

1 Minutes of a special Work Session regarding the potential amendments to the
2 County Code regarding Public Street Frontage Requirements for Family
3 Subdivisions, beginning at 5:30 p.m. and held in the County Manager's
4 Conference Room, followed by the Minutes of the regular monthly meeting of the
5 Planning Commission of the County of Henrico held in the County Administration
6 Building in the Government Center at Parham and Hungary Spring Roads,
7 beginning at 7:00 p.m. Thursday, November 10, 2010. Display Notice having
8 been published in the Richmond Times-Dispatch on October 20, 2010 and
9 October 27, 2010.

10
Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairman (Brookland)
Mr. C. W. Archer, Vice Chairman C.P.C. (Fairfield)
Mr. Tommy Branin (Three Chopt)
Mr. E. Ray Jernigan, C.P.C., (Varina)
Mrs. Bonnie-Leigh Jones (Tuckahoe)
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary
Mr. David Kaechele, Board of Supervisors Representative

Also Present: Ms. Jean Moore, Assistant Director of Planning
Mr. Dave O'Kelly, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Mr. Ben Blankinship, AICP, Principal Planner
Mr. Livingston Lewis, County Planner
Ms. Lisa Taylor, County Planner
Ms. Kim Vann, County Planner
Ms. Sylvia Ray, Recording Secretary

11 **Mr. David Kaechele, the Board of Supervisors' representative, abstains on**
12 **all cases unless otherwise noted.**

13
14 Mr. Vanarsdall - The Planning Commission will come to order. I want
15 to acknowledge Luz Lazo from the *Times-Dispatch* who came to see what we're
16 doing tonight.

17
18 Mr. Branin - Did anybody offer her something to eat?

19
20 Mr. Vanarsdall - I did. She didn't want anything.

21
22 Mr. Branin - We're not allowed to receive gifts from you; you're
23 allowed to receive gifts from us.

24
25 Mr. Vanarsdall - Right. All right, I'll turn it over to the secretary, Mr.
26 Emerson.

27
28 Mr. Emerson - Thank you, Mr. Chairman. We're here for a work
29 session this morning on the public street frontage requirements for family

30 subdivisions. You may recall that you took action sometime back on an
31 amendment to the Zoning Code that would have allowed the Board of Zoning
32 Appeals to make exceptions regarding some of the non-street frontage lots. The
33 Board of Supervisors took a look at that and felt like we needed to examine
34 different avenues to accomplish these types of conditions and asked us to go
35 back and research and study how we do that. We did do that and we took the
36 information you're about to receive from Mr. Blankinship back to the Board. They
37 indicated they wanted us, of course, to bring it to the Commission so you could
38 begin the process of consideration and public hearing based on the new
39 approach. So with that, I'll turn it over to Mr. Blankinship to present the proposed
40 changes.

41
42 Mr. Vanarsdall - Thank you. Mr. Emerson said, in a nice way, they
43 didn't like it.

44
45 Mr. Blankinship - Good evening Mr. Chairman, members of the
46 Commission. I hope that you'll like this one better. To begin at the beginning,
47 the current requirement is that every lot to be used for a residence has to have
48 50 feet of frontage on a public street. That requirement has been in the County
49 Code since 1960. There are a number of good public policy reasons why we
50 require that and I think we've been over this a couple of times. And I think
51 everyone is very familiar with the need to get emergency vehicles, particularly, in
52 and out of every dwelling in the County; the need for school buses to be able to
53 reach dwellings; the need for mail delivery; and all the other public services are
54 best served on a public street. In addition, the public street right-of-way is the
55 ideal place to run water and sewer lines, and cable, and telephone, and all those
56 other utilities. So there are additional reasons to have a public street frontage
57 requirement.

58
59 However, as with any other rule, there are exceptions and there has always been
60 recognized an exception for family divisions. The way that has been recognized
61 from 1960 until 2004 was by means of the Board of Zoning Appeals granting
62 variances in specific cases where they felt it was reasonable to allow a family
63 division where it might not be reasonable to allow just a standard subdivision in
64 order to relieve some of the financial burden from family members who want to
65 convey property to their children or whomever.

66
67 When we first drafted this amendment, we took the conservative approach of
68 making the fewest changes that we could make to solve the problem that we
69 perceived. So rather than granting a variance—I guess I skipped a step logically.
70 In 2004, the Virginia Supreme Court handed down a decision that we refer to as
71 the Cochran Decision, which essentially made it very, very difficult for the Board
72 of Zoning Appeals to grant variances. For existing lots in many cases, it was still
73 reasonable for them, within the Courts' guidelines, for them to grant variance. But
74 particularly for the creation of a new lot, the Cochran case put such a heavy
75 burden on the applicant that he had to meet before the Board of Zoning Appeals

76 could grant variances that the Board found themselves in almost all cases unable
77 to grant those variances. So we brought an amendment that would have
78 changed it from a variance to a special exception. Of course to the property
79 owner, that change is essentially transparent. They don't care what we call the
80 approval. From the Board of Zoning Appeals' point of view, the legal burdens
81 that they had are completely different for a special exception and for a variance.
82 So that was the simpler solution that we proposed. When we took that to the
83 Board of Supervisors, one of the concerns that they expressed was that if these
84 cases are going to include a subdivision, they should be going before you rather
85 than before the Board of Zoning Appeals. You, the Planning Commission, are
86 the body that are more adept at handling subdivisions, more experienced, and
87 just have a better handle on the standard requirements in a subdivision situation.

88
89 So we have brought back a new amendment that, rather than simply allowing the
90 lot to be created without County review and then approve it as a building site, we
91 would bring before you a subdivision plat for a family division, which you have not
92 reviewed in the past. This would allow you to approve the division of the property,
93 the creation of a new lot, and at the same time, they would be allowed to build a
94 dwelling on it.

95
96 So the current regulation states that family divisions are exempt from the
97 Subdivision Ordinance. However, the lots created by family divisions still have to
98 meet all of the zoning requirements. That's why we've had this problem over the
99 last 50 years. Many, many people have gone to the courthouse and recorded a
100 deed and a plat that subdivided their property, created a new lot with no public
101 street frontage, thought they had a buildable lot, thought they were finished with
102 everything. They come in to get a building permit and they find out that they can't
103 get one because the lot doesn't have frontage on a public street. This is an issue
104 that has been ongoing in that way.

105
106 So the proposed regulation that we're putting before you this evening is that
107 every family subdivision would have to be presented to the Planning Department
108 and at least give us the opportunity of saying whether it needs to go through the
109 Planning Commission or whether it could go straight to record. A lot of family
110 divisions still would not have to be reviewed by the Planning Commission
111 because they're creating a lot that is on a public street and doesn't involve new
112 water and sewer lines. Those cases would still be exempt just as they are today.
113 But this amendment would give you the additional power to approve a family
114 subdivision that created lots that do not have public street frontage.

115
116 Let me make sure that everybody is with me at that point.

117
118 Now, that would be subject to certain requirements, which are the rest of this
119 amendment. The first is that the lot must meet all of the other zoning
120 requirements. It would have to meet the minimum lot area, the minimum lot
121 width. It would have to be outside the flood plain. They would have to be able to

122 meet the setbacks, front, rear and side yard setbacks. All the other requirements
123 under the Zoning Ordinance would remain the same. The only thing this would
124 exempt them from is the requirement for public street frontage.

125

126 This would allow only one per family member. So a father who has five children
127 could create five lots and give one to each child. But if he owned farms on both
128 sides of the County, he could divide one or the other to give the lots to his
129 children, but he couldn't give them five lots on this end of the County and five lots
130 on that end of the County. So one lot to be created per family member. *Family*
131 *member* is already defined in the Code and I'll go over that in just a minute.

132

133 Mr. Kaechele: Does that mean only immediate family or could it be—

134

135 Mr. Blankinship - The definition of *family*, which is already in the Code
136 and is also taken straight from the State code, is defined as any person who is
137 natural or legally defined offspring, stepchild—which was added just this year—
138 spouses, sibling, grandchild, grandparents, or parent of the owner. So it's up and
139 down—grandfather, father, owner, child, grandchild. It's not off to cousins or
140 aunts or uncles. Every couple of years they'll add somebody else to that list.

141

142 Mr. Vanarsdall - Your fifteenth cousin.

143

144 Mr. Blankinship - Right. And, of course, the County has the authority to
145 widen that beyond what the state requires. The state law requires us to allow
146 family divisions for the people within that definition. So only one lot per family
147 member, and that is taken out of the State code, as is that next clause that they
148 *shall not circumvent the Subdivision Ordinance*, which gives us the authority to
149 say in any specific case if we believe there is an abuse of this process, if
150 somebody was using this in order to get out of doing proper subdivisions—like if
151 they're giving it to family member and then flipping the next day on the real estate
152 market, it would be under that clause that we say that's not permitted because
153 this is specifically not supposed to be used to circumvent the Subdivision
154 Ordinance.

155

156 The third requirement would require them to record with the deed of transfer a
157 restrictive covenant stating that a family member would own the lot for at least
158 five years. This is one of the requirements that's bounced around a little bit over
159 the last couple of months. This is a work session and our purpose tonight is to
160 receive your input on this. Five is a number that's related to some other things.
161 It's not a magic number. It doesn't have to be five, it could be four or six or
162 whatever other number the Planning Commission and the Board think is
163 appropriate. But the number that we put in this draft for discussion purposes is
164 five years. And that's after the transfer. That was the other thing that's been
165 discussed somewhat is whether they have to have held it for five years before
166 they sell it. The way we've drafted this is after the transfer. So you could buy

167 property tomorrow and divide it among family members. But then whoever is
168 given that land would have to hold it for five years.

169
170 Requirement (d) there, each lot will be served by a private drive. This is the other
171 substantial change from the last time we brought this before you. The
172 requirements for this private drive are that it must be connected to an existing
173 public street, so you can't have a private drive connected to another private drive,
174 daisy-chained. Each drive that we're describing has to come off a public street. It
175 has to be located within a recorded easement, 30 feet wide, unobstructed from
176 the ground up. In a heavily wooded area, you'd have to have at least 30-foot
177 cleared way. And that has to be in some sort of deeded easement or right-of-way
178 or something that is legally protected, it's not at the whim of one property owner
179 allowing another property owner access.

180
181 We would allow no more than three dwellings on a private drive. Again, the
182 number three is not magical there; it could go four or if you wanted to change it to
183 two. But we do believe it's important to limit the total number of dwellings to be
184 served by a private drive. If it's going to be more than that, they need to put in a
185 public street. You need to have a permanent County-maintained road. They
186 would be required to provide utility easements wherever they're necessary within
187 that same 30 feet.

188
189 The street itself, the physical construction of the street would have to meet
190 several other requirements. It would have to meet the sight distance
191 requirements, horizontal curves, and vertical curves or slopes, and the points of
192 access. They would have to meet, for those four items, the same requirements
193 that public streets have to meet. The easement has to be 30 feet wide. The
194 surface of the road, under this draft, would be required to be 24 feet wide, 2
195 inches of asphalt over a 6-inch stone base.

196
197 All dwellings would have to be within 1320 feet of the public street. That's a
198 maximum. That's not saying you have to build a 1320-foot road every time you
199 do this, but that would be the maximum distance that would be allowed,
200 measured in the path that you would drive from the public street to where the
201 house is going to be. That's just there so that it doesn't take on an unlimited
202 character where somebody could be two miles from a public street. The longer
203 the road is, of course, the more expensive it is going to be to maintain, the more
204 challenges there are going to be to make sure that that road remains open and
205 passable. So we do feel that it's important to have some limitation.

206
207 Those bullet points within (e), the County Engineer would have the power to
208 reduce or to waive those requirements. In a case where the 24-foot-wide surface
209 just wouldn't work but a 22-foot-wide surface would be adequate, the County
210 Engineer would be the one charged with allowing a reduction or a waiver of that
211 requirement. Of if there is no way to get points of access that strictly comply with

212 the points-of-access requirements for public streets, the County engineer could
213 waive that one requirement.

214

215 And last but not least, the owners of all the dwellings served by the drive would
216 have to agree to a written and recorded maintenance agreement.

217

218 Just to make sure as the discussion begins—yes sir.

219

220 Mr. Kaechele - Can the County engineer also waive the asphalt
221 requirement?

222

223 Mr. Blankinship - Yes sir, the two inches of asphalt or the six inches of
224 stone. Yes, he would be able to waive any of the bullet points under Paragraph
225 (e) on this slide.

226

227 Now, before the discussion really gets underway, I just wanted to go through a
228 number of examples. These are cases that the Board of Zoning Appeals heard
229 prior to 2004, most of them—one or two of them are after 2004. But these are the
230 maps from Board of Zoning Appeals cases. I took the last 80 of them and broke
231 them up into categories to see just how many we're getting of different kinds.
232 What I wouldn't want you to do is have a particular picture in your mind of one
233 particular situation and be settled on that, because there is a lot of variety in
234 these cases. The cases that have come before the Board of Zoning Appeals
235 have not been consistent, they haven't all been way back a quarter of mile off of
236 a paved road in an agricultural area. As you'll see, a lot of the cases are nothing
237 like that. So I wanted to just take you through several representative samples
238 and give you an idea over the last few years that the Board of Zoning Appeals
239 was able to approve these, about ten percent of them looked like this, the
240 property actually abuts the terminus of the public street. The Code specifically
241 states that that does not count as public street frontage. The reason, of course, is
242 that we want them to extend the public street across their property; we don't want
243 it to get there and then stop. But in some cases like this one, you can see it has
244 nowhere to go. So there's no reason not to allow them to build a permanent cul-
245 de-sac there and let that be public street frontage applicable to that lot. So about
246 ten percent of the cases are like that, where the property actually abuts the
247 terminus of a public street.

248

249 About another five percent are on paved private streets. This is Jones Road,
250 which I think is in Brookland. Is that right? I think it's near the line. It's a private
251 drive that's never been County owned or County maintained, but it's a nice paved
252 road. There was no practical, functional reason why we shouldn't allow these
253 people to build a house on that road. Now of course you do have issues with any
254 privately-maintained road, but at least this was a well-constructed paved road
255 and about five percent of them have been like that.

256

257 In about another ten percent of the cases, the site is the rear half or the rear
258 portion of a property that abuts a public street. So here you have Strath Road
259 and you have a 2-1/2-acre parcel that abuts Strath Road that already has one
260 house on it. They want to create a second lot. Sometimes they're building in front
261 of the existing house so the existing house is the one that's going to have no
262 public street frontage; sometimes the excess land is behind the existing house so
263 they're creating a new lot with no public street frontage.

264
265 As you can see, if you're thinking of a quarter-of-a-mile-long road winding it's way
266 through trees and over hills, that's not the case in a lot of these situations. Here
267 it's just a straight shot, fairly level, making a right angle. It's not at all difficult. So
268 meeting all the public street standards really isn't that challenging in a lot of these
269 cases.

270
271 Another fifteen percent look like that, where the site is within 200 feet of a public
272 street. They don't own the property or perhaps they own an easement or perhaps
273 they own a 15- or 20-foot strip that goes from the public street back to their
274 property. They don't have any frontage on a public street, but they're within 200
275 feet of it. So you're not talking about building a quarter-mile road.

276
277 Another 20% are between 200 and 600 feet from the public street. And about
278 20% have a site that's over 600 feet from the nearest public street. So they're
279 going to be building a long private drive. This case is up on the river off of
280 Chaffins Bluff, a private road called Chaffins Bluff that goes out to Osborne
281 Turnpike. This is the prototypical bad case and the Board of Zoning Appeals
282 denied the variance. You can see where there's a stream crossing that private
283 road. There's a ditch there about 20 feet deep that had a culvert in it once and
284 that culver is long gone. There is no way to get to this house. So the Board of
285 Zoning Appeals denied the variance because there was no access to it.

286
287 Mr. Kaechele: With it coming to us under the new policy, would this
288 be something that we would consider approving?

289
290 Mr. Blankinship - It's something that you might consider. It's something
291 that an applicant might put before you. But in order for you to approve it, it
292 would have to meet those requirements for the public street. So they would have
293 to find a way to get a road there that met the slope standards, which couldn't be
294 done the way this property was. And they would have to pave a road over that
295 right-of-way, which this owner was not willing to do.

296
297 Mr. Kaechele - Or the Director of Public Works would have to waive
298 the requirements.

299
300 Mr. Blankinship - He would have the power on some of those
301 requirements, right.

302

303 The last example is that about 20% of the cases that I looked through were
304 served by a private road. That should say a private street. The site is on a private
305 street that serves more than three dwellings. This is the end of Hughes Road,
306 which I think had about 15 dwellings altogether that were served by the private
307 portion of Hughes Road. And there were others that were 5 and 10 dwellings
308 already served by a private road. Again, what we're proposing would not allow
309 any new dwellings in those situations.

310

311 The unresolved issue that this is still—of course no ordinance solves every
312 problem. There are always going to be issues outstanding.

313

314 Mrs. Jones - Before we move away from the examples, you're
315 right, it's quite a variety. How many in actual numbers are we talking on a yearly
316 basis?

317

318 Mr. Blankinship - The Board of Zoning Appeals had been hearing an
319 average of 22 variances a year for about two a month.

320

321 Mr. Emerson - Were those all family divisions, Ben, or does that
322 include non-road-frontage parcels?

323

324 Mr. Blankinship - That includes existing parcels with no road frontage
325 and it also included many that were not family at all, just somebody with excess
326 land that wanted to sell it.

327

328 Mr. Emerson - How many do you think were just family divisions?

329

330 Mr. Blankinship - I would say between two-thirds and three-quarters.
331 That would be my guess. It was definitely the predominate situation.

332

333 Mrs. Jones - So one or so a month plus a couple extra.

334

335 Mr. Blankinship - Yes.

336

337 Mr. Kaechele: It used to be more than 100 cases per year.

338

339 Mr. Blankinship - Well, that's total cases. We're talking about just the
340 road frontage cases and the 22 was prior to Cochran. I think 1996 to 2004 was
341 the study period for that number.

342

343 The big unresolved issue is existing lots. When we go from the BZA process,
344 which handles existing lots and proposed lots the same way, to a subdivision
345 process where subdivision by its very nature you're only looking at the creation of
346 new parcels. If somebody has a lot that's been in the family for 30 or 40 years
347 that does not have any public street frontage, it's not buildable. This ordinance
348 does not give you any mechanism to make that lot buildable. We just want to

349 raise that issue and make sure everybody's aware of it. One of the ramifications
350 of changing from the special exception idea to the subdivision process is that
351 we're losing that part of the solution. This would not solve existing lots that have
352 no public street frontage.

353

354 Mr. Emerson - But they still have the option to go to the Board of
355 Zoning Appeals and see if they can gain a variance.

356

357 Mr. Blankinship - Right. In some cases those lots would qualify for a
358 variance, whereas creating a new lot almost never qualifies for a variance.

359

360 Mr. Archer - Looking at the issue of access by a private drive, if
361 there is a property beyond a new lot that is being subdivided, can a person gain
362 access by an agreement with the current property owner to allow use of that
363 private drive?

364

365 Mr. Blankinship - Yes they could. We anticipated that where we say in
366 bullet (f) that everyone using any given private drive would have to join the
367 maintenance agreement. So if you created a private drive to serve one or two
368 houses, then a property owner behind you could tie into that private drive, but
369 you would all have to be on the maintenance agreement for that private drive.

370

371 Mr. Archer - It would have to be an official signed document?

372

373 Mr. Blankinship - Yes, have it recorded. And you're still limited to three
374 total and you're still limited to a quarter of a mile in length. Thirteen hundred
375 twenty feet is a quarter mile.

376

377 Mr. Jernigan: Paragraph (e) is where we ran into the problem.

378

379 Mr. Blankinship - Yes sir, (e) was what changed dramatically since the
380 last time the Planning Commission acted on this.

381

382 Mr. Jernigan: When that originally came to us, it was 800 feet.

383

384 Mr. Blankinship - Yes sir, the maximum length.

385

386 Mr. Jernigan - And the road was not 24 feet wide. I don't recall what
387 the width was, but it was something normal.

388

389 Mr. Blankinship - I think it was 12 feet of gravel in an 18-foot easement.

390

391 Mr. Jernigan - An 18-foot easement.

392

393 Mr. Blankinship - Yes sir.

394

395 Mr. Jernigan - When Mr. Donati and I discussed, he—He doesn't
396 really call me a whole lot, but he called me at 7:30 the next morning to ask me
397 about it. He said, "Did you all pass that thing?" His concern is a 1320-foot road
398 built the way you all want it is going to be very expensive. It's going to be
399 expensive enough that you're probably not going to be able to build a house.

400
401 Mr. Blankinship - I've been thinking about that since the last time you
402 mentioned it when this work session date was set. I just want to remind you that
403 1320 is the maximum that would be allowed. This guy is not going to have to
404 build any private drive; that guy is not going to have to build any because it's
405 already there; that guy is only going to have to build a few feet—actually, no
406 private drive because his driveway will go straight out there. This guy is only
407 going to have to build 200 feet. So that 1320 is the maximum. By increasing the
408 maximum from 800 to 1320, all that we've done is make it possible for more
409 people to take advantage of this. But on the gravel, going from gravel to
410 pavement and going from 12 feet to 24 feet is going to have more of an impact
411 like you're describing.

412
413 Mr. Jernigan - I don't have a problem with the 1320 because you
414 have some long narrow lots out there that might have 30, 40, 50 acres and they
415 could go back that far. But I think the road is a lot of overkill. If you only put one
416 person back there, even if you put two, the cost of the road is going to make it
417 pretty prohibitive to do anything. I know we have to have access for fire and
418 rescue, but there's a lot of hard gravel roads out there.

419
420 Mr. Blankinship - Yes sir.

421
422 Mr. Jernigan - Actually in the example you gave us when we
423 originally looked at this, I think you showed us one road that was 2-1/2 miles long.

424
425 Mr. Blankinship - I think that's Hughes Road, the whole length.

426
427 Mr. Jernigan - I can see having 18 feet of clearance; I can see
428 having 12 feet of gravel. But I can't see having 6 inches of stone. Fire trucks can
429 get back on the gravel. And 18 feet is plenty of width. Did this just come through
430 DPW or did this come from Fire also?

431
432 Mr. Blankinship - Fire actually was okay with the 12 feet and 18 feet.
433 That's their absolute bare minimum standard. They won't go back on a road that
434 doesn't meet those requirements.

435
436 Mr. Jernigan - I think we need to go with Fire on this one because if
437 they're okay with it, I would think DPW should be all right with it. Fire is the one
438 that has to worry about it. Fire and rescue are the ones that have to worry about
439 getting back there.

440

441 Male: They have some heavy vehicles.
442
443 Mr. Jernigan - This is a work session, so what would we need to do
444 to introduce that, to change the language?
445
446 Mr. Emerson - I think probably what we need to do, I guess what I
447 would suggest—and this if all the other Commissioners are in concurrence and
448 we'd like to research this more—is we may want to add another work session at
449 our December meeting and bring in Works and bring in Fire and have them
450 speak to you specifically about these portions. This may not be a section of
451 Code—sometimes we bring things to you and they're fairly crystal clear and you
452 can move them right along. If you have questions in regards to some of these
453 criteria, I think we need to get the experts in here from those particular areas to
454 talk to you about why they either support or propose these types of regulations
455 so you can better understand their perspective. We could have had them here
456 tonight, but I thought it might be best to walk you through the ordinance and have
457 this discussion. I really had anticipated that we would probably have to come
458 back again because I knew some of these requirements were probably going to
459 gather some interest.
460
461 Mr. Kaechele: If they have the ability to waive those requirements,
462 they can go down to 12 feet, right?
463
464 Mr. Emerson - Yes sir, they could.
465
466 Mr. Jernigan - Mr. Kaechele, the problem is why do we want to put it
467 in if everybody's going to come in and ask for a waiver? That, to me, is a waste
468 of time. I think we need to decide what we need. If that's what it is, then having to
469 have somebody come through and ask for a waiver all the time, I would think ...
470
471 Mrs. Jones - As I was reading all of this over, I kept thinking about
472 our recent grappling with the fence height discussions that we've had. That's
473 been changed and modified a number of times in the years I've been on the
474 Commission. It's because we want to be consistent, we want to be fair, we want
475 to have good public policy in place. All of this hinges on a word here or a word
476 there in the ordinance, which is why we have to be so careful. As I was reading
477 this through, especially the Standard for Review, I kept thinking, okay, we had
478 Standards for Review in place for fence heights. We ended up redoing all that
479 and the Board approved the change, which went from *may* to *shall*. And we now
480 have extremely tight review guidelines. Obviously there are always appeals, but
481 we have very strict guidelines. This is so open I'm concerned that the minute we
482 put something in place like this, that we'll be back revisiting it again because it's
483 almost arbitrary in decision-making. Of course every case is so different. I think
484 it's a problem being too loose. I now think it might be a problem being too tight. I
485 wish I had an answer. It's just I'll throw this out to the rest of you. I think we find
486 ourselves in positions we wish we weren't in simply because we have to interpret

487 the Code as we go along here for each case. Anyhow. I just couldn't help but
488 think about the comparisons with the fence height discussions we've had.
489
490 Mr. Kaechele - Could you put that other example up that has the big
491 lot and maybe 200 feet off the road? That one. So that's a public road running all
492 the way along the front?
493
494 Mr. Blankinship - Yes sir, Burning Tree Road.
495
496 Mr. Kaechele - And that's a single home, lot, in the back?
497
498 Mr. Blankinship - Yes sir.
499
500 Mr. Kaechele - What is that road right there? Is that a private drive or
501 a driveway?
502
503 Mr. Blankinship - The double-dashed line going back to the lot? Yes sir,
504 it would be a private drive.
505
506 Mr. Kaechele - So it has to be 50 feet wide.
507
508 Mr. Blankinship - Right. In order for it to meet the public street
509 requirement, it would have to be 50 feet wide coming all the way out to the road
510 and then you run into the lot width requirement. You can't have just the 50-foot
511 pipe stem. Since this one is in agricultural zoning—see up in the top right corner
512 there, the A-1 symbol—you'd have to have 150 feet because they'd have to meet
513 the lot width. Otherwise it would be a flag lot, which we wouldn't approve. Really
514 for them, the only practical way to build a house was to get a variance from the
515 public street frontage requirement.
516
517 Mr. Jernigan - Let me ask you this, because you're going to have
518 this one coming to you before long. A gentleman called me the other day and
519 they want to do a thing with a separate drive. They have an easement that goes
520 back to the property, but it's on the property of the man next door. That's where
521 the road is, but they have a deeded easement. Is that going to be acceptable?
522
523 Mr. Blankinship - Not under today's Code, no sir.
524
525 Mr. Emerson - Would it be acceptable under this Code?
526
527 Mr. Blankinship - Well, if they were subdividing it would be. If they were
528 bringing it to you as a subdivision. You could approve a subdivision that would
529 create that lot.
530

531 Mr. Jernigan - They already have an access road easement that
532 comes up, but it's on the adjacent property, which is owned by somebody else.
533 But they have a deeded easement to use that drive.

534
535 Mr. Emerson - If it meets the requirements under what is proposed,
536 you could do that.

537
538 Mr. Blankinship - Right. Now they might have to bring it up to two
539 inches of pavement and 24 feet wide. But see that's a case where if they already
540 have a 28-foot easement and the owner won't sell them the other two feet of
541 easement, I would expect the Director of Public Works would say that 28 feet is
542 enough. We'll reduce the 30 feet to 28 because there's an existing easement and
543 an unwilling seller. But if it's not passable for some reason, I would expect him
544 not to waive the requirements that make it passable.

545
546 Mr. Jernigan - What I'm worried about is if we stick with the road
547 requirements like we have them right here, and put asphalt rather than packed
548 gravel, the cost of the road may just do away with anybody going in there
549 because they can't afford to build the road. A 1300-foot road, you're looking at
550 \$130,000 to build the road. This affects my district most of all.

551
552 Mr. Vanarsdall - So you're saying it's too expensive to even think
553 about building the house.

554
555 Mr. Jernigan - Well yes. That's going to scare them off when they
556 say well, we can do a family subdivide. But when you go in there to find out you
557 have to spend—let's say the road is 800 feet. That's \$80,000 to build a road.
558 Nobody's going to do that.

559
560 Mr. Emerson - There are public safety concerns, though, on the
561 other side of the requirements. That's the reason they're proposed.

562
563 Mr. Branin - We understand safety concerns. But if someone's
564 going to put three houses in and put in a road, and we're going to make them put
565 in a paved road that's going to cost \$80,000 to \$100,000 where they can put in
566 an 18-foot-wide gravel road which can cost them \$20,000 to \$25,000, then the
567 family cannot afford to subdivide. If Fire and Rescue don't have an issue with it,
568 why should we?

569
570 Mr. Emerson - I don't know if they do or they don't. Public Works
571 provided us with these criteria. I am going to make the assumption that they
572 reviewed those with Fire. Obviously they work together on the roads. That's why
573 I would suggest getting them both in the room together and have this discussion
574 and see where they fall.

575

576 Mr. Jernigan - Varina probably has the most of these scenarios of
577 anywhere. We have a lot of people sitting off the road on a dirt road. I don't hear
578 about any problems. Fire goes and takes care of it.
579
580 Mr. Branin: [Unintelligible.]
581
582 Mr. Emerson - Most of them have been abandoned by now. There
583 are still some in existence. One's on Pouncey Tract and I can think of a couple
584 along Shady Grove.
585
586 Mr. Blankinship - And there are cases like these others where this
587 would allow you to make that lot buildable that's not buildable now, even though
588 it's right on a public road.
589
590 Mr. Archer - Assuming that we do have dirt roads, and I'm sure we
591 do, if a person subdivides a property all the way to the existing owner's property
592 that is now served by that road, and it meets all the requirements in terms of
593 width and so forth, and they come tomorrow and want to buy a lot that's close out
594 this way, and you have to use as it a personal private drive and they can strike
595 an agreement, then that means that at that point in time, you have to pave that
596 road? You can't use it like it's in its present form?
597
598 Mr. Blankinship - As this is drafted, yes sir.
599
600 Mr. Emerson - Unless the Director of Public Works waives it. That's
601 the only exception. Yes, you'd have to bring it up to standards.
602
603 Mr. Archer - But it's legal right now with the one owner.
604
605 Mr. Blankinship - With the one lot, yes. Assuming that that lot has direct
606 frontage onto the public street, yes sir.
607
608 Mr. Archer - No, it has a private drive.
609
610 Mr. Blankinship - I thought you were describing a case like this one
611 where there's an existing house.
612
613 Mr. Archer - Maybe the one that you had up previously might show
614 a better example. Go back one. That one. Assuming that hash line is private
615 drive.
616
617 Mr. Blankinship - Yes.
618
619 Mr. Archer - Let's say somebody comes along and buys a piece of
620 property that's not all the way out on the road frontage, but closer back to that
621 lot—

622

623 Mr. Blankinship - But not all the way out to the road frontage.

624

625 Mr. Archer - Not all the way out to the road frontage. I agree with
626 the other property owner that I can use his dirt road to get to my property. Does
627 that mean that at that point the road is going to have to be paved?

628

629 Mr. Blankinship - Yes it would. I don't know how that situation got to be
630 that way. If it was prior to 1960, it was lawful at the time. Or they may have
631 received a variance sometime in the past 50 years.

632

633 Mr. Archer - To not have a road.

634

635 Mr. Blankinship - Right. But now the new lot being created, yes, they'd
636 have to pave at least back to that new lot. They wouldn't have to pave all the way
637 to the existing house.

638

639 Mr. Emerson - That's under what we're discussing. Otherwise under
640 the current regs, they'd have to get a variance from the Board of Zoning Appeals
641 to go in and do that. They couldn't do it now either without the variance. Odds are
642 they wouldn't get that.

643

644 Mr. Blankinship - If you're creating a new lot, no.

645

646 Mr. Kaechele - This lot could have a real safety problem even with
647 this. You can't have a 200-foot driveway, private road. You couldn't get a public
648 safety vehicle down there.

649

650 Mr. Emerson - There have been instances—and some not too long
651 ago—where there were small long private roads and those properties probably
652 have adequate frontage. I believe Fire did have a challenge with a major fire,
653 getting their equipment down the road to fight that fire, getting water in and out,
654 which is always a challenge in areas where you don't have public water; you
655 know that. But those instances have occurred, as you know.

656

657 Mr. Jernigan - When you're building like this, you're rolling the dice
658 anyway because you know that you're sitting way off the road. As an example,
659 Jimmy Dean got a nice driveway going to his house and right on the river. His
660 house burned to the ground because they didn't have any water.

661

662 Mr. Emerson - That's what I was talking about.

663

664 Mr. Jernigan - You're going to take a chance. With two houses back
665 there, I just—well, we're going to have to have another meeting on it.

666

667 Mr. Vanarsdall - Why don't we wrap it up and take the secretary's
668 suggestion, if that's all right with everybody, and revisit it again. Is that all right
669 with you all?
670

671 Mr. Branin: Ben, do you want comments on this?
672

673 Mr. Blankinship - Particularly on the road, yes. I was going to close by
674 saying if you could check everything else, make sure that procedurally the plat
675 requirements, all those other steps, the other 11-1/2 pages of the Ordinance, let
676 me know, please, if you see any issues there. We'll be prepared to discuss these
677 road standards particularly next month.
678

679 Mr. Emerson - Sure. We can come back on the evening of
680 December 9th. We can do the same thing again and meet prior to the meeting. I
681 believe at this stage we're anticipating we may have six cases on that agenda, so
682 it may be a busy agenda. If we can resolve some of these issues, we may wish
683 to go to public hearing on this on the 13th. That doesn't mean that you have to
684 take action on the 13th, but we could go ahead and plan to advertise for the 13th
685 and you could take public input. After you get public input, you may want to go
686 back for a work session again to discuss the input you received.
687

688 Mr. Vanarsdall - All right.
689

690 Mr. Archer - I think it would be better to take our time doing this.
691

692 Mr. Vanarsdall - I do, too. Okay, I need a motion and a second.
693

694 Mr. Emerson - Why don't we just schedule another work session.
695

696 Mr. Branin - What is the date of our next—
697

698 Mr. Emerson - December the 9th.
699

700 Mr. Branin - I would like to move that we adjourn this meeting ...
701

702 Mr. Vanarsdall - We can't adjourn the meeting, we have to recess it.
703

704 Mr. Branin - ... recess this meeting to pick back up with another
705 work session on December 9th at 5:30 p.m. to continue discussion with the other
706 departments that we need on hand.
707

708 Mr. Jernigan - Second.
709

710 Mr. Vanarsdall - Motion by Mr. Branin, second by Mr. Jernigan. All in
711 favor say aye. All opposed say no. The ayes have it; the motion passes.
712

713 If there's nothing else for right now, we will recess and go downstairs and
714 reconvene.

715

716 **[Meeting recesses and reconvenes in the Board Room for the public**
717 **hearing.]**

718

719 **The Planning Commission reconvened at 7:05 p.m.**

720

721 Mr. Vanarsdall - Good evening everyone. The Planning Commission
722 will reconvene; we had a meeting upstairs. We welcome everyone and we're
723 very glad everybody came, fellow Commissioners, and a special welcome for Mr.
724 Kaechele—

725

726 Mr. Kaechele - Good evening.

727

728 Mr. Vanarsdall - —who is on the Board of Supervisors. Staff, I believe
729 there are three left over there.

730

731 Mr. Kaechele - And the public.

732

733 Mr. Vanarsdall - And Ms. Moore behind us, and then our secretary and
734 Director, Mr. Emerson.

735

736 Mr. Emerson - Thank you, Mr. Chairman.

737

738 Mr. Vanarsdall - We don't have anyone here from the press. Ray, did
739 you run her off?

740

741 We'd like for you to stand and Pledge Allegiance to Our Flag.

742

743 Thank you. I'll now turn the meeting over to Mr. Emerson.

744

745 Mr. Emerson - Thank you, Mr. Chairman. As you're aware, you just
746 completed a work session on potential changes to the Subdivision Ordinance
747 and Zoning Code regarding public street frontage requirements for family
748 subdivisions. You did make a decision to continue your work session at 5:30 on
749 December the 9th and invite Fire and the Director of Public Works to the meeting
750 to discuss some of the road requirements of that proposed Code change.

751

752 With that, Mr. Chairman, first on the agenda today we have requests for
753 withdrawals and deferrals. We have no withdrawals or deferrals requested
754 tonight unless the Commission has any items that they wish to take action on
755 themselves.

756

757 Mr. Vanarsdall - Anyone have a deferral? I do.

758

759 **C-20C-10** **Revado C. Pretlow for Thelma W. Pretlow:** Request
760 to amend proffered condition accepted with Rezoning Case C-30C-96, on Parcel
761 758-770-0117, -0207, 758-769-0297, -0186, 757-769-9875, -9665, -9453, -8161,
762 -7468, -7275, -7998, -5690, -3698 located at the intersection of Springfield Road
763 (State Route 157) and Echo Lake Drive. The applicant proposes to amend
764 Proffer 4 related to the number of single-family homes developed on the property
765 in order to allow one additional dwelling unit. The existing zoning is R-3C One-
766 Family Residence (Conditional). The Land Use Plan recommends Suburban
767 Residential 2, density not to exceed 3.4 units per acre.

768
769 Mr. Archer - I'd like to defer C-20C-10, Thelma W. Pretlow, to
770 December 9, 2010, at the request of the Commission.

771
772 Mr. Jernigan - Second.

773
774 Mr. Vanarsdall - Motion by Mr. Vanarsdall, second by Mr. Jernigan. All
775 in favor say aye. All opposed say no. The ayes have it; the motion passes.

776
777 At the request of the applicant, the Planning Commission deferred C-20C-10,
778 Revado C. Pretlow for Thelma W. Pretlow, to its meeting on December 9, 2010.

779
780 Mr. Emerson - Mr. Chairman, if that completes the requests for
781 withdrawals and deferrals, the next item is requests for expedited items, which
782 we have none tonight. You just deferred one case, so we have one case left to
783 be heard. That will take us to the first item on the agenda.

784
785 **(Deferred from the October 14, 2010 Meeting)**

786 **P-11-10** **Glenn R. Moore for SS Acquisitions, LLC:** Request
787 for a Provisional Use Permit under Section 24-58.2(a) of Chapter 24 of the
788 County Code for extended hours of operation on Parcel 816-714-1137 containing
789 approximately 1 acre located along the west line of S. Laburnum Avenue,
790 approximately 300 feet north of its intersection with Williamsburg Road (U.S.
791 Route 60). The applicant proposes a restaurant with 24-hour operations. The
792 existing zoning is B-2 Business District and B-3 Business District. The Land Use
793 Plan recommends Commercial Concentration. The site is in the Airport Safety
794 Overlay District and the Enterprise Zone.

795
796 Mr. Vanarsdall - Good evening, Mr. Lewis.

797
798 Mr. Lewis - Good evening, Mr. Chairman.

799
800 Mr. Vanarsdall - Anyone in the audience in opposition to P-11-10,
801 Glenn R. Moore for SS Acquisitions, LLC? No opposition.

802
803 Mr. Lewis - Good evening, Mr. Chairman, members of the
804 Commission, Mr. Kaechele.

805
806 This is a request for a Provisional Use Permit to allow 24-hour operation of a
807 planned IHOP restaurant on a one-acre outparcel of Laburnum Square Shopping
808 Center. A vacant former bank building is located on the property.

809
810 The site has split B-2 and B-3 zoning, but two-thirds of the parcel and all but a
811 corner of the building is in the B-2 district. Code allows restaurant uses with B-2
812 zoning to operate by-right between the hours of 6:00 a.m. and midnight.
813 Operation outside of this timeframe requires the approval of a provisional use
814 permit.

815
816 As illustrated on this site layout, the applicant wishes to convert the existing
817 building to an IHOP restaurant, open 24 hours daily. The structure would be
818 slightly expanded to 4,400 square feet to include an indoor cooler and storage
819 area. Additional parking would also be added to the rear, in place of the existing
820 drive-through canopy. The existing canopy is in this location on the layout. Of
821 course that would be removed, and this section is the additional parking. This
822 grayed-in area is the added cooler and storage area.

823
824 The proposed use is consistent with the 2026 Plan's Commercial Concentration
825 recommendation for the site. In addition, this request would provide for
826 reinvestment in and productive use of a vacant commercial property, thereby
827 meeting the goals of the site's Enterprise Zone designation. For these reasons,
828 staff supports this request subject to the recommended conditions listed in
829 Section IV of this report.

830
831 Mr. Vanarsdall - Any questions for Mr. Lewis by Commission
832 members?

833
834 Mr. Branin - Did you say an indoor pool?

835
836 Mr. Lewis - No sir. This IHOP restaurant does not have an indoor
837 pool.

838
839 Mr. Branin - I thought I heard you say indoor pool.

840
841 Mr. Lewis - Oh, I apologize if I did. I did not mean to.

842
843 Mr. Archer - I thought you said cooler.

844
845 Mr. Lewis - Cooler.

846
847 Mr. Branin - Cooler, cooler. Okay. I was wondering what it would
848 be like to swim while eating pancakes. I wasn't quite sure.

849
850 Mr. Lewis - Interesting.

851
852 Mr. Archer - It's not unheard of, but rare.
853
854 Mr. Jernigan - Mr. Chairman, I don't have any questions for Mr.
855 Lewis, but I do have a question for Ms. Vann.
856
857 Mr. Vanarsdall - Kim Vann, would you come front and center?
858
859 Ms. Vann - Good evening, Kim Vann with Henrico Police.
860
861 Mr. Jernigan - I know that you all have had discussions with them
862 because the main thing that had this case deferred last month was the question
863 about keeping four months of videotape. I can't say videotapes. I'm not sure what
864 they're using, whether they're using CD ROM. But I think in my discussion with
865 Mr. Vanarsdall, we wonder why four months.
866
867 Ms. Vann - Actually, the whole security standards was something
868 that was created between the Planning Office and the Police Department in
869 1999, 2000, so it has some history. What we mostly used back then were
870 videotapes. I have recommended in the past that that's probably something we
871 could look to alter, that particular condition within the security standards. I think
872 the four months was just a number that seemed at the time a good number of
873 months to keep in case police or anybody else needed to go back and look to
874 see if something happened. It would be more of a checking-up after an event
875 happened.
876
877 Mr. Jernigan - We were thinking that after—normally there's a fight
878 or somebody gets robbed. You know about it the next day. So you pull the tapes
879 and see what's going on.
880
881 Ms. Vann - Right. I think it was probably more—especially for
882 businesses like this, if there is any employee embezzlement or something like
883 that, you may not know right away, so they'd be able to look back. A number of
884 businesses have asked this question of us over the years as the technology has
885 improved and most people are going to DVR instead of tapes. If they have a lot
886 of cameras with really good quality, the image is so large they can't store that
887 much information on whatever they're storing it on. So it has come up before. It
888 may just be an issue that we would need to address again because it's been over
889 ten years since we've created these standards. It's a valid question by the
890 applicant.
891
892 Mr. Emerson - Ms. Vann, wasn't it beneficial, say, when the sniper
893 was coming through town? Did they go back and review tapes and find where
894 they had been on videotapes at different locations during the time period, as I
895 recall?
896

897 Ms. Vann - If they did, I'm not privy to that information, so I'm not
898 sure. I would think they would use whatever means they could, sure.

899
900 Mr. Emerson - If we hadn't had the four months, you probably
901 wouldn't have had some of that.

902
903 Mr. Vanarsdall - Who set the four months?

904
905 Ms. Vann - Like I said, in 1999, 2000, the two agencies worked
906 together and that was the number we came up with. I looked back in my file
907 because I did keep some information and we initially had six months. So we
908 actually reduced it. But it was a number that probably was a little bit more
909 applicable back then than it is now with the technology we have and how big the
910 files can be. If you have a good photo image of somebody that is usable later
911 either on the media or for an investigation, and you have a lot of that imagery,
912 you're going to have a lot of storage in CD or DVD or DVR.

913
914 Mr. Jernigan - Okay. Do you have a time frame that you all are
915 thinking about?

916
917 Ms. Vann - I don't have anything to offer at this point, but I
918 certainly would be willing to look into it and advise.

919
920 Mr. Emerson - Can this information now be kept in a digital format on
921 a flash drive that holds a tremendous amount of information that's not as long as
922 my ink pen?

923
924 Ms. Vann - It depends on the facility.

925
926 Mr. Emerson - I do believe technology has moved along to where, if
927 we wanted to, we could consider asking for more time to be held than less from a
928 storage standpoint. I believe with technology where it is now, it can be stored on
929 a flash drive and would take up very little room at all. I understand your concern,
930 Mr. Jernigan, of the storage of videotapes, but I would think if they're using the
931 latest technology, videotape won't be what they're using to store the data.

932
933 Mr. Jernigan - Can you imagine having 120 videotapes around?
934 Great day. But I'm sure they're using a flash drive or DVR or something.

935
936 Ms. Vann - Back then, and maybe even as late as five years ago,
937 a lot of the convenience stores that had videotapes going, instead of keeping
938 anything for even a couple of days, they literally taped over it after the next shift.
939 So anything that may have happened we had no record and neither did they.

940
941 Mr. Jernigan - They shouldn't do that. I would think two months, but
942 you all will have to come up with—

943 Ms. Vann - I know we'd be willing to discuss it and see. Even get
944 with some security folks and see what other people recommend that are actually
945 in the business. I only know a little bit of security technology.

946
947 Mr. Emerson - We certainly could revisit it. I have a copy of the
948 security standards here and they're dated February 28, 2000. It's not something
949 that I would think we would look to change tonight, but it's certainly something we
950 could discuss.

951
952 Mr. Jernigan - I think it's up to them to change it. Just let them do a
953 study on it. But I do have another question.

954
955 Ms. Vann - Okay.

956
957 Mr. Jernigan - When people install cameras, do you go in and check
958 the quality?

959
960 Ms. Vann - I'm not a security—

961
962 Mr. Jernigan - When they built White Oak Shopping Center, when
963 that was getting approved, it was about the same time that that young girl was
964 abducted in Kansas or somewhere out west. The videos were very bad. You
965 couldn't make them out. I remember telling them at the time on those cameras
966 that I wanted a camera that had enough digital quality that you could tell if that
967 guy had a five o'clock shadow. And it's in the minutes that I said that because I
968 wanted to make sure that we had cameras that—there's no sense in having a
969 camera system if you can't—

970
971 Ms. Vann - It doesn't help you any, right.

972
973 Mr. Vanarsdall - Well Mr. Jernigan, lighting is the secret to the camera,
974 the lenses and the lighting. If you don't have good lighting, it doesn't matter what
975 your camera does. A camera has the eye on it just like your eyeball. When I was
976 in the business, I had a president of a bank in Tidewater ask me to come down
977 and see him. He said, "We are known as the robbery branch. The last robbery
978 we had, we could tell it was a human being and that's all." We found out they had
979 the wrong lights, the wrong lenses, and so forth. You all are not in that business,
980 so you don't need to check it.

981
982 Ms. Vann - There is some amazing technology where, like you
983 were saying, somebody let's—the president or security person of a bank has an
984 IP address so no matter where they are, if they have their laptop, they can go
985 onto a secured website, put in their code, and they're able to look at every image
986 within that bank facility. If there's any type of an emergency, if they have the
987 authority, they can actually unlock the doors as a staff person goes through if
988 something was unsecured. So it's amazing what's out there now.

989 Mr. Jernigan - While you all are discussing the time period, why
990 don't you discuss this, too, because there's no sense in keeping a bunch of discs
991 that you can't see. I think we need a little bit of control on that.
992

993 Ms. Vann - Just to revisit the technology that today is available to
994 us.

995
996 Mr. Jernigan - Okay. I appreciate it. Thank you, Ms. Vann.
997

998 Ms. Vann - You're welcome.
999

1000 Mr. Jernigan - All right, Mr. Chairman, I'm ready to make a motion.
1001

1002 Mr. Vanarsdall - Okay.
1003

1004 Mr. Jernigan - With that, I will move for approval of P-11-10, Glenn
1005 R. Moore for SS Acquisitions, LLC, and send it to the Board of Supervisors for
1006 their approval.
1007

1008 Mr. Archer - Second.
1009

1010 Mr. Vanarsdall - Motion by Mr. Jernigan, seconded by Mr. Archer. All
1011 in favor say aye. All opposed say no. The ayes have it; the motion passes.
1012

1013 **REASON:** Acting on a motion by Mr. Jernigan seconded by Mr.
1014 Archer, the Planning Commission voted 5-0 (one abstention) to recommend the
1015 Board of Supervisors grant the request because it is reasonable in light of the
1016 surrounding uses and existing zoning on the property.
1017

1018 Thank you.
1019

1020 Mr. Emerson - Mr. Chairman, that takes us to the next item on your
1021 agenda, which is the approval of the minutes from your October 14, 2010
1022 meeting.
1023

1024 Mr. Archer - Mr. Chairman, I have two corrections.
1025

1026 Mr. Vanarsdall - Oh my goodness.
1027

1028 Mr. Archer - Page 10, line 422. This is a little bit picky, but there's
1029 a "d" on the word *suppose*. It's not "supposed," it's "suppose." And on page 11,
1030 line 439, it reads, "in this state," and I think I said, "in this instance," maybe "in
1031 this case."
1032

1033 Mr. Branin - I think you did.
1034

1035 Mr. Archer - You weren't here.
1036
1037 Mr. Branin - Oh. So maybe you didn't.
1038
1039 Mr. Archer - I handled your cases that night.
1040
1041 Mr. Jernigan - I didn't know if you had any questions.
1042
1043 Mr. Vanarsdall - I have something on the front page that I don't know
1044 what it is. Good evening everyone and welcome to Henrico County Planning
1045 Commission. I welcome the Planning Commissioners and Mr. Kaechele,
1046 welcome to you, from the Board of Supervisors. If I said all that, I don't know
1047 what I did. But I guess it's all right to leave it like it is, if nobody cares. I know
1048 Mrs. Jones would have picked up on that.
1049
1050 Mrs. Jones - No, I thought it sounded perfectly welcoming.
1051
1052 Mr. Vanarsdall - I thought it sounded like me when I said, Mr.
1053 Kaechele, welcome to you from the Board of Super—oh, I see. Oh.
1054
1055 Mr. Archer - I figured you were referring to the fact that he was
1056 from the Board of Supervisors.
1057
1058 Mr. Vanarsdall - Well, no, I always say he is. All right.
1059
1060 Mrs. Jones - I move the minutes be accepted as corrected.
1061
1062 Mr. Jernigan - Second.
1063
1064 Mr. Vanarsdall - Motion by Mrs. Jones, second by Mr. Jernigan. All in
1065 favor say aye. All opposed say no. The ayes have it; the motion passes.
1066
1067 Anything else, Mr. Secretary?
1068
1069 Mr. Emerson - No sir, that's all I have for the Commission tonight.
1070
1071 Mr. Vanarsdall - Anybody else? You all want to draw names for
1072 Christmas?
1073
1074 Mr. Archer - Just get something for everybody.
1075
1076 Mrs. Jones - That's right.
1077
1078 Mr. Kaechele - Especially for the chairman, right?
1079

1080 Mr. Archer - Mr. Chairman, before we close, I would like to pay a
1081 little bit more attention to what Mr. Jernigan said. Perhaps we should have a rule
1082 of some kind that indicates the quality of the camera. I'm thinking what happens
1083 is these places get the cheapest camera they can buy and say we have a
1084 camera. You look at these images they show on television where they say, "Do
1085 you know this person?" I can't even tell if it *is* a person. I think that's what
1086 happens because you can get a much better camera that will produce a better
1087 image than some of things that we see from these stores. Digital storage
1088 shouldn't be a problem at all, to tell you the truth. That might be something we
1089 need to put down as having a minimum standard.

1090
1091 Mr. Emerson - We can look at that.

1092
1093 Mr. Jernigan - If we had to go actually check the tapes of all these
1094 people that have cameras, I bet you we would have a—

1095
1096 Mr. Archer - Because they get the cheapest camera they can buy
1097 and they meet the ordinance.

1098
1099 Mr. Emerson - Probably so. That's a very good point.

1100
1101 Mr. Vanarsdall - You'll find sometimes that the camera, the recorder,
1102 the whole system is not on sometimes, the whole video system. Somebody in the
1103 place says well I didn't know I was supposed to turn it on or—

1104
1105 Mr. Archer - That they had one.

1106
1107 Mr. Kaechele - The County has a bunch of cameras. We should have
1108 some investigations for those.

1109
1110 Mr. Emerson - We should. We'll take a look at it. Of course I imagine
1111 most of our cameras are fairly old, too. The ones I primarily notice are the ones in
1112 the parking deck. Those are how many years old now? Probably 20 years old?
1113 They were probably top quality then, it was here when I came and I've been here
1114 nine years.

1115
1116 Mr. Vanarsdall - All right. I need a motion and a second.

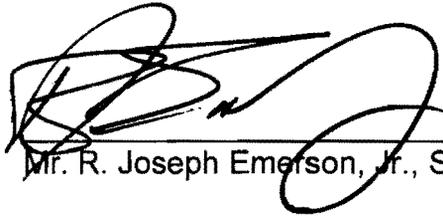
1117
1118 Mr. Archer - So moved, Mr. Chairman.

1119
1120 Mrs. Jones - Second.

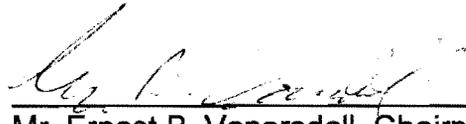
1121
1122 Mr. Vanarsdall - Meeting is adjourned.

1123
1124
1125 The meeting adjourned at 7:25 p.m.

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Mr. R. Joseph Emerson, Jr., Secretary



Mr. Ernest B. Vanarsdall, Chairperson