

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. July 12,
4 2012. Display Notice having been published in the Richmond Times-Dispatch on
5 June 25, 2012 and July 2, 2012.
6

Members Present: Mr. Tommy Branin, Chairman (Three Chopt)
Mrs. Bonnie-Leigh Jones, C.P.C., Vice Chairman (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Eric Leabough (Varina)
Mr. Robert H. Witte, Jr. (Brookland)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Members Absent: Mr. Frank J. Thornton,
Board of Supervisors' Representative

Also Present: Mr. Tom Tokarz, Deputy County Attorney
Mr. Jason Hart, Assistant County Attorney
Mr. J. Mark Strickler, Director of Community Revitalization
Mr. Michael Jennings, Assistant Director of Public Works
Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Mr. Benjamin W. Blankinship, Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Livingston Lewis, County Planner
Mr. Justin Doyle, Planning Technician
Mr. Eric J. Dykstra, Recording Secretary

7 Mr. Branin - —Commission work session agenda at 5:40.
8

9 Mr. Emerson - Thank you, Mr. Chairman. Tonight you have a work
10 session on several items beginning with a closed session for consultation with
11 legal council for advice regarding proposed changes to the Code of the County of
12 Henrico regarding signs. With that we need a motion to enter closed session.
13

14 Mr. Branin - I'll entertain a motion.
15

16 Mr. Archer - So moved.
17

18 Mrs. Jones - I move that we go into a closed meeting for
19 consultation with the County Attorney regarding specific legal matters requiring
20 the provision of legal advice regarding proposed amendments to the Zoning
21 Ordinance pursuant to Section 2.2-3711(a)(7) of the Code of Virginia 1950, as
22 amended.
23

24 Mr. Archer - Second.
25
26 Mr. Branin - Motion by Mrs. Jones, seconded by Mr. Archer. All in
27 favor say aye. All opposed say no. The ayes have it, the motion passes. Then we
28 go into closed session.
29
30 [Planning Commission enters closed session.]
31
32 [Planning Commission returns from closed session.]
33
34 Mr. Emerson - —into regular open session. We do have a
35 presentation for you. I don't know if you want to go over the non-commercial sign
36 presentation again with any questions you may have. And we also would like to
37 talk to you about a resolution the Board adopted directing the Planning
38 Commission to examine changes to the POD appeal process. Both of those
39 items will be presented by Mr. Ben Blankinship.
40
41 Mr. Branin - Good evening, Mr. Blankinship.
42
43 Mr. Blankinship - Good evening, Mr. Chairman.
44
45 Mr. Branin - Think you can do it in ten?
46
47 Mr. Blankinship - I would be happy to. Do you want to proceed with the
48 signs? It's essentially the same presentation you had last time and you're going
49 to see it again at the public hearing.
50
51 Mr. Branin - Commission, do you feel it necessary to review the
52 same sign issues? We're going to see them again. Mr. Blankinship?
53
54 Mr. Blankinship - The one thing I'll say about that is that I got a phone
55 call today from a gentleman who's very upset about the way we have handled
56 specifically political signs, and specifically whether people are required to get
57 permits and to pay for them. So you may be hearing—some of your questions
58 have been, "Why are we trying to fix this if it's not really that big of an issue?"
59 You may get the privilege of hearing from one of the people who has kept this
60 issue at the top of our minds. I think that would help you understand why staff
61 feels like this is something that needs to be taken care of.
62
63 Mrs. Jones - Mr. Blankinship, can I just go ahead—do you have a
64 copy of the actual wording? This is the correct one? Okay. May I ask you a
65 question while you do that? I want to make sure I understand. This isn't very
66 long, but obviously I'm having a hard time getting my head around this. So is it
67 only thirty-two square feet of signage on a lot that you are suggesting?
68
69 Mr. Blankinship - Yes ma'am.

70
71 Mrs. Jones - Or as many as you want as long as each sign doesn't
72 exceed thirty-two square feet per sign.
73
74 Mr. Blankinship - This proposal would regulate the total square footage
75 of signs on the lot. So if you had ten three-square-foot signs—sometimes coming
76 up on election season you want to have four or five candidate's signs, but you
77 only want the little yard signs. So if you had, say, five three-square-foot sign, that
78 would be fifteen square feet; that would be okay. On the other hand, some
79 people want the thirty-two-square-foot signs. And under the proposal if you had
80 one of those, that would be your only non-commercial sign.
81
82 Mrs. Jones - Then I suggest there has to be wording such as, "in
83 the aggregate," or something added to that first sentence because you can read
84 it that non-commercial signs, each of which wouldn't exceed thirty-two square
85 feet in total area. It could say that's total area for that sign.
86
87 Mr. Blankinship - So would you like to change the word "total" to the
88 word "aggregate," or, "In the aggregate" rather than—
89
90 Mrs. Jones - I'm trying to just make sure it's clear if we're going to
91 go through all this.
92
93 Mr. Blankinship - I think that's why the word "total" is in that sentence.
94 Otherwise the word "total" would be unnecessary.
95
96 Mrs. Jones - And so there's no confusion about that in your mind.
97
98 Mr. Witte - I had the same thing. I was thinking non-commercial
99 signs not exceeding thirty-two square feet in total area and a total of thirty-two
100 square feet in signage.
101
102 Mrs. Jones - I didn't read that into it.
103
104 Mr. Witte - I didn't read that into it either, but I think that needs to
105 be—
106
107 Mr. Blankinship - The word "aggregate" isn't anywhere in the sign
108 ordinance. We could sneak that word into that sentence one way or another if
109 you think that's necessary.
110
111 Mr. Leabough - Let me ask this question. So we're saying that we're
112 okay if somebody put up ten signs.
113
114 Mr. Blankinship - Three-square-foot signs, yes sir.
115

116 Mr. Leabough - Wouldn't that be an issue? I mean we don't care
117 about the number of signs? I'm asking a question that—
118
119 Mr. Blankinship - Yes.
120
121 Mr. Branin - Let me tell you something. When Mr. Kaechele runs
122 again I'm putting ten signs up.
123
124 Mrs. Jones - And we're coming to measure.
125
126 Mr. Blankinship - In the statewide election when you have a governor, a
127 lieutenant governor, an attorney general, a state senator, and a state
128 representative all running at the same time, a lot of times people will put a sign
129 for each of those. Sometimes they're combined, but sometimes people will put a
130 sign for each of those candidates in their yard. And that's five, if you don't have
131 any other issues, a ballot initiative or something.
132
133 Mr. Tokarz: I'll mention that there is a case out of Arlington that
134 [inaudible] do not put a limitation on the number of signs and had some
135 restrictions on total area.
136
137 Mrs. Jones - So as long as this wording you feel is not ambiguous
138 and it conveys exactly what we were saying, that there's a total of thirty-two
139 square feet allowed on any one lot, then that's fine. I just question whether it
140 would. And the other thing is does this include signs in windows of buildings?
141
142 Mr. Blankinship - Yes it would.
143
144 Mrs. Jones - Okay.
145
146 Mr. Branin - I have one question. I'm going to throw it out there. I
147 have to ask it. Thirty-two square feet, are we comfortable with thirty-two square
148 feet in no matter what size lot that may be?
149
150 Mr. Blankinship - We know that at least one Board member is not
151 comfortable with that number.
152
153 Mr. Branin - I happen to be from that same district. That's why I'm
154 asking this question.
155
156 Mr. Blankinship - We discussed that briefly at the last work session.
157 The direction that staff received was to go forward with this recommendation and
158 let the Board of Supervisors address that issue. Or of course you have the
159 authority.
160

161 Mr. Branin - No, I'm fine with them. This isn't a POD; I'm good with
162 them looking at it.

163
164 Mrs. Jones - I would support the simplest common denominator
165 that gets us to where we want to be. If we start saying in this district you can
166 have this, in this district—you know.

167
168 Mr. Branin - It's the spider web theory again.

169
170 Mrs. Jones - Spider web theory?

171
172 Mr. Branin - We have to write so much and how is it interpreted.
173 And it becomes such a—it's going to take us a year to decide what to do.

174
175 Mr. Witte - Oh what tangled webs we weave.

176
177 Mr. Branin - What tangled webs we weave. Okay. So we're
178 moving forward with the signs? We're good.

179
180 Mrs. Jones - Yes.

181
182 Mr. Branin - Next.

183
184 Mr. Blankinship - The POD appeal process amendment, which was
185 mentioned to you briefly in the closed session. The current regulation, 24-106,
186 Paragraph P, says that, "Any applicant for a POD and any affected property
187 owner owning property immediately adjacent to property subject to a POD may
188 file an appeal to the Board of Supervisors." It has to be filed within fifteen days.

189
190 There are two provisions in the state code that address this issue. One is under
191 Final Plats or Construction Plans, and the other is under Preliminary Plats or
192 Preliminary PODs. But they read pretty much the same way. If the Commission
193 or other agent disapproves a plat or plan, then the subdivider or the developer is
194 the only one who has a right of appeal. His appeal goes directly to Circuit Court,
195 and he has sixty days to file. So there are three differences between what we
196 have in our ordinance now and what is in the state code. I'll show you the other
197 one there. In each case, the state code only speaks to an appeal right for the
198 developer. It is silent on the question of whether an adjacent landowner can
199 appeal. It specifies that the appeal goes to the Circuit Court, not to the Board of
200 Supervisors, and it allows a sixty-day limitation rather than fifteen.

201
202 The logic here is that the Board of Supervisors is a legislative body. It should be
203 in the position of writing the ordinance and presenting it to be administered by
204 others. The Planning Commission is the agent of the Board for the ministerial act
205 of acting on subdivisions and plans of development. And whether or not the
206 ministerial act is appropriate should not be referred back to the Board of

207 Supervisors. So the amendment simply would repeal and reserve Paragraph P.
208 The language that's there would be struck, and that's all there is to it.

209
210 As for the next steps or the schedule on which we'd like to see this amendment
211 move, staff has been instructed to move this along, again with all deliberate
212 speed. So we would like for you to set a public hearing at the end of the work
213 session right now, set a public hearing for August the 9th. That would allow us to
214 have a work session for the Board of Supervisors the following week, and then
215 present this to them in a public hearing on September the 11th.

216
217 Mr. Emerson - You had your work session this evening.

218
219 Mr. Blankinship - Yes, we're in the work session right now.

220
221 Mr. Emerson - Possibly the Board may have a work session on
222 August the 14th because their meeting in August falls after your meeting.

223
224 Mr. Branin - So not a work session, but a public hearing.

225
226 Mr. Blankinship - A public hearing for the Planning Commission August
227 the 9th and for the Board the following week.

228
229 Mr. Emerson - If the Commission would like to have another work
230 session on this item prior to the public hearing, if you choose to schedule it,
231 certainly we can accommodate that. And of course the Board's schedule is
232 presuming an action by the Commission on August 9th. You may or may not take
233 action after your public hearing; that's up to you.

234
235 Mrs. Jones - Do we have a full complement of folks here on August
236 9th?

237
238 Mr. Witte - I'm here.

239
240 Mr. Leabough - I'm here.

241
242 Mr. Archer - I'm here.

243
244 Mrs. Jones - I thought some people had mentioned they were
245 going to be gone.

246
247 Mr. Branin - He's on vacation—

248
249 Mr. Archer - I'll be gone next week.

250
251 Mrs. Jones - Excuse me.

252

253 Mr. Branin - I did my vacation already.
254
255 Mrs. Jones - I find it difficult to see how I'm going to avoid having a
256 problem with some of the issues that I raised. I don't know whether that would be
257 better served by thinking about this a little more.
258
259 Mr. Emerson - You can always hold your public hearing and not
260 necessarily take action. And certainly we could have another work session prior
261 to the August 9th meeting and discuss it further.
262
263 Mrs. Jones - Well, with that possibility, then, I guess I would not
264 disagree with this schedule.
265
266 Mr. Branin - Okay. Then with all due diligence I'll entertain a
267 motion for a public hearing by the Planning Commission in regards to this matter
268 on the ninth.
269
270 Mr. Leabough - So move.
271
272 Mr. Archer - Second. Now Mr. Chairman, will that be just before
273 the regular meeting at seven o'clock?
274
275 Mr. Emerson - A work session we would hold earlier. What time
276 would you like to come in for the work session?
277
278 Mr. Archer - Oh, I'm sorry.
279
280 Mr. Blankinship - This *is* the work session.
281
282 Mr. Emerson - This is the work session. Right.
283
284 Mr. Branin - It would slide into the normal agenda, wouldn't it?
285
286 Mr. Emerson - We would put the public hearing in your normal
287 agenda. However, if you'd like to have another work session on this item, we can
288 accommodate that on the 9th as well.
289
290 Mr. Branin - Then let's make the motion that it be put into our
291 normal agenda on August 9th. If we have questions and require another work
292 session, we can certainly get together with the Director of Planning, and request
293 it, and set that. Is that not true?
294
295 Mr. Emerson - Fine with me, yes sir.
296
297 Mr. Branin - Are you comfortable with that, Mrs. Jones?
298

299 Mrs Jones - Yes.
300
301 Mr. Emerson - Who seconded that motion?
302
303 Mr. Archer - I seconded it.
304
305 Mr. Branin - So the motion was made by Mr. Leabough and
306 seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes have
307 it; the motion carries.
308
309 Mr. Blankinship, do you have anything further for us?
310
311 Mr. Blankinship - I do not. Thank you, Mr. Chairman.
312
313 Mr. Branin - And then I would like to go into recess and then we
314 will reconvene downstairs at seven p.m.
315
316 [Planning Commission recesses then reconvenes at seven p.m. for public
317 meeting.]
318
319 Mr. Branin - Good evening and welcome to Henrico County's
320 Planning Commission Rezoning meeting for July 12, 2012. We're reconvening.
321 We had a work session earlier this evening that began at 5:30. I would like to
322 welcome everybody. And just a reminder to please turn off your cell phones or
323 put them on vibrate—which you'll see me do myself because I'm the usually the
324 one who actually does forget—so it doesn't interrupt the meeting as it goes or
325 someone that's speaking. If everybody would please join me in standing for the
326 Pledge of Allegiance.
327
328 I don't believe there's any media in the room this evening. Then I would like, Mr.
329 Secretary, for you to take over.
330
331 Mr. Emerson - Thank you, Mr. Chairman. As you noted, we did have
332 a work session that began at 5:30 p.m. for a closed meeting with the County
333 Attorney for legal advice regarding proposed changes to the Code of Henrico
334 County. And then at a little after 6 p.m. we did come out of that closed meeting
335 and discuss the proposed changes to Section 24-104 of the Code of the County
336 of Henrico regarding signs, and also proposed changes to 24-106 of the Code of
337 the County of Henrico regarding the POD appeal process.
338
339 With that said, next on your agenda are the requests for withdrawals and
340 deferrals. Those will be presented by Mr. Jim Strauss.
341
342 Mr. Branin - Good evening, Mr. Strauss. How are you?
343

344 Mr. Strauss - Good evening. Thank you, members of the
345 Commission. We have one request for deferral this evening. It's in the Fairfield
346 District, page one of the agenda. It's C-15C-12, William Burfield. This is a request
347 to amend proffered conditions accepted with rezoning case C-87C-97. The
348 applicant is requesting a deferral to the January 10, 2013 meeting.

349
350 *(Deferred from the June 14, 2012 Meeting)*

351 **C-15C-12 William Burfield:** Request to amend proffered
352 conditions accepted with Rezoning Case C-87C-97 on Parcel 774-758-0179
353 located on the south line of Hungary Road approximately 130 feet west of its
354 intersection with Woodman Road. The applicant proposes to amend the proffer
355 related to uses to allow gun shop, sales, and repair. The existing zoning is B-2C
356 Business District (Conditional). The 2026 Comprehensive Plan recommends
357 Commercial Concentration. The site is in the Enterprise Zone.

358
359 Mr. Branin - Is anyone in opposition to the deferral of C-15C-12,
360 William Burfield?

361
362 Ms. McAllister - [Speaking off microphone.] Yes, sir, I'm in opposition.
363 I was here last month for this case. I'd like to know what the delay is. We do not
364 want this rezoning to occur and I don't think it's necessary to wait six months to
365 have that case.

366
367 Mr. Branin - Okay, thank you, ma'am. So we have someone in
368 opposition to the deferral of C-15C-12. Mr. Archer?

369
370 Mr. Archer - Mr. Secretary, am I allowed to explain why?

371
372 Mr. Emerson - Yes sir.

373
374 Mr. Archer - We have been working with the applicant in order to
375 try to find a better place for his operation and we can't just do it in a day. So he
376 has agreed to assist us with assisting him.

377
378 Ms. McAllister - [Speaking off microphone.] In that case, I'm satisfied
379 with the delay.

380
381 Mr. Archer - Okay.

382
383 Mr. Branin - Ma'am, since this is taped, you're going to hear me
384 repeat what you said. So ma'am, you are satisfied with the deferral, so you're
385 withdrawing your objection to the deferral?

386
387 Ms. McAllister - [Speaking off microphone.] Yes sir.

388

389 Mr. Branin - Thank you so much. Then with that being said we'll
390 entertain a motion.

391
392 Mr. Archer - Mr. Chairman, I move that C-15C-12, William Burfield,
393 be deferred to the January 10, 2013 meeting at the request of the applicant.

394
395 Mrs. Jones - Second.

396
397 Mr. Branin - Motion by Mr. Archer, seconded by Mrs. Jones. All in
398 favor say aye. All opposed say no. The ayes have it; the motion carries.

399
400 At the request of the applicant, the Planning Commission deferred C-15C-12,
401 William Burfield, to its meeting on January 10, 2013.

402
403 Mr. Branin - Ma'am, before you leave the room, because this is
404 taped and it is public record, may I have your name for the record?

405
406 Ms. McAllister - [Speaking off microphone.] Yes. Linda Wakefield
407 McAllister.

408
409 Mr. Branin - Linda Wakefield McAllister.

410
411 Ms. McAllister - [Speaking off microphone.] Yes sir.

412
413 Mr. Branin - Thank you, ma'am, so much. Mr. Secretary?

414
415 Mr. Emerson - Yes, Mr. Chairman. Next on your agenda are the
416 requests for expedited items, which will also be handled by Mr. Jim Strauss.

417
418 Mr. Strauss - Thank you. Mr. Secretary. We do have a request for
419 expedited approval this evening. It is in the Three Chopt District. It's on page two
420 of the agenda. This is P-14-12, Whole Foods Market. This is a request for
421 renewal of a Provisional Use Permit to allow a community demonstration garden
422 and production farm at West Broad Village. Staff is recommending approval with
423 conditions 9 through 22 on page four of the staff report. Staff is not aware of any
424 opposition.

425
426 **P-14-12 John Sheppard for Whole Foods Market:** Request
427 for a Provisional Use Permit under Section 24.32.1(t), 24-120, and 24-122.1 of
428 the County Code in order to allow a community garden and production farm on
429 part of Parcel 744-760-7007 as required by Condition 17 of P-6-10, located on
430 the south line of the entrance ramp from W. Broad Street (U.S. Route 250) to
431 Interstate 64 (West Broad Village). The existing zoning is UMUC Urban Mixed
432 Use District (Conditional). The 2026 Comprehensive Plan recommends Urban
433 Mixed Use. The site is in the West Broad Street Overlay District.

434

435 Mr. Branin - Is anyone in opposition to P-14-12, John Sheppard for
436 Whole Foods Market? No one? Then I would like to move that P-14-12, John
437 Sheppard for Whole Foods Market, be approved on the expedited agenda.
438

439 Mr. Leabough - Second.
440

441 Mr. Branin - Motion by Mr. Branin, seconded by Mr. Leabough. All
442 in favor say aye. All opposed say no. The ayes have it; the motion carries.
443

444 Mr. Emerson - Mr. Chairman, that now takes us to the first case on
445 your agenda, which appears on page two.
446

447 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
448 Leabough, the Planning Commission voted 5-0 (one absent) to recommend the
449 Board of Supervisors **grant** the request because it would continue to provide
450 added services to the community and the recommended conditions would
451 minimize the potential impacts on surrounding land uses.
452

453 *(Deferred from the June 14, 2012 Meeting)*

454 **C-8C-12 Kim B. Kacani for HHHunt Corporation:** Request to
455 conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence
456 District (Conditional) part of Parcels 774-765-4173 and 775-765-1587 containing
457 25.904 acres located between the eastern termini of Park Green Way and Indale
458 Road, the west line of Woodman Road, and the north line of Woodman Hills
459 Court and from A-1 Agricultural District to RTHC Residential Townhouse District
460 (Conditional) part of Parcel 775-765-1587 containing 21.688 acres located along
461 the west line of Woodman Road approximately 300 feet south of its intersection
462 with Mountain Road. The applicant proposes a development of no more than 55
463 single-family homes and no more than 82 townhomes. The R-3 District allows a
464 minimum lot size of 11,000 square feet and a maximum gross density of 3.96
465 units per acre. The RTH District allows a maximum density of nine (9) units per
466 acre. The uses will be controlled by zoning ordinance regulations and proffered
467 conditions. The 2026 Comprehensive Plan recommends SR2 Suburban
468 Residential 2, density should not exceed 3.4 units per acre, UR Urban
469 Residential, density should range from 3.4 to 6.8 units per acre, and
470 Environmental Protection Area. The staff report will be presented by Mr.
471 Livingston Lewis.
472

473 Mr. Branin - Good evening, Mr. Lewis. Is there any opposition to
474 C-8C-12, Kim B. Kacani for HHHunt Corporation? We have one, two, three, four,
475 probably five, six. I'm going to now ask the Secretary to explain the rules of the
476 Planning Commission for speaking and time allotment. Then we will hear the
477 case, and then you'll be welcome to come down and speak.
478

479 Mr. Emerson - Yes sir, Mr. Chairman. The regulations of the
480 Planning Commission for public hearings are as follows. The applicant is allowed

481 ten minutes to present the request and time may be reserved for responses to
482 testimony. The opposition is allowed ten minutes to present its concerns.
483 Commission questions do not count into the time limits, and the Commission may
484 waive the time limits for either party at its discretion.

485
486 Mr. Branin - Okay. Mr. Lewis?

487
488 Mr. Lewis - Thank you, Mr. Chairman.

489
490 This is a request to rezone 47.6 acres from A-1 to RTHC and R-3C to develop a
491 townhome community and a single-family subdivision. The property is located
492 approximately 300 feet southwest of the intersection of Mountain and Woodman
493 Roads, and is situated between the termini of three neighborhood streets—Park
494 Green Way, Indale Road, and Woodman Hills Court. The site is mostly wooded
495 and includes a perennial stream surrounded by 100-year floodplain.

496
497 Adjacent uses include single-family subdivisions to the west and south: Mountain
498 Glen, Call's Corner, Glen Allen Heights, Woodman Trace, and Woodman Hills. In
499 addition to several large-lot residential properties, other surrounding uses
500 include: the County's Western Maintenance Facility, an undeveloped office site,
501 and Mountain Road Townes—all across Woodman Road.

502
503 The 2026 Comprehensive Plan's recommended future land uses for the site are
504 Suburban Residential 2 (density not to exceed 3.4 units per acre), Urban
505 Residential (density to range from 3.4 – 6.8 units per acre), and Environmental
506 Protection Area. The applicant's request is consistent with each of these
507 designations and corresponding density ranges.

508
509 The applicant's request, including revised proffers dated July 12, 2012 (handed
510 out this evening), proposes developing the area north of the floodplain for up to
511 82 townhomes and the area south of the floodplain for up to 55 single-family
512 homes. Both of these totals are slightly revised from the numbers in the previous
513 proffers. The townhomes would be accessed only from Woodman Road and the
514 single-family subdivision would be accessed via extensions of Park Green Way
515 and Woodman Hills Court. There would be no connecting road between the two
516 development areas.

517
518 The proffered layout for the townhomes shows the maximum eighty-two units in a
519 sixteen-building configuration with four to six units per structure. This represents
520 a gross density of 3.69 units per acre. A 2,000-square-foot recreation area is
521 indicated, and a landscape buffer and entrance feature are shown along the
522 site's Woodman Road frontage.

523
524 Proffers applicable to the townhomes provide for but are not limited to the
525 following:

526

- 527 • Minimum finished floor area of 1,250 square feet per unit;
- 528 • Minimum unit width of twenty feet;
- 529 • Building appearance in substantial conformance with this Exhibit B and
- 530 potentially including vinyl, cementitious siding, brick, stone, and
- 531 cultured stone;
- 532 • Minimum of 50 percent of the buildings with 15 percent brick or stone
- 533 fronts;
- 534 • Foundation exterior of brick, stone, or cultured stone with a minimum of
- 535 12 inches visible above grade on all front, side, and rear façades;
- 536 • A 2,000-square-foot open space recreation area;
- 537 • Sidewalks within the development as well as connecting to Woodman
- 538 Road, and extending approximately 160 feet along Woodman from the
- 539 entrance to the northern property line;
- 540 • Construction of a southbound right-turn lane on Woodman Road; and
- 541 • A 25-foot-wide natural buffer along Woodman Road. This natural buffer
- 542 area is divided into two sections: the "C-1 Buffer", and the "Remaining
- 543 Buffer." The portion identified as floodplain—which is the "C-1 Buffer",
- 544 or would be—would be left in its natural state with no minimum plant
- 545 volume required. The non-floodplain "Remaining Buffer" would at a
- 546 minimum meet the Transitional Buffer 25 planting quantity, a
- 547 requirement which would also be applied to any portion identified as
- 548 the "Entrance Feature".

549
 550 Proffered Exhibit A-2 shows a layout of 47 single-family lots. This represents a
 551 gross density of 1.81 units per acre (compared to the proffered maximum of 55
 552 homes or 2.12 units per acre). As shown, Park Green Way and Woodman Hills
 553 Court would be extended into the site and joined to form an interconnected street
 554 network.

555
 556 Proffers applicable to the single-family neighborhood include but are not limited
 557 to the following:

- 558
- 559 • Minimum finished floor areas of 1,500 square feet for 1 and 1-1/2 story
- 560 homes, and 1,700 square feet for two-story homes;
- 561 • Homes of a substantially similar style to these shown on Exhibit D and
- 562 potentially including vinyl, cementitious siding, brick, stone, and
- 563 cultured stone;
- 564 • Minimum of 25 percent of homes to have 25 percent brick or stone on
- 565 the front façade;
- 566 • Brick or stone foundations; and
- 567 • A minimum one-car attached garage with each unit.

568
 569 Some of the other proffers that apply to both development areas include:

- 570
- 571 • Exterior construction hour limitations;
- 572 • Potential rezoning of floodplain areas to C-1;

- 573 • Underground utilities;
574 • Sod and irrigation; and other topics.

575

576 With the most recent proffer revisions, the applicant has sufficiently addressed all
577 of the issues previously raised by staff. Therefore, given the proposal's
578 consistency with the 2026 Plan in combination with the overall quality and impact
579 mitigation assurances provided, staff is able to support this request.

580

581 Time limits would need to be waived for the proffers.

582

583 This concludes my presentation.

584

585 Mr. Branin - Does anybody have any questions for Mr. Lewis?

586

587 Mr. Witte - I do. On the streets, everything was crossed out—
588 curb and gutter, roll-top curb and gutter. Do you have that information?

589

590 Mr. Lewis - The proffer related to streets in the single-family
591 portion?

592

593 Mr. Witte - Right.

594

595 Mr. Lewis - Yes.

596

597 Mr. Witte - Do we not have any proffers for the streets? Are they
598 going to be to County standards?

599

600 Mr. Lewis - Staff suggested removing that proffer because then
601 the County standards would apply. Therefore Public Works would require what's
602 in the code for public streets.

603

604 Mr. Witte - For width and turns and—

605

606 Mr. Lewis - Yes.

607

608 Mr. Witte - Okay. I'm good with that. The other thing I have an
609 issue with is the garage. You call it a garage, but 11 feet wide, 18 feet deep, is
610 that the outside dimensions?

611

612 Mr. Lewis - No, those are the interior.

613

614 Mr. Witte - Interior dimensions? I'm not sure if you pull a car in
615 there you can get around it unless it's a small car.

616

617 Mr. Lewis - Right.

618

619 Mr. Witte - I have a lot of friends that they don't call them
620 garages anymore; they call them storage areas because they can't get a car in
621 and walk around it.

622
623 Mr. Lewis - Yes sir. Those dimensions are equivalent to some
624 proffers we've seen. We've also seen them slightly higher, maybe one foot on
625 either side of the dimensions that you see in these proffers. But the proffer that is
626 in this case has been used throughout the County for single—

627
628 Mr. Witte - Are there plans to put appliances, water heaters, heat
629 pumps, air handlers in the garage?

630
631 Mr. Lewis - That I do not know. The applicant would be able to—

632
633 Mr. Witte - Because then you cut it down to fourteen feet.

634
635 Mr. Lewis - But if it is clear area, then those would have to fall
636 outside of the dimensions that are provided.

637
638 Mr. Witte - All right.

639
640 Mr. Emerson - It does not read "clear area" though. Excuse me.
641 Does this proffer read clear area? The one I have in front of me I don't believe—it
642 says, "Each garage shall have a minimum interior dimension of 11 feet wide by
643 18 feet deep." It doesn't say that it shall be a clear space.

644
645 Mr. Lewis - It should.

646
647 Mr. Emerson - Which we normally have in those proffers.

648
649 Mr. Lewis - Yes.

650
651 Mr. Emerson - So that's a word that's missing.

652
653 Mr. Witte - So it would exclude the stoop area and the steps? I
654 mean totally clear area.

655
656 Mr. Lewis - Those specific items were not discussed one-by-one
657 with the applicant. But my estimation—and the applicant can speak to this, but I
658 don't think there was a terrible issue with trying to accommodate in that regard.
659 But I don't want to speak directly for the applicant.

660
661 Mr. Witte - All right, thank you.

662

663 Mr. Branin - Any other questions for Mr. Lewis? Okay. Mr. Archer,
664 would you like to hear from the applicant or would you like to hear from
665 opposition first?

666
667 Mr. Archer - Well since we have opposition, I think probably the
668 applicant should speak first and be able to reserve some time for rebuttal.

669
670 Mr. Branin - Okay. Sir, when you come down would you please
671 state your name for the record. And if you would like to reserve some time,
672 please specify how much time.

673
674 Mr. Theobald - I'd like to reserve about three minutes I think, Mr.
675 Chairman.

676
677 Mr. Branin - Three minutes.

678
679 Mr. Theobald - If we could get the PowerPoint up I'd appreciate it. Or
680 we'll do it ourselves. There we go.

681
682 Good evening, Mr. Chairman, members of the Planning Commission, my name is
683 Jim Theobald and I'm here this evening on behalf of HHHunt, the developers of
684 the award-winning communities of Wyndham, Wellesley, Twin Hickory, and
685 many, many more.

686
687 These two parcels are separately owned and have been combined to achieve a
688 well-planned, coordinated development despite certain physical challenges. And
689 as you look around the site you'll notice the communities of Woodman Hills and
690 Mountain Glen along the edges. There is also the Henrico County government
691 maintenance complex on the other side of Woodman Road, the Glen Allen
692 softball complex, and the Mountain Road Townes, and additional townhomes
693 over here with Mountain Road intersecting with Woodman Road in this area just
694 south of Interstate 295.

695
696 This is at least the third time that I think Mr. Archer and I have been involved with
697 potential rezonings on this particular site. And I'm pleased to present you with a
698 request that is finally consistent with your Land Use Plan, and has the support of
699 staff.

700
701 As you can see in this next slide the impact of the floodplain in the area, which
702 really suggests what development is possible. This only shows floodplains, it
703 does not show potential wetlands on the site, and there are some. But it does
704 basically separate these two communities and ultimately provide for significant
705 open space with this development. In fact, some 43 percent of the gross site will
706 remain green.

707

708 Our access, as Mr. Lewis has indicated, will be directly to Woodman Road from
709 the townhomes. And for the single-family homes, through existing stub roads
710 through Woodman Hills and Mountain Glen, which is really the only possible
711 access. Those access points are located here in Woodman Hills and in this
712 location for Mountain Glen. And as you might expect, what this will ultimately
713 provide is the ability for people in Woodman Hills to potentially get up to
714 Mountain Road this way without going through the intersection, and folks in
715 Mountain Glen being able to traverse to Woodman Road and south also without
716 going through this intersection. The townhouse entrance is directly off of
717 Woodman Road in this location.

718
719 We've imposed the layout within the aerial of the property. And I think what's
720 most interesting is the relationship between this layout and the existing homes.
721 It's really very unusual to have the potential for 55 homes in a new subdivision
722 with only potentially bordering ten or eleven homes. And of course that's really
723 related to the amount of floodplain and wetlands that are on the site. But notice
724 the layout, if you can follow the cursor on here. Of course this is the floodplain
725 area here. And you have rather large deep lots coming off of here. And just one
726 or two homes at the end here, a large amount of green space, and just a few
727 homes that would be tangent to a couple of lots at the end. And then at the end
728 of this cul-de-sac, these are very long, deep lots with the houses up closer to the
729 cul-de-sac. So a very non-intrusive impact, I would suggest, on existing homes.
730 And the townhome community, you can see the staggered effect with varied
731 fronts, suggesting a little more interesting streetscape as you go in, enhanced by
732 landscaped islands and street trees.

733
734 You've seen the elevations for single-family homes. This is designed to achieve a
735 craftsman or cottage-style look with numerous, perhaps too numerous, numbers
736 of proffers to guarantee the number of quality assurances, just a few of which are
737 detailed here. There are 44 proffers in all, guaranteeing the type of quality that
738 frankly HHHunt would provide without any proffer.

739
740 The townhome elevations are, I think really very, very interesting. They continue
741 that cottage or craftsman feel. You can just see the quality with which they have
742 been designed. Along with the proffers, including these elevations, we have
743 assured an unmatched standard of quality for this area, as well as a
744 complementary fit with our neighbors on either side.

745
746 In summary, I would like to emphasize that this is, in fact, consistent with your
747 Comprehensive Plan. In fact, both categories are significantly less than the
748 densities that would be suggested by your Land Use Plan. It's also an infill site, it
749 promotes transitional zoning and development, and reuses the existing
750 infrastructure in the area. Your traffic engineer has indicated that the surrounding
751 roads can accommodate the traffic to be expected from the site. And the report
752 from the school system similarly suggests that the schools can handle the

753 potential number of children that might be generated and found to be living in
754 these homes.

755
756 It does provide for connectivity, which is a policy not only of the County but of
757 VDOT, that gains more and more importance as we become more developed. It
758 promotes a diversity in housing types for a more diverse population. Many
759 proffers for quality. We think this is where the market wants to be, both
760 physically, in the price range, and in the quality being offered. And you have the
761 benefit of having HHHunt, a well-known and respected local developer, who will
762 also be building these homes, by the way. And I think it will also support
763 economic development in this area by bringing in new residents, increasing the
764 tax base, and folks who will frequent the stores and the restaurants in the area.

765
766 And so with that, I would respectfully request that you recommend approval to
767 the Board of Supervisors. I would be most happy to answer any questions.

768
769 Mr. Branin - Mr. Theobald, I have one question, if I may Mr.
770 Archer.

771
772 Mr. Archer - Sure.

773
774 Mr. Branin - Did I hear you say that HHHunt will be building these?

775
776 Mr. Theobald - HHHunt Homes is building these.

777
778 Mr. Branin - That's what I was looking for. Good. That's all I
779 wanted to ask.

780
781 Mr. Theobald - And I should say for the benefit of you, Mr. Witte, that
782 that is clear space and we're prepared to clarify that in the proffer for the
783 garages.

784
785 Mr. Witte - Okay, thank you.

786
787 Mr. Archer - You just answered the question I was going to ask
788 you. I don't have any questions, Mr. Chairman.

789
790 Mr. Branin - Okay.

791
792 Mr. Theobald - We do have some people I think who'd like to speak
793 in favor.

794
795 Mr. Branin - That's fine. If they would like to come down first or
796 second. We'll work with everybody as they come down. We want to hear from
797 everybody. So anyone that would like to speak in either opposition or in favor,
798 your time is now; please come forward. Please state your name for the record. It

799 usually works best if you start migrating that way, yes. Good evening sir; how are
800 you?

801

802 Mr. Jarrett - My name is George Jarrett and I am a resident of
803 Woodman Hills. Presently I am the President of Woodman Hills Association.
804 Today I'm not speaking on behalf of Woodman Hills Homeowners' Association,
805 but I'm speaking as a homeowner.

806

807 I recommend that the Board approve HHHunt for rezoning to build behind
808 Woodman Hills. There is a real value to this new subdivision. It will increase the
809 value of the current homes, as well as my property, and add a scenic area to the
810 existing areas in the subdivision. It will provide an economic boost to businesses
811 in the area. And HHHunt will be a good steward to the community and enrich this
812 area. So I am requesting that the Board approve HHHunt's proffer as written.
813 Thank you for listening.

814

815 Mr. Branin - Thank you, sir.

816

817 Mr. Martino - Good evening. My name is Donald Martino. I live at
818 2887 Mountain Road, right across from Walkerton. I'm actually west of this
819 property.

820

821 I think HHHunt is highly respected and they do quality work. I have no question
822 about that. I'm really not exactly opposed to this, but I do have some concerns,
823 and I'd like to express them now.

824

825 I understand the County has a dam on their property to prevent Lakeside from
826 flooding. Has this been considered? Is this going to put an extra load on a dam
827 that has to be looked at? Are there any underground aqueducts that we don't
828 know about that would cause the water to back up towards my property? When
829 there's a heavy rain I already get all the water I can stand on my property. So I
830 have a real concern about the water backing up in a heavy rainstorm. Now I
831 know they're going to have holding ponds and all that stuff. But holding ponds fill
832 up and the water has to spill out somewhere. Okay?

833

834 So while I think HHHunt is a highly respected company, I hope that they've done
835 due diligence on the things that could affect the property west of this property
836 and mine that they're talking about now. I have no doubt that they've taken care
837 of, you know, curb and gutter, and drainage, and all that stuff. Otherwise the
838 Planning Board would not approve such a thing or recommend approval. So I
839 think there should be a little time given to see what the impact of this
840 development is going to have for the property west of this property that we're
841 talking about tonight. And also what is going to be the problem for the properties
842 down on the east side of Woodman Road, particularly that dam. The County built
843 the dam because Lakeside used to flood. I think due diligence should be done a
844 little further on the surrounding area.

845
846 Thank you for your time.
847
848 Mr. Branin - Mr. Martino, did you say you live directly across from
849 Walkerton?
850
851 Mr. Martino - Yes. My driveway is going to be blocked, so don't try
852 to park there.
853
854 Mr. Branin - I was going say, you're in for quite a Saturday, I
855 believe.
856
857 Mr. Martino - Yes. I invited him to lunch; I don't know whether he's
858 going to come or not.
859
860 Mr. Archer - Mr. Secretary, do we have anyone here from Works
861 or Utilities who could speak to that situation about the water?
862
863 Mr. Branin - I was looking. I don't see anyone from—
864
865 Mr. Emerson - We have a representative from Public Works, but I
866 don't know that he could speak to that issue.
867
868 Mr. Archer - I just want to be able to give some assurance that we
869 will look into that.
870
871 Mr. Branin - We could probably call on Mr. Blankinship because
872 he's up on all the latest dam rights and dam information. So he might be able to
873 address the dam.
874
875 Mr. Emerson - Mr. Archer, I would note that many of those issues will
876 be examined during the subdivision process.
877
878 Mr. Archer - Yes.
879
880 Mr. Emerson - So we will make sure that there isn't any additional
881 creation of hardship regarding drainage of stormwater and things of that nature.
882
883 Mr. Archer - I just wanted to give Mr. Martino that assurance, so.
884
885 Mr. Emerson - Sure. Absolutely.
886
887 Mr. Archer- It's not something we ignore, sir, at all.
888
889 Mr. Emerson- When Engineering comes in we'll examine that
890 closely.

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Mr. Archer - Okay. Thank you.

Mr. Moldenhauer - Good evening. My name is Al Moldenhauer. I'm a board member of the Mountain Glen Homeowners' Association.

Mr. Branin - Sir, would you state your last name again, please?

Mr. Moldenhauer - Allen Moldenhauer. M-o-l-d-e-n-h-a-u-e-r.

Mr. Branin - I heard it, but I couldn't write it as fast as I should have.

Mr. Moldenhauer - That's okay. The Mountain Glen Homeowners' Association has several concerns that we would like to present to the Henrico County Planning Board. Before I present our concerns, we unfortunately understand that the proposed new subdivision will be built despite our concerns of increased neighborhood traffic and the potential increase of crime. Now I say the potential increase of crime because there are currently two entryways into the Mountain Glen subdivision. Crime in the suburbs can be linked to the in-and-out, easy access that people have into those subdivisions, and this will add a third one in.

The two concerns that I would like to present to the Board are first, we request that HHHunt address the notification of change to the 100-year floodplain as outlined by a letter from Mr. Steven Yob, Director of Public Works, County Engineer to the Mountain Glen Homeowners' Association, dated June 8, 2012. In addition, we request that the County Planning Commission ensure that HHHunt addresses the upcoming change to the 100-year floodplain.

Second, we request that HHHunt commit to the inclusion of a homeowners' association in the R-3C zoned property. Specifically we request the inclusion of a common area. A homeowners' association is one way to ensure that the property values in the new subdivision are maintained, and thereby maintaining the property values in the adjacent subdivisions, i.e. Mountain Glen and Woodman Hills. In addition, we request that the County Planning Commission ensure that HHHunt include a homeowners' association in the proffers for the conditional rezoning of R-3C zoned property.

In addition, I would like to request that the gentleman that came up here for HHHunt clarify his statement that 44 proffers, as I understood it, were for the single-family subdivision. That's actually 44 for both total. In that there were only 18 proffers for the single-family home subdivision.

We appreciate your time and effort in addressing our concerns of the Mountain Glen Homeowners' Association. Thank you for your time.

937
938 Mr. Witte - Mr. Moldenhauer could you go over your request for
939 the restrictive covenants again because they proffered that the restrictive
940 covenants are already in here.
941
942 Mr. Moldenhauer - They do have it for the townhouses, but they don't
943 have it in for the single homes.
944
945 Mr. Witte - Okay, thank you.
946
947 Mr. Branin - Mr. Moldenhauer, I'm sure we're going to address the
948 HOA question for you, but we have no legal authority in regards to HOAs.
949
950 Mr. Moldenhauer - I understand.
951
952 Mr. Branin - We can ask and recommend, but we have—you said
953 to make sure that they provide it. Legally we don't have that ability.
954
955 Mr. Moldenhauer - Okay.
956
957 Mr. Branin - But we can ask nicely and smile while we say it.
958
959 Mr. Moldenhauer - If that's all we can do, that's all we can do. I do
960 appreciate that.
961
962 Mr. Branin - I just wanted you to know that legally we can't force
963 someone to have an HOA.
964
965 Mr. Moldenhauer - Okay.
966
967 Mr. Emerson - Mr. Chairman, also the question about the 100-year
968 floodplain, that will be addressed at subdivision.
969
970 Mr. Branin - Okay.
971
972 Mr. Efford - My name is Roy Efford. I live at 2925 Mountain Road,
973 and I'm here to say do not do this. Until Henrico County can get in and improve
974 their drainage in that area, I think we need to stop all building. All we're doing is
975 making it worse. Right now every time we get a rain of an inch or more, they
976 close up Mountain Road because it flows right over it. The system that we have
977 in place now will not handle any more stormwater. And I think we need to make
978 sure that we have the infrastructure to take care of this stormwater before we
979 allow any more building, especially in the Glen Allen area. Thank you.
980
981 Mr. Witte - Mr. Efford, just to let you know, I live on Mountain
982 Road also and I'm familiar with the water situation.

983

984

Mr. Branin - Mr. Jennings, just a heads up. I'm sure you're going to be called down at some point.

985

986

987

Mr. Grigg - Good evening. My name is Chip Grigg. I'm the coordinator for the Glen Allen Heights Neighborhood Watch. You just heard Mr. Efford speak about the flooding issue. The more stuff we build downstream, the worse this will get. I have some pictures to show you. The issue has gotten worse since Mountain Glen was developed. This last one in 2008 flooded one of the homes so bad that it was condemned.

988

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993

We have two creeks that run through our neighborhood. They both cross Purcell Road. They both cross Jordan Drive. When the North Run floods bad, those two creeks flood and they limit access for emergency vehicles to get to about 40 homes. Somebody needs to take a look at this. You're talking about a couple feet of water on the road, not just a few inches.

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The 2008 one was the worst one so far. I believe we've already had someone else address the increased vehicular traffic. And obviously we don't need any more crime that we've already got. Those are linked.

1001

1002

1003

1004

Let's see, and I'm just thinking about some people that maybe spent their hard-earned money to purchase a home at a dead-end street and all of a sudden we want to punch right through that. That changes the reason that they basically probably purchased a home on a dead-end street. Some things to think about.

1005

1006

1007

1008

1009

The main issue is the water. That needs to be addressed, it really does. I'm recommending we don't do anything until somebody can prove to us that our crawlspaces and basements will not flood any longer. Thank you very much.

1010

1011

1012

1013

Ms. Cooper - Good evening. My name is Deborah Cooper. I live at 2615 Mountainberry Court in the Mountain Laurel Townhomes. I am opposed to this rezoning and this development. I have two concerns. One is traffic, one is the water situation. In my backyard we still have water problems. The drainage there is still not adequate. My husband and I rope off our backyard so that the lawn care company cannot bring their large mowers in there because every spring the ground is so wet that it tears our lawn up completely and we have to re-sod and re-grass, etcetera. So we have to rope it off and mow it ourselves even though we're part of the townhomes. There is just still water everywhere all the time.

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1023

The second concern I have is the traffic. Woodman and Mountain has a very high rate of accidents. Woodman and Parham is one of the highest rates of accidents in the County. I work at the Mental Health facility on Woodman Road, so I traverse that section every day a couple of times. Four times in the last six weeks I have seen people use that new turn lane as a passing lane. When I was at the first meeting, the County Engineer said that except for two times a day,

1024

1025

1026

1027

1028

1029 Woodman is adequate for the traffic on it. The two times of day, of course, are
1030 rush hour. You have people getting on and off 295. Woodman's a main way
1031 through. The townhomes will have only access to Woodman. We already have
1032 high, high rates of accidents right there at the corner. I don't believe that this has
1033 been adequately addressed.

1034

1035 So those are my two concerns and my oppositions. Thank you.

1036

1037 Mr. Branin - Thank you, Ms. Cooper.

1038

1039 Mr. Witte - Ms. Cooper, where did you say you lived?

1040

1041 Ms. Cooper - I live at 2615 Mountainberry Court.

1042

1043 Mr. Witte - And where is that in relation—

1044

1045 Ms. Cooper - It's in the Mountain Laurel Townhomes.

1046

1047 Mr. Witte - Can you use the mouse to show us?

1048

1049 Ms. Cooper - Yes, sure can. Let's see what we've got. Okay, here's
1050 Woodman and Mountain right here. My townhome is in this section over here.
1051 These are Mountain Laurel. I'm right back up in here.

1052

1053 Mr. Witte - So you are actually up on the other side of Mountain
1054 Road.

1055

1056 Ms. Cooper - Yes I am.

1057

1058 Mr. Witte - Okay. Thank you.

1059

1060 Mr. Ford - My name is Quo Vadis Ford. I live at 10430
1061 Woodman Road.

1062

1063 Mr. Witte - What was your last name, sir?

1064

1065 Mr. Ford - Ford—F-o-r-d.

1066

1067 Mr. Witte - Thank you.

1068

1069 Mr. Branin - Mr. Ford, could you take a message for me on the
1070 phone?

1071

1072 Mr. Ford - That was actually an alarm, sir. 10430 Woodman
1073 Road is my address. I live directly across from the Henrico County complex.
1074 There I have a little over three acres of land. From my understanding, this

1075 proposal would put somewhere in the neighborhood of four single-family homes
1076 directly behind my property, up against my actual property line.

1077

1078 Mr. Branin - Mr. Ford, could you take the mouse and put the
1079 marker on which house is yours?

1080

1081 Mr. Ford This is Woodman Hills here. I believe it would be this
1082 stretch of area from here to here. If I am correct in saying that that is the corner
1083 lot area where the actual single-family homes will be developed. So the farther
1084 edge of the single-family homes.

1085

1086 Mr. Witte - So does your property back up to—one, two, three,
1087 four, five existing houses?

1088

1089 Mr. Ford No it does not.

1090

1091 Mr. Witte - So you're interior of that.

1092

1093 Mr. Ford I'm in, uh—

1094

1095 Mr. Witte - There are three properties noted on the plat there.
1096 Right there is one—two and three.

1097

1098 Mr. Ford No, I would not say that. But I am—

1099

1100 Mr. Witte - Which one are you?

1101

1102 Mr. Ford I would say—I'm sorry. I'm here.

1103

1104 Mr. Witte - Okay, thank you.

1105

1106 Mr. Ford I'm here. Okay? With that being said, I believe there
1107 are four actual homes that will be located directly behind me. That's my first issue
1108 there.

1109

1110 The second concern I have is also the increase in traffic to Woodman Hills, as
1111 well as Mountain Road. As previous persons have spoken to, that area is already
1112 congested with a lot of cars, a lot of volume in the morning with the school buses.
1113 On any given day in the morning time or in the evening time, that roadway from
1114 my property will back all the way up to Woodman Road—I'm sorry, all the way
1115 back up to Mountain Road. And that's on any given day. If we're talking about as
1116 far as actually adding traffic with the townhomes, and only giving them a single
1117 turning lane, that's going to add traffic in to Woodman Road, as well as from
1118 Woodman Hills, that's going to add traffic to actual Woodman Road as well. That
1119 is a concern of mine as well.

1120

1121 The flooding, the water, is also a concern. At any given time when we have rain
1122 anywhere between three to six inches, my whole front yard pretty much floods,
1123 and I get anywhere from a foot to two feet of water that falls inside of a gully.
1124 With that being said, I'm concerned with the elevation of the new proposed
1125 properties to be built, how that would affect, as far as my property is concerned,
1126 driving more water from the backside of my home. And I'm not sure that's been
1127 addressed. From my understanding, they've moved the floodplain somewhat
1128 more into my property. So I definitely have a concern with the water issue.

1129
1130 Last but not least, as time goes on I'm concerned with losing the front edge of my
1131 property to address the traffic concerns that are going to be created by this
1132 particular development in these two areas that are located to the side and behind
1133 my home. That's a safety issue. That concern I have deals with safety as far as
1134 the roadway is concerned where the County would feel the need to take thirty,
1135 forty feet of my front edge property, which runs about 300, 325 linear feet, to
1136 adequately address the safety concerns for these two properties being put
1137 directly behind and beside my home.

1138
1139 Mr. Branin - Mr. Ford, can I ask you a question?

1140
1141 Mr. Ford Sure.

1142
1143 Mr. Branin - So I have a better understanding. Out of everyone
1144 that's come in, everybody has said we have flooding issues, we have flooding
1145 issues. Do you know when we have a two- to three-inch rain, ten-year storm,
1146 twenty-five year storm, where that water flow—can you show me how it's coming
1147 into your property in the front of your property?

1148
1149 Mr. Ford - It's coming off the roadway at Woodman Road and
1150 gets trapped right along here. This is the driveway that comes in and it's pretty
1151 much trapped here. I have a rising hill about here. And I have water from here to
1152 there.

1153
1154 Mr. Branin - Okay. The reason I'm asking is when subdivisions are
1155 engineered—and we've seen this in the past with different subdivisions that have
1156 come in and existing areas have flood areas, it's brought to the attention and the
1157 engineer's design if it's coming from the direction that the new subdivision's in.
1158 And the reason why I'm asking is, is it coming from Woodman Road or is it
1159 coming from further up where the townhomes are or behind you coming down
1160 towards Woodman from the R-3C area.

1161
1162 Mr. Ford I believe it's coming from Woodman Road, as well as
1163 south.

1164
1165 Mr. Branin - Okay. Do you understand where I'm at?

1166

1167 Mr. Ford I do.
1168
1169 Mr. Branin - If it's something that we can put up in front of the
1170 developer and say this is an issue that needs to be addressed, we need to know
1171 that. Okay, thank you sir. Do you have anything else?
1172
1173 Mr. Witte - So you're right there where they have the "high water"
1174 signs?
1175
1176 Mr. Ford Exactly.
1177
1178 Mr. Witte - Where it floods Woodman Road?
1179
1180 Mr. Ford Exactly. That is probably forty feet away from my
1181 property. And from my understanding, about a hundred feet—well I heard the
1182 gentleman say for HHHunt that the actual entrance and exit for the townhomes
1183 would be right up against the property line. But that's up against my property line
1184 as well. So not only am I looking at it from the back side, I also have to address it
1185 from the front. It's already very, very difficult to get in and out, but I knew that
1186 when I bought the property, and I'm okay with what I have now. But the increase
1187 in the traffic and how dangerous that would be with just that one turning lane is
1188 going to be very, very hectic for all involved traveling that area.
1189
1190 Mr. Witte - Okay, thank you.
1191
1192 Mr. Leabough - I have a question. You said the entrance to the
1193 townhomes would be against your property line, but the townhomes are a good
1194 distance away.
1195
1196 Mr. Ford Right, okay, but from my understanding there would
1197 be a turn lane going in and out that would start at the edge of the property line.
1198 That's what I thought I heard the gentleman from HHHunt say. Their property is
1199 here. That's right up against where I am. It's the other side? It's the other end, on
1200 this end? There's not going to be a turning lane right here?
1201
1202 Mr. Branin - Can you pull up Exhibit A-1?
1203
1204 Mr. Leabough - That's it, yes.
1205
1206 Mr. Branin - Can you point out the turning lane for that area?
1207
1208 Mr. Lewis - So the entrance to the townhomes is towards the
1209 northern corner of the property, probably 600 to 700 feet north of the single-
1210 family home that we're talking about right here, the gentleman's home. One
1211 single-family lot does come out and abut Woodman, but that is not an entrance of
1212 any kind right there. In fact, one of the proffers states that there would be no

1213 individual driveway access available at that point. So the townhome entrance is
1214 up here to the north. And that is the only entrance.

1215
1216 Mr. Leabough - And the turn lane?

1217
1218 Mr. Lewis - For those traveling southbound on Woodman, the turn
1219 lane would essentially run from the entrance north some distance.

1220
1221 Mr. Leabough - So it wouldn't run south?

1222
1223 Mr. Lewis - And then past this entrance the width of Woodman
1224 would taper back to one lane in either direction, gradually. I don't know exactly
1225 where that taper ends, but it would, at some point south of the entrance and be
1226 finished by the time it gets down to the southern end of the property.

1227
1228 Mr. Leabough - Thank you.

1229
1230 Mr. Ford - For the record, I would like to have that clarified
1231 where it would actually pop out as far as that actual turning lane that's going to
1232 be heading south, so that can be considered as far as the traffic flow, which
1233 again is going to be very hectic with this proposed addition.

1234
1235 Mr. Branin - We can get that clarified.

1236
1237 Mr. Kane - Hello. My name is Jeremy Kane. I live at 10413
1238 Mountain Glen Parkway. I was going to point to where I live, but I don't know how
1239 to get to that. My house is I believe this house right here, one of the few homes
1240 that abuts directly against the new neighborhood. I'd like to kind of join the
1241 chorus of people talking about water issues. When it rains, our backyard floods
1242 badly. I would not—if I had to guess, I would say that the water is coming from
1243 the ground. I don't believe that it's flowing from a source down to us. We've dug
1244 very shallow holes in our yard and they've filled with water from within. We were
1245 told when we bought the house—and to echo one of the previous comments, we
1246 bought the house because we were told that with the wetlands being where they
1247 are it would be virtually impossible to build anything behind us. So we have a
1248 nice wooded rear area to our house, which will become quite a few houses in our
1249 view. I've talked to a number of neighbors of mine who are going to be adjoining
1250 this neighborhood who have kind of seconded that they also bought because
1251 they were told that this was unlikely to be developed.

1252
1253 I guess all I can say is I'm opposed to it.

1254
1255 Mr. Branin - Mr. Kane, I wish that we could make a law that
1256 prohibits real estate agents from just out-and-out blatantly lying.

1257

1258 Mr. Kane - And I fully understand, and understood at that time,
1259 that he was making no legal claim.
1260
1261 Mr. Branin - Almost every case that comes in and—we as
1262 Commissioners always say after a meeting if ever I buy a house again and I see
1263 woods, I would always demand to know what's going on and go to the County
1264 and ask, because they lie.
1265
1266 Mr. McCain - I cannot disagree with you.
1267
1268 Mr. Branin - We hear it every month. Honestly. Okay, thank you
1269 sir.
1270
1271 Mr. Jones - Yes, my name is Terry Jones. I'm at 2613 Park Green
1272 Way, directly in line for the cut-through. I'm concerned about the size of the
1273 homes that are proposed. I think I heard minimums. I think it was 1500 square
1274 feet for a ranch style. And I think it was 1700 square feet for two-story. I guess
1275 I'm assuming they did their analysis based on the market for that area. If they
1276 did, I believe that area warrants larger homes because those smaller homes I
1277 think will impact our homes. By no means do we have large homes—we're
1278 somewhere between 2100 and maybe 2400 square feet. I think that area
1279 warrants larger homes. I'm sure they're trying to maximize their profit by getting
1280 the size lot and putting in as many houses as they can. So I would like that to be
1281 addressed. If they can maybe do another analysis and see if they can increase
1282 the size of the homes that will match the homes that we currently live in so that
1283 the prices and values don't decrease any more than they already have.
1284
1285 Mrs. Jones - Mr. Jones, where are you?
1286
1287 Mr. Jones - On Park Green Way, 2613.
1288
1289 Mr. Branin - Can you use the mouse?
1290
1291 Mr. Jones - Yes. I am right here. Right in line where they're
1292 coming through.
1293
1294 Mrs. Jones - So you're right there at the end of the street?
1295
1296 Mr. Jones - Correct. No. Actually I'm midway.
1297
1298 Mrs. Jones - I see.
1299
1300 Mr. Jones - On the right-hand side midway.
1301
1302 Mrs. Jones - Thank you.
1303

1304 Mr. Jones - One other concern when they begin to do their
1305 construction—and I'm not that opposed to it, so I'm speaking as though this is
1306 going to happen. Okay? When the construction begins, we have children on the
1307 block. And we would like some—I think all of us are concerned about the
1308 construction, the trucks and the debris, everything that's gonna line our street
1309 causing havoc. We asked one person, "What times will they be doing the
1310 construction?" He said between, I think, seven and six, something to that effect.
1311 Or seven to seven. Anyway, that's when our children are outside playing and
1312 riding bikes. So we would like to address that concern, that they'll be taking
1313 precautions, and maybe creating another construction road or something where
1314 they can get their trucks in and out without impacting us. That's it.
1315

1316 Mr. Branin - Mr. Jones, however this case moves forward or
1317 defers or whatever, at time of POD we will have the opportunity to come back
1318 and get to the nuts and bolts of the project, and one of those things that we
1319 always look at is time of construction and so forth. Usually there's another
1320 meeting. You can voice concern and have temporary speed bumps put in to
1321 make sure traffic doesn't come up the road faster. And you can address all that
1322 at POD time with your Commissioner.
1323

1324 Mr. Jones - Do you know if someone will come up and at least
1325 clarify the analysis that they've done for the size of the homes and how they
1326 came up with that? Can that be addressed?
1327

1328 Mr. Branin - How many more are requesting to speak? Two, three,
1329 four. Mr. Archer—

1330
1331 Mr. Archer - How much time has been used?
1332

1333 Mr. Emerson - We're well over ten minutes.
1334

1335 Mr. Archer - I sort of suspected.
1336

1337 Mr. Emerson - We're about twenty minutes plus.
1338

1339 Mr. Branin - We're twenty minutes in.
1340

1341 Mr. Archer - Are we pretty certain that everybody is addressing
1342 sort of the same issues? Okay. We'll have to grant Mr. Theobald some more
1343 time, too, if you need it, sir, because there is a lot that they're asking and we
1344 need to have it answered. Let's grant an additional four minutes.
1345

1346 Mr. Branin - Requesting an additional four minutes. Mr. Secretary,
1347 an additional four minutes please, sir. Okay ma'am, I'm sorry.
1348

1349 Ms. Daly - That's okay. My name is Deborah Daly and I live at
1350 2617 Park Green Way next to Mr. Jones that just spoke. One of my main
1351 concerns is that we've made the cut-through Park Green Way when we have
1352 Indale available, but that was not used because it's wetlands. And it's just
1353 disappointing to me that we're using—on the grounds that we want to save the
1354 environment or the type of plant or things like that it's become a priority over the
1355 actual people. There are actual people that live on Park Green Way, and we're
1356 not concerned about the children. I have four children and I've been in the house
1357 two years. Would have never bought the house if I thought that two years later
1358 we were going to come in and build a neighborhood. But I'll limit what I'm going
1359 to say to that so that somebody else has time to talk.

1360
1361 Ms. Gines - Hi. My name is Grace Gines. I wasn't really planning
1362 to speak up here. I live at 2409 Woodman Hills Court, the corner. That corner
1363 right there. My main concern is it's a cul-de-sac and what's going to happen to
1364 our property. We purchased that particular land just because we know it's going
1365 to be empty when we purchased it and now it is going to be a street and
1366 neighborhood there. What's going to happen exactly to the cul-de-sac, and the
1367 traffic and everything?

1368
1369 Mr. Branin - Ma'am, can you get the mouse and show me exactly
1370 where?

1371
1372 Ms. Gines - I live right there in that corner. The last house right
1373 here where my neighbor is just to my right side and there's nothing around.

1374
1375 Mr. Branin - Okay.

1376
1377 Ms. Gines - That's my main concern.

1378
1379 Mr. Branin - Okay, thank you.

1380
1381 Mr. Ford - Yes, Quo Vadis Ford, again, 10430 Woodman Road. I
1382 failed to mention that I'm also on well water, so I'm also interested to know how
1383 this new proposed construction is going to affect the water that my family uses.
1384 That's pretty much all. I wanted to make sure that was taken into consideration
1385 as far as the depth, the basements, to ensure that they know where that is if this
1386 does become approved so it's not affecting or damaging the well water that I
1387 receive in my home.

1388
1389 Mr. Witte - Do you have a shallow well or a deep well?

1390
1391 Mr. Ford - Shallow.

1392
1393 Mr. Witte - Do you know approximately how deep?
1394

1395 Mr. Ford - I believe it's about 25 to 30 feet.
1396
1397 Mr. Witte - Thank you.
1398
1399 Mr. Branin - Mr. Ford, I have you now for flooding issue, turn lane,
1400 and well water.
1401
1402 Mr. Ford - Flooding issue, turning lane, well water, and traffic.
1403 Increased traffic and safety concerns. Loss of property to address the traffic
1404 concerns, which would be the front property line that I may as a result some day
1405 lose property.
1406
1407 Mr. Branin - Okay, thank you.
1408
1409 Mr. Archer - How much time did we use altogether, Mr. Secretary?
1410
1411 Mr. Branin - You used two out of your four.
1412
1413 Mr. Archer - I mean total, in the aggregate.
1414
1415 Mr. Emerson - I would say approximately 22 minutes.
1416
1417 Mr. Archer - Okay.
1418
1419 Mr. Branin - I didn't see you ma'am; I apologize.
1420
1421 Ms. Swift - May I speak?
1422
1423 Mr. Branin - Absolutely.
1424
1425 Ms. Swift - My name is Margaret Swift—S-w-i-f-t. I live at 880
1426 Three Chopt Road in Manakin-Sabot, Virginia. And I, along with my two sisters,
1427 own part of the property being discussed tonight. My sisters still reside in Henrico
1428 County off of Woodman Road. I grew up on this property. And my mother resided
1429 on this property until she was 100 years old, and died at our home in 2009. I
1430 have read some of the letters in opposition to this and I've heard some of the
1431 comments against it. I am not unsympathetic to those concerns, as they are very
1432 similar to ones my family has had over the years as the areas around our home
1433 were developed.
1434
1435 One person in one of the letters that I read commented that he had lived in the
1436 area for seven years. Well, by way of comparison, my parents, sisters, and I
1437 have lived on or had ties to this property since 1940, and that's over seventy
1438 years. This means for seventy years we have had all the privileges of ownership.
1439 This includes paying taxes, having the County tell us through its Comprehensive
1440 Plan how our land can be used, enjoying all of the development that has

1441 occurred in the last seventy years, fielding repeated and frequent phone calls
1442 from residents on the new homes surrounding our property who wanted to use
1443 our property as a play area or their woods or other things.

1444

1445 We've also over the years had many calls on our property for development that
1446 were not always complementary to this area. Through it all we were respectful of
1447 the property rights of others. We did not complain or speak in opposition when
1448 Mrs. Matthews' family chose to sell their property for what is now Mountain Glen.
1449 Nor did we speak in opposition to the Woodman Hills zoning application. While
1450 those communities greatly changed the landscape of our home and property, and
1451 impacted us personally, we respected the rights of others and trusted Henrico
1452 County to ensure that the roads and public services were adequate for the
1453 development. The County has done a great job, so far, and there is no reason to
1454 believe the County won't continue in this regard going forward.

1455

1456 One way the County has safeguarded our rights was to ensure that our property
1457 was not landlocked and had connectivity to those neighborhoods developed
1458 around it, so that when it came time for our property to be developed in a similar
1459 fashion, it could be. Well, members of the Planning Commission, it is our time. It
1460 is our time.

1461

1462 Our family has invested in this area for over seventy years. When we decided it
1463 was time to sell, we were drawn to HHHunt largely because we know them to be
1464 a local company with a reputation for attention to detail and quality. This is
1465 extremely important to us, not only because the community is part of our family's
1466 legacy, but also because we're keeping the front portion of our property and our
1467 home on Mountain Road. We believe that what HHHunt will do in this area will
1468 increase the value of our home place and the value of all the homes in the area.
1469 It should also be noted that HHHunt is a private company and has demonstrated
1470 the wherewithal to stand behind its community during difficult economic times. In
1471 addition, they're good corporate citizens with local ties, and they give back to the
1472 community. The Glen Allen Cultural Arts Center, they gave a substantial donation
1473 when it was opened. The YMCA, they've had awards for their participation and
1474 leadership there. They're active with the Christmas Mother, the Habitat for
1475 Humanity, and many others. What is proposed is in keeping with the County's
1476 Comprehensive Plan. It uses connections that were in place and a matter of
1477 public record prior to any of the adjacent homes being sold, and is addressed
1478 with proffered conditions that illustrate HHHunt's commitment to quality and
1479 responsible development principles.

1480

1481 I respectfully request your recommendation for approval this evening. Thank you
1482 kindly.

1483

1484 Mr. Branin - Thank you, Ms. Swift. Is there anyone else I missed?

1485 No? Okay. Mr. Archer?

1486

1487 Mr. Archer - I guess we'll have to have Mr. Theobald come up
1488 because there are a lot things that have to be answered. I'd like to address a
1489 couple of things, if I could, while Mr. Theobald is preparing.

1490
1491 First of all I'd like to say how pleased I am that you all have come out to—so that
1492 you're good stewards of your community and that you take interest in what's
1493 happening in your area.

1494
1495 The questions that you have asked I'm going to ask Mr. Theobald to try to
1496 answer as many of them as he possibly can. And I want him to pay attention
1497 particularly to the drainage issues as you can deal with them, and let people
1498 know that we can't hold a proposed developer responsible for drainage issues
1499 that are already occurring. They don't have anything to do with that, and in some
1500 instances there have been times when things have been made better.

1501
1502 I have a few more things in my notes, Mr. Theobald, but I'll let you get started. If I
1503 come across something else I'll interrupt you if you don't mind.

1504
1505 Mr. Theobald - Thank you, Mr. Archer. Drainage is obviously a big
1506 topic. While I'm not an engineer, I do understand a lot about the law regarding
1507 drainage because this is an issue with every case. The water runs, essentially,
1508 from northwest to southeast. So it's coming down toward Woodman Road. And
1509 there are obviously issues, there's no getting around that. Apparently they're
1510 getting water—Mr. Ford is getting water off the right-of-way and perhaps from
1511 other ways. But as you know, when we go through the subdivision process for
1512 the single-family homes and the plan of development process for the townhomes,
1513 we have to provide detailed engineering analysis of the drainage. Now this
1514 undoubtedly is part of a big watershed. And I don't know whether we're at the
1515 very tip of the funnel here or where we are, but I'm confident based on the
1516 comments by the neighbors that the watershed doesn't start here and continue
1517 on down, but must start further west and to the north. But we're required by law
1518 not to put any more water on folks than before development occurs. Now that
1519 doesn't help somebody who's already having flooding problems. There's an issue
1520 there that exists today whether we build a home or not. But we're going to have
1521 to take care of our issues and make sure that if we can improve the issues for the
1522 benefit of the homes in our area that we're going to have to do that. But as you
1523 suggest, Mr. Archer, those very detailed drainage analyses are provided at the
1524 time of POD and subdivision. We'd be happy to have another community
1525 meeting at the time of both subdivision and POD with our engineers and discuss
1526 in detail the results of that final analysis.

1527
1528 Floodplain letter that apparently has just come out, we have no choice but to
1529 comply if someone has changed the FEMA floodplain lines. As a matter of law
1530 we have to comply with those and take them into account. I don't know if it's true
1531 or not, I saw one letter from a neighbor who suggested that some of their homes
1532 were built in the floodplain. I would be a little surprised at that, although keep in

1533 mind that all of these drainage regulations have evolved over time. We've
1534 become much smarter and much more savvy about drainage. Obviously there
1535 are some problems there that need to be corrected, perhaps some by the County
1536 perhaps some in the private sector. We can't make it worse and we may or may
1537 not be able to make it better, I think is the fair statement.
1538

1539 Traffic. It's really a small number of homes and your traffic engineer has
1540 indicated that traffic will not be an issue here. There is always controversy with
1541 stub roads, where you have a cul-de-sac that is a stub road and promotes
1542 connectivity. As you know, there's a huge emphasis by VDOT now to force
1543 connectivity and we're moving to a time where if you don't allow neighborhoods
1544 to connect, VDOT's threatening to not maintain those roads in subdivisions
1545 where VDOT has maintenance, but turn it back over to localities. Not an issue
1546 necessarily in Henrico, but a big issue in other places. On the subdivision plats
1547 where folks bought homes, these were shown as stub roads with future potential
1548 connections. Those connections are sought to be provided.
1549

1550 We are on public water and sewer. We're not on well and septic, as are some. I
1551 do not believe we're bothering Mr. Ford's property whatsoever, and clearly not
1552 with regard to road improvements. Proffer 43 specifically states from the
1553 entrance north are our turn lanes and so they do not include any taking or impact
1554 on his property.
1555

1556 Woodman Hills and Mountain Glen are great subdivisions you've all been
1557 through there; they're really nice. We just want to be part of that same fabric.
1558 There was a comment about house sizes. The way this always works is there's a
1559 minimum, but there's no maximum. Typically subdivisions develop above the
1560 minimums. For your information, I would just advise you that Woodman Hills, for
1561 instance, the one-story homes were proffered at 1,100 square feet and the one
1562 and a half at 1,200 square feet, and the two-story at 1,400 square feet in size.
1563 We have a 1,500 one or one and a half, and a 1,700 two-story minimum, and we
1564 fully expect that the averages of those homes will be substantially in excess of
1565 that. But we believe we're coming from a comparable place. We want to be
1566 comparable. We're not trying to come in and build a lesser neighborhood. In fact,
1567 the 43 proffers I think suggest that we're trying to guarantee the quality so that it
1568 will be similar quality to that which already exists.
1569

1570 I think you heard Mrs. Swift, and she gave a very good recitation of her
1571 experience on the property. And I think sellers have reasonable expectations as
1572 to the future use of their property. And that's generally expressed in your Land
1573 Use Plan. If there was ever an easy answer as to, "What can I do with my
1574 property," other than talking to, perhaps, a realtor or a zoning lawyer, the answer
1575 is, "Look at the Land Use Plan, right?" And so this is obviously consistent with
1576 that and in fact less than the densities recommended in that Plan.
1577

1578 I wouldn't know how to make the case better in terms of the type of zoning and
1579 the proffers short of, you know, the County condemning it for a park. I think it
1580 meets and exceeds every expectation we should have for development of this
1581 site.

1582

1583 If there are additional questions, Mr. Archer, or other Commission members, I'd
1584 be happy to try.

1585

1586 Mr. Archer - You did touch on one thing I wanted you to mention,
1587 and that had to do with the minimum sizes for the homes. You did indicate that
1588 some of the adjacent communities had smaller minimum sizes proffered. I just
1589 want to let everybody know that those minimums that we use are actually put
1590 there to protect against somebody coming in and building tiny houses. So that's
1591 why we proffer a minimum. And in this case the minimums that were proffered
1592 were in excess of what's already in the existing community. So you did answer
1593 that for me. Mr. Jones, I think, asked that question about the minimums.

1594

1595 Mr. Kane indicated that when he moved in there would be no additional homes
1596 built. And as the Chairman indicated, that comes up almost every month when
1597 we meet. In fact, I think I can say that about my own neighborhood that I moved
1598 into twenty-some years ago. We were told there would be about three or four
1599 more houses, and 330-some houses later I'm still there.

1600

1601 Now about the homeowners' association. I think we've answered that. Someone
1602 spoke about crime. We can't predict crime and we can't not build because of the
1603 fear of crime. We have to assume that the people that move in will be law-abiding
1604 people. The traffic engineer has indicated that the roads can handle the traffic.
1605 You talked about drainage. Well water. Yes, somebody mentioned aquifers and
1606 well water. I don't know whether your engineers have determined that there are
1607 underground aquifers or not, or whether we can even determine that, to be
1608 honest with you.

1609

1610 Mr. Theobald - We certainly have not at this point. We will likely do
1611 more geotechnical work as part of the POD and subdivision approval, but I don't
1612 know the answer to that.

1613

1614 Mr. Witte - As far as the well goes, a shallow well gets its supply
1615 from groundwater; it doesn't get its supply from deep in the earth and aquifers, or
1616 whatever they call it. That water filters in from surrounding areas. My concern
1617 with that would be if you cover the area with roads and put storm sewers in to
1618 take the water out, you may affect his groundwater. I think something further at
1619 POD needs to be addressed there.

1620

1621 Mr. Theobald - Sure. Keep in mind that we're 43 percent green with
1622 that floodplain in there.

1623

1624 Mr. Witte - I agree, but 57 percent is not. Construction entrance.
1625 Is there a possibility of putting in a construction entrance without going through
1626 those neighborhoods? I can sympathize with the people. I know I've been on a
1627 street with a subdivision being built behind it. Roads were filled with potholes and
1628 nobody would do anything until the heavy equipment kept moving off of it,
1629 concrete trucks and stuff. I had a year and a half of bad roads.

1630
1631 Mr. Theobald - Yes, unfortunately if you remember that picture with
1632 the floodplain in the middle, the townhome section is isolated and will have direct
1633 access off Woodman Road and not through any neighborhood. But the
1634 properties to the south—

1635
1636 Mr. Witte - Can we change that view?

1637
1638 Mr. Theobald - Can we go back to my PowerPoint, please? Thank
1639 you.

1640
1641 Mr. Archer - You want the layout view?

1642
1643 Mr. Theobald - This slide shows the floodplain. We don't own any
1644 frontage along Woodman Road and our only access is at the cul-de-sac here and
1645 the cul-de-sac here. The only other one was a potential one down here that
1646 crossed wetlands. We literally don't have a way in or out, and we'll try to regulate
1647 the hours of construction.

1648
1649 Mr. Witte - Will you be using both entrances for construction?

1650
1651 Mr. Theobald - Probably.

1652
1653 Mr. Branin - Mr. Witte, at time of POD, if this case gets moved
1654 forward, that would be something that would be addressed with that
1655 Commissioner. And there are traffic-calming measures that we've applied in the
1656 past to different neighborhoods when they go through neighborhoods with
1657 children in them to control that construction traffic, and also limiting the hours of
1658 construction.

1659
1660 Mr. Witte - All right. And I have one other question. As far as the
1661 townhomes go, how far south of the intersection is the entrance there?

1662
1663 Mr. Theobald - I don't know the answer.

1664
1665 Mr. Witte - Let me tell you what my concern is. Being so close to
1666 the intersection with the only means of ingress and egress, you have 80 units
1667 with the possibility of 160 vehicles twice a day, that could cause a tremendous
1668 hardship for those people coming in and out.

1669

1670 Mr. Theobald - Here is the visual. I can try to get you this distance.
1671
1672 Mr. Witte - So it's right at the end of the—
1673
1674 Mr. Theobald - Here's the northern end of that property line and
1675 here's the entrance. So it's a good way from the intersection here, and there will
1676 be a turn lane. Four hundred and sixty feet, Mr. Lewis says, from the intersection.
1677
1678 Mr. Archer - Excellent, Mr. Lewis.
1679
1680 Mr. Theobald - It meets the VDOT requirements, and you can see the
1681 location here on the map.
1682
1683 Mr. Archer - Mr. Theobald, would you do me one more favor? Can
1684 you explain how cul-de-sacs in existing neighborhoods are terminated when an
1685 adjacent neighborhood is built and what the rights are when a cul-de-sac has to
1686 be disturbed?
1687
1688 Mr. Theobald - Yes. The usual way—I believe the way these came
1689 about is when a subdivision is created, you file a subdivision plat which divides
1690 the property into lots, streets. And the policy of the County has historically been
1691 that when you come to the edge, the end of a street, that it allow for the potential
1692 future connection. And the idea in terms of interconnectivity of neighborhoods is
1693 that you don't want everybody coming out of a neighborhood and getting onto the
1694 main road. You don't want everybody coming out onto Mountain or everybody
1695 coming onto Woodman. You want some traffic to stay off those main roads, to
1696 interconnect through neighborhoods. It's not a popular topic, but on your
1697 subdivision plat what you see is you see a bubble at the end of the street, but it's
1698 dotted in. So it's like a straight shot and then you'll see a dotted bubble. And then
1699 it's noted on the plat, and it's also noted on the plat of survey by which the
1700 homeowner takes title. So it's both on the subdivision plat, that they would have
1701 no reason to see, but it's on their individual survey when they take title showing it
1702 as a temporary turnaround and showing that bulb, if you will, in the radius. And
1703 then when the street is pushed through, basically the bulb goes away. I believe
1704 the adjacent property owners then obtain title to that excess property, and the
1705 road is connected.
1706
1707 I don't underestimate the issue of connectivity. People get used to living on cul-
1708 de-sacs—I live on one—and this is a comment that we hear often. But it's
1709 become so frustrating for VDOT in terms of controlling mainline congestion
1710 where every little neighborhood gets cut off from its neighbor, that they have now
1711 threatened, as I suggested, to force connectivity or take away maintenance
1712 funds. So yes, it's an issue. I guess if there's any solace here it's a relatively few
1713 number of homes. And to the extent these respective neighborhoods would
1714 choose to use these connector streets, they would be able to avoid the
1715 intersection of Mountain and Woodman to go east/west/north/south.

1716
1717 Mr. Archer - All right, thank you, sir. I think Ms. Grace Gines asked
1718 that question, and I want to make sure it was answered. Mr. Theobald, don't go
1719 too far, but I'd like to ask the traffic engineer if he would come forward, please, so
1720 I can just ask a couple questions for clarification.
1721
1722 Mr. Jennings - Good evening. Mike Jennings, the Assistant Director
1723 of Public Works.
1724
1725 Mr. Archer - Mr. Jennings, I was trying real hard not to have to
1726 make you come up, but can you just give us a brief synopsis of how you
1727 determined that the road network can handle the traffic?
1728
1729 Mr. Jennings - Yes sir. This proposal would generate about 1,000
1730 vehicle trips per day combined with the townhouses and the single-family homes.
1731 Currently, Mountain Road carries about 15,000 vehicles a day and Woodman
1732 Road carries a little over 10,000 vehicles a day. Based on the connectivity with
1733 the road network and the improvements that they're doing, the existing road
1734 network can handle that much traffic. I know there were concerns expressed
1735 about the a.m. and p.m. peak, and yes there is some congestion at this time.
1736 Basically, the townhouse development is expected to generate about 28 trips
1737 coming out of there in the morning during the peak time. We expect about 50
1738 percent to go to the north and 50 percent to go to the south. And there will be
1739 gaps in traffic to be able to get out of there. Obviously the 60 single-family homes
1740 will generate a little more traffic. About 33 vehicles will exit in the morning and
1741 that will be distributed through the Mountain Glen neighborhood and the
1742 Woodman Hills Trace neighborhood.
1743
1744 As we've been talking about, both of those neighborhoods—the Park Green Way
1745 and Woodman Hills Court were built with temporary cul-de-sacs to promote this
1746 connectivity with this piece once it developed. Looking at this piece with them
1747 proposing 60 single-family homes, Public Works would recommend two points of
1748 access with that development. That's why they're connecting with both those
1749 roads.
1750
1751 Mr. Archer - Thank you sir. Good answer to my question.
1752
1753 Mr. Witte - Are you the right one to ask about the storm sewer
1754 situation?
1755
1756 Mr. Jennings - Well yes, that's under my purview now. Stormwater,
1757 both the quantity and quality will be worked out with the POD and the subdivision
1758 plans.
1759

1760 Mr. Witte - Okay. Because I have concerns about the output
1761 going into the stream that already appears to be overloaded with the 25-year
1762 storms or 20-year storms or whatever they are.
1763
1764 Mr. Jennings - Right. Public Works is aware of some drainage issues
1765 out there. We've done some work on those pipes underneath Woodman Road
1766 and it has increased the capacity. Knock on wood, I don't think it's flooded in a
1767 while now, but I do know in the past—
1768
1769 Mr. Witte - You had to say that, didn't you?
1770
1771 Mr. Jennings - I know. But I know in the past it was flooding on a
1772 regular basis, even if we got a couple inches of rain. But with the improvements
1773 that were done it floods a lot less often.
1774
1775 Mr. Witte - Thank you.
1776
1777 Mr. Branin - The only thing I was going to say, which was in line
1778 with Mr. Witte, is if this does move forward into POD mode—being now
1779 congratulations with your new position as Assistant Director of Public Works—
1780 this case would have to have special attention paid to stormwater and drainage.
1781
1782 Mr. Jennings - Yes sir.
1783
1784 Mr. Branin - Because it is an existing issue and we know it's an
1785 existing issue. So if we can change a bad situation to a favorable situation for the
1786 current residents of that area.
1787
1788 Mr. Jennings - Yes sir. We could look at this with this plan, and we
1789 can look at some other concerns also. Obviously when their engineer submits all
1790 the data, it will be analyzed by Public Works.
1791
1792 Mr. Branin - And again, congratulations.
1793
1794 Mr. Jennings - Thank you.
1795
1796 Mr. Archer - Thank you, sir. Mr. Theobald, one more thing. Proffer
1797 #30 addresses the issue somebody raised about homeowners' associations. It is
1798 proffered for the townhouses, but can you give a little clarification on what is to
1799 be for the single-family units?
1800
1801 Mr. Theobald - Single-family, we have not proffered to automatically
1802 have a homeowners' association. There may well be one. This is an issue that's
1803 gaining some additional scrutiny, as we find through these recessionary times
1804 that there seems to be a certain number of homes that can adequately support
1805 an association with what now comes with it based on the legal requirements of

1806 the state - because what the homeowners' associations do is they hire
1807 professional managers who have to be licensed, they pay fees, they provide
1808 disclosure packets for people who buy homes. And they then charge dues
1809 accordingly. Not every group of homes desires to have one. If this group does,
1810 then they'll have one. It's just that on these that are under about 100 homes,
1811 we've seen developers and homeowners start to balk a little bit at the
1812 requirement that there be one. I don't know whether there will be one or not;
1813 we're not precluding one, we're just not guaranteeing it. It's a little different than
1814 what we've seen in the past as the economy has turned a little bit.

1815

1816 Mr. Branin - The townhomes are going to have a homeowners'
1817 association.

1818

1819 Mr. Archer - That's proffered, yes.

1820

1821 Mr. Branin - Why would you separate them out?

1822

1823 Mr. Theobald - Because on a townhome community you're providing
1824 a level—part of the allure of buying a townhome is that it's a maintenance-free, or
1825 nearly maintenance-free environment. And so you need an association who is
1826 going to repair roofs, siding, maintain the common area. And so it's
1827 fundamentally different in terms of its legal structure and expectations of its
1828 owners.

1829

1830 Mr. Branin - Okay. Thank you for that clarification.

1831

1832 Mr. Archer - I don't have any more questions for Mr. Theobald
1833 unless somebody else does.

1834

1835 Mr. Branin - No one else? Mr. Theobald, thank you, sir. Mr.
1836 Archer, the ball is in your court.

1837

1838 Mr. Archer - And it falls upon me to summarize all this and try to
1839 make a decision.

1840

1841 Mr. Branin - First, a quick reminder that no matter what you do,
1842 time limits need to be waived.

1843

1844 Mr. Archer - Okay. I shall do that. I first want to advise the
1845 members of the neighborhoods that the final say on this case, whatever our
1846 decision is tonight, rests with the Board of Supervisors on August 14th. So that is
1847 when the final decision will be made. And, of course, you all are welcome to
1848 come out and voice your opinion.

1849

1850 This one has been long and arduous, if I can say that. We've had community
1851 meetings, and I've had several meetings with the applicants and Mr. Livingston

1852 Lewis, who has really done a yeoman's task in working on this, along with Seth
1853 Humphreys. We have come as far as we can with trying to give assurances that
1854 whatever comes out of this will be as good a quality product as we can. We are
1855 very sensitive to the things that you all have expressed here tonight. We hear
1856 them a lot, but they don't fall on deaf ears when we do hear them. I can recall I
1857 was relatively new on the Commission when Mountain Glen was being proposed,
1858 and your adjacent neighborhoods didn't want you all to build Mountain Glen. But
1859 as it turned out, everybody now is coexisting peacefully.

1860
1861 The last two or three items that we had to clear up with the developers, and Mr.
1862 Theobald, and Ms. Kacani were done probably within the last twenty-four hours
1863 because we have to waive the time limits on it. But they agreed to the things that
1864 we felt were necessary to make this project as good as it could be. It is
1865 consistent with the Land Use Plan. I also have to give some credence to Mrs.
1866 Swift who came up and spoke about how her family has owned this land for a
1867 long time, and have tried to be good stewards of their land and at the same time
1868 be respectful of people who wanted to build next to them. I don't think we can
1869 ignore what she said.

1870
1871 But with that, there are a lot of things that we can do between now and the time
1872 this would be approved, if the Board should choose to approve it, with the plan of
1873 development, subdivision process that can assure conformance with all that we
1874 have talked about tonight. It is consistent with the 2026 Land Use Plan. I can find
1875 no compelling reason that would make me not want to just arbitrarily not
1876 recommend it.

1877
1878 With that, I will make a motion that we send this along to the Board of
1879 Supervisors with a recommendation of approval.

1880
1881 Mr. Branin - Before we do that, sir, can we waive time limits?

1882
1883 Mr. Archer - I'm sorry. You only told me three times. I first would
1884 move to waive the time limits on the proffers that were presented today.

1885
1886 Mr. Witte - Second.

1887
1888 Mr. Branin - That motion was made by Mr. Archer, seconded by
1889 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion
1890 carries. Time limits are waived.

1891
1892 Mr. Archer - Then lastly I will move for approval of C-8C-12, Kim
1893 B. Kacani for HHHunt Corporation, and send it along to the Board with that
1894 recommendation.

1895
1896 Mr. Witte - Second.

1897

1898 Mr. Branin - Motion was made by Mr. Archer, seconded by Mr.
1899 Witte. All in favor say aye. All opposed say no. The ayes have it; the motion
1900 carries to the Board.
1901

1902 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
1903 Witte, the Planning Commission voted 5-0 (one absent) to recommend the Board
1904 of Supervisors grant the request because it conforms to the recommendations of
1905 the Land Use Plan, it continues a form of zoning consistent with the area, and the
1906 proffered conditions will provide appropriate quality assurances not otherwise
1907 available.
1908

1909 Mr. Emerson - Mr. Chairman, that now takes you to the next item on
1910 your agenda, which also appears on page two. This is a public hearing on zoning
1911 ordinance amendments.
1912

1913 **PUBLIC HEARING ON ZONING ORDINANCE AMENDMENTS:** To Amend and
1914 Reordain Section 24-104 Titled "Signs" of the Code of the County of Henrico to
1915 Allow More Noncommercial Signage Without a Sign Permit. That presentation
1916 will be made by Mr. Ben Blankinship.
1917

1918 Mr. Branin - Good evening, Mr. Blankinship. How are you?
1919

1920 Mr. Blankinship - Good evening, Mr. Chairman. I'm fine, thank you.
1921 Good evening, members of the Commission.
1922

1923 Mr. Branin - I'm going to ask you just hold up for two seconds and
1924 allow the room to clear so we can pay full attention to you.
1925

1926 Mr. Blankinship, the floor is yours.
1927

1928 Mr. Blankinship - Mr. Chairman, as the secretary announced, I'm
1929 speaking to an amendment regarding the subject of non-commercial signs. The
1930 purpose of this amendment would be to increase the amount of non-commercial
1931 sign area that we allow without a permit. It's not going to increase the actual
1932 amount of sign area that can be allowed; it's only going to change the permit
1933 requirement.
1934

1935 Section 24-104 of the Code is our sign ordinance. And paragraphs D through N
1936 allow specific types of sign in each zoning district. Before you get to that, 24(b)(7)
1937 prohibits any sign that is not specifically allowed in the zoning district. So it's
1938 similar to most things in the world of zoning. Unless something is specifically
1939 listed as being permitted it's assumed to be prohibited.
1940

1941 Section 24-104(b)(1) requires a sign permit for every sign that is allowed in each
1942 zoning district, unless the ordinance exempts the sign from the permit
1943 requirement. Before you on the screen is an abbreviated list of those signs that

1944 do not require a permit. I'll call your attention particularly to items C and D on this
1945 list. signs up to two square feet advertising real estate for sale and signs up to
1946 three square feet prohibiting trespassers and so forth. Those signs do not require
1947 a permit in any zoning district.

1948
1949 Now Section 24-104(b)(7) states as follows: Prohibited signs. Any sign not
1950 specifically permitted is prohibited provided; however, that any permitted sign is
1951 allowed to contain non-commercial speech in lieu of any speech. That sentence
1952 was added to our zoning ordinance, partly in response to a United States
1953 Supreme Court decision many years ago that addressed the issue of non-
1954 commercial signs versus commercial signs, and very clearly stated that our
1955 ability to limit commercial signs is greater than our ability to limit non-commercial
1956 signs. We're required to provide more deference to non-commercial speech—for
1957 example, political speech or religious speech—than we are to commercial
1958 speech. We are not allowed to have tighter restrictions on non-commercial
1959 speech.

1960
1961 For example, in a residential zoning district a "real estate for sale" sign up to
1962 thirty-two square feet can be approved by permit. Since that is allowed, it is
1963 always allowed that you can do a non-commercial message of the same size. So
1964 what we have today is that a non-commercial sign up to 32 square feet can be
1965 allowed, but it requires a permit. Up to three square feet is allowed without a
1966 permit. Between three and 32 square feet is allowed, but requires a permit. And
1967 I'm speaking about residential zoning districts, just as an example.

1968
1969 Now, there are several concerns that have been brought up over the years, and
1970 particularly over the last few months. One is that, hypothetically, a candidate for
1971 public office who would like to install 50 signs would have to file 50 sign permit
1972 applications and pay 2,000 dollars in fees. That's 50 times a 40-dollar sign fee,
1973 sign permit application fee. By the same token, a candidate who did not apply for
1974 sign permits would have a significant advantage in time and money over a
1975 candidate who did apply for the sign permits. Every election season, without fail,
1976 we get questions about this. It's a very uncomfortable subject for us to explain to
1977 the public exactly how the ordinance works, how the enforcement process works.
1978 We just find ourselves caught in an uncomfortable situation.

1979
1980 There are other individuals who would like to make political statements or
1981 religious statements by installing signs in their yards. They may find the permit
1982 requirement burdensome. There was a gentleman in the Varina District who put
1983 up a sign with a political message, a non-commercial message. It was 32 square
1984 feet in area. We received a complaint, so the Community Maintenance staff went
1985 out, met with the gentleman and explained that the sign was allowed, but it
1986 required a permit. And that gentleman came to the Board of Supervisors and
1987 asked "why is there a permit requirement for this sign?" It was partly that
1988 conversation that led to this amendment. Also, as I say, these are issues that

1989 we've discussed at the staff level over the years. But that gave us the impetus to
1990 actually move forward with this.

1991

1992 So the proposed amendment that is before you this evening would change the
1993 list of signs not requiring permits. It would add at the end of that list, "non-
1994 commercial signs not exceeding 32 square feet in total area on any lot." As we
1995 discussed earlier in the work session, that's intended to mean the total area of
1996 non-commercial signs whether it's one sign of 32 square feet or three signs of
1997 ten square feet or ten signs of three square feet. The total amount of sign area
1998 dedicated to non-commercial speech would have to be under 32 square feet for it
1999 to be allowed under this paragraph. Such signs shall not exceed eight feet in
2000 height. That's a height requirement that we have on several other types of signs,
2001 particularly in the residential districts. "Shall not be located in any sight distance
2002 triangle." That, obviously, is intended to prevent traffic safety concerns. Going on,
2003 "in any R district, such signs shall not be illuminated." In business districts, of
2004 course, you can have an illuminated sign with a non-commercial message, just
2005 as you can have an illuminated sign with a commercial message. But in the
2006 residential districts there are no commercial signs that are allowed to be
2007 illuminated. So that would be carried over. And finally, "in the one-family
2008 residence districts, any such sign over three square feet in area shall be at least
2009 15 feet from any lot line." Again, that's a requirement that is already applied to all
2010 commercial signs in the residential districts. Even if you get the permit, it has to
2011 be set back 15 feet. So the small yard signs up to three square feet could be
2012 closer to the property line. But signs over three square feet would have to meet
2013 that setback.

2014

2015 That is the end of my prepared comments, Mr. Chairman. I'd be happy to answer
2016 your questions. And I think we do have people here to speak.

2017

2018 Mr. Branin - Okay. Thank you for that, Mr. Blankinship. Mr.
2019 Blankinship, you've worked with us in reviewing and answering our questions
2020 diligently now for probably over a month. We thank you for your patience in
2021 working with us. Does anybody have any questions this evening for Mr.
2022 Blankinship.

2023

2024 Mr. Witte - I just have a comment that was brought up earlier in
2025 our work session about making it a little more clear that the 32 square feet
2026 encompasses the total square footage of all signs combined in the language.

2027

2028 Mr. Blankinship - We can certainly look at that between now and the
2029 Board of Supervisors.

2030

2031 Mr. Branin - This is a public hearing, so we will take anybody that
2032 would like to make comments, speak in favor or against, at this time. Please
2033 come to the podium just like in the cases prior. State your name for the record.

2034

2035 Mr. Maney - Hello. My name is Brent Maney. I'm the gentleman I
2036 guess being discussed here. That's my house.

2037
2038 Mr. Branin - Are you a political campaign guy?

2039
2040 Mr. Manning - No.

2041
2042 Mr. Branin - Okay, because we've been talking about them too.
2043 Just getting clarification.

2044
2045 Mr. Maney - No, no. It was my house in question that I guess
2046 started all of this. I guess part of my issues, I was looking over the Supreme
2047 Court case and was looking over Henrico County's regulations. Given what
2048 you're recommending here, I guess I'm going to have a problem on several
2049 areas. Number one is the 32 square feet in total. I don't know how you guys
2050 developed that the number is 32 square feet. That seems to be rather arbitrary. I
2051 know that the existing real estate sign is listed as 32 square feet. But other than
2052 that it seems to be relatively arbitrary. I got to looking at some of the other sign
2053 sizes in your ordinances, specifically a church in a residential area is currently
2054 listed as 50 square feet. They get even larger when you go outside. In an O-3
2055 District it's listed at 75 feet. In a B-1 District it's up to 100 feet. In an M-1 District
2056 you can have 150 feet.

2057
2058 So I guess part of my issue here is there seems to be a preference given to the
2059 size of signs for commercial speech. And even a preference given in my own
2060 zone, residential zone, to churches and to schools as to the size of sign that they
2061 can have. So that was one issue.

2062
2063 Mr. Branin - Mr. Maney, don't those signs—when they get that
2064 size they have to have a permit?

2065
2066 Mr. Maney - I'm guessing yes.

2067
2068 Mr. Branin - And what we're addressing here is a proper size limit
2069 that would fit most non-commercial signs that there wouldn't be a permit fee for.

2070
2071 Mr. Maney - Okay. So in that case, if I did obtain a permit, what
2072 size would I be allowed to put up in a residential area? Could I put up a 100-
2073 square-foot sign?

2074
2075 Mr. Branin - And your home is in what zoning district?

2076
2077 Mr. Manning - Off the top of my head I can't tell you. I'm on White
2078 Oak Road there in Sandston, in Varina. Matter of fact, I'm right across the street
2079 from the Elko Community Center that Henrico just acquired.

2080

2081 Mr. Branin - So you're R-3, A-1 possibly?
2082
2083 Mr. Emerson - I think he's A-1.
2084
2085 Mr. Branin - A-1? Okay. Mr. Blankinship, by right he could put up a
2086 sign currently without permit that would be—if this ordinance goes through—32?
2087
2088 Mr. Blankinship - Yes.
2089
2090 Mr. Branin - Total.
2091
2092 Mr. Blankinship - Yes.
2093
2094 Mr. Branin - And if he has a permit it would be?
2095
2096 Mr. Blankinship - In the A-1 District it would still be 32 square feet. You
2097 could not get a permit to put up a sign any larger than that.
2098
2099 Mr. Maney - Okay. So then that's going to automatically present a
2100 problem. My sign has two sides, so it's 64 square feet. I have signs in other
2101 areas of the County, much like political signs that you see around election time,
2102 where they—you know, if you have a wide corner or whatever and setback is
2103 there that they normally t-up.
2104
2105 Mr. Branin - And that would be two 4-by-8's that you are referring
2106 to?
2107
2108 Mr. Manning - Yes.
2109
2110 Mr. Branin - Well, after this ordinance would be passed those
2111 would not be allowed unless you had a permit.
2112
2113 Mr. Blankinship - Mr. Chairman, if it's a two-sided sign, we only count
2114 one side. And if it's an angle of 90 degrees or narrower, we would only count one
2115 side. If it got wider than 90 degrees, then we would count both.
2116
2117 Mr. Maney - You're only counting one side, then, for the 32 square
2118 feet, correct?
2119
2120 Mr. Blankinship - [Speaking off microphone.] On a two-sided sign we
2121 count one of two. If you're less than a 90-degree angle.
2122
2123 Mr. Maney - Okay. So, for example, the sign at my house is—it's a
2124 double-sided sign, but it's flat. So it would be fine—essentially 32 square feet on
2125 both sides.
2126

2127 Mr. Branin - Mr. Maney, I'm going to stop you for one minute. Mr.
2128 Blankinship, if you wouldn't mind, would you come sit in Mr. Thornton's seat just
2129 in case there are more questions that we need you to speak on, so we have it on
2130 record, instead of you trying to—. I just like having you close by, sir. As you know
2131 so much more than I do and it's good to have you with us.

2132

2133 Mr. Blankinship - It's not going to feel right.

2134

2135 Mr. Branin - It's not going to feel right. Okay, I'm sorry, Mr. Maney.

2136

2137 Mr. Maney - That's all right. So I guess that that's going to be my
2138 first issue. If 32 square feet is the maximum without a permit, then what are my
2139 means to get a larger sign in a residential area? It certainly seems to me that
2140 there is preference—and I know that was one of the things that they talked about
2141 in the case was preference over commercial—in other words, the city of Ladue
2142 gave preference to commercial speech over non-commercial speech. That's just
2143 a concern that I have.

2144

2145 Also, I just wanted to bring up, in your current ordinance where you say eight
2146 feet—one temporary real estate sign not exceeding 32 square feet in area or
2147 eight feet in height. That's an *or*, that's not an *and*. So is that proposed to be
2148 changed?

2149

2150 Mr. Blankinship - A sign that exceeded 32 square feet in area would be
2151 in violation. A sign that exceeded eight feet in height would be in violation. It
2152 doesn't have to exceed both requirements to be in violation.

2153

2154 Mr. Branin - So it could be one foot wide and go beyond eight feet,
2155 and be in violation.

2156

2157 Mr. Blankinship - It cannot exceed A or B. It doesn't have to exceed
2158 both to be in violation.

2159

2160 Mr. Maney - I also have a question about the eight feet. How does
2161 the eight feet come about? I have signs in other areas, say on Route 60 just as
2162 you're coming into the Seven Pines area, they're 80, 90 feet off the road now,
2163 and there's a large berm where VDOT graded out for the road. So those signs,
2164 even though they're literally in the woods now, they have to be very tall to be
2165 seen at all from the road. Eight feet is just a hard, fast limit, so I'm going to have
2166 problems with those signs now. That's also going to be a future issue for me,
2167 apparently.

2168

2169 I was also looking at some of the localities around here. Not Chesterfield but
2170 Hanover. There is really no ordinance for residential type of signs like these. I
2171 also looked, just as an interesting thing, at the city of Ladue, because I wanted to
2172 see what they had done after the case, and what their ordinances are. They

2173 pretty much don't have any for residential-type signs under this type of case.
2174 They have basically said in a residential type of sign that—they haven't limited
2175 how the free speech comes about. They haven't said it has to be less than eight
2176 foot. They haven't said it has to be 32 square foot or less. They haven't said, you
2177 know, that it can't be illuminated. So I'm having an issue with how the County is
2178 going about putting limits, still, on these signs. I just wanted to bring that forward.
2179 We'll see how it comes out. But just to let you know that we're still—we still have
2180 issues with how this is currently written.

2181

2182 Mrs. Jones - I just thought I'd say this. While you were making me
2183 think about the issues you're bringing up. Obviously you are very interested in
2184 making sure that you have as broad a context for the signage that you'd like to
2185 put up as possible. And any limits seem to be possibly not right, in your view. I
2186 just wanted to throw this out. We try to strike balances in everything we do.
2187 Residential areas, for instance where I believe I've seen your sign that has kind
2188 of sparked a lot of this discussion. Your neighborhood, your home, obviously you
2189 have a lot of rights as a landowner. We try to take those into consideration and
2190 balance those with those of all the folks around you and the neighbors, and come
2191 to some kind of reasonable assessment of what would be a good balance
2192 somewhere along the line to give everyone the opportunity to do what is a very
2193 important right, and that is to express themselves. I think that's something we're
2194 trying very hard to preserve and to preserve in an effective way. The signs that
2195 you're talking about that are now somewhat wooded, off the road, and can't be
2196 seen. I might suggest—and I do not mean to be flip, but that may not be the right
2197 place for signage there. This all has to be balanced out. Not every place will be
2198 right for signage, not every neighborhood will be right for certain kinds of signs.
2199 This will all work its way out. We're trying to bring some very basic balanced
2200 guidelines that will allow most people to do what they want to do, but keep things
2201 reasonable for the good of the community. It's a balancing act. Is there any
2202 magic in 32 versus 32.3? We do this as best we can.

2203

2204 Mr. Branin - Mr. Maney, your property is quite large. Since it's an
2205 ordinance for entirely, take for instance the townhomes that were just approved,
2206 and the small lots that those townhomes will have. That property owner has all
2207 the same rights as you do. But if it's anything larger than 32 square feet, eight
2208 feet wide, when the lot's only 12 feet wide, that can create an issue amongst
2209 everyone in that townhome subdivision. We have to look at the broad picture of
2210 the diversity of the whole County and all housing. Now, would you just quickly
2211 review all of your concerns so I can make sure I have them all written down,
2212 because I know you know them off the top of your head.

2213

2214 Mr. Maney - Okay. The size definitely is—

2215

2216 Mr. Branin - Size limit.

2217

2218 Mr. Maney - Yes, correct. Thirty-two square feet is definitely a
2219 concern of mine because I do have several signs that are—
2220
2221 Mr. Branin - You feel there should be no limit.
2222
2223 Mr. Maney - I'm not going to say there should be no limit, but for
2224 my current needs, and obviously in my mind, what the court was intending, and a
2225 lot of localities have done, there's not a limit to their signs. And just real quick in
2226 reference to what you were saying. When the Supreme Court wrote the decision,
2227 the Supreme Court said, you know, we find it basically very difficult to put limits,
2228 and we'll think it will be difficult for localities to put limits on people in reference to
2229 these signs. But it's in their own self-interest to sort of regulate themselves. I
2230 don't want 27 signs in my yard. It's in my own self-interest not to drive down my
2231 property values, not to look like that tackiest guy in 12 square miles. That's sort
2232 of where I have a problem with saying that it's 32 square feet when the Court
2233 basically has said that localities and cities should give a wide margin here
2234 because it's sort of self-regulating in that it's in my own best self-interest.
2235
2236 Mr. Branin - That could be questioned. What's your next one?
2237
2238 Mr. Maney - The eight feet, like I mentioned.
2239
2240 Mr. Branin - Eight foot height.
2241
2242 Mr. Maney - Yes. I also have an issue—it may be because I don't
2243 understand, and I haven't talked to your folks yet. The way you guys do sight
2244 distance triangles. At least from what I've looked at it appears that the sight
2245 distance is built from the standoff of the road. So if the road right-of-way is 40
2246 feet, I have to come basically 20 feet from the center of the road. And then your
2247 rules say another 15 feet on top of that. At least that's the way I understand it.
2248
2249 Mr. Branin - Mr. Blankinship, would you like to address this, or
2250 would you like me to bring Mr. Jennings?
2251
2252 Mr. Blankinship - I'm not sure that I understood the illustration you were
2253 giving, but it is measured at the right-of-way.
2254
2255 Mr. Maney - If I have a 40-foot right-of-way, like on the adjacent
2256 street that my sign's on has a 40-foot right-of-way.
2257
2258 Mr. Blankinship - Right.
2259
2260 Mr. Maney - And that's 40 feet off of the center line of the road.
2261 Then I have to add another 15 feet, which is what your sight distance triangle
2262 says.
2263

2264 Mr. Blankinship - But only at an intersection.
2265
2266 Mr. Maney - Yes, correct. But that's where my sign is; it's at an
2267 intersection. So basically at that point that's 35 feet, triangle on either side, and
2268 draw a line. That's a lot of area.
2269
2270 Mr. Branin - Are you not concerned about the safety of your
2271 neighbors in driving?
2272
2273 Mr. Maney - Yes I am. But when we set the sign there, we literally
2274 drove—we went down the road and came back up. We looked to see, because
2275 you can't see that far in the direction, basically, as you're pulling out to the right
2276 because there's a hill there right in front of the Elko Community Center.
2277
2278 Mr. Branin - Okay. So sight line standards as well.
2279
2280 Mr. Maney - Yes. Just for my particular sign I saw that as an issue.
2281 Right now those are basically my biggest concerns.
2282
2283 Mr. Branin - Okay. So I have three main concerns: size limit, eight-
2284 foot height, and sight line standards.
2285
2286 Mr. Maney - Yes, correct.
2287
2288 Mr. Branin - Okay. I don't want to move on until I know you're
2289 done.
2290
2291 Mr. Maney - I'm done.
2292
2293 Mr. Branin - Okay. Sir, are you here to speak as well? Fantastic.
2294 Please state your name for the record.
2295
2296 Mr. Baker - Yes sir. My name is Gerald Baker. I'm against the
2297 proposed amendment because you aren't prosecuting the statutes that you have
2298 now as far as these political signs. In the last election for the supervisor's
2299 election, you have two people that were supposed to purchase this permit and
2300 then they have thirty days to take the sign down. The Democrat and Republican
2301 didn't. The County took the fees from the Independents who had these signs that
2302 were over a certain size, the four by eights. I've tried for nine months to get this
2303 prosecuted because it's probably about 10,000 dollars that these two individuals
2304 or their campaigns owe. You don't need to make any more rules when you don't
2305 prosecute the ones you have now.
2306
2307 Mr. Branin - Mr. Baker, I can address that with you because we've
2308 had this discussion before. The man sitting in the back of the room is tasked with
2309 this issue every year. It's called *the crazy time*, because all the signs go up. We

2310 tell all of the—a letter goes out to every one of the campaigns explaining what
2311 the rule is. People still break the rules because they know the timeline. This will
2312 address a lot of misconception of use, and also unfairness. If it's equal across the
2313 line where no matter if you're an Independent or Democrat or a Republican,
2314 whether you know how to fool the system or not, there's no permit fee. So it will
2315 be even and fair.

2316
2317 Mr. Baker - Is this gentleman's name Paul Johnson?

2318
2319 Mr. Emerson - No sir.

2320
2321 Mr. Blankinship - Same department.

2322
2323 Mr. Baker - Okay. I went through all of this multiple, multiple times
2324 with Mr. Johnson where I alerted the other candidates and then I alerted Mr.
2325 Johnson. The letter was sent out the second time. I alerted the candidates again.
2326 The Independent came and paid; the County took his money. Mr. Johnson went
2327 to I guess his supervisor and they said they wouldn't or they couldn't or whatever.
2328 And then I went up to the next level, and then I went up to the Commonwealth.
2329 They didn't want to handle it; they didn't want to touch it. So I waited until the new
2330 Henrico County, Shannon Taylor, came in. I was speaking to a lady that had
2331 been there 18 years named Susan Farrar, a very nice lady. She was very happy
2332 about this because people were defrauding the County out of thousands of
2333 dollars—politicians, incumbents, and the newly elected individuals. Well, that's
2334 discrimination. It's not fair.

2335
2336 Mr. Branin - And the system has been in place by the way it works
2337 for years. And that's one of the things we're trying to address.

2338
2339 Mr. Emerson - Right. Mr. Baker, just to clarify for you. When the
2340 County goes out and does enforcement on these signs, under state code a letter
2341 or a notice of violation is issued. On any type of violation, essentially, that's under
2342 the zoning code there is a 30-day period for them to correct their violation. In this
2343 case we're talking about signs. If from 30 days of that notification that sign comes
2344 down, under state code we can't proceed with any other type of action. So that's
2345 what you're running into when you go talk to the Commonwealth. If those signs
2346 are no longer there, we really don't have any—

2347
2348 Mr. Baker - Are you sure they don't have 30 days to take those
2349 signs down? And don't they have to purchase the permit before they put the
2350 signs up?

2351
2352 Mr. Emerson - Yes sir, they're supposed to. But when they don't get
2353 it and we've sent them a violation, they have 30 days to rectify the violation. So if
2354 it comes down, then we don't have anything to pursue.

2355

2356 Mr. Baker - If I had to get a permit to do some plumbing work or
2357 whatever, and I didn't get that permit, what would the charges be against me?
2358

2359 Mr. Emerson - That is a different code. That is the Building Code,
2360 which is separate and governed by different sections of the state code. This is
2361 the way the zoning code is administered and how it's governed through the Code
2362 of Virginia.
2363

2364 Mr. Branin - We still have to answer to the state, sir.
2365

2366 Mrs. Jones - Mr. Baker, we don't disagree with the frustration
2367 you're expressing. And I think that's been—that and a number of other factors
2368 have brought us to where we are today, trying to acknowledge the fact that
2369 restrictions on the books that aren't enforced are meaningless. We need to
2370 decide where we draw our lines. And we find there are certain things that we
2371 should and shouldn't be mindful of. Especially during the political season it ends
2372 up being a difficult time to enforce anything. And the question is *should* we. This
2373 is the time for signs. It's the tradition of signs. We're trying to make this as
2374 equitable as we can so that we don't have these enforcement issues.
2375

2376 Mr. Baker - Let me ask you a question again; maybe I'm just
2377 simple. When the County was alerted multiple times about this, and that permit
2378 department, and then they received money from one individual to pay for his
2379 permit so he could put his signs up, why didn't they prosecute the ones who
2380 didn't?
2381

2382 Mrs. Jones - I can't answer that question because I don't know the
2383 specifics of exactly what the timeline was, and who did what to whom and when.
2384 I would like your thought, though, since you're here talking at a public hearing, to
2385 take and put that aside. Going forward, do you agree that it would probably be
2386 better not to have permit fees for non-commercial signs—and specifically you're
2387 talking about political signs—meeting these requirements so that everybody's
2388 squared away with the things that they are going to be doing during this season,
2389 and any political season, and it doesn't end up being an enforcement issue?
2390 Wouldn't you agree that is a better approach?
2391

2392 Mr. Baker - Well apparently it's another tax. If you're not going to
2393 enforce it, I don't know why you would amend it and make new regulations. You
2394 understand what I'm saying?
2395

2396 Mrs. Jones - No, I don't.
2397

2398 Mr. Baker - I'm just not happy right now.
2399

2400 Mrs. Jones - I understand that.
2401

2402 Mr. Baker - And I'm not the only one. There are a lot of other
2403 things going on in the County that you'll probably hear from me shortly, from me
2404 and some legal people. The rules have got to be for everybody. A house divided
2405 can't stand.

2406
2407 Mr. Branin - And that's one of the reasons why we're changing it to
2408 make it even across the board.

2409
2410 Mr. Witte - Then the Independent wouldn't have to pay.

2411
2412 Mr. Baker - I beg your pardon?

2413
2414 Mr. Leabough - If we amend this—

2415
2416 Mr. Baker - Sir, if there's a rule—I have to pay taxes. I have to
2417 pay my assessments on my home. They are the rules; I pay them. If I don't, then
2418 I get penalties and fines. Everything has to be equal. There is too much of
2419 inequality in government. I'm mad right now. I'm so mad I could drink a Pepsi
2420 cola.

2421
2422 Mr. Branin - Mr. Baker, I don't disagree with you. But again, we're
2423 also governed by the state code. So we follow the guidelines of the state code.
2424 Those codes set a standard for us to follow, which is complaint or observance,
2425 notification, 30 days to comply, which is the *state* code. And we follow that state
2426 code. And those people that are going to cheat—not the Independent but the
2427 other people that are going to cheat because they know what that state code is,
2428 there's not a whole lot we can do because we're governed by the state code. So
2429 if we can change our ordinance where it doesn't become an issue, we've done a
2430 service to all the candidates.

2431
2432 Mr. Baker - All people should pay it. I mean, that's probably the
2433 last thing I'm going to say. As far as this gentleman over here, I've seen his
2434 signs. They were off the road; they were all right. Whether he should pay or not—
2435 my concern is do not make laws and amend things if you're not going to carry
2436 through with it and prosecute it. It happens all the time in Henrico County.

2437
2438 Mr. Branin - Okay.

2439
2440 Mr. Baker - I thank you very much for your time.

2441
2442 Mr. Branin - Thank you, Mr. Baker.

2443
2444 Mr. Baker - I'm going to go get that Pepsi cola.

2445
2446 Mr. Branin - Could you open me one, too? Is there anyone else
2447 that would like to speak?

2448
2449 Mr. Blankinship - I would like to address one other of Mr. Maney's
2450 points. I looked up on the computer here the code so that I would get this
2451 correctly. His question about the height where a lot slopes away from the street,
2452 the sign height is defined as follows: "The vertical distance from the street grade
2453 or the average lot grade at the front setback line, whichever is greater, to the
2454 highest point of the sign." So when we measure that eight-foot height, we'll
2455 measure it either from the road or from the front setback line, whichever is in the
2456 applicant's favor. So as long as the top of his sign is not eight feet higher than the
2457 road, it would not be a problem. I just wanted to clarify that.

2458
2459 Mr. Branin - Thank you for that clarification. Yes ma'am?

2460
2461 Ms. Johns - I'm Pamela Johns. I have a concern. I was wondering
2462 how you patrol these signs. They were turned in. And I know there is more than
2463 one in Henrico County. According to the old amendments, no one else was
2464 prosecuted or asked to take their sign down. I was concerned about how that
2465 came about. Is it just because a neighbor might turn you in?

2466
2467 Mr. Branin - Complaint-based.

2468
2469 Ms. Johns - Okay. I have a sign on my yard on 7870 Dorian Road.
2470 And it had been there longer than I believe yours had been there. They didn't
2471 even know mine existed. And I have never heard a word from the County.

2472
2473 Mr. Branin - Complaint.

2474
2475 Ms. Johns - I did not know I wasn't in compliance with the sign
2476 code because I thought I had that freedom.

2477
2478 Mr. Branin - Complaint-based, yes ma'am. It's like that throughout
2479 the County through all the different stuff. If a complaint is brought forward, then
2480 it's addressed. It's a big County.

2481
2482 Ms. Johns - Yes, it's a big County. But you all should be out riding
2483 around looking for signs now.

2484
2485 Mr. Blankinship - They do a certain amount of that. These cases tend to
2486 come to us on a complaint.

2487
2488 Ms. Johns - Okay. Thank you. That's what I needed to know.

2489
2490 Mr. Branin - Thank you. All right, Mr. Secretary, I'm handing it
2491 back over to you.

2492

2493 Mr. Emerson - Mr. Chairman, if that completes your hearing, it's up
2494 to you to make a decision what you would like to do with this ordinance. Mr.
2495 Blankinship is here, of course, if you have further questions of him. And we do
2496 have Mr. Tokarz and Mr. Hart from the County Attorney's Office, if you have any
2497 questions of them prior to making your decision.

2498
2499 Mr. Branin - Once our recommendation is made, Mr. Secretary,
2500 where will it go from us?

2501
2502 Mr. Emerson - It will go back to the Board of Supervisors with your
2503 recommendation. And Mr. Blankinship has just put the schedule up in front of
2504 you. We do not know that we are on the Board of Supervisors' work session
2505 schedule for the twenty-fourth. Possibly there may be a work session on the
2506 twenty-fourth, and then we would anticipate a public hearing on the fourteenth.

2507
2508 Mr. Branin - So that's a tentative schedule, but that's where it
2509 would go after it leaves us?

2510
2511 Mr. Emerson - Correct. And that's based on the presumption you
2512 take action making a recommendation tonight.

2513
2514 Mr. Branin - Okay.

2515
2516 Mr. Leabough - I have a quick question. How will we know, Mr.
2517 Blankinship—let's say someone were to erect a sign of 32 square feet; they meet
2518 this requirement. How would we know whether they meet the sight distance
2519 triangle requirement?

2520
2521 Mr. Blankinship - As with the previous comment, it would be complaint-
2522 based. We would get a call from somebody saying hey, I almost got hit because
2523 there was a sign in the way and I couldn't see. Then we'd go out and measure it.

2524
2525 Mr. Leabough - Conceivably, someone could get into a car accident
2526 because someone chose to erect a sign within that sight distance triangle. And
2527 the only way we would know it is because someone got into an accident.

2528
2529 Mr. Blankinship - Or because someone called.

2530
2531 Mr. Leabough - Or because someone called.

2532
2533 Mr. Blankinship - Right, yes sir.

2534
2535 Mr. Leabough - That's what I struggle with. I know it's tough to
2536 enforce, but it's almost like we need a process to make certain that the setback
2537 requirements are met. Like this young lady mentioned, she had a sign in her yard
2538 and nobody knew it. My main concern would be traffic, if someone were to have

2539 an accident, because someone put a sign in that sight distance triangle area and
2540 there were an accident, you know, there was a case where an accident occurred.
2541 Main concern would be traffic.

2542
2543 Mr. Witte - I have a suggestion. The first gentleman who spoke
2544 said he has large acreage. He didn't say how much acreage or how much road
2545 frontage. But in agricultural districts if somebody has a hundred acres and a
2546 thousand feet of road frontage, it seems like it would be more fair to allow them
2547 to erect two signs maybe 300, 500 feet apart for road frontage. The issue with
2548 that is you exceed the 32-square-foot line. So I really don't know how to go about
2549 that, but I can sympathize with them, having large acreage and being zoned
2550 agriculture versus having no acreage or smaller lots and being zoned residential.
2551 I don't know how to fix that, but I understand his concern.

2552
2553 Mrs. Jones - I think one of our goals was to try to make this as
2554 simple and straightforward as we could. We owe that to people who are trying to
2555 comply with the County regulations. And to the people who aren't, I think it would
2556 be nice to make sure that we're not creating more problems than we're trying to
2557 solve. I think you have to approach this from the simple, most basic approach.
2558 And unfortunately to Eric's comment, I don't think that it's realistic to expect that
2559 anyone will be on patrol. I think, unfortunately—or fortunately—we are complaint-
2560 based, and that means that folks are kind of looking out for themselves as well,
2561 and helping us in trying to do what is the best thing for the County. There is not a
2562 realistic expectation that we'll be able to go ahead and check for all unpermitted
2563 signs.

2564
2565 Mr. Branin - Mr. Leabough, I may also have some help with your
2566 question as well. Mr. Strickler. I knew I'd get you down here tonight.

2567
2568 Mrs. Jones - He was so close to the door.

2569
2570 Mr. Branin - And Mr. Blankinship is so happy that I'm calling you
2571 down as opposed to him. Mr. Strickler, quick question. When your enforcers are
2572 out on patrol for anything that you may be out for, if they rode by and saw a sign
2573 that wasn't in compliance, would they stop and check?

2574
2575 Mr. Strickler - I think it's going to depend on the circumstance. If
2576 there was a sign that was clearly blocking the sight distance, they're likely going
2577 to take note of that, take a picture of it, and bring it back so that we could take a
2578 look at it. Otherwise, they're not going to necessarily know whether a sign has a
2579 permit or not as they're driving down the street.

2580
2581 Mr. Branin - Mr. Leabough had a specific question in regards to
2582 traffic safety, and therefore if you guys were out other than complaint-based, if
2583 you saw something that was an obstruction in sight view driving.

2584

2585 Mr. Strickler - They would take note of that and would bring that
2586 forward.
2587
2588 Mr. Branin - And how many do you have on your staff?
2589
2590 Mr. Strickler - We have ten inspectors in the field.
2591
2592 Mr. Branin - Okay. Thank you, sir.
2593
2594 Mr. Leabough - They do all signs?
2595
2596 Mr. Strickler - They do many things. They do tall grass, trash and
2597 debris, inoperable vehicles—any kind of existing zoning violations.
2598
2599 Mr. Branin - Violations of PODs and so forth.
2600
2601 Mr. Witte - Okay.
2602
2603 Mr. Branin - They are our police.
2604
2605 Mr. Leabough - I understand. I just want to mention that I understand
2606 the staff limitations and the administration requirements around requiring a permit
2607 for every single sign. But I just wanted to throw out that at least with the permit
2608 process we at least knew a sign was going to be installed. Without it—I guess
2609 either way people aren't getting a permit.
2610
2611 Mr. Branin - Actually, do we know that they installed the sign
2612 properly? Once they came in and they filed for a permit and paid for the permit,
2613 unless there was a complaint we wouldn't be out policing because we don't have
2614 the people to inspect the installment of the signs.
2615
2616 Mr. Leabough - So it's just an administrative process.
2617
2618 Mr. Witte - And statewide there's an issue with enforcement, I
2619 think, because all localities are handcuffed by the state code.
2620
2621 Mr. Branin - Correct.
2622
2623 Mr. Witte - So you have to send out the notice. You have to give
2624 them 30 days to comply. And in most cases they're gone—especially political
2625 signs—before you could do anything.
2626
2627 Mr. Emerson - Right.
2628
2629 Mr. Branin - Those magic 28 days. Thank you, sir.
2630

2631 Mr. Strickler - You're welcome.
2632
2633 Mr. Branin - All right. I'll entertain a motion.
2634
2635 Mrs. Jones - I will make a motion. I would recommend that we
2636 send the wording compiled by staff to the Board of Supervisors with a
2637 recommendation for approval of the changes to the ordinance concerning non-
2638 commercial signs.
2639
2640 Mr. Branin - Motion made.
2641
2642 Mr. Archer - I'll second.
2643
2644 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr. Archer.
2645 All in favor say aye. All opposed say no. The ayes have it; the motion carries to
2646 the Board.
2647
2648 Mr. Emerson - Mr. Chairman, that now takes you to the next item on
2649 your agenda, which is the consideration of your Planning Commission minutes
2650 from June 14th. You also have an errata sheet that indicates the changes that
2651 you have provided. So those corrections have been made to the minutes.
2652
2653 Mr. Branin - Everybody has been called for the errata sheet. Does
2654 anybody have any additional changes? None?
2655
2656 Mrs. Jones - I move the minutes be approved as corrected.
2657
2658 Mr. Leabough - Second.
2659
2660 Mr. Branin - Motion by Mrs. Jones, seconded by Mr. Leabough. All
2661 in favor say aye. All opposed say no. The ayes have it; the motion carries.
2662
2663 I'll entertain a motion for closure.
2664
2665 Mr. Leabough - So moved.
2666
2667 Mr. Witte - I'll second.
2668
2669 The meeting adjourned at 9:31 p.m.
2670
2671
2672
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2674
2675
2676



Mr. R. Joseph Emerson, Secretary

2677
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2683



Mr. Tommy Branin, Chairman