank you, Mr. Blankinship. Are there questions from
299 the Commission?

300

301 Mr. Jernigan - Yes. I think I know the answer, but I just want to clear
302 it up. When you talk about hooking up to sewer and water, you can run an
303 extension from the house that's on there now; you don't have to run something
304 separate.

305

306 Mr. Blankinship - It would depend on the specific circumstances. Water
307 and sewer depends on grades and depths of the existing pipes and all those
308 other issues.

309

310 Mr. Jernigan - If all that works, you can do it that way. Okay.

311

312 Mr. Blankinship - In some cases it would come directly off the house; in
313 some cases they would come off the main.

314

315 Mrs. Jones - I have another question on the connection fees. Since
316 these are special situations and somewhat unusual, will there be a different
317 schedule of fees for connection?

318

319 Mr. Blankinship - We have discussed that issue, but we have not
320 arrived at a conclusion. That would be up to the Department of Public Utilities. It's
321 not something we address in the Zoning Ordinance.

322

323 Mrs. Jones - Okay, thank you.

324

325 Mr. Archer - Anything further? Any comments from the public? All
326 right, Mr. Blankinship, let's move to the last one.

327

328 Mr. Blankinship - All right, Mr. Chairman. The third is similar to the
329 second in that we are addressing a recent amendment of the State Code by the
330 General Assembly. As you know, for many years—I believe since 1991—the
331 State Code has required the County to treat group homes exactly as if they were
332 single-family homes. Those apply to persons with mental illness, mental
333 retardation, or developmental disabilities. When the County brought this into our
334 Code back in the early nineties, we added "physically handicapped" to that list.
335 It's noteworthy that the State Code requires us to allow this for group homes of
336 eight or fewer. When we brought this into our code, we did not include the "eight
337 or fewer" language. So actually under our Zoning Ordinance a group home could
338 have more than eight persons. We work with the State licensing authorities to try
339 to keep them all limited to eight persons, but that is not at this time in our Zoning
340 Ordinance.

341

342 The change to the State Code was to add a very similar paragraph to that one
343 allowing assisted living facilities for eight or fewer persons. So even if they are
344 not mentally ill or mentally retarded or developmentally disabled, if it's an
345 assisted living facility—there's the definition there, the last bullet on this page. It's
346 generally defined as requiring assistance with two or more of the activities of

347 daily living. And this list here is taken from the State Code. So anybody that
348 needs help with those activities for whatever reason, whether it's just age or
349 whatever, you would be allowed to have a residence for up to eight people in that
350 category and the County would be required to treat that residence exactly the
351 way we treat a single-family home.

352
353 The proposed amendment would comply with the State Code and would also
354 make our language more consistent with the State Code language. Specifically
355 we would strike that additional provision of the physically handicapped and we
356 would insert the limitation of eight persons. So we would be more consistent with
357 the State Code than we are now.

358
359 That concludes my presentation.

360
361 Mr. Archer - Thank you, sir. Any questions from the Commission?
362 Any questions or comments from the public? Mr. Blankinship, I'm assuming that
363 the five requirements are probably the same as they are in my industry—bathing,
364 dressing, toileting, transferring, bowel control, bladder control, and eating. Those
365 are the things that we use to describe a disability. *Transferring*, being able to
366 move your body from one place to another, to a wheelchair or—

367
368 Mr. Blankinship - Yes. Those are actually defined in the State Code; let
369 me see if I can find the citation for you. Well, I don't have that right in front of me.

370
371 Mr. Archer - That's okay.

372
373 Mr. Blankinship - But they are defined by the State Code in the Social
374 Services section.

375
376 Mr. Archer - Okay.

377
378 Mrs. Jones - Where is that? Is it listed here?

379
380 Mr. Archer - It's on the screen.

381
382 Mr. Blankinship - It's not in the amendment.

383
384 Mrs. Jones - Oh, okay.

385
386 Mr. Blankinship - We're just referring to the Department of Social
387 Services' definition.

388
389 Mrs. Jones - Okay, all right.

390
391 Mr. Archer - All right, Mr. Blankinship, we certainly thank you.

392

393 Mr. Blankinship - Mr. Chairman, if I can make one more comment. I'm
394 sorry I let this slip by me. And let me think of exactly where it is. In the second
395 amendment that we're bringing before you, the one for the temporary family
396 healthcare structures, in the last round of reviews we would recommend
397 changing the section number of one of those provisions. We had been amending
398 96.1, which at this point is reserved; there is no text in that section at all. It would
399 have been convenient in that we already have a section number with no text in it.
400 However, that's right in the middle of the parking regulation; 96 is Parking; 97 is
401 Loading; and 98 is Parking Lots. So we are suggesting instead that you change
402 that to 24-100.1. Assuming that you're going to recommend approval, if you
403 could recommend approval with that one change.
404

405 Mr. Archer - Thank you, Mr. Blankinship.
406

407 Mr. O'Kelly - Mr. Chairman, unless there are any other questions
408 by members of the Commission, I would recommend that you take these up
409 individually for your recommendation to the Board.
410

411 Mr. Archer - Okay. Let us first deal with the ordinance to amend
412 and reordain Section 24-104 titled Signs.
413

414 Mr. Jernigan - Mr. Chairman, I'll make a motion that Section 24-104,
415 Signs for Drive-Through Restaurants, be changed.
416

417 Mrs. Jones - With additional wording?
418

419 Mr. Archer - With additional wording, yes.
420

421 Mr. Branin - Second.
422

423 Mr. Archer - Motion by Mr. Jernigan, seconded by Mr. Branin. All
424 in favor say aye. All opposed say no. The ayes have it; the motion passes.
425

426 The next one is the ordnance to amend and reordain Section 24-3 titled
427 Enumerated; Section 24-13 titled Accessory Uses Permitted; and Section 24-53
428 titled Accessory Uses Permitted; and the addition of Section 24-100.1 titled
429 Temporary Family Health Care Structures.
430

431 Mrs. Jones - I so move.
432

433 Mr. Branin - Second.
434

435 Mr. Archer - Moved by Mrs. Jones, seconded by Mr. Branin. All in
436 favor say aye. All opposed say no. The ayes have it; the motion passes.
437

438 Finally, the ordinance to amend and reordain Section 24-3 titled Enumerated,
439 and Sections 24-11, 24-13.1, 24-28, 24-32, 24-38, and 24-51, all titled Principal
440 Uses Permitted.

441

442 Mr. Branin - I so move.

443

444 Mrs. Jones - Second.

445

446 Mr. Archer - Move by Mr. Branin, seconded by Mrs. Jones. All in
447 favor say aye. All opposed say no. The ayes have it; the motion passes.

448

449 Mr. Branin - Mr. Blankinship, thank you for your time and your due
450 diligence and work on this.

451

452 Mr. Blankinship - Thank you.

453

454 Mr. Archer - We shall adjourn until 7:00.

455

456 **[THE PUBLIC HEARING ADJOURNED AT 6:33 P.M. AND RECONVENED AT**
457 **7:08 P.M.]**

458

459 Mr. Archer - Let us come to order. The Planning Commission will
460 now convene for our 7:00 session. Is there anyone from the media here at this
461 meeting? I don't see anyone. We already had the Pledge of Allegiance at our
462 earlier session, so with that I will turn the meeting over to Mr. O'Kelly, our
463 secretary for tonight.

464

465 Mr. O'Kelly - Thank you, Mr. Chairman. The first item on the
466 agenda is Requests for Withdrawals and Deferrals. Mr. Jim Strauss will lead us
467 through those.

468

469 Mr. Archer - Good evening, Mr. Strauss.

470

471 Mr. Strauss - Good evening. Members of the Commission, staff is
472 aware of one deferral. It's in the Varina District on page two of the agenda. That
473 would be case C-6C-11, J & B Realty, LLC. This is a request to conditionally
474 rezone from A-1 Agricultural District to R-5AC General Residence District. A zero
475 lot line residential development is proposed and the applicant is requesting a
476 deferral to the July 14th meeting.

477

478 **C-6C-11** **Brian Mitchell for J & B Realty, LLC:** Request to
479 conditionally rezone from A-1 Agricultural District to R-5AC General Residence
480 District (Conditional) Parcel 843-701-2778 containing approximately 24.4 acres,
481 located along the south line of Portugee Road approximately 2,300 feet east of
482 its intersection with Memorial Drive. The applicant proposes a zero lot line single-
483 family residential development. The R-5A District permits residential

484 development at a density not to exceed six (6) units per acre. The use will be
485 controlled by zoning ordinance regulations and proffered conditions. The Land
486 Use Plan recommends Office and Environmental Protection Area.

487
488 Mr. Archer - Is there anyone here who is opposed to the deferral of
489 C-6C-11, Brian Mitchell for J & B Realty, LLC?

490
491 Mr. Jernigan - Mr. Chairman, I'll move for deferral of case C-6C-11,
492 Brian Mitchell for J & B Realty, LLC, to July 14, 2011, by request of the applicant.

493
494 Mrs. Jones - Second.

495
496 Mr. Archer - Motion by Mr. Jernigan, seconded by Mrs. Jones. All
497 in favor say aye. All opposed say no. The ayes have it; the motion passes.

498
499 At the request of the applicant, the Planning Commission deferred C-6C-11,
500 Brian Mitchell for J & B Realty, LLC, to its meeting on July 14, 2011.

501
502 Mr. O'Kelly - Are there any deferral requests by the Planning
503 Commission?

504
505 Mr. Branin - Mr. Chairman, I do have one. I would like to defer C-
506 3C-11, Eugene Ray Jernigan, to the June 9th meeting.

507
508 **(Deferred from the March 10, 2011 Meeting)**

509 **C-3C-11 Alvin S. Mistr, Jr. for Eugene Ray Jernigan:**
510 Request to conditionally rezone from R-4 One-Family Residence District to B-3C
511 Business District (Conditional) Parcels 815-714-1027, -0737, and -1837
512 containing .8 acres, located at the northeast corner of Williamsburg Road (U.S.
513 Route 60) and Leonard Avenue. The applicant proposes retail or office uses. The
514 uses will be controlled by zoning ordinance regulations and proffered conditions.
515 The Land Use Plan recommends Commercial Concentration and Suburban
516 Residential 2, density should not exceed 3.4 units per acre. The site is in the
517 Airport Safety Overlay District.

518
519 Mr. Archer - Is there anyone here who is opposed to the deferral of
520 C-3C-11, Alvin S. Mistr, Jr. for Eugene Ray Jernigan? No opposition.

521
522 Mrs. Jones - Second.

523
524 Mr. Archer - Motion by Mr. Branin, seconded by Mrs. Jones. All in
525 favor say aye. All opposed say no. The ayes have it; the motion passes.

526
527 At the request of the Commission, the Planning Commission deferred C-3C-11,
528 Alvin S. Mistr, Jr. for Eugene Ray Jernigan, to its meeting on June 9, 2011.

529

530 Mr. Jernigan - Mr. Chairman, I abstain.

531

532 Mr. Archer - All right. Mr. Secretary.

533

534 Mr. O'Kelly - The next item is the Request for Expedited Agenda
535 items and Mr. Strauss will lead us through those.

536

537 Mr. Strauss - We have one request for expedited approval; it's in
538 the Tuckahoe District. It's on page one of your agenda, case P-8-11, West End
539 Farmers' Market, LLC. This is a request to amend Conditions 1 and 3 approved
540 with Provisional Use Permit P-3-10. A change to the annual opening date and the
541 addition of Sunday hours of operation is requested for an existing farmers'
542 market. This farmers' market has been opening at the end of April for the last two
543 years and would like to open the first Saturday in April. They would also like to
544 add Sunday to their operating hours and days. Staff is recommending approval
545 with Conditions 1 through 15 on page three of the staff report. We are not aware
546 of any opposition.

547

548 **P-8-11 Kristine Riley for West End Farmers' Market, LLC:**

549 Request to amend Conditions 1 and 3 approved with Provisional Use Permit P-3-
550 10, on Parcels 732-751-4078, 732-751-0561, and 731-751-8088 located at the
551 southwest intersection of Ridgefield Parkway and Gayton Road. The applicant
552 proposes to change the annual opening date and add Sunday hours of operation
553 for an existing farmers' market. The existing zoning is B-3 Business District. The
554 Land Use Plan recommends Commercial Concentration.

555

556 Mr. Archer - Is there anyone present who is opposed to P-8-11,
557 Kristine Riley for West End Farmers' Market, LLC? No opposition.

558

559 Mrs. Jones - I haven't had an opportunity to say hello to Mrs. Riley.
560 I do want to just make a comment that every now and then it's nice to have some
561 good news, someone who wants to expand hours and accommodate the public
562 and has a high-quality event. I think the market has been very well received.

563

564 With that, I would like to move approval of P-8-11, Kristine Riley for West End
565 Farmers' Market, LLC, on the Expedited Agenda.

566

567 Mr. Branin - Second.

568

569 Mr. Archer - Motion by Mrs. Jones, seconded by Mr. Branin. All in
570 favor say aye. All opposed say no. The ayes have it; the motion passes.

571

572 **REASON:** Acting on a motion by Mrs. Jones, seconded by Mr.
573 Branin, the Planning Commission voted 4-0 (two absent) to recommend the
574 Board of Supervisors grant the request because it would provide added services
575 to the community and when properly regulated by the recommended special

576 conditions, it would not be expected to adversely affect the public safety, health,
577 or general welfare.

578

579 Mr. Strauss - That concludes the expedited requests.

580

581 Mr. Archer - Thank you, Mr. Strauss.

582

583 Mr. O'Kelly - Mr. Chairman, that takes us to the first case on the
584 regular agenda.

585

586 **(Deferred from the April 14, 2011 Meeting)**

587 **C-5C-11**

588 **Ronald Taylor:** Request to conditionally rezone from
589 A-1 Agricultural District to B-3C Business District (Conditional) Parcel 808-722-
590 7565 containing approximately 1.26 acres, located on the north line of Nine Mile
591 Road (State Route 33) approximately 250' west of its intersection with E.
592 Richmond Road. The applicant proposes a carwash. The use will be controlled
593 by zoning ordinance regulations and proffered conditions. The Land Use Plan
594 recommends Office/Service. The site is located in the Enterprise Zone and
595 partially in the Airport Safety Overlay District.

596

597 Mr. Archer - Good evening, Ms. Taylor. Is there anyone present
598 who is opposed to C-5C-11, Ronald Taylor? No opposition. Go ahead, Ms.
599 Taylor.

600

601 Ms. Taylor - Thank you, Mr. Chairman.

602

603 This is a request to rezone 1.26 acres from A-1 to B-3C to allow for a car wash.
604 The property is located on Nine Mile Road approximately 250 feet west of its
605 intersection with East Richmond Road.

606

607 The proposed zoning and use are inconsistent with the 2026 Comprehensive
608 Plan recommendation for Office/Service. It is also inconsistent with the vision for
609 the Nine Mile Road Corridor Revitalization/Reinvestment Opportunity Area to
610 encourage the development of office parks, coordinated designs that include
611 such features as extensive landscaping and high quality architectural materials.
612 These features are very important to the Nine Mile Road Corridor, especially
613 within the portion which serves as a gateway into the County and is in close
614 proximity to the Eastern Government Center and future Tourist Information
615 Center. Staff believes an unmanned car wash would not support the visions of
616 the Revitalization/Reinvestment Area or provide a use with an employment base.

617

618 Since the staff report, the applicant has submitted revised proffers, a revised
619 concept plan, and architectural elevations that were handed out to you this
620 evening. These do address many of staff concerns outlined in the staff report
621 including:

622 Proffer language to ensure the screening material of the refuse container will be

622 of brick or brick veneer to match the proposed building;
623 A revised concept plan indicating the location of the proffered fence;
624 Architectural elevations that specify a color scheme and building materials;
625 A 30-foot landscape buffer along Nine Mile Road planted to a Transitional Buffer
626 25

627
628 The applicant has still not addressed the following concerns outlined in the staff
629 report:

630
631 Utilizing landscape islands within the site to aid with circulation and enhance the
632 landscaping;

633 Constructing brick columns on either side of the entrance to be consistent with
634 other recent developments on Nine Mile Road

635
636 Staff does not fully support this request; however, if this request is deemed
637 appropriate, the applicant is encouraged to address the concerns just mentioned.
638 Since revised proffers were received today, time limits will need to be waived.

639
640 This concludes my presentation. I will be happy to answer any questions.

641
642 Mr. Archer - Thank you. Are there any questions from the
643 Commission?

644
645 Mr. Jernigan - Ms. Taylor on the interior, you said for traffic flow on
646 the inside, we need what now?

647
648 Ms. Taylor - The landscape islands. We believe it would help with
649 circulation.

650
651 Mr. Jernigan - Have you spoken to Mr. Taylor about this?

652
653 Ms. Taylor - Yes sir.

654
655 Mr. Jernigan - What did he say?

656
657 Ms. Taylor - Well, he's here today. Maybe he could answer that
658 question for you.

659
660 Mr. Jernigan - So the landscape island and an entrance feature?

661
662 Ms. Taylor - Yes sir.

663
664 Mr. Jernigan - Ms. Taylor, I want to thank you. I know you hve spent
665 a lot of time on this case. I don't have any more questions.

666

667 Mr. Archer - All right. Do you want to hear from the applicant, Mr.
668 Jernigan?

669
670 Mr. Jernigan - Yes sir, I would, please.

671
672 Mr. Archer - All right, Mr. Taylor, would you come forward, please,
673 and state your name for the record?

674
675 Mr. Taylor - Mr. Chairman, Mr. Vice Chairman, members of the
676 Commission, my name is Ronald Taylor.

677
678 Mr. Archer - Good evening, Mr. Taylor.

679
680 Mr. Taylor - WASH VA, LLC is seeking approval of a request to
681 conditionally rezone Parcel 808-722-7565 from a A-1 Agricultural District to a B-3
682 Business District for a proposed self-serve carwash. We understand that this use
683 is inconsistent with the 2026 Land Use Plan's recommended use of Office space,
684 but we contend that this particular parcel should be evaluated on an individual
685 basis.

686
687 The proposed site is situated in between two well-established businesses in the
688 Eastern Government sub area, the self-storage, Nine Mile Road, and the Sunoco
689 gas station at the corner of Richmond Road and Nine Mile Road. The proposed
690 use of a carwash is a common use in conjunction with gas stations and self-
691 storage facilities in the County. It is also consistent with the surrounding uses
692 and zonings from Masonic Lane to the end of the sub area, Watson's Lane.
693 There are many automotive entities in that section of the sub area.

694
695 There was a community meeting held on March 14th. Six residents attended and
696 asked questions, but voiced support for the proposed carwash. Thirty residents in
697 the immediate area were invited to attend. Seventeen of those were invited
698 personally by me as I polled the surrounding neighbors and business owners as I
699 gave out the notices. The result of that poll was no opposition and full support
700 from each resident I spoke to.

701
702 In staff comments dated April 27, 2011, on page three, paragraph two it says,
703 "The vision of the Nine Mile Road Corridor Revitalization/Reinvestment
704 Opportunity Area encourages that the recommendation in the 1998 Nine Mile
705 Road Economic Analysis and Revitalization Plan be followed where applicable."
706 We believe that in this particular instance those recommendations and that of the
707 Land Use Plan will not apply, as the establishment of the surrounding business
708 uses in this portion of the Eastern Government sub area are more consistent with
709 that of a carwash than office space. Therefore, we respectfully ask that the
710 Planning Commission recommend that the Board of Supervisors grant this
711 request.

712

713 Mr. Archer - Thank you, Mr. Taylor. Are there questions for Mr.
714 Taylor from the Commission?

715
716 Mrs. Jones - May I just ask a clarification?

717
718 Mr. Jernigan - Yes, go right ahead.

719
720 Mrs. Jones - Hello, Mr. Taylor.

721
722 Mr. Taylor - Hello.

723
724 Mrs. Jones - On the site plan here that I'm looking at that was
725 handed out tonight, would you just explain to me your circulation here? Staff has
726 mentioned landscape islands to help regulate that. Everybody comes in on what
727 I'm looking at as the right side, goes into the bays from the left toward the right. Is
728 that correct?

729
730 Mr. Taylor - Yes. The traffic pattern would be in a
731 counterclockwise circular motion. That is consistent actually with at least two
732 other carwashes approved by the Commission in the last six years.

733
734 Mrs. Jones - Mr. Taylor, I'm a little slow here. Okay. So if you're
735 coming in on the right, you come around and enter the bay from the left?

736
737 Mr. Taylor - Yes ma'am; I'm sorry.

738
739 Mrs. Jones - Then you must exit on the right as well, where other
740 cars are coming in.

741
742 Mr. Taylor - Well, it would be an established lane. We can mark it
743 with lines if you like, but we believe there would be an established lane of traffic.
744 If you go in on this side and when you come out and turn right, you're not going
745 to turn directly into the traffic coming towards you. There is 200 feet of space on
746 the property from the east portion to the west portion. We believe that is more
747 than enough space for the traffic to discern where oncoming traffic is coming
748 from.

749
750 Mrs. Jones - I do understand that you think people logically will
751 follow a pattern that makes sense. I always try to give people the benefit of the
752 doubt, but sometimes, and I've driven through a number of carwashes that are
753 set up on this unmanned carwash kind of a model that you've used here. I think
754 it's confusing. I would suggest that in the interest of trying to overcome people's
755 natural ability to maybe not follow the logical pattern that you might want to give
756 some consideration to having staff's recommendation for some kind of a very,
757 very specific pattern to the traffic. I do want to tell you I think that's confusing.

758

759 I wanted to ask you one more thing about an unmanned operation. Can you tell
760 me because I'm not familiar with how you would run yours, an unmanned
761 operation means truly unmanned? Will there be someone in an office space?
762 What happens when something breaks? What happens when there is trash on
763 the ground? How is all that handled?
764

765 Mr. Taylor - Well it won't be truly unmanned for the duration of the
766 operating hours. We plan to have someone on site for a portion of the daytime
767 hours from, say, 8:00 in the morning until 5:00 in the afternoon just for the things
768 that you mentioned. People may need change. They may have big bills that
769 need change, the changer won't suffice. So, for those purposes, we will have
770 someone on site from eight in the morning until about five in the afternoon.
771

772 Mrs. Jones - You'll have one employee on site during operating
773 hours?
774

775 Mr. Taylor - Yes ma'am.
776

777 Mr. Branin - Actually, you don't close the gate so that's not correct.
778 It's unmanned 24, correct?
779

780 Mr. Taylor - Well, we have established with the staff that we would
781 only operate from 7:00 in the morning until 11:00 p.m. At 11 p.m. the lights will
782 automatically shut down to minimum levels.
783

784 Mr. Branin - Does the equipment shut off as well?
785

786 Mr. Taylor - The equipment doesn't shut off, but if you have no
787 lights there'd be no reason to wash a car.
788

789 Mr. Branin - You said the lights will be turned down?
790

791 Mr. Taylor - The lights will be turned down to a minimum level at
792 11 p.m.
793

794 Mr. Branin - So they're not off?
795

796 Mr. Taylor - No, not all of the lights. Primarily we will leave only
797 enough light so that if the police should ride by they can see onto the property.
798 No bays will be lit. The doors for the automatic bay will be closed. In the bays,
799 themselves you won't be able to wash your car because you won't be able to see
800 anything.
801

802 Mr. Branin - So you'll have an attendant on site from 8 to 5
803 Monday through Friday?
804

805 Mr. Taylor - Monday through Sunday. I mean seven days a week.
806
807 Mr. Branin - So seven days a week. And then it will continue to
808 operate with no attendant until 11 p.m.
809
810 Mr. Taylor - Yes sir.
811
812 Mr. Jernigan - Is that going to be you or are you going to have an
813 employee?
814
815 Mr. Taylor - I will have an employee.
816
817 Mr. Branin - Mr. Taylor, if you came in to this area and no one is
818 washing their cars yet, wouldn't you just take a quick left to get to the bay?
819
820 Mr. Taylor - No.
821
822 Mr. Branin - Really? Why?
823
824 Mr. Taylor - Because—
825
826 Mr. Branin - Is there a sign that says "Do not enter from this side;
827 go around to the back"? Do you understand what I'm saying?
828
829 Mr. Taylor - I understand exactly what you're saying.
830
831 Mr. Branin - I know me personally, when I come into this parking
832 lot and no one's in that bay, I'm shooting in.
833
834 Mr. Taylor - May I ask, Mr. Branin, if you frequently use self-serve
835 carwashes?
836
837 Mr. Branin - I do. And I can tell you I go from both sides depending
838 on if someone's in line or not.
839
840 Mr. Taylor - Well—
841
842 Mr. Branin - And if you look at my car, my car is always clean.
843
844 Mr. Taylor - I don't doubt that. Well generally as I have frequented
845 these type of carwashes for many, many years, people generally enter from the
846 side of the vacuum cleaners. Because generally, most people vacuum their cars
847 first before they wash it. As Mrs. Jones pointed out, there is nothing to indicate
848 the traffic pattern, so that is something that needs to be addressed. But upon
849 addressing the traffic pattern, I do not believe that anyone—Suffice it to say I
850 don't believe that anyone, once they know what the traffic pattern is, will just

851 ignore that and turn left. I would like to point out that there are two other
852 carwashes that have been approved and built in the County in the last six years.
853 One is on Staples Mill Road about a mile from here. It has the same exact traffic
854 pattern and it has much less space to operate than this carwash.

855

856 Mr. Branin - Are you talking about the one behind the 7-Eleven?

857

858 Mr. Taylor - No, I'm talking about the WUT-A-WASH right beside
859 the Grease Monkey.

860

861 Mrs. Jones - On Staples Mill.

862

863 Mr. Taylor - On Staples Mill.

864

865 Mrs. Jones - That's the one I was confused in, so.

866

867 Mr. Taylor - Oh.

868

869 Mrs. Jones - It's a problem.

870

871 Mr. Taylor - Okay, okay. Well then I don't doubt that it's something
872 that needs to be addressed.

873

874 Mr. Archer - Mr. Taylor, how would you address that?

875

876 Mr. Taylor - First we can address it with the signage. As you
877 pointed out, we can put up signs that say "Do Not Enter" from the side. That is a
878 standard traffic sign. To ignore that traffic sign would just be someone who just
879 plain and simply just wants to do what they want to do. And secondly, we can
880 paint the arrows on the asphalt to indicate in which direction we wish you to go.
881 We can't make anybody physically do what we want them to do, but we can
882 indicate—

883

884 Mr. Branin - Mr. Taylor, without a doubt. But in reading the case,
885 you don't address any of that. That's why we're all asking so many questions.

886

887 Mr. Taylor - I understand. And as Mrs. Jones said, she gives the
888 benefit of the doubt and I do also. But I understand that the Board has concerns
889 with that, so that will be addressed.

890 Mr. Branin - Okay. Well, you want to address them?

891

892 Mr. Archer - I think what he's saying, Mr. Taylor, conditions have
893 to be proffered in order to make them substantially apply to this case.

894

895 Mr. Taylor - I understand.

896

897 Mr. Jernigan - Can we get Mr. Jennings to come up here, if you
898 would, please, Mr. Jennings?

899
900 Mr. Jennings - Mike Jennings, Traffic Engineer for Henrico County.

901
902 Mr. Jernigan - Seeing as you are the professional that you are, can
903 you give Mr. Taylor some guidance on what he may need to do here?

904
905 Mr. Jennings - Yes. One of the things we do not like to see is a sea
906 of asphalt like that because it's just a wide-open area, which causes confusion
907 and conflicts. We like to see raised landscape islands basically channeling traffic
908 in the direction it should be going with certain width drive aisles—and "Do Not
909 Enter" signs if necessary—basically directing traffic around the site. This is the
910 first time I've seen this layout so I don't know the exact dimensions. How wide is
911 your building? What is the width from there to there? Is that 50 feet? Fifty-two
912 feet, so you probably have 120 feet of asphalt over here, just open area for
913 people to go who knows where. So we like to see channeling, you know, 24- or
914 30-foot drive aisles to channel traffic around. If you want to channel them over to
915 the vacuums, that's fine, or channel them into the wash bays. And then the same
916 thing coming out of the site. There will be more detail review of this during the
917 POD stage, of course, so we would look at channeling the traffic with raised
918 landscape islands.

919
920 Mr. Jernigan - Okay. Thank you, Mr. Jennings. Mr. Taylor?

921
922 Mr. Taylor - Yes sir.

923
924 Mr. Jernigan - You've come a long way on this case, but we're still a
925 little bit short. I'm going to make a recommendation to you that you defer this to
926 work out with Ms. Taylor landscape islands or arrows showing through here and
927 an entrance feature coming in.

928
929 Mr. Taylor - When you say the entrance feature—.

930
931 Mr. Jernigan - She wanted some columns or something when you're
932 coming in your driveway.

933
934 Mr. Taylor - Yes sir. I do understand what you're talking about. I
935 have a question, but I think that may be a question more for Ms. Taylor, so I'll ask
936 that at the appropriate time.

937
938 Mr. Jernigan - Would you like to move to defer this and get it
939 straight?

940
941 Mr. Archer - Mr. Jernigan, before we do that, do we have to waive
942 the time limits on what has been presented in these proffers?

943 Mr. Archer - Okay, all right.
944
945 Mr. Jernigan - Only if we vote.
946
947 Mr. Branin - Mr. Chairman, before you do that, have you been out
948 towards Short Pump Town Center?
949
950 Mr. Taylor - Yes sir.
951
952 Mr. Branin - Have you see the Car Pool?
953
954 Mr. Taylor - No I haven't.
955
956 Mr. Branin - You haven't see the Taj Mahal Car Pool?
957
958 Mr. Taylor - I haven't.
959
960 Mr. Branin - You need to go check it out. It's absolutely beautiful.
961
962 Mr. Taylor - I understand that.
963
964 Mr. Branin - Before you go any further, your elevation is great.
965 When I read this case, the staff is recommending it doesn't really fit in this land
966 and you don't hear the Commission saying it doesn't fit in the land. The only
967 thing that we're trying to get straight with you is the flow.
968
969 Mr. Taylor - I understand.
970
971 Mr. Branin - You've actually crossed the biggest hurdle.
972
973 Mr. Taylor - Thank you.
974
975 Mr. Branin - Which is us moving it forward. You need to dress up
976 your site.
977
978 Mr. Taylor - Yes sir.
979
980 Mr. Jernigan - Mr. Taylor has moved a long ways. The Comp Plan
981 doesn't call for it, but he does have a gas station on one side and a storage
982 facility on the other. So I'm okay with the positioning of it.
983
984 Mrs. Jones - I would like to just mention that along with this, my
985 evaluation of this case does give a nod—as it should, I think—to the Nine Mile
986 Road Corridor Revitalization Plan just because we know this is the entrance to
987 the County. It is very close to the new tourist center. This is an area that really
988 has some guidelines to work with. So we're hoping that when your establishment

989 is presented to us the next time it'll really meet a lot of aesthetic needs. Even
990 though it isn't exactly hitting into an Office designation, it could blend nicely with
991 the vision that is very clearly set out in the guidelines for that area. Those are
992 behind our evaluation as well, those considerations.

993
994 Mr. Jernigan - Let me say something and maybe I'll change up what
995 I said before, asking for a deferral. If we move this along tonight, Mr. Taylor, one
996 way or the other, do you think you can get with Ms. Taylor between now and
997 Board—

998
999 Mr. Taylor - Yes sir.

1000
1001 Mr. Jernigan - —and work out these final details?

1002
1003 Mr. Taylor - Yes sir.

1004
1005 Mr. Jernigan - One question, the doors. Are they going to be glass?

1006
1007 Mr. Taylor - Ms. Taylor told me that there was a little bit too much
1008 Petty blue for you in the door.

1009
1010 Mr. Jernigan - It was.

1011
1012 Mr. Taylor - That was just pretty much to show that the door would
1013 be there. The door would actually be clear.

1014
1015 Mr. Jernigan - Plexiglas or glass?

1016
1017 Mr. Taylor - Plexiglas type material, yes.

1018
1019 Mr. Jernigan - So the door is not going to be blue?

1020
1021 Mr. Taylor - If you are familiar with Mr. Box carwash at Mayland
1022 Drive, he has Plexiglas doors that fold open. Those would be the type of doors
1023 that you would see. So basically for the elevations I removed them just so that
1024 the Petty blue wouldn't be there.

1025
1026 Mr. Jernigan - On the first elevation you had my computer didn't pick
1027 it up. All I could see was this huge door and half of it was Petty blue. Even
1028 though I'm a Richard Petty fan myself, you can have too much Petty blue. And
1029 that door did make it. But if your doors are going to be Plexiglas or glass, I'm
1030 okay with that.

1031
1032 Mr. Taylor - Yes sir.

1033

1034 Mr. Jernigan - So, Mr. Chairman, I'm going to recant my statement
1035 about the deferral. If Mr. Taylor thinks he can get with Ms. Taylor over there and
1036 work out these details we'll see what we can do there.

1037

1038 Mrs. Jones - Details for landscape islands, potentially, and for the
1039 road feature, the feature at the road entrance, a feature to be consistent with
1040 other recently approved plans.

1041

1042 Mr. Jernigan - I'm going to see what Ms. Taylor wants to come up
1043 with. All righty. Mr. Chairman, first of all I'd like to waive the time limits for case
1044 C-5C-11, Ronald Taylor.

1045

1046 Mr. Branin - Second.

1047

1048 Mr. Archer - Motion by Mr. Jernigan, seconded by Mr. Branin. All
1049 in favor say aye. All opposed say no. The ayes have it; the motion passes.

1050

1051 Mr. Jernigan - Mr. Chairman, with that I'd like to move case C-5C-
1052 11, Ronald Taylor, to the Board of Supervisors for approval.

1053

1054 Mr. Branin - Second.

1055

1056 Mr. Archer - Motion by Mr. Jernigan, second by Mr. Branin. All in
1057 favor say aye. All opposed say no. The ayes have it; the motion passes.

1058

1059 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.
1060 Branin, the Planning Commission voted 4-0 (two absent) to recommend the
1061 Board of Supervisors grant the request because the proffered conditions will
1062 provide appropriate quality assurances not otherwise available and the proffered
1063 conditions should minimize the potential impacts on surrounding land uses.

1064

1065 Mr. Branin - Mr. Taylor, when you leave here this evening, go
1066 down Parham Road. When you get to Broad Street, turn right and go out. You've
1067 got to see my Car Pool.

1068

1069 Mr. Taylor - I will go see your Car Pool. I thank you so much.

1070 Mr. Archer - Thank you, Mr. Taylor. All right, moving right along.

1071

1072 **C-19C-10 Robert M. Atack for KCA/Laburnum, LLC:** Request
1073 to amend proffered conditions accepted with Rezoning Case C-68C-03, on
1074 Parcel 808-731-7728, located at the southeast intersection of N. Laburnum
1075 Avenue and Watts Lane. The proposed amendments would allow townhomes in
1076 lieu of condominiums and modify proffers related to architectural treatment and
1077 renderings, maximum number of consecutive units, unit size, garages,
1078 conceptual site plan, curb and gutter and improvements for Watts Lane. The
1079 maximum amount of units (78) would not change. The existing zoning is RTHC

1080 Residential Townhouse District (Conditional). The Land Use Plan recommends
1081 Urban Residential; density should range from 3.4 to 6.8 units per acre. The site is
1082 in the Airport Safety Overlay District.

1083

1084 Mr. Archer - Is there anyone here who is opposed to C-19C-10,
1085 Robert M. Attack for KCA/Laburnum, LLC? There is no opposition.

1086

1087 Ms. Deemer - Good evening. The subject property is located at the
1088 southeast corner of N. Laburnum Avenue and Watts Lane and in March 2004,
1089 was rezoned from R-1C One-Family Residence District (Conditional) to RTHC
1090 Residential Townhouse District (Conditional) via case C-68C-03. In December
1091 2004, a Plan of Development was approved for the 78-unit condominium
1092 project—the Villas at Laburnum. Despite several extensions of the POD, the
1093 property remained undeveloped.

1094

1095 In August of 2010, the applicant requested a rezoning from RTHC to A-1. At
1096 your October 14, 2010 public hearing, the Planning Commission recommended
1097 approval of the request. Since November 9, 2010, the case has been deferred by
1098 the Board of Supervisors at the applicant's request. On March 8, 2011 the
1099 applicant revised the request to rezone from A-1 to instead amend proffers
1100 accepted with the original rezoning case. In light of the proposed changes, the
1101 Board remanded the request back to the Planning Commission.

1102

1103 Primarily the request is to change the development from a condominium complex
1104 to fee-simple townhomes and modify proffers to reflect new elevations, site plan
1105 and other housekeeping items.

1106

1107 The 2026 Comprehensive Plan recommends Urban Residential for the subject
1108 property. This request to amend proffers would not change the use of the
1109 property and it therefore remains consistent with the Plan designation.

1110

1111 Staff is supportive of this request especially as the applicant has submitted
1112 revised proffers dated May 11, 2011 addressing several of the remaining issues
1113 identified in the staff report. In response to staff comments, the applicant has
1114 committed to windows on side elevations and proffered garage door styles that
1115 will vary between units within each building. Dormers and side pedestrian
1116 entrances will also be offered as an option to purchasers. Given these changes,
1117 staff can support this request.

1118

1119 Mr. Archer - Any questions for Ms. Deemer from the Commission?
1120 I have none. Mr. Attack, I would like to have you come up for just a second.

1121

1122 Mr. O'Kelly - Rosemary, what is the date of the proffers?

1123

1124 Mr. Archer - I was just looking at that; it says 5/15.

1125

1126 Mrs. Jones - That's going to be hard.
1127
1128 Ms. Deemer - I did not notice that.
1129
1130 Mr. Archer - We can change that.
1131
1132 Ms. Deemer - What we can do is we would just get our copy, strike
1133 it, and have the applicant initial it with today's date.
1134
1135 Mr. O'Kelly - We'd have to waive the time limit.
1136
1137 Ms. Deemer - We have to do that anyway.
1138
1139 Mr. Atack - Good evening, Mr. Chairman, members of the
1140 Planning Commission. My name is Bob Atack.
1141
1142 Mr. Archer - Mr. Atack, I know you met with Secretary Emerson
1143 and you all have resolved all the issues with regard to the staff concerns. I was
1144 just going to ask, will the elevations that you show to perspective buyers, will they
1145 show the varied types of dormers that they have the option to purchase?
1146
1147 Mr. Atack - Yes sir. That will part of an exhibit made available to
1148 the prospective homebuyers.
1149
1150 Mr. Archer - Okay. I just wanted to make sure that they didn't have
1151 to specifically ask for it before they could see it.
1152
1153 Mr. Atack - Correct. No sir, that will be made available to them
1154 and be part of the offering.
1155
1156 Mrs. Jones - But that will come at an additional cost.
1157
1158 Mr. Atack - Yes ma'am.
1159
1160 Mrs. Jones - So it could be that folks will choose to be economical
1161 and not have any of the added features and we'll have a very un-delineated
1162 facade.
1163
1164 Mr. Atack - I don't know if you've seen the elevations.
1165
1166 Mrs. Jones - I sure have.
1167
1168 Mr. Atack - There is some significance, I think, in the delineations.
1169 And also looking at it just in the front elevation that you see, those buildings also
1170 have various changes in their architectural design. This is the same product we
1171 recently rezoned in Hunton. And also I should correct myself, Mrs. Jones. Some

1172 of these options may not have a difference in price when compared to what the
1173 purchaser would already be purchasing. So it doesn't necessarily mean it would
1174 be unaffordable. We really feel good about this. We've never done this. We've
1175 never proffered a scenario in which we offered options as part of a case. And I
1176 think it's a good direction to take because it gives a much wider spectrum for the
1177 end user to actually be able to participate. In townhouses or condominiums, the
1178 choices on the outside really are very limited, so we think this innovation—which
1179 was suggested to us by staff—is a good one.

1180
1181 Mrs. Jones - I think the addition of garages is really a plus.
1182

1183 Mr. Atack - Yes ma'am. This case is six years old. We really liked
1184 our original case; we really thought it was a neat case. We had 40 detached
1185 garages. Garages get used for storage almost inevitably anyway. When you
1186 make it a detached garage, you can forget ever seeing a car in it. So I appreciate
1187 your observation with some of ours.

1188
1189 Mr. Archer - They become storage units.
1190

1191 Mr. Atack - Yes sir.
1192

1193 Mr. Archer - Okay. Anything else for Mr. Atack? Mr. Atack, thank
1194 you so much and I'm pleased that you increased the square footage of the units.
1195

1196 Mr. Atack - Thank you, sir.
1197

1198 Mr. Archer - All right.
1199

1200 Ms. Deemer - Mr. Chairman, I just wanted to let you know the black-
1201 line copies that you were passed out have 5/15 on them, but the original copy
1202 that Mr. Atack signed has May 11th on there, so we're good with that date.
1203

1204 Mr. Archer - All right, that's fine.
1205

1206 Ms. Deemer - And the time limits would need to be waived.
1207

1208 Mr. Archer - With that I will move to waive the time limits on the
1209 proffered case.
1210

1211 Mr. Jernigan - Second.
1212

1213 Mr. Archer - Motion by Mr. Archer, seconded by Mr. Jernigan to
1214 waive the time limits. All in favor say aye. All opposed say no. The ayes have it;
1215 the motion passes.
1216

1217 I will also move that C-19C-10, Robert M. Atack for KCA/Laburnum, LLC, be
1218 passed along to the Board of Supervisors with a recommendation of approval.

1219

1220 Mr. Branin - Second.

1221

1222 Mr. Archer - Motion by Mr. Archer, and seconded by Mr. Branin.
1223 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

1224

1225 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
1226 Branin, the Planning Commission voted 4-0 (two absent) to recommend the
1227 Board of Supervisors grant the request because it conforms to the
1228 recommendations of the Comprehensive Plan and the changes do not greatly
1229 reduce the original intended purpose of the proffers.

1230

1231 Mr. O'Kelly - Mr. Chairman, the last item on your agenda is
1232 approval of the April 14, 2011 minutes.

1233

1234 Mr. Archer - Any changes to the minutes?

1235

1236 Mrs. Jones - For once I have nothing to say.

1237

1238 Mr. Branin - I did real well last month; I had four. So I'm resting
1239 here.

1240

1241 Mrs. Jones - You're resting on your laurels.

1242

1243 Mr. Archer - I am pleased that you are pleased with yourself. I'll
1244 entertain a motion for approval of the minutes.

1245

1246 Mr. Branin - So moved.

1247

1248 Mr. Jernigan - Second.

1249

1250 Mr. Archer - Motion by Mr. Branin, seconded by Mr. Jernigan for
1251 approval of the minutes. All in favor say aye. All opposed say no. The ayes have
1252 it; the motion passes.

1253

1254 Any further business to be brought before the Commission?

1255

1256 Mr. Branin - Mr. Chairman, since we're open now, I would like to
1257 make a recommendation that we put on the agenda for next month's Thursday
1258 meeting at the top of the agenda because we hadn't opened the meeting.

1259

1260 Mrs. Jones - Yes, you had opened the meeting.

1261

1262 Mr. Branin - Then never mind.

1263 Mr. Archer - It will be included.
1264
1265 Mrs. Jones - But you only wish to discuss the one ordinance
1266 change, not all three.
1267
1268 Mr. Branin - Right, just the one ordinance change that has to do
1269 with group homes.
1270
1271 Mrs. Jones - Group homes. And that will be advertised as part of
1272 the meeting, correct?
1273
1274 Mr. O'Kelly - I don't think we'll be advertising it.
1275
1276 Mrs. Jones - But it will be on our agenda.
1277
1278 Mr. Branin - And I would also like to request that staff contact the
1279 list that was provided. I had misspoken and said 6:30 and now they need to know
1280 7:00.
1281
1282 Mr. Archer - All right. Hearing nothing further, the meeting is
1283 adjourned at 7:48 p.m.
1284

1285 The meeting adjourned at 7:48 p.m.
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Mr. David D. O'Kelly, Secretary



Mr. C. W. Archer, Chairperson