

1 Minutes of the regular monthly meeting of the Planning Commission of the  
2 County of Henrico, held in the County Administration Building in the Government  
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday,  
4 August 9, 2007. Display Notice having been published in the Richmond Times-  
5 Dispatch on July 19, 2007 and July 26, 2007.

6  
Members Present: Mr. Tommy Branin, Chairperson (Three Chopt)  
Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
Mrs. Bonnie-Leigh Jones (Tuckahoe)  
Mr. Frank J. Thornton (Fairfield)  
Board of Supervisors Representative  
Mr. Randall R. Silber, Director of Planning, Secretary

Also Present: Mr. Ralph J. Emerson, Jr., AICP, Assistant Director of  
Planning  
Ms. Jean Moore, Principal Planner  
Mr. Lee Tyson, County Planner  
Mr. Seth Humphreys, County Planner  
Ms. Nathalie Croft, County Planner  
Ms. Rosemary Deemer, County Planner  
Mr. Livingston Lewis, County Planner  
Mr. Benjamin Sehl, County Planner  
Mr. Jim Strauss, County Planner  
Ms. Christina Goggin, County Planner  
Ms. Ann B. Cleary, Recording Secretary

7 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains**  
8 **on all cases unless otherwise noted.**

9  
10 Mr. Branin - Good evening. I'd like to reconvene the Planning  
11 Commission Rezoning meeting for August 9, 2007. We are reconvening because  
12 we had a previous meeting to discuss some business in regards to some  
13 practices that we take. I see that we don't have anyone from the press in the  
14 room. Actually, we have more staff than attendees tonight. With that, Mr. Silber.

15  
16 Mr. Silber - Yes sir, Mr. Chairman, thank you. First on the  
17 agenda tonight would be consideration of withdrawals and deferrals. We have  
18 one withdrawal and we have eight deferrals this evening. Ms. Moore.

19  
20 Ms. Moore - Thank you, Mr. Secretary. We do have a withdrawal  
21 on page 5 of your agenda in the Fairfield District. It's P-9-07, Creighton &  
22 Laburnum, LLC. The applicant has withdrawn this application, so no action is  
23 required by the Commission.  
24

25 ***Deferred from the June 14, 2007 Meeting.***

26 **P-9-07** **Caroline L. Nadal for Creighton & Laburnum LLC:**

27 Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-  
28 122.1 of Chapter 24 of the County Code in order to operate a 24-hour  
29 convenience store with gas pumps, on Parcel 808-730-6309, and part of Parcels  
30 808-730-4825, -6227, and 807-730-9116 located at the northwest intersection of  
31 N. Laburnum Avenue and Creighton Road. The existing zoning is M-1C Light  
32 Industrial District (Conditional) and B-2C Business District (Conditional). The site  
33 is subject to pending rezoning case C-29C-07. The Land Use Plan recommends  
34 Office/Service. The site is in the Airport Safety Overlay District.

35

36 Ms. Moore - Okay. Moving on to deferrals. On page 2 of your  
37 agenda in the Three Chopt District, we have C-7C-07, Farmer Properties, Inc.  
38 The deferral is requested to the December 6, 2007 meeting.

39

40 ***Deferred from the June 14, 2007 Meeting.***

41 **C-7C-07** **Andrew M. Condlin for Farmer Properties, Inc.:**

42 Request to conditionally rezone from A-1 Agricultural District to RTHC  
43 Residential Townhouse District (Conditional), Parcel 747-773-6860, containing  
44 5.204 acres, located on the southeast line of Twin Hickory Road, approximately  
45 800 feet northeast of Nuckols Road. The applicant proposes a residential  
46 townhouse development with a maximum of 28 units. The RTH District allows a  
47 maximum density of 9 units per acre. The use will be controlled by zoning  
48 ordinance regulations and proffered conditions. The Land Use Plan recommends  
49 Urban Residential, 3.4 to 6.8 net units per acre.

50

51 Mr. Branin - Is anyone in opposition to the deferral of C-7C-07,  
52 Andrew M. Condlin for Farmer Properties, Inc.? No one? Then I would like to  
53 move that C-7C-07, Andrew M. Condlin for Farmer Properties, Inc., be deferred  
54 to the December meeting per the applicant's request.

55

56 Mr. Jernigan - Second.

57

58 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.  
59 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion  
60 carries.

61

62 At the request of the applicant, the Planning Commission deferred C-7C-07,  
63 Andrew M. Condlin for Farmer Properties, Inc to its meeting on December 6,  
64 2007.

65

66 Ms. Moore - Next is C-40C-07, Boushra and Edna Hanna. The  
67 deferral is requested to the September 13, 2007 meeting.

68

69 **C-40C-07** **Courtenay Fisher for Boushra and Edna Hanna:**

70 Request to conditionally rezone from A-1 Agricultural District to R-2AC One-

71 Family Residence District (Conditional), Parcel 742-773-4344, containing 10.252  
72 acres, located on the northeast line of Hames Lane approximately 1,550 feet  
73 north of its intersection with Shady Grove Road. The applicant proposes a  
74 single-family residential development not to exceed a density of 2.0 units per  
75 acre. The R-2A District allows a minimum lot size of 13,500 square feet and a  
76 maximum gross density of 3.23 units per acre. The use will be controlled by  
77 zoning ordinance regulations and proffered conditions. The Land Use Plan  
78 recommends Rural Residential, not exceeding 1.0 unit per acre, and  
79 Environmental Protection Area.

80  
81 Mr. Branin - Is anyone in opposition to the deferral of C-40C-07,  
82 Courtenay Fisher for Boushra and Edna Hanna? No one? Then I'd like to move  
83 that C-40C-07, Courtenay Fisher for Boushra and Edna Hanna, be deferred to  
84 the September 13, 2007 meeting per the applicant's request.

85  
86 Mrs. Jones - Second.

87  
88 Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones.  
89 All in favor say aye. All opposed say no. The ayes have it, the motion carries.

90  
91 At the request of the applicant, the Planning Commission deferred C-40C-07,  
92 Courtenay Fisher for Boushra and Edna Hanna to its meeting on September 17,  
93 2007.

94  
95 Ms. Moore - In the Brookland District on page 3 of your agenda is  
96 case C-64C-06, Wistar Creek, LLC. The deferral is requested to the September  
97 13, 2007 meeting.

98  
99 ***Deferred from the June 14, 2007 Meeting.***  
100 **C-64C-06 Jennifer D. Mullen for Wistar Creek, LLC:** Request  
101 to conditionally rezone from R-3 One-Family Residence District to RTHC  
102 Residential Townhouse District (Conditional), Parcels 767-750-8298, 767-751-  
103 8651, 768-750-0490, 768-751-0638, 768-751-2435, 768-751-4119, and 768-751-  
104 1362 containing 24.46 acres, located on the south line of Wistar Road  
105 approximately 142 feet west of Walkenhut Drive. The applicant proposes a  
106 residential townhouse development with a maximum of 100 dwelling units, an  
107 equivalent density of 4.08 units per acre. The maximum density allowed in the  
108 RTH District is 9 units per acre. The use will be controlled by zoning ordinance  
109 regulations and proffered conditions. The Land Use Plan recommends Suburban  
110 Residential 2, 2.4 to 3.4 units net density per acre, and Office.

111  
112 Mr. Branin - Is anyone in opposition to the deferral of C-64C-06,  
113 Jennifer D. Mullen for Wistar Creek, LLC? No one?

114  
115 Mr. Vanarsdall - I move that C-64C-06, Jennifer D. Mullen for Wistar  
116 Creek, LLC, be deferred at the applicant's request to September 13, 2007.

117 Mrs. Jones - Second.

118

119 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mrs.  
120 Jones. All in favor say aye. All opposed say no. The ayes have it, the motion  
121 carries.

122

123 At the request of the applicant, the Planning Commission deferred C-64C-06,  
124 Jennifer D. Mullen for Wistar Creek, LLC to its meeting on September 13, 2007.

125

126 Ms. Moore - On page 4 of your agenda, case C-10C-07, Pied  
127 Venture, LLC. The deferral is requested to the October 11, 2007 meeting.

128

129 ***Deferred from the June 14, 2007 Meeting.***

130 **C-10C-07**

131 **David Johannas for Pied Venture LLC:** Request to  
132 conditionally rezone from B-2 Business District to R-6C General Residence  
133 District (Conditional), Parcel 772-737-7160, containing 2.874 acres, located  
134 between the north line of Fitzhugh Avenue and the south line of Markel Street,  
135 approximately 236 feet southeast of Byrd Avenue. The applicant proposes  
136 residential condominiums. The R-6 District allows a maximum gross density of  
137 19.8 units per acre. The use will be controlled by zoning ordinance regulations  
138 and proffered conditions. The Land Use Plan recommends Office and  
139 Environmental Protection Area. The site is located within the Enterprise Zone.

140 Mr. Branin - Is anyone in opposition to deferral of C-10C-07, David  
141 Johannas for Pied Venture, LLC? No one?

142

143 Mr. Archer - Second.

144

145 Mr. Vanarsdall - I move C-10C-07, David Johannas for Pied Venture,  
146 LLC, be deferred at the applicant's request to October 11, 2007.

147

148 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr.  
149 Archer. All in favor say aye. All opposed say no. The ayes have it, the motion  
150 carries.

151

152 At the request of the applicant, the Planning Commission deferred C-10C-07,  
153 David Johannas for Pied Venture, LLC to its meeting on October 11, 2007.

154

155 Ms. Moore - In the Varina District, also on page 4 of your agenda,  
156 is P-8-07, Richmond 20 MHZ, LLC. Deferral is requested to September 13, 2007  
157 meeting.

158

159 ***Deferred from the July 12, 2007 Meeting.***

160 **P-8-07**

161 **Gloria L. Freye for Richmond 20 MHZ LLC:**  
162 Request for a Provisional Use Permit under Sections 24-95(a), 24-120 and 24-  
122.1 of Chapter 24 of the County Code in order to construct a 157' high

163 telecommunications tower on part of Parcel 829-712-4591, located on the west  
164 line of Beulah Road approximately 195' north of Treva Road. The existing zoning  
165 is R-3 One Family Residence District. The Land Use Plan recommends OS/R  
166 Open Space Recreation.

167

168 Mr. Branin - Is anyone in opposition to the deferral of P-8-07,  
169 Gloria L. Frye for Richmond 20 MHZ, LLC? No one?

170

171 Mr. Jernigan - Mr. Chairman, with that, I'll move for deferral of case  
172 P-8-07, Gloria L. Frye for Richmond 20 MHZ, LLC, to September 13, 2007, by  
173 request of the applicant.

174

175 Mr. Vanarsdall - Second.

176

177 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.  
178 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the motion  
179 carries.

180

181 At the request of the applicant, the Planning Commission deferred P-8-07, Gloria  
182 L. Frye for Richmond 20 MHZ, LLC to its meeting on September 13, 2007.

183

184 Ms. Moore - On page 5 of your agenda, in the Fairfield District, is  
185 case C-28C-07, Tetra Investment Group 14, LLC. The deferral is requested to  
186 the October 11, 2007 meeting.

187

188 ***Deferred from the June 14, 2007 Meeting.***

189 **C-28C-07 Tetra Investment Group 14 LLC:** Request to  
190 conditionally rezone from R-6 General Residence District and B-3C Business  
191 District (Conditional) to O-1C Office District (Conditional), Parcel 784-746-3173,  
192 containing 1.182 acres, located on the north line of Brook Run Drive (private) at  
193 Cliffbrook Lane, approximately 830 feet west of Brook Road (U. S. Route 1). The  
194 applicant proposes an office building. The use will be controlled by zoning  
195 ordinance regulations and proffered conditions. The Land Use Plan  
196 recommends Commercial Concentration.

197

198 Mr. Branin - Is anyone in opposition to the deferral of C-28C-07,  
199 Tetra Investment Group 14, LLC? No one?

200

201 Mr. Archer - Mr. Chairman, I move for deferral of C-28C-07, Tetra  
202 Investment Group 14, LLC to the October 11, 2007 meeting at the applicant's  
203 request.

204

205 Mr. Jernigan - Second.

206

207 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.  
208 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion  
209 carries.

210  
211 At the request of the applicant, the Planning Commission deferred C-28C-07,  
212 Tetra Investment Group 14, LLC to its meeting on October 11, 2007.

213  
214 Ms. Moore - Also on page 5 is case C-29C-07, Creighton &  
215 Laburnum LLC. The deferral is requested to the September 13, 2007 meeting.

216  
217 ***Deferred from the June 14, 2007 Meeting.***

218 **C-29C-07 Caroline L. Nadal for Creighton & Laburnum LLC:**  
219 Request to conditionally rezone from A-1 Agricultural District, B-2C Business  
220 District (Conditional) and M-1C Light Industrial District (Conditional) to B-2C  
221 Business District (Conditional) and M-1C Light Industrial District (Conditional),  
222 Parcels 807-730-9116, 808-730-6309, -4825, -3946, -3162, -2377 and -6227,  
223 containing approximately 27.04 acres (B-2C 7.37 ac; M-1C 19.67 ac), located on  
224 the northwest intersection of N. Laburnum Avenue and Creighton Road. The  
225 applicant proposes retail and office/service uses. The uses will be controlled by  
226 zoning ordinance regulations and proffered conditions. The Land Use Plan  
227 recommends Office/Service, Suburban Residential 1, 1.0 to 2.4 units net density  
228 per acre, and Environmental Protection Area. The site is in the Airport Safety  
229 Overlay District.

230  
231 Mr. Branin - Is anyone in opposition to the deferral of C-29C-07,  
232 Caroline L. Nadal for Creighton & Laburnum LLC? No one?

233  
234 Mr. Archer - Mr. Chairman, I move for deferral of C-29C-07,  
235 Caroline L. Nadal for Creighton & Laburnum LLC to the September 13, 2007  
236 meeting per the applicant's request.

237  
238 Mr. Jernigan - Second.

239  
240 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.  
241 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion  
242 carries.

243  
244 At the request of the applicant, the Planning Commission deferred C-29C-07,  
245 Caroline L. Nadal for Creighton & Laburnum LLC to its meeting on September  
246 13, 2007.

247  
248 Ms. Moore - Also on page 5 of your agenda is C-39C-07. The  
249 applicant is Herbert S. King. The deferral is requested to the October 11, 2007  
250 meeting.

251  
252

253 **Deferred from the July 12, 2007 Meeting.**  
254 **C-39C-07 James Theobald for Herbert S. King:** Request to  
255 conditionally rezone from R-2A and R-4 One-Family Residence Districts and O-  
256 2C Office District (Conditional) to R-6C General Residence District (Conditional),  
257 part of Parcel 808-733-2903, containing approximately 18.23 acres, located on  
258 the south line of Harvie Road approximately 1,150 feet east of Laburnum  
259 Avenue. The applicant proposes an age-restricted multi-family residential  
260 community with a maximum of two hundred ninety (290) units. The R-6 District  
261 allows a maximum gross density of 19.80 units per acre. The uses will be  
262 controlled by zoning ordinance regulations and proffered conditions. The Land  
263 Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per  
264 acre, and Office. The site is in the Airport Safety Overlay District  
265  
266 Mr. Branin - Is anyone in opposition to the deferral of C-39C-07,  
267 James Theobald for Herbert S. King? No one.  
268  
269 Mr. Hermann - [Off mike.] I'd like to ask why do they want to defer it?  
270  
271 Ms. Moore - For this case, there are still some outstanding issues  
272 that we've had and the applicant has requested deferral to work those out. Our  
273 understanding, if the applicant is here, that they're considering even a different  
274 application, possibly, for this. We just don't know.  
275  
276 Mr. Hermann - [Off mike.] Deferred till when?  
277  
278 Ms. Moore - Until October 11, 2007.  
279  
280 Mr. Branin - Now sir, you're not in opposition to the deferral, you  
281 were just wondering why?  
282  
283 Mr. Hermann - [Off mike.] I'd rather it go on tonight.  
284  
285 Mr. Branin - Well, that's the applicant's choice.  
286  
287 Mr. Hermann - [Off mike. Unintelligible.]  
288  
289 Mr. Branin - Okay. All right. Do you want to have Ben get this  
290 gentleman's name so we can keep in touch with him?  
291  
292 Mr. Silber - I think that would be a good idea.  
293  
294 Mr. Branin - Sir, can you come up to the podium and state your  
295 name so I have it for public record? And I'm going to ask staff to keep you  
296 abreast of what's going on with it.  
297

298 Mr. Silber - Ms. Nadal, are you handling this case, by any  
299 chance?  
300  
301 Ms. Nadal - I'm not [unintelligible].  
302  
303 Mr. Silber - Okay. Why don't you also take down the gentleman's  
304 name and communicate back with him; and staff can also obtain his name.  
305  
306 Mr. Archer - Okay. You ready for my motion?  
307  
308 Mr. Branin - I still would like to get the gentleman's name so we  
309 can get it to staff.  
310  
311 Mr. Jernigan - Do you want him to come to the podium?  
312  
313 Mr. Branin - I would so it's a public record.  
314  
315 Mr. Silber - Sir, if you'd just give us your name and address, and  
316 perhaps a phone number, then we will try to keep you informed on what happens  
317 on this case.  
318  
319 Mr. Hermann - My name is John Hermann. I live and have 22 acres  
320 across Harvie from this zoning. I've lived there all my life and I want to oppose  
321 the zoning.  
322  
323 Mr. Branin - Okay, sir. Now, I'm not going to ask you to state your  
324 phone number for public record; that's not necessary, but if you could give it to  
325 staff so they can keep in touch.  
326  
327 Mr. Hermann - All right. Is that all?  
328  
329 Mr. Branin - Yes sir. I just want to make sure that you get involved  
330 with the case now. If, by chance, the applicant does do something further next  
331 time and defers it, we can notify you so you don't have to come.  
332  
333 Mr. Hermann - I'd appreciate that.  
334  
335 Mr. Branin - Yes sir.  
336  
337 Mr. Hermann - Thank you.  
338  
339 Mr. Branin - Yes sir. Mr. Archer?  
340  
341 Mr. Archer - Mr. Chairman, I move for deferral of C-39C-07, James  
342 Theobald for Herbert S. King, to the October 11, 2007 meeting at the applicant's  
343 request.

344 Mrs. Jones - Second.  
345  
346 Mr. Branin - Motion made by Mr. Archer, seconded by Mrs. Jones.  
347 All in favor say aye. All opposed say no. The ayes have it, the motion carries.  
348  
349 At the request of the applicant, the Planning Commission deferred C-39C-07,  
350 James Theobald for Herbert S. King to its meeting on October 11, 2007.  
351  
352 Ms. Moore - Mr. Chairman, that's all that we have from the  
353 applicants for deferrals.  
354  
355 Mr. Branin - Are there any cases that Commissions would like to  
356 defer other than mine? No? Okay.  
357  
358 **C-43C-07 Gibson Wright for John W. Gibbs, Jr.:** Request to  
359 conditionally rezone from R-2AC One-Family Residence District (Conditional) to  
360 R-3C One-Family Residence District (Conditional), Part of Parcel 739-774-4564,  
361 containing approximately 6.77 acres, located on the southeast line of Nuckols  
362 Road at its intersection with Lower Wyndham Court. The applicant proposes a  
363 single-family residential subdivision to construct 13 homes as part of the Grey  
364 Oaks development which has a proffered aggregate maximum density of 1.8  
365 units per acre. The R-3 District allows a minimum lot size of 11,000 square feet  
366 and a maximum gross density of 3.96 units per acre. The use will be controlled  
367 by zoning ordinance regulations and proffered conditions. The Land Use Plan  
368 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and  
369 Environmental Protection Area. Is anyone in opposition to C-32C-07 being  
370 deferred?  
371  
372 Mr. Branin - Is anyone opposed to the deferral of C-43C-07,  
373 Gibson Wright for John W. Gibbs, Jr.? No one? Then I would like to move that  
374 C-43C-07, Gibson Wright for John W. Gibbs, Jr., be deferred to the September  
375 13, 2007 meeting per Commission's request.  
376  
377 Mr. Vanarsdall - Second.  
378  
379 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.  
380 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the  
381 motion carries.  
382  
383 At the request of the Planning Commission, C-43C-07, Gibson Wright for John  
384 W. Gibbs, Jr., was deferred to September 13, 2007.  
385  
386 Mr. Silber - No other deferrals by members of the Commission?  
387 Okay. Next on the agenda would be consideration of those items placed on the  
388 expedited agenda. Cases that are somewhat minor in nature, have no  
389 outstanding issues known to the Commission, and for which staff doesn't have

390 any opposition to the request are placed on an agenda that can be heard without  
391 public presentation. If there is opposition to those found on the expedited  
392 agenda, they would be pulled off that agenda and heard in the order in which  
393 they're found on the full agenda. Tonight, we have two items that have been  
394 placed on the expedited agenda.

395

396 Ms. Moore - The first one is in the Varina District on page 1 of your  
397 agenda. It's SUB-47-07. The applicant is Robert T & Armendia M. Royster.

398

399 **SUBDIVISION (Deferred from the July 25, 2007 Meeting)**

400

SUB-47-07 Prosperity Estates (July 2007 Plan) 4951 Darbytown Road	<b>Engineering Design Associates for Robert T &amp; Armendia M. Royster:</b> The 28.54-acre site proposed for a subdivision of 21 single-family homes is located on the south line of Darbytown Road, approximately 200 feet east of Gill Dale Road on parcel 839-688-6677. The zoning is A-1 Agricultural District. Individual well and septic tank/drainfield. <b>(Varina) 21 Lots</b>
--	--

401

402 Mr. Branin - Is there anyone in opposition to SUB-47-07,  
403 Prosperity Estates (July 2007 Plan)? No one?

404

405 Mr. Jernigan - With that, Mr. Chairman, I will move for approval of  
406 SUB-47-07, Prosperity Estates (July 2007 Plan) with the standard conditions for  
407 subdivisions not served by public utilities and the following additional conditions  
408 #11 through #16.

409

410 Mr. Vanarsdall - Second.

411

412 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.  
413 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the  
414 motion carries.

415

416 Ms. Moore - The next is on page 3 of your agenda in the Three  
417 Chopt District. It is Provisional Use Permit P-13-07.

418

419 **P-13-07 Bruce Perretz for Maria Garcia – Lara:** Request for  
420 a Provisional Use Permit under Sections 24-58.2(d), 24-120, and 24-122.1 of  
421 Chapter 24 of the County Code to permit outdoor dining at the Mexico  
422 Restaurant located at the Promenade Shops, on part of Parcel 738-762-3715,  
423 located on the south line of West Broad Street (U. S. Route 250) approximately  
424 200 feet west of Spring Oak Drive. The existing zoning is B-2C Business District  
425 (Conditional). The Land Use Plan recommends Mixed Use Development. The  
426 site is in the West Broad Street Overlay District.

427

428 Mr. Branin - Is anyone in opposition to P-13-07, No one. Then I  
429 would like to move that P-13-07, Bruce Perretz for Maria Garcia-Lara be placed  
430 on the expedited agenda and proceed forward to the Board of Supervisors.

431  
432 Mr. Jernigan - Second.

433  
434 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.  
435 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion  
436 carries.

437  
438 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.  
439 Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend  
440 the Board of Supervisors **grant** the request because it is reasonable in light of  
441 the surrounding uses and the conditions should minimize the potential impacts  
442 on surrounding land uses.

443  
444 Ms. Moore - Thank you.

445  
446 Mr. Silber - Okay. Moving on to the regular agenda.

447  
448 ***Deferred from the July 12, 2007 Meeting.***  
449 **C-32-07 R + R Property Development, L.C.:** Request to  
450 rezone from R-5C General Residence District (Conditional) to B-1 Business  
451 District, part of Parcel 738-761-6025, containing approximately 0.15 acre, located  
452 on the east line of Spring Oak Drive approximately 240 feet south of West Broad  
453 Street (U. S. Route 250). The applicant proposes a 30-foot easement for an  
454 access driveway to adjacent retail uses. The use will be controlled by zoning  
455 ordinance regulations. The Land Use Plan recommends Multi-Family  
456 Residential, 6.8 to 19.8 units net density per acre. The site is in the West Broad  
457 Street Overlay District.

458  
459 Mr. Branin - Is anyone in opposition to C-32-07, R + R Property  
460 Development, L.C.? No one? Good evening, Mr. Sehl.

461  
462 Mr. Sehl - Good evening, Mr. Chairman, members of the  
463 Commission. This request would rezone fifteen hundredths of an acre from R-5C  
464 to B-1. The purpose of this request is to provide a secondary connection to the  
465 proposed Retail Shops at Short Pump.

466  
467 The proposed access drive would be 24 feet wide and would be contained within  
468 a 30-foot easement. The access drive would be located between the existing  
469 Madison at Spring Oak apartments and the Spring Oak retail development along  
470 Broad Street. The easement currently contains several ground-mounted utility  
471 boxes, which would be relocated.

472 An additional connection was strongly encouraged during the review of rezoning  
473 case C-11C-06. That rezoning restricted the use of the retail shops at Short

474 Pump to B-1 uses, except for a furniture store, unless an additional connection  
475 was made. This connection, if provided, would allow additional B-2 uses to be  
476 provided in the Retail Shops at Short Pump.

477  
478 Staff encourages this attempt at providing this additional connection for the Retail  
479 Shops at Short Pump, and additional review of drawings submitted by the  
480 applicant detailing the design of the proposed access has addressed the  
481 concerns that the Department of Public Works had previously raised and were  
482 identified in the staff report.

483  
484 Public Works has indicated that their concerns regarding sight distance and  
485 centerline radii of the access drive have been addressed by the applicant's  
486 engineer; however, staff does note that joint approval of the entrance by Public  
487 Works and the Director of Planning would be required due to the entrance  
488 spacing along Spring Oak Drive. Public Works has indicated that this additional  
489 access point would be acceptable.

490  
491 Staff believes the concerns noted in the staff report have been addressed, and  
492 recommends that this request be approved.

493  
494 I'd be happy to answer any questions you might have at this time.

495  
496 Mr. Branin - Does anyone have any questions for Mr. Sehl?  
497 None? Mr. Sehl, I appreciate all your work you've done on this. This has been a  
498 tough piece of land from the beginning and a challenge for both developer and  
499 the County to get it to the point that it is this evening. Does anybody have any  
500 questions before I make my motion? None? Then I move for approval of C-32-  
501 07, R + R Property Development, L.C.

502  
503 Mr. Jernigan - Second.

504  
505 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.  
506 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion  
507 carries.

508  
509 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.  
510 Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend  
511 the Board of Supervisors grant the request because the proposed access drive  
512 would allow for a more orderly flow of traffic to adjacent developments and is not  
513 expected to adversely affect adjacent properties.

514  
515 Mr. Silber - The next request is on page 4 of your agenda.

516  
517 **C-42C-07 Doug Blum for Capital Region Airport**  
518 **Commission:** Request to conditionally rezone from M-1 Light Industrial District  
519 to M-2C General Industrial District (Conditional), Parcel 818-709-9610,

520 containing approximately 9.0 acres, located on the west line of Lewis Road,  
521 approximately 1,100 feet north of Charles City Road. The applicant proposes  
522 above-ground storage of two 30,000-gallon Liquid Propane Gas (LPG) tanks.  
523 The use will be controlled by zoning ordinance regulations and proffered  
524 conditions. The Land Use Plan recommends Light Industry. The site is in the  
525 Airport Safety Overlay District.

526  
527 Mr. Branin - Is anyone in opposition to C-42C-07 Doug Blum for  
528 Capital Region Airport Commission? No one? Mr. Sehl?

529  
530 Mr. Sehl - Thank you again, Mr. Chairman. This request would  
531 rezone approximately nine acres from M-1 to M-2C. The purpose of this request  
532 is to allow for above-ground storage of two 30,000-gallon liquid petroleum gas  
533 tanks.

534  
535 The proposed tanks would be located at the southwest corner of the subject site,  
536 adjacent to the railroad spur line. The tanks are currently located a short  
537 distance away at the intersection of Norman Road and Airport Drive.

538  
539 The 2010 Land Use Plan recommends Light Industrial uses for the subject  
540 property. While the proposed zoning is not entirely consistent with this  
541 designation, the applicant has submitted revised proffers, dated August 2<sup>nd</sup> and  
542 distributed to you this evening, limiting the uses on the site to those permitted in  
543 the M-1 district, except for allowing above-ground storage tanks as permitted in  
544 the M-2 district.

545  
546 Additionally, the applicant has proffered that no restaurants, hotels, or motels  
547 would be permitted on the site. This additional restriction on the property limits  
548 potentially incompatible uses from locating on the remainder of the site, which  
549 will still contain a large amount of developable area.

550  
551 The applicant has also submitted proffers committing to a 15-foot buffer around  
552 the perimeter of the site, security lighting, and an 8-foot security fence around the  
553 proposed tanks.

554  
555 Staff believes the revised proffers submitted by the applicant address the  
556 concerns noted in the staff report. While the proposed zoning is not entirely  
557 consistent with the 2010 Land Use Plan, staff believes that this request, as  
558 restricted by the applicant, could be compatible with adjacent uses. Staff  
559 supports this request and recommends it be approved.

560  
561 I'd be happy to answer questions you might have and I believe the applicant's  
562 representative is available for questions as well.

563 Mr. Branin - Does anybody have any questions for Mr. Sehl?

564  
565 Mr. Jernigan - Ben, we're using chain link?

566  
567 Mr. Sehl - Yes sir.  
568  
569 Mr. Jernigan - I noticed in this report that we received from police,  
570 they wanted a one-inch link.  
571  
572 Mr. Sehl - They actually committed to 3/8-inch link, which was  
573 recommended further by the Department of Police. We had discussions about  
574 this as a very small link, but it's high security fencing, as my research has shown.  
575  
576 Mr. Jernigan - What gauge is that, Mr. Sehl?  
577  
578 Mr. Sehl - I think some of them are like two gauge. I had to  
579 draw it out just to get an idea of how tight that weave would be and it is very tight.  
580 I think it is to prevent people from being able to get a finger and toes into it to be  
581 able to climb the fence.  
582  
583 Mr. Jernigan - Is the applicant here?  
584  
585 Mr. Sehl - Yes.  
586  
587 Mr. Branin - Would you like to hear from the applicant?  
588  
589 Mr. Jernigan - I just want to say this to you. When we go on to  
590 fencing—and I know police also recommended three strands of barbed wire at  
591 the top—I would rather see that fence built instead of having barbed wire, have it  
592 when it comes up it bends back to the outside and that keeps people from  
593 coming over the top because they can't scale it. I had Swift Trucking do the  
594 same thing. Unfortunately, when they put their fence up, they put it to the inside  
595 rather than the outside and it was actually more of a landing zone when I rode  
596 down there and looked at it. But if you put it up with it bent on about a 45-degree  
597 angle—We really want to try to get rid of having the barbed wire. I think if we can  
598 do that with the fence, that will suffice.  
599  
600 Mr. Sehl - The proffers did not commit to barbed wire; the police  
601 recommended that. I think staff was comfortable with the fence that was  
602 proffered by the applicant.  
603  
604 Mr. Jernigan - For members of the Commission, actually, the tanks  
605 would probably be better underground, but the tanks are nine-feet tall and the  
606 water table is eight feet. We don't want to have them sitting in water. These  
607 tanks are above ground now, just at a different location. I believe the airport  
608 wants to use that property for a parking lot. Correct? Anyway. Okay, I'm ready  
609 to make a motion, Mr. Chairman.  
610  
611 Mr. Branin - I'm ready to hear it.

612  
613 Mr. Jernigan - With that, I will move case C-42C-07 Doug Blum for  
614 Capital Region Airport Commission for approval and send it to the Board of  
615 Supervisors for their approval.

616  
617 Mr. Vanarsdall - Second.

618  
619 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.  
620 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the motion  
621 carries.

622  
623 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.  
624 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend  
625 the Board of Supervisors **grant** the request because it is reasonable in light of  
626 the industrial zoning in the area and it is not expected to adversely affect the  
627 pattern of zoning or land use in the area.

628  
629 Mr. Silber - Next on your agenda is on page 4, C-35C-07.

630  
631 **C-35C-07 Courtenay Fisher for Dtown, LLC:** Request to  
632 conditionally rezone from R-4 One-Family Residence District to R-5AC General  
633 Residence District (Conditional), Parcel 806-711-6674 and part of Parcel 806-  
634 710-8061, containing 3.563 acres, located at the eastern terminus of Oregon  
635 Avenue approximately 170 feet east of Randall Avenue. The applicant proposes  
636 a maximum of 13 single-family residential lots as an extension of East Pointe  
637 Commons. The R-5A District allows a minimum lot size of 5,625 square feet and  
638 a maximum gross density of 6 units per acre. The use will be controlled by  
639 zoning ordinance regulations and proffered conditions. The Land Use Plan  
640 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

641  
642 Mr. Branin - Is anyone in opposition to C-35C-07, Courtenay  
643 Fisher for Dtown, LLC? No one? How are you, Nathalie?

644  
645 Ms. Croft - I'm good, thank you. Good evening. This is a request  
646 to rezone approximately 3.6 acres to permit the construction of up to 13 single-  
647 family dwellings as an extension of the proposed East Pointe Commons  
648 neighborhood. The property is located at the eastern terminus of Oregon Avenue  
649 near Randall Avenue, and is currently zoned R-4. The Richland Heights and  
650 National Heights Addition subdivisions, also zoned R-4, are adjacent to the  
651 parcel.

652  
653 The 2010 Land Use Plan designates the site Suburban Residential 1, with a  
654 recommended density range of 1.0 – 2.4 units per acre. The requested density  
655 is 3.6 units per acre.

656

657 The applicant has submitted revised proffers and conceptual plan that contain  
658 many assurances of quality development and are consistent with proffers  
659 accepted with the original rezoning case.

660

661 The applicant has proffered no more than 13 dwellings. The property is intended  
662 to be developed using traditional neighborhood design concepts. All homes  
663 would be constructed with front porches, and would be accessed via an alley  
664 running the perimeter of the property. In order to mitigate potential impacts from  
665 the alleys, the applicant has proffered that they will be restricted to vehicles  
666 weighing 10,000 pounds or less and a speed limit of 15 miles per hour. The  
667 applicant has also proffered a white vinyl fence with lattice top and a 4-foot  
668 planting strip around the perimeter of the property. No front-loading garages  
669 would be permitted, and there would be no curb cuts along the street frontages.

670

671 Additionally, brick foundations would be provided, a 4-foot sidewalk would be  
672 provided on one side of all roads in the development, and access to Oregon  
673 Avenue would be limited to an emergency access only.

674

675 Homes would have a minimum floor area of 1700 square feet and no one-story  
676 homes would be permitted. The houses would be similar in design to these  
677 proffered renderings.

678

679 The proposed residential use is consistent with the 2010 Land Use Plan. While  
680 the proposed density is slightly higher than the Plan recommends, the traditional  
681 neighborhood design concepts would serve as a logical extension of the future  
682 East Pointe Commons development. The proffered conditions provide  
683 appropriate quality assurances not otherwise available and should also minimize  
684 any potential impacts to surrounding uses. For these reasons, staff supports this  
685 request.

686

687 The applicant is also here tonight and I'd be happy to answer any questions.

688

689 Mr. Jernigan - Mr. Archer was discussing #12 with us.

690

691 Ms. Croft - All right.

692

693 Mr. Jernigan - On the curb and gutter. On the original case, they  
694 had roll face. This is roll face not roll curb, correct?

695

696 Ms. Croft - Yes sir. They have committed to roll face curb and  
697 gutter.

698

699 Mr. Jernigan - The 36 inch.

700

701 Ms. Croft - Would you prefer that be specified as 36 inch?

702

703 Mr. Jernigan - Well, that's what roll face is now.  
704  
705 Mr. Silber - The County standard now has gone from a 2-1/2 foot  
706 roll face to a 36-inch roll face, so they would be required to do the 3-foot roll face.  
707  
708 Mr. Branin - So we don't have to specify or state that it's 36-inch.  
709  
710 Mr. Jernigan - Some of it was roll curb and then the roll face got  
711 extended out six inches more, which gave you a little less than [unintelligible]. So  
712 now County standard is roll face not roll curb.  
713  
714 Mr. Silber - The County standard is a three-foot section, so you  
715 can no longer do a 2-1/2 foot section no matter what it's called. It's a 36-inch  
716 section. It's more of a gradual bump than what was required before.  
717  
718 Mr. Branin - It doesn't need to be specific roll 36-inch.  
719  
720 Mr. Jernigan - Not if it's code now.  
721  
722 Mr. Branin - Right.  
723  
724 Ms. Croft - For clarification purposes, the original case was  
725 proffered that, "All roads on the property shall be constructed with curb and  
726 gutter, so long as the curb is a standard full-faced curb, or as otherwise approved  
727 by the Planning Commission during POD."  
728  
729 Mr. Branin - Okay, so full-faced curb.  
730  
731 Ms. Croft - That's in the original rezoning case, yes sir. However,  
732 the Planning Commission may approve something different.  
733  
734 Mr. Silber - The way that reads, that almost implies it would be a  
735 standard six-inch curb, the standard raised curb, 90-degree angled curb.  
736  
737 Mr. Jernigan - In the original case—  
738  
739 Ms. Croft - Yes sir.  
740  
741 Mr. Jernigan - —it says what now?  
742  
743 Mr. Branin - Can you read it again?  
744 Ms. Croft - Sure.  
745  
746 Mr. Jernigan - You said it said roll face?  
747

748 Ms. Croft - It says, "All roads on the property shall be constructed  
749 with curb and gutter, so long as the curb is a standard full-faced curb, or as  
750 otherwise approved by the Planning Commission at the time of subdivision  
751 review."  
752  
753 Mr. Branin - Full-face, not roll-face.  
754  
755 Mr. Jernigan - All right. Well, standard curb and gutter is six-inch  
756 standard with a full face.  
757  
758 Mr. Archer - Ninety degree.  
759  
760 Mr. Jernigan - Right. Now, we do need that to be in the case. I want  
761 this to be along with the same curb and gutter that's in the other portion. The  
762 applicant has nodded his head that he concurs with that.  
763  
764 Mr. Branin - Can that applicant state it?  
765  
766 Mr. Vanarsdall - And Courtenay is halfway down the aisle.  
767  
768 Mr. Branin - There you go.  
769  
770 Ms. Fisher - Good evening. Courtenay Fisher for Dtown, the  
771 applicant. That would be fine. We had discussed the wording with Nathalie in  
772 order to be consistent with what the County's using now. But we're happy to  
773 make sure that it's consistent throughout the whole development.  
774  
775 Mr. Jernigan - If it was six-inch standard that was on the other  
776 portion, then we want to keep this the same.  
777  
778 Ms. Fisher - Okay. Thank you.  
779  
780 Mr. Jernigan - Okay? Thank you. Thank you, Mr. Archer.  
781  
782 Mr. Archer - You're welcome, sir.  
783  
784 Mr. Jernigan - All right. I don't have any other questions. When this  
785 case originally came through, what happened, after they did the wetlands  
786 delineation, they found out they didn't have as much area to work with as they  
787 thought they did. So, this piece that they picked up is just an extension of the  
788 current zoning case.  
789  
790 Mr. Branin - Does anyone have any other questions for Ms. Croft  
791 or of the applicant? None.  
792

793 Mr. Jernigan - With that, Mr. Chairman, I will move for approval of  
794 zoning case C-35C-07, Courtenay Fisher for Dtown, LLC, and move that forward  
795 for their approval.

796  
797 Mrs. Jones - Second.

798  
799 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mrs.  
800 Jones. All in favor say aye. All opposed say no. The ayes have it, the motion  
801 carries. Thank you, Ms. Croft.

802  
803 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mrs.  
804 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the  
805 Board of Supervisors **grant** the request because it represents a logical  
806 continuation of the one-family residential development which exists in the area  
807 and the proffered conditions would provide for a higher quality of development  
808 than would otherwise be possible.

809  
810 Mr. Silber - That completes the rezoning requests on tonight's  
811 agenda. There are three additional items found on page 6 of your agenda. The  
812 first involves a resolution that directs staff to prepare a Comprehensive Plan  
813 Amendment designating the Tree Hill Farm site, that's generally bordered by the  
814 James Rives, Old Osbourne Turnpike, Osbourne Turnpike, and Mill Creek as an  
815 Urban Mixed Use development area. As you may be aware, prior to rezoning of  
816 any property UMU, the County has to reclassify, re-designate the Land Use Plan  
817 to UMU. This is a request to begin the process to amend the Land Use Plan to  
818 UMU. We now have an application filed for both rezoning and provisional use  
819 permit for Tree Hill Farm on this tract of land, approximately 500 acres in size.  
820 So, the resolution has been provided to you in your packets. Hopefully, you have  
821 a copy of that resolution and we would be looking for endorsement or approval of  
822 this resolution so we can get started on this study.

823  
824 Mr. Branin - Okay. Does anybody have any questions for the  
825 Secretary in regards to this resolution. No one? Then I'll entertain a motion.

826  
827 Mr. Jernigan - Mr. Chairman, with that, I would like for the Planning  
828 Commission to direct the staff to prepare a Comprehensive Plan Amendment for  
829 Tree Hill Farm site for UMU.

830  
831 Mr. Vanarsdall - Second.

832  
833 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.  
834 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the motion  
835 carries.

836

837 Mr. Silber - For your information on the Tree Hill Farm, the Land  
838 Use Plan Amendment, the zoning case, and the PUP will be on your September  
839 13<sup>th</sup> agenda.

840

841 Next on the agenda is a discussion item. This is to set a public hearing to  
842 consider an amendment to the County Code to increase the permitted height of  
843 accessory structures in residential zoning districts. You may recall that this had  
844 been scheduled earlier for a public hearing. We asked that you defer that or  
845 cancel that public hearing because there was some discussion at the Board level  
846 on residential building heights and tied into that somewhat was some discussion  
847 in dealing with accessory buildings. They have opted to move forward with the  
848 ordinance amendment on residential building heights and accessory structures.  
849 They have asked the Planning Commission to go ahead and consider increasing  
850 accessory structure building heights. So this is setting the public hearing. I will  
851 inform you that this is a very simple amendment as proposed for simply  
852 proposing that the accessory buildings be increased from 15 feet to 20 feet. So,  
853 it's a simple amendment. Instead of having a work session, we have opted to  
854 simply go straight to public hearing, set that public hearing, and staff will be  
855 present at the public hearing to present the ordinance amendment and then you  
856 can take testimony or input from the public at that time. This is to schedule a  
857 public hearing for September 13<sup>th</sup>.

858

859 Mr. Archer - Mr. Secretary, are we going to include this in the  
860 regular agenda or will we have to meet earlier or later to have this public  
861 hearing?

862

863 Mr. Silber - It would be one of the first things on your agenda so it  
864 would be scheduled for 7:00 on the 13<sup>th</sup>.

865

866 Mr. Archer - Okay.

867

868 Mr. Vanarsdall - Mr. Chairman, this is to set a public hearing. Okay. I  
869 didn't know whether we were going to discuss anything tonight or not.

870

871 Mr. Branin - Mr. Vanarsdall, from what I understand from the  
872 Secretary, it will not be discussed this evening. It's a simple change from 15 to  
873 20.

874

875 Mr. Vanarsdall - Well, I'm not going to vote against it. I have a problem  
876 because of the 20 feet. Have any of you have seen the buildings that Home  
877 Depot sells?

878

879 Mr. Branin - Yes.

880

881 Mr. Vanarsdall - Okay. Home Depot sells a building that has an  
882 upstairs to it, steps to get there. You can live in it. It has windows in it. You can

883 choose the door you want. You can have a garage door or you can have a walk-  
884 in door on the side. I've already discussed this with Bolman Bowles and he  
885 hadn't even seen one. The Board has already reviewed it and some of the Board  
886 members have never seen one either. All I'm saying is, I have a feeling this is  
887 going to be used for the wrong purposes, and Bolman and Dave O'Kelly said  
888 staff had some of the same thoughts on it.

889

890 Mr. Branin - Mr. Secretary, are you aware of this?

891

892 Mr. Vanarsdall - So, I just want to go on record as saying I'm not going  
893 to oppose it, but I think it's going to come back to haunt us. I was the first one to  
894 ever write anything about the Payday Loan and I was laughed at, and that kinda  
895 came back to haunt us. So, I'm not saying anything more. Parson's Walk has  
896 the best setup of this, if any of you have seen that. Parson's Walk has the  
897 detached garage that has the big room over it and can have a pool table in it or  
898 you can sleep in it. It's good for kids' playrooms. And that's where the 15 feet  
899 came from. They're 15 feet. I think that this could be done well if—I don't know  
900 how you would keep it. Bolman had a good point. He said the people that will  
901 use it illegally wouldn't come and get a building permit to start with.

902

903 Mr. Branin - But if we put into the resolution that it wouldn't be  
904 used for permanent living quarters or living quarters in some fashion, that would  
905 give the power and authority to the Permit Office and to public—

906

907 Mr. Vanarsdall - That's what it needs.

908

909 Mr. Jernigan - You can't do that because Parson's Walk already has  
910 that.

911

912 Mr. Silber - Parson's Walk has an accessory structure that  
913 complies with the 15 feet. They have a 15-foot building height. Again, you  
914 measure it at the midway point. Parson's Walk does have some second story  
915 living areas—let me take that back—space, heated and cooled space—

916

917 Mr. Vanarsdall - It's very neat.

918

919 Mr. Silber - —that are used for offices, playrooms, storage. They  
920 cannot use it for living space. They cannot have a kitchen out there. It's not  
921 permitted by Code to have anything but one dwelling on a lot. I think what Mr.  
922 Vanarsdall's saying is if you do go from 15 to 20 feet, this may open the door for  
923 people building larger structures and using the second story for living purposes.  
924 Now, the Code already restricts that. The Code already says you can't have two  
925 living units on one lot, but this would open the door, perhaps, to some  
926 enforcement challenges.

927

928 Mr. Vanarsdall - Yes.

929  
930  
931  
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974

Mr. Jernigan - And you can't have cooking facilities.

Mr. Vanarsdall - You're right, the Code does, but these will not go on anything other than whatever you want to call it, a shed, a barn, a utility shed, anything, that's what the Permit Center will be dealing with. It'll be nothing wrong or anything. The things over at Home Depot are 20 feet tall and the rooms are like 20 by 16, and you can use it for whatever you want.

Mrs. Jones - Will there be a presentation on this by Mr. Blankinship?

Mr. Silber - Yes. They'll be a presentation by staff. This all came about from a builder or two who wanted to do a large accessory structure. He wanted to use what's called traditional Virginia architecture, which is a steeper roof pitch. With the steeper roof pitch, he couldn't comply with the 15 feet; he needed more additional height. We studied this, checked with other localities and jurisdictions and found that most jurisdictions allowed accessory structures between 15 and 24 feet. Most were between 18 and 24 feet. So, we thought going to 20 feet would be reasonable. The Commission may opt to go from 15 to 18 feet, from 15 to 17. We raised it from 12 feet to 15 feet back about 8 or 10 years ago. So, we've raised it once. This will be taking it 5 additional feet. I don't disagree with Mr. Vanarsdall. It could lead to some potential problems, but again, the Code already says you can't have a second living unit there.

Mr. Vanarsdall - Yes.

Mr. Silber - It just might open the door for some enforcement issues.

Mr. Vanarsdall - I asked them who they checked with. Chesterfield County was one and somebody else. I said did you check with Prince William or Fairfax? Dave called me back and said we checked with Prince William. It's so new on the market, that's why some people haven't seen it. I'm just throwing that out. Like I said, I'm not going to vote against it; I just wanted to be on record about it. The reason I'm not going to vote against it is because there are lot of good people that do want to build them to be higher so they have a big house and a little bitty tool shed that kind of dwarfs it. These are not tool sheds; I don't know why I call them that.

Mrs. Jones - The use of nine-foot ceilings, the proportions between the accessory structures and the houses are the issue here, I think. I've already had several discussions with folks who are getting caught in the problem of wanting to build this and they're kind of waiting to see how the possible ordinance change turns out.

975 Mr. Branin - Can't they get a special exception?  
976  
977 Mr. Silber - Mr. Branin's asking if they can get a special  
978 exception. The Code doesn't allow for that right now.  
979  
980 Mrs. Jones - That hardly amounts to a hardship.  
981  
982 Mr. Silber - A variance for that?  
983  
984 Mr. Jernigan - Now, well wait a minute. He may have something  
985 there.  
986  
987 Mr. Branin - We can go up with height in structures with a PUP,  
988 right? Why can't—  
989  
990 Mrs. Jones - You're not talking about going through the BZA?  
991  
992 Mr. Branin - No, through here.  
993  
994 Mr. Jernigan - A special exception for 35. If you have to get a height  
995 special exception, now he's talking about doing that for an accessory structure.  
996  
997 Mrs. Jones - Oh boy.  
998  
999 Mr. Jernigan - But the thing of it is, they'd have to bring a case back  
1000 through. Let's say it wasn't a zoning case or anything and five years down the  
1001 road, he wants to put up a taller shed. He'd have to come back through for a  
1002 zoning case.  
1003  
1004 Mr. Silber - Special exceptions are only permitted to be granted  
1005 by the Planning Commission as a POD. You've done that for taller hotels and  
1006 apartment buildings.  
1007  
1008 Mrs. Jones - Site challenges.  
1009  
1010 Mr. Silber - Buildings like that. If it's not a POD, a special  
1011 exception has to go through, it's really a conditional use permit by special  
1012 exception, goes to the Board of Zoning Appeals. The Board of Supervisors would  
1013 prefer that this amendment, both for residential building heights and accessory  
1014 building heights, not be something that would require Board of Zoning Appeals  
1015 approval. They would rather it be by-right or with a provisional use permit.  
1016  
1017 Mr. Jernigan - Ernie, how big a footprint do these things have?  
1018  
1019 Mr. Vanarsdall - There are two sizes. It has to be at least 20 by 20.  
1020 And the one that has a bar in it, I think it's bigger than that.

1021  
1022 Mrs. Jones - The buildings at Lowe's that you're referencing are  
1023 really only one part of this discussion. There are all kinds of buildings that are  
1024 impacted by this height change.  
1025  
1026 Mr. Jernigan - I understand what he's saying because somebody's  
1027 going to abuse it.  
1028  
1029 Mr. Vanarsdall - This is the first two-story with steps that I've ever  
1030 seen. I'm not a building authority, I just look at them a lot.  
1031  
1032 Mr. Archer - What I'm hearing is that Mr. Secretary said we have in  
1033 the Code now an enforcement provision that would codify what you can and  
1034 cannot do in these buildings. So, the problem we're facing with this prefabricated  
1035 building, I supposed it is, is that we fear we might open this up to abuse, which I  
1036 think the opportunity for abuse already exists with what we have right now. I  
1037 don't know.  
1038  
1039 Mr. Vanarsdall - It may not be anything we can do to change it. It was  
1040 just food for thought.  
1041  
1042 Mr. Archer - But we are aware of it now.  
1043  
1044 Mr. Jernigan - It's already against code to live in it.  
1045  
1046 Mr. Archer - Right. Even now.  
1047  
1048 Mr. Jernigan - So what we'll have to do is if it's passed and  
1049 somebody does abuse it, then we'll just have to have Community Maintenance to  
1050 go out there and check it over.  
1051  
1052 Mr. Silber - One thing you may want to consider if this is a  
1053 concern is to not take it up to 20 feet. That may be too large of a jump, going  
1054 from 15 to 20. Seventeen or eighteen feet may keep some of these second  
1055 stories from turning into dwelling units. That's something the Commission may  
1056 want to consider if they want to send something on to the Board of Supervisors.  
1057 But we've drafted right now at 20 feet.  
1058  
1059 Mr. Archer - Twenty feet. Would we not be able to make that  
1060 change when the presentation is done at the public hearing?  
1061  
1062 Mr. Silber - When this comes up for public hearing, the Planning  
1063 Commission makes a recommendation to the Board. You can send forward  
1064 whatever you want.  
1065

1066 Mr. Vanarsdall - Okay. We had a work session and I asked Bolman  
1067 had he been to that and he said they haven't had a work session at all about  
1068 building materials, building inspections. I thought that was kind of odd. Maybe  
1069 they had one and he wasn't invited; he doesn't have to go to all of them.  
1070  
1071 Mr. Jernigan - I'm glad you brought that up, and we had discussed it  
1072 before. It'll give us something to think about. Let's see what Ben comes up with  
1073 in his presentation. That will give us something to think about.  
1074  
1075 Mr. Vanarsdall - Yeah, I started to put a bed in my shed when I built it.  
1076  
1077 Mr. Jernigan - That's a big doghouse.  
1078  
1079 Mrs. Jones - Did Effie request that?  
1080  
1081 Mr. Vanarsdall - She hinted it.  
1082  
1083 Mr. Branin - And you told her no because it was against the law.  
1084 Well, that's good. I'll entertain a motion.  
1085  
1086 Mrs. Jones - I move that we set September 13<sup>th</sup> as the public  
1087 hearing date to consider an amendment to the County Code to increase the  
1088 permitted height of accessory buildings in residentially-zoned districts.  
1089  
1090 Mr. Vanarsdall - Second.  
1091  
1092 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr.  
1093 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the  
1094 motion carries.  
1095  
1096 Mr. Silber - Next would be a discussion item to set a work session  
1097 to consider amendments to the County Code in regards to sign regulations for  
1098 business districts. What this involves is a request to evaluate and amend the  
1099 ordinance dealing with regional shopping centers to consider additional  
1100 freestanding signs. What we've run into is in these larger shopping centers like  
1101 Short Pump Town Center and White Oak Village, for a shopping center, you're  
1102 only allowed to have one free-standing sign per road frontage, so, on Broad  
1103 Street, they were allowed to have one free-standing sign. With many of these  
1104 large regional shopping centers, you have an interior loop road, if you will, and  
1105 sometimes it's appropriate to have additional signage on the back side of these  
1106 outparcels that help identify businesses along this loop road. Often, these signs  
1107 are much shorter in height, monument signs, maybe 4 to 6 feet high, but it helps  
1108 identify businesses. This ordinance would also allow directional signs so if you  
1109 pull into one of these regional centers, there are some directional signs that point  
1110 to the different retailers. The ordinance right now does not allow this. We've had  
1111 to make some interpretations to permit some of this and so we've been working

1112 with Bill Axelle and other attorneys to draft some language to address regional  
1113 shopping center signs. This is to set a work session with the Planning  
1114 Commission to talk about this ordinance amendment. I'm suggesting that a work  
1115 session be scheduled for September 13<sup>th</sup>.  
1116  
1117 Mr. Branin - Does anyone want to comment on that?  
1118  
1119 Mrs. Jones - Is this before our meeting our during?  
1120  
1121 Mr. Silber - I think what I would recommend is that we do it before  
1122 the meeting. Whether the Commission wants to do it like at 6:30 and just come  
1123 here and begin a work session, or whether you want to have dinner and we can  
1124 start at 5:30 or 6 is up to you.  
1125  
1126 Mr. Jernigan - Did he say dinner?  
1127  
1128 Mr. Branin - I'm waiting. Ernie? Do you have any comments on  
1129 this?  
1130  
1131 Mr. Jernigan - Well, you got right to Mr. V's heart when you said that  
1132 word, "dinner."  
1133  
1134 Mr. Branin - He'll definitely make this.  
1135  
1136 Mr. Silber - It's early in the fiscal year.  
1137  
1138 Mr. Vanarsdall - Let's do it.  
1139  
1140 Mr. Branin - All right. So, what time would you guys prefer, 5:30,  
1141 5:15, 6:00?  
1142  
1143 Mr. Silber - I don't think this is going to take more than maybe 30  
1144 minutes, at the most, to discuss. You might want to do like a 5:45 and eat and  
1145 then present like at 6:15.  
1146  
1147 Mrs. Jones - 5:45.  
1148  
1149 Mr. Silber - Unless that's splitting hairs.  
1150  
1151 Mr. Vanarsdall - Sounds good to me.  
1152  
1153 Mr. Branin - I'd prefer 5:47.  
1154  
1155 Mr. Jernigan - Yeah, let's make it 5:47.  
1156

1157 Mr. Branin - 5:47 works much better for me. Would someone  
1158 make that motion, please.  
1159  
1160 Mr. Archer - Okay.  
1161  
1162 Mr. Branin - Anyone? Motion.  
1163  
1164 Mr. Jernigan - Oh, you want me to make it? I will make a motion  
1165 that we set a work session to discuss sign regulations for business districts to  
1166 commence at 5:47 on September the 13<sup>th</sup>.  
1167  
1168 Mr. Archer - Second.  
1169  
1170 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.  
1171 Archer. All in favor say aye. All opposed say no. The ayes have it, the motion  
1172 carries.  
1173  
1174 Mrs. Jones - Could we confirm where that will be?  
1175  
1176 Mr. Jernigan - Well see, I found out a lot of times—I've done this  
1177 before. If you have a meeting, everybody figures it's on the half hour or  
1178 whatever. When you have a meeting like at 7:02, they say, "Why you having it at  
1179 7:02?" Everybody's there on time. If it's 7:00, they figure you got a little bit of fluff,  
1180 but when you say 7:02, everybody's there. We don't have that problem anyway.  
1181  
1182 Mr. Branin - No, we don't. We just have a problem with people  
1183 actually going to the right room.  
1184  
1185 Mrs. Jones - Yes. Where will this be held?  
1186  
1187 Mr. Silber - I'm assuming we can get the Manager's Conference  
1188 Room. That's where we would like to have it. We will notify you all.  
1189  
1190 Mr. Vanarsdall - That's a Thursday, isn't it?  
1191  
1192 Mr. Jernigan - It's a Thursday this year.  
1193  
1194 Mr. Branin - September 13<sup>th</sup>. And we have one more discussion.  
1195  
1196 Mr. Silber - The other discussion on rules and regulations you  
1197 considered in work session and you approved amending your rules and  
1198 regulations to deal with making seconds to motions. So, that's been handled  
1199 previously. The final item on your agenda is approval of the minutes. This will be  
1200 the minutes from July 12<sup>th</sup>, 2007.  
1201  
1202 Mr. Branin - Does anybody have any changes.

1203  
1204 Mr. Archer - I did have one.  
1205  
1206 Mr. Vanarsdall- Mrs. Jones was in South Carolina, so she didn't get  
1207 time.  
1208  
1209 Mrs. Jones - I am sorry, I must abstain.  
1210  
1211 Mr. Archer - Page 97, line 4410. The minutes state that I said, "Is  
1212 that still on the cutting board?" I think I said "drawing board."  
1213  
1214 Mr. Vanarsdall - What line, Mr. Archer?  
1215  
1216 Mr. Archer - 4410, last line on page 97.  
1217  
1218 Mr. Branin - And I have a change on page 7, line 296. "Putting me  
1219 on the spot," not "on the block."  
1220  
1221 Mr. Jernigan - I have a change on page 42, line 1874. It says, "also  
1222 so the Commission," not "the Commissioner." That's it.  
1223  
1224 Mr. Branin - Entertain a motion?  
1225  
1226 Mr. Jernigan - I make a motion to accept the minutes as corrected.  
1227  
1228 Mr. Branin - Any second?  
1229  
1230 Mr. Archer - Second.  
1231  
1232 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.  
1233 Archer. All in favor say aye. All opposed say no. The ayes have it, the motion  
1234 carries.  
1235  
1236 Mr. Thornton - Mr. Chairman?  
1237  
1238 Mr. Branin - Yes sir.  
1239  
1240 Mr. Thornton - Is that the end of business? Are we officially ended?  
1241  
1242 Mr. Branin - Yes sir.  
1243  
1244 Mr. Thornton - I want to bring up one tangential thing before we  
1245 leave this evening. As you know, the Planning Commission is a commission I  
1246 highly respect and hold in high esteem. Henrico's growing. The demographics of  
1247 Henrico just changed a lot. I would suggest that for this Planning Commission,  
1248 and maybe even other boards and commissions, that we probably need to take a

1249 more methodical and more assertive look as we plan for the future. My  
1250 suggestion is this, and I'm really talking about affordable housing. Affordable  
1251 housing, you get many opinions on that. My colleagues on the Board have many  
1252 opinions. One that I heard is that Henrico has enough affordable housing. This is  
1253 my suggestion. My suggestion is for us to make sure that we're on the cusp of  
1254 things to come, is maybe to have the staff and this Commission, among its  
1255 members need to start discussing that a little bit more, as there are things such  
1256 as allegations that policemen, firemen can't afford to buy housing in the general  
1257 area when you look at the contrast of housing prices.

1258  
1259 Now, people are going to have their opinions. I just would think it would help this  
1260 Planning Commission with the infusion from the staff to look at some more data  
1261 because this is going to be a pressing issue in the future when, as you look at the  
1262 prices of housing, you see now there's a little bit of downturn. Personally, I just  
1263 think all of this is artificiality anyway, the prices of your housing. It's a very  
1264 common thing. It's my opinion; I don't have to be right. I think that the builders  
1265 are going to have a larger responsibility of coming to the table and explaining  
1266 some of this. We have the onus before us to really look at the raw data and  
1267 really just see how can the residents of Henrico County really have access to  
1268 affordable housing. I don't know whether or not we have really done that charge  
1269 even among my colleagues, and some of them will differ with me about this. I  
1270 just want to put my opinion on the table. If you think that's a judicious thing to do,  
1271 might want to take a future meeting, maybe in 2008, and have some discussion  
1272 about this. I don't think it's going to go away and I think some of you will have  
1273 your own individual opinions about it.

1274  
1275 But finally, it has been an American tradition that we all want our children to have  
1276 a life a little bit better than we do, and what part of that Americana is, is to have a  
1277 home. There are some people in Henrico County and other places that cannot  
1278 afford a home. When people start to talk about, yes, there is affordability, we're  
1279 talking about different worlds. There are some things we don't discuss, such as  
1280 the class issues involved between groups and all of that. So, I'm only simply  
1281 suggesting, as I end, that probably it would be helpful for those of you who care  
1282 about this, and I think that you do, to maybe sometime in the future to really take  
1283 a large discussion at this and bring out your own personal decisions and feelings  
1284 based on research about affordable housing. If we are an outstanding county,  
1285 which we are—We are a flagship county. We also want to make sure that we're  
1286 not elitist, that there are some people that can't afford a home. When policemen  
1287 and firemen—And we have to do the data. It may not all be true. But when it is  
1288 alleged that they cannot afford a home in the area, particular in Henrico in which  
1289 we're concerned about, we just need to think about that.

1290  
1291 Finally, it's always been my opinion that the Planning Commission should be a  
1292 little bit more aggressive on some of these things. Some of us will take the  
1293 opinion that, hey, that's the Board's job. But it's also our job to come up with  
1294 good suggestions to give to us on the Board. You don't have to agree with us all

1295 the time. I'm just saying maybe at a future time, let's take a look at this issue of  
1296 affordable housing and see whether or not it might be helpful in the future. I think  
1297 it cannot hurt discussing it. I don't want to change anyone's opinion necessarily,  
1298 but let's look at the raw data and really see are we looking for the future. That's  
1299 what a good planning commission does. It doesn't just work on what's going on  
1300 today, but what's going to happen next year, the year after that.

1301 Mr. Chairman, I wanted to voice that concern because it's rather dear to me.

1302

1303 Mr. Branin - Mr. Thornton, I appreciate you voicing that and I don't  
1304 disagree with you. I know I've been in meetings with my supervisor, Mr.  
1305 Kaechele, and we have spoken to developers about such things. One of the  
1306 responses we get back from developers is they're not interested in building that  
1307 kind of housing because the market is pushing them towards the higher dollar  
1308 larger houses. It's an issue that we've tried to address. Not on a large scale,  
1309 publicly, but we have had discussions amongst ourselves and amongst  
1310 developers. Some of what you're saying, I don't disagree with you, but I think in  
1311 the bubble market that we've been in and with the popularity of this County, a  
1312 developer's going to go where he's going to get the highest dollar and the market  
1313 has driven a lot of the type housing that's gone in here. I don't agree with it, but I  
1314 think the market has driven a lot of it. I agree we should look for the future and  
1315 we do need to get a direction on it. Does anyone else have any comments?

1316

1317 Mr. Jernigan - I'll say one thing. I notice even in my district that on  
1318 one of the projects, the developer told me by the time he had finished and  
1319 everything, the lots were \$80,000 going to the developer. That's what they were  
1320 paying, 75 to 80,000 just for the lot in Varina. I think what you're saying, too,  
1321 they say they have to put a bigger house on there to justify the land cost. But I  
1322 see what Mr. Thornton's saying, too. I think we can sit down and look at it and  
1323 maybe get the statistics on it.

1324

1325 Mr. Vanarsdall - I do know that we have two requests from two  
1326 different developers for something that's not built yet, to reduce the square  
1327 footage that we approved because things are not selling like they were.

1328

1329 Mr. Branin - Which would be a sign of a change in the attitude.

1330

1331 Mr. Vanarsdall - Right.

1332

1333 Mr. Branin - To put smaller houses that are more affordable that  
1334 would move faster because how many \$600,000 to \$900,000 houses do you  
1335 need?

1336

1337 Mr. Thornton - And also, Mr. Chairman, in their wisdom, my  
1338 colleagues on the Board did away with some of the zoning.

1339

1340 Mr. Jernigan - R-3A and R-4.

1341  
1342 Mr. Thornton - I did not vote for that and so I'm just saying, things are  
1343 ever changing and if you're really talking about affordability, we have to be  
1344 creative in that market. That's all I'm saying. That's something I'm going to work  
1345 on with my colleagues anyway, because I think sometimes we need to take a  
1346 look at the things we've done in the past.  
1347  
1348 Mr. Vanarsdall - When I look back on it, I don't remember what drove  
1349 that, do you, Chris?  
1350  
1351 Mr. Archer - Well, it had to do with supposedly we were overtaxing  
1352 the infrastructure by having smaller houses and smaller lots.  
1353  
1354 Mr. Vanarsdall - Too small a lot for what was built.  
1355  
1356 Mr. Archer - I was opposed to removing that classification too. And  
1357 I think what happened is, now we're in a position where we don't have any place  
1358 to build a smaller house because R-3 is the smallest classification we can use.  
1359 So, we sort of eliminated people who were in that genre. We need to revisit that,  
1360 I think, at some point in time.  
1361  
1362 Mr. Jernigan - With R-5AC, that is a smaller lot. It's a zero lot line  
1363 rather than being centered up on the lot. What's R-5AC?  
1364  
1365 Mr. Silber - A lot size little over 5600 square feet.  
1366  
1367 Mr. Jernigan - So, we have that, it's just a zero lot line.  
1368  
1369 Mr. Archer - I think what happened, though, when we removed  
1370 that classification, the purpose was supposedly to cut down on the taxing of the  
1371 infrastructure. The development community merely went straight to townhouses  
1372 and condominiums. We started seeing it, bam, bam, bam, everywhere you  
1373 looked around. So, we not only didn't accomplish what we were trying to do, we  
1374 increased it. That's my opinion. I don't remember seeing all these townhouses  
1375 and condominiums prior to us getting rid of the R-4.  
1376  
1377 Mr. Branin - I think it's almost safe to say the only affordable  
1378 housing in that category is townhouses.  
1379  
1380 Mr. Archer - Yeah.  
1381  
1382 Mr. Branin - That's all that's presented in my district. If you see a  
1383 house, it's going to be at 400 or above. Anything less that that is going to be a  
1384 townhouse.  
1385

1386 Mr. Archer - The point I'm making is we went from—We took the  
1387 R-4, which is what, 4.25 per acre?  
1388

1389 Mr. Silber - It's about that.  
1390

1391 Mr. Archer - Yeah. And we replaced it with, what, 12 to 14 per acre  
1392 using the townhouses. So, our purpose was defeated almost before we got it  
1393 approved. I just think it's something we need to revisit. It'll take some time to do.  
1394 I just think that removing those classifications had a deleterious effect on what  
1395 we were trying to accomplish.  
1396

1397 Mr. Branin - Mr. Archer, I'm going to charge you with the duty of at  
1398 some point recommending either a study or a meeting to sit down and go over it.  
1399

1400 Mr. Archer - I believe the meeting is adjourned. I don't think you  
1401 can officially charge me with anything.  
1402

1403 Mr. Branin - I haven't adjourned the meeting yet.  
1404

1405 Mr. Jernigan - What Mr. Vanarsdall was saying, too, let's say a  
1406 2,000-square-foot house is 325. We don't want to see them come in and build  
1407 1100 square feet for 285.  
1408

1409 Mr. Silber - I think what you really have to balance, Mr.  
1410 Jernigan—you hit on it earlier—is a lot of what's happened here is land values  
1411 are going up and because of the land values, they're having to place a certain  
1412 size house on there. I think Mr. Archer hit on a key point and that is that we don't  
1413 have some of the smaller lot sizes that we used to have, so the land value is the  
1414 real culprit here. I think we want to also not confuse affordability with inferior  
1415 building construction. We still want high-quality residential buildings. In order to  
1416 have high-quality residential buildings, the only way to make it affordable is to  
1417 reduce the size of the dwelling, provide smaller houses, perhaps on smaller lots.  
1418 But then you need to make sure the building is quality, the community is quality.  
1419 You want to make sure you have the proper amenities and build communities  
1420 that are attractive and handsome and maintain themselves for a long period of  
1421 time. So, you have to put money back into the amenities and the package that  
1422 makes a nice community. I think the size of the house should be reduced if we're  
1423 really talking about affordability because you don't want to jeopardize a cutback  
1424 on the quality of the house.  
1425

1426 Mr. Jernigan - Also, too, let's not come in and put a 40% smaller  
1427 house and a 15% cheaper price. That's what I'm getting to, because it becomes  
1428 a little more affordable, there's still a whole lot of fluff in there.  
1429

1430 Mr. Branin - All right, ladies and gentlemen, I would like a motion  
1431 to adjourn.

1432  
1433 Mr. Archer - So moved.  
1434  
1435 Mr. Jernigan - Second.  
1436  
1437 Mr. Branin - Meeting is adjourned.  
1438  
1439 The meeting was adjourned.

1440  
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Randall R. Silber, Secretary

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Tommy Branin, Chairperson