

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 December 10, 2009. Display Notice having been published in the Richmond
5 Times-Dispatch on November 19, 2009 and November 26, 2009.
6

Members Present: Mrs. Bonnie-Leigh Jones, Chairperson (Tuckahoe)
Mr. Ernest B. Vanarsdall, C.P.C., Vice Chairman (Brookland)
Mr. E. Ray Jernigan, C.P.C., (Varina)
Mr. C. W. Archer, C.P.C. (Fairfield)
Ms. Jean Moore, Assistant Director, Acting Secretary

Members Absent: Mr. James B. Donati (Varina)
Board of Supervisors Representative
Mr. Tommy Branin, (Three Chopt)
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary

Also Present: Mr. James P. Strauss, CLA, Principal Planner
Mr. David Conmy, County Planner
Ms. Rosemary Deemer, AICP, County Planner
Mr. Benjamin Sehl, County Planner
Ms. Sylvia Ray, Recording Secretary

7
8 Mrs. Jones - I'd like to call this meeting to order and ask that you
9 rise and say the **Pledge Allegiance to the Flag**. That's the second time I've
10 said that today. In this day and time, sometimes it's a nice thing to do.
11

12 All right, I thank you. I welcome you to the rezoning meeting of December 10th for
13 the Planning Commission. Happy to have you here tonight. It's a very short
14 agenda with very few cases and not too many folks in the audience. But we
15 thank you for being here.
16

17 We have folks not with us tonight. Mr. Donati will not be here; he had a previous
18 function. Mr. Branin, Commissioner for the Three Chopt District, is recovering
19 from some surgery. We are a sparse group up here, but ready to go.
20

21 Our secretary is also not with us, but Ms. Jean Moore will be Acting Secretary for
22 the Commission.
23

24 One more thing, if you would mute your cell phones or turn them off as a
25 courtesy to other people, I'd appreciate it.
26

27 All right, Ms. Moore.

28
29 Mr. Vanarsdall - We're glad we have enough left to have a meeting.
30

31 Ms. Moore - That's right. Thank you, Madam Chair. As mentioned,
32 it is a short meeting, but we do have enough for a quorum. The first item on your
33 agenda tonight is the request for withdrawals and deferrals, and those will be
34 presented by Mr. Strauss.

35
36 Mr. Strauss - Thank you and good evening. Staff is aware of two
37 deferrals this evening. The first one is in the Three Chopt District, page 1 of the
38 agenda, C-35C-09, Oglethorpe Park, LLC. This is a request to conditionally
39 rezone from R-3C to R-5AC. A zero lot line development with a density not to
40 exceed 3.4 dwelling units is proposed. The applicant is requesting deferral to the
41 January 14, 2010 meeting.

42
43 **C-35C-09 Webb L. Tyler for Oglethorpe Park LLC:** Request to
44 conditionally rezone from R-3C One-Family Residence District (Conditional) to R-
45 5AC General Residence District (Conditional), Parcels 745-764-6608, 745-764-
46 7122, 745-764-7834, 745-764-1645, 745-764-2159 and 745-764-1031,
47 containing 12.373 acres, located on the south line of Dublin Road between the
48 east line of Belfast Road and the west line of Glasgow Road. The applicant
49 proposes a zero lot line development with a density not to exceed 3.4 dwelling
50 units per gross acre. The R-5A District allows a minimum lot size of 5,625
51 square feet and a maximum gross density of 6.0 units per acre. The use will be
52 controlled by zoning ordinance regulations and proffered conditions. The Land
53 Use Plan recommends Suburban Residential 2, density should not exceed 3.4
54 units per acre.

55
56 Mrs. Jones - Is anyone with us this evening in opposition to the
57 deferral of C-35C-09, Webb L. Tyler for Oglethorpe Park, LLC? No opposition.

58
59 Mr. Jernigan - Madam Chair, with that I will move for deferral of case
60 C-35C-09, Webb L. Tyler for Oglethorpe Park, LLC, to January 14, 2010, by
61 request of the applicant.

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63 Mr. Vanarsdall - Second.

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65 Mrs. Jones - We have a motion by Mr. Jernigan, seconded by Mr.
66 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the motion
67 passes.

68
69 At the request of the applicant, the Planning Commission deferred C-35C-09,
70 Webb L. Tyler for Oglethorpe Park, LLC, to its meeting on January 14, 2010.

71
72 Mr. Strauss - The next request for deferral is in the Tuckahoe
73 District, page 2 of the agenda, C-30C-09, Patterson Investments, Incorporated.
74 This is a request to conditionally rezone from R-2A to R-5AC. A residential
75 development with no more than 30 homes is proposed. The applicant is
76 requesting a deferral to the January 14, 2010 meeting.

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(Deferred from the November 12, 2009 Meeting)

C-30C-09 James W. Theobald for Patterson Investments, Inc.: Request to conditionally rezone from R-2A One-Family Residence District to R-5AC General Residence District (Conditional), Parcel 748-741-8046, containing approximately 6.059 acres, located at the southeast intersection of Patterson Avenue (State Route 6) and Maybeury Drive. The applicant proposes a residential development of no more than thirty (30) homes. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum gross density of 6.0 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Urban Residential, with density ranging from 3.4 to 6.8 units per acre.

Mrs. Jones - Anyone with us tonight in opposition to the deferral of C-30C-09? If not, I move that case C-30C-09, James W. Theobald for Patterson Investments, Inc., be deferred at the request of the applicant to the January 14, 2010 meeting.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred C-30C-09, James W. Theobald for Patterson Investments, Inc., to its meeting on January 14, 2010.

Ms. Moore - Madam Chair, I believe that completes all the requests for deferrals. The next are items that are requests to be on the expedited agenda. These are items that are minor in nature, staff has no knowledge of opposition, and the staff report is clean with no unresolved issues. Mr. Strauss will be presenting those as well.

Mr. Strauss - The first request for expedited approval is on page 1 of the agenda, C-34-09, George M. Urban. This is a request to rezone from B-2C Business District to A-1 Agricultural District. In 2005, this property was rezoned along with an adjacent parcel for two office buildings and a hotel. Since that time, development has not occurred and the applicant wishes to return the property to its original A-1 designation. Staff is recommending approval and is not aware of any opposition.

C-34-09 George M. Urban: Request to rezone from B-2C Business District (Conditional) to A-1 Agricultural District, Parcel 746-770-9777, containing approximately 5.52 acres, located between the south line of Hickory Park Drive and the north line of New Wade Lane approximately 725 feet southwest of Nuckols Road. The A-1 District allows a minimum lot size of 43,560

123 square feet and a maximum gross density of 1.0 unit per acre. The use will be
124 controlled by zoning ordinance regulations. The Land Use Plan recommends
125 Office.

126
127 Mrs. Jones - Is there anyone here in opposition to C-34-09, George
128 M. Urban? No opposition.

129
130 Mr. Jernigan - Madam Chair, with that I will move for approval of
131 case of C-34-09, George M. Urban, on the expedited agenda and send to the
132 Board of Supervisors for their approval.

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134 Mr. Vanarsdall - Second.

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136 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.
137 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

138
139 **REASON:** Acting on a motion by Mr. Jernigan seconded by Mr. Vanarsdall,
140 the Planning Commission voted 4-0 (two absent) to recommend the Board of
141 Supervisors grant the request because would not be expected to adversely
142 affect the pattern of zoning and land use in the area.

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144 Mr. Strauss - The second request for expedited approval is on
145 page 1 of the agenda, P-13-09, Innsbrook Foundation. This is a request for a
146 provisional use permit in order to renew an existing provisional use permit to
147 continue to operate a temporary outdoor entertainment pavilion. Staff is
148 recommending approval of this request with the six conditions in the staff report.
149 We are not aware of any type of opposition.

150
151 **P-13-09 Denise Kranich for The Innsbrook Foundation:**
152 Request for a Provisional Use Permit under Sections 24-62.2(f), 24-120 and 24-
153 122.1 of Chapter 24 of the County Code in order to renew an existing provisional
154 use permit to continue to operate a temporary outdoor entertainment pavilion
155 (Snag-A-Job Pavilion), on part of Parcel 750-768-4593, located approximately
156 750' northeast of the intersection of Nuckols Road and Interstate 295. The
157 existing zoning is M-1C Light Industrial District (Conditional). The Land Use Plan
158 recommends Office.

159
160 Mrs. Jones - Is there anyone here in opposition to P-13-09? Hello,
161 folks, are you here for P-13-09? Okay. With that, I'll entertain a motion.

162
163 Mr. Jernigan - Madam Chair, with that I will move for approval of P-
164 13-09, on the expedited agenda to be sent to the Board of Supervisors for their
165 approval.

166
167 Mr. Vanarsdall - Second.

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169 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.
170 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

171
172 **REASON:** Acting on a motion by Mr. Jernigan seconded by Mr. Vanarsdall,
173 the Planning Commission voted 4-0 (two absent) to recommend the Board of
174 Supervisors grant the request because it is reasonable, and when properly
175 developed and regulated by the recommended special conditions, it would not be
176 detrimental to the public health, safety, welfare, and values in the area.

177
178 Thank you, Mr. Strauss.

179
180 All right, we have the approval of the minutes. We have the November 12, 2009
181 minutes to approve. Does anyone have corrections, additions?

182
183 Mr. Archer - Madam Chair, I do have a correction on page 5, line
184 176. I think I did say, "I just wanted to make sure you understand there has to be
185 an original copy."

186
187 Mrs. Jones - The good news is we all knew what you meant. I did
188 have—Was there anything else, Mr. Archer?

189
190 Mr. Archer - That was it.

191
192 Mrs. Jones - Okay. On page 7. I have this marked for some
193 reason. Yes. Mr. Condlin was saying in 287, "...by those two lots versus the
194 entirety, because that strip doesn't serve all the lots. So it would be the liberty to
195 those units or those homes to do that." I'm not sure that I understand what he
196 meant—responsibility? obligation?—I don't know. But if someone else knows,
197 that's fine. If not, we'll just leave it as is.

198
199 I did want to encourage everyone to speak directly and clearly into the
200 microphone. Sometimes we turn and our words can't be picked up by the folks
201 that transcribe.

202
203 All right. The work session is mentioned in these minutes, but we'll be talking
204 about that after the approval of the minutes. Anything else for the minutes? Can
205 I hear a motion for approval?

206
207 Mr. Vanarsdall - I make a motion that the minutes be approved with
208 the correction.

209
210 Mr. Archer - Second.

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212 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Archer.
213 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
214 They are approved.

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All right, the work session. Would you like to discuss that or?

Ms. Moore - Just briefly. At your next daytime meeting, your Plan of Development meeting, I think you have four cases, which are all expedited, or requested to be. After that, you'll be moving upstairs and they'll be work session to go over the tutorial of the Planning Commission Portal, which you're familiar with. That's a portal site that's dedicated just for the Commissioners. Jon Steele, who's been working on this, will be going over that. That will be held upstairs. From there you will adjourn the meeting.

Mrs. Jones - All right. Well, we're anxious for that and looking forward to that training. That'll be great. Any other business to come before the Commission?

Mr. Vanarsdall - I move that we adjourn.

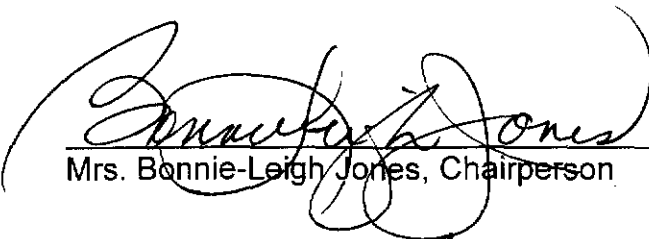
Mr. Archer - Second.

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

Meeting adjourned. It's a record.

The meeting adjourned at 7:10 p.m.


Ms. Jean Moore, Acting Secretary


Mrs. Bonnie-Leigh Jones, Chairperson