

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. June 15,
4 2017. Display Notice having been published in the *Richmond Times-Dispatch* on
5 May 29, 2017 and June 5, 2017.
6

Members Present: Mr. Eric Leabough, C.P.C., Chair (Varina)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Gregory R. Baka (Tuckahoe)
Mrs. Sandra M. Marshall (Three Chopt)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mr. Tyrone E. Nelson (Varina)
Board of Supervisors' Representative

Member Absent: Mr. Robert H. Witte, Jr., Vice Chair (Brookland)

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Mr. Andrew Newby, Assistant County Attorney
Mr. Benjamin Sehl, County Planner
Mrs. Lisa Blankinship, County Planner
Ms. Erin Puckett, County Planner
Ms. Kristin Smith, County Planner
Ms. Sylvia Ray, Recording Secretary

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8 **Mr. Tyrone E. Nelson, the Board of Supervisors' representative, abstains on**
9 **all cases unless otherwise noted.**

10
11 Mr. Leabough - I'd like to call this meeting of the Henrico County
12 Planning Commission to order. This is our June 15th Rezoning and PUP
13 meeting. Thank you all for being here tonight. As you mute or silence your cell
14 phones, I ask that you stand with us for the Pledge of Allegiance.
15

16 Unfortunately, Mr. Witte is not able to be here with us tonight, but we do have a
17 quorum and can conduct business.
18

19 Is there anyone in the audience with the media? I don't believe so.
20

21 All right. With that I'd like to turn the agenda over to our Secretary, Mr. Joe
22 Emerson.
23

24 Mr. Emerson - Thank you, Mr. Chairman. The first item on your
25 agenda this evening are the requests for withdrawals and deferrals. Those will be
26 presented by Mr. Jim Strauss.
27

28 Mr. Strauss - Thank you, Mr. Secretary. Good evening, members of
29 the Commission. We do have one request for withdrawal this evening, and it's in
30 the Three Chopt District. It's on page 2 of this evening's agenda. That would be
31 REZ2017-00003. The applicant has withdrawn this case. No action is required by
32 the Commission this evening.

33
34 *(Deferred from the April 11, 2017 Meeting)*

35 **REZ2017-00003 G. Brian Duke for 12600 Bacova, LLC:** Request to
36 conditionally rezone from A-1 Agricultural District to R-5C General Residence
37 District (Conditional) and O-2C Office District (Conditional) Parcel 734-767-2531
38 containing 40 acres located on the west line of N. Gayton Road and the north line
39 of Bacova Drive approximately 200 feet from their intersection. The applicant
40 proposes a residential townhouse and office development. The uses will be
41 controlled by zoning ordinance regulations and proffered conditions. The 2026
42 Comprehensive Plan recommends Office and Environmental Protection Area.

43
44 Mr. Leabough - Thank you, sir.

45
46 At the request of the applicant, case REZ2017-00003, G. Brian Duke for 12600
47 Bacova, LLC, has been withdrawn.

48
49 Mr. Strauss - That will take us to the deferrals for this evening. We
50 have four requests for deferral. The first request is in the Varina District and is on
51 page 1 of your agenda. That's REZ2017-00015, JG Laburnum, LLC and Robins
52 Laburnum, LLC. The applicant is requesting deferral to the August 10, 2017
53 meeting.

54
55 **REZ2017-00015 Andrew M. Condlin for JG Laburnum, LLC and**
56 **Robins Laburnum, LLC:** Request to conditionally rezone from B-2C Business
57 District (Conditional) and B-3C Business District (Conditional) to B-3C Business
58 District (Conditional) Parcel 817-711-0712 and part of Parcels 817-711-0454 and
59 816-711-8151 containing 3.31 acres located approximately 290 feet south of
60 Eubank Road approximately 270 feet east of its intersection with S. Laburnum
61 Avenue. The applicant proposes an automotive body and paint shop. The use
62 will be controlled by zoning ordinance regulations and proffered conditions. The
63 2026 Comprehensive Plan recommends Office and Commercial Concentration.
64 The site is in the Airport Safety Overlay District.

65
66 Mr. Leabough - Is there anyone in the audience who is opposed to the
67 deferral request for REZ2017-00015, Andrew Mr. Condlin for JG Laburnum, LLC
68 and Robins Laburnum, LLC? I see no opposition. So with that I move that
69 REZ2017-00015, JG Laburnum, LLC and Robins Laburnum, LLC, be deferred at
70 the request of the applicant to the August 10th meeting.

71
72 Mr. Baka - Second.

73

74 Mr. Leabough - We have a motion by Mr. Leabough, a second by
75 Mr. Baka. All in favor say aye. Those opposed say no. Hearing no opposition,
76 that motion passes.

77
78 At the request of the applicant, the Planning Commission deferred REZ2017-
79 00015, Andrew Mr. Condlin for JG Laburnum, LLC and Robins Laburnum, LLC,
80 to its August 10, 2017 meeting.

81
82 Mr. Strauss - The next three requests for deferral are all in the
83 Three Chopt District. The first is on page 2 of your agenda, REZ2017-00010, MS
84 Richmond Investors, LLC. The applicant is requesting deferral to the July 13,
85 2017 meeting.

86
87 **REZ2017-00010 Adena Patterson or Ann Neil Cosby for MS**
88 **Richmond Investors LLC:** Request to conditionally rezone from A-1
89 Agricultural District to R-5AC General Residence District (Conditional) Parcels
90 744-763-8661, 744-763-9175, 745-763-2013, 745-763-2727, 745-763-3440, 745-
91 763-4567, 745-763-5481, 745-763-6093 and 745-764-0618 containing 18.580
92 acres located between the east line of Belfast Road and the west line of Glasgow
93 Road at its intersection with Ireland Road. The applicant proposes a zero lot line
94 development with detached homes. The R-5A District allows a maximum density
95 of six (6) units per acre. The use will be controlled by zoning ordinance
96 regulations and proffered conditions. The 2026 Comprehensive Plan
97 recommends Traditional Neighborhood Development.

98
99 Mr. Leabough - Is there anyone in the audience in opposition to the
100 deferral request for REZ2017-00010, Adena Patterson or Ann Neil Cosby for MS
101 Richmond Investors LLC? I see no opposition, Mrs. Marshall.

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103 Mrs. Marshall - Mr. Chairman, I move that REZ2017-00010, MS
104 Richmond Investors LLC, be deferred to the July 13, 2017 meeting, at the
105 request of the applicant.

106
107 Mr. Archer - Second.

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109 Mr. Leabough - We have a motion by Mrs. Marshall, a second by
110 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;
111 that motion passes.

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113 At the request of the applicant, the Planning Commission deferred REZ2017-
114 00010, Adena Patterson or Ann Neil Cosby for MS Richmond Investors LLC, to
115 its July 13, 2017 meeting.

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117 Mr. Strauss - Also in the Three Chopt District is the deferral
118 requested by the applicant on page 2 of your agenda, REZ2017-00011, MS
119 Richmond. Again, they're requesting a deferral to the July 13, 2017 meeting.

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REZ2017-00011 Adena Patterson or Ann Neil Cosby for MS Richmond Investors LLC: Request to conditionally rezone from A-1 Agricultural District and R-3C One-Family Residence District to R-5AC General Residence District (Conditional) Parcels 744-762-4780, 744-762-5294, 744-762-9757, and 745-762-0472 containing 8.264 acres located between the east line of Belfast Road and the west line of Glasgow Road approximately 155' north of Edinburgh Road. The applicant proposes a zero lot line development with detached homes. The R-5A District allows a maximum density of six (6) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development.

Mr. Leabough - Is there anyone in the audience in opposition to the deferral request for REZ2017-00011, Adena Patterson or Ann Neil Cosby for MS Richmond Investors LLC? I see no opposition, Mrs. Marshall.

Mrs. Marshall - Mr. Chairman, I move that REZ2017-00011, MS Richmond Investors LLC, be deferred to the July 13, 2017 meeting, at the request of the applicant.

Mr. Archer - Second.

Mr. Leabough - We have a motion by Mrs. Marshall, second by Mr. Archer. All in favor say aye. Those opposed say no. Hearing no opposition, that motion passes.

Mr. Strauss - The third request for deferral this evening in the Three Chopt District is on page 3 of the agenda, PUP2017-00013, Joe Oley. The applicant is requesting deferral to the July 13th meeting.

PUP2017-00013 Joe Oley: Request to amend Conditions 6(a) and 6(b) approved with Provisional Use Permit PUP2016-00006 on part of Parcel 755-744-0869 located at the northwest intersection of Three Chopt and Eastridge Roads. The applicant proposes to extend the farmers' market season from one day a week between August and December to one day a week year round and extend the hours of operation from 3:00 p.m. to dusk, to the hours of dawn to dusk. The existing zoning is B-3C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial. The site is located in the Enterprise Zone.

Mr. Leabough - Is there anyone in the audience in opposition to the deferral request for PUP2017-00013, Joe Oley? I see no opposition, Mrs. Marshall.

Mrs. Marshall - Mr. Chairman, I move that PUP2017-00013, Joe Oley, be deferred to the July 13, 2017 meeting at the request of the applicant.

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Mr. Baka - Second.

Mr. Leabough - We have a motion by Mrs. Marshall, a second by Mr. Baka. All in favor say aye. Those opposed say no. Hearing no opposition, that motion passes.

At the request of the applicant, the Planning Commission deferred PUP2017-00013, Joe Oley, to its meeting on July 13, 2017.

Mr. Emerson - Mr. Chairman, that completes the withdrawals and deferrals for the evening unless the Commission has additional deferrals they would like to enter. If there are none, the next item would be the requests for expedited items. Those will also be presented by Mr. Jim Strauss.

Mr. Strauss - Thank you, Mr. Secretary. We have two requests for approval on the expedited agenda this evening. The first is in the Varina District on page 1 of your agenda. It is PUP2017-00014, Excel to Excellence Incorporated. This is a request for a provisional use permit to develop an academic and athletic club for students. The applicant's in agreement with staff's recommendations, and we are not aware of any opposition.

PUP2017-00014 Ann Neil Cosby, Rob Benaicha, Adena Patterson for Excel to Excellence, Inc: Request for a Provisional Use Permit under Section 24-51.1(a), 24-120, and 24-122.1 of Chapter 24 of the County Code to allow an academic and athletic club for students on part of Parcel 809-697-9643 located at the northwest intersection of Library Road and S. Laburnum Avenue. The existing zoning is A-1 Agricultural District. The 2026 Comprehensive Plan recommends Government.

Mr. Leabough - Okay. Is there anyone in the audience in opposition to PUP2017-00014, Ann Neil Cosby, Rob Benaicha, Adena Patterson for Excel to Excellence, Inc.? Seeing no opposition, I move that PUP2017-00014, Excel to Excellence, Inc., be approved on the expedited agenda subject to conditions 1 through 3 as noted in the staff report.

Mrs. Marshall - Second.

Mr. Leabough - We have a motion by Mr. Leabough, a second by Mrs. Marshall. All in favor say aye. Those opposed say no. Hearing no opposition, that motion passes.

REASON - Acting on a motion by Mr. Leabough seconded by Mrs. Marshall, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors grant the request because it would

211 provide added services to the community and would not be expected to
212 adversely affect public safety, health or general welfare.

213

214 Mr. Strauss - The next request for approval on the expedited
215 agenda this evening is on page 3 of the agenda. It's in the Tuckahoe District,
216 PUP2017-00012, Mika and Henna Elovaara. This case was presented at your
217 last meeting, it was recommended for approval. It was deferred only to allow it to
218 coincide with a related procedural item going to the Board of Supervisors on July
219 11th. The applicant is in agreement with staff's recommendations and we're not
220 aware of any opposition.

221

222 **(Deferred from the May 11, 2017 Meeting)**

223 **PUP2017-00012 George W. Gray, III for Mika and Henna Elovaara:**
224 Request for a Provisional Use Permit under Section 24-12.1(e), 24-120, and 24-
225 122.1 of Chapter 24 of the County Code to allow a front porch to extend no more
226 than 8' into the front yard setback on Parcel 761-746-9054 located on the west
227 line of Rockwood Road approximately 160' north of its intersection with Tallwood
228 Road. The existing zoning is R-3 One-Family Residence District. The 2026
229 Comprehensive Plan recommends Suburban Residential 2, density should not
230 exceed 3.4 units per acre.

231

232 Mr. Leabough - Is there anyone in the audience in opposition to
233 PUP2017-00012, Mika and Henna Elovaara? I see no opposition.

234

235 Mr. Baka - Mr. Chairman, before I make a motion, I just want to
236 take a minute and thank the applicant for their time invested in this case. This
237 case actually began at the Board of Zoning Appeals about two years ago. At the
238 time—and I was partly responsible for that—the Board of Zoning Appeals voted
239 down the variance saying that it did not meet the criteria of the state code
240 because it was of a recurring nature and this situation existed on other lots. So I
241 just wanted to thank the applicant for their patience, and I believe this is the right
242 remedy for it, a legislative remedy. The BZA then suggested, along with my
243 colleagues on the BZA a legislative remedy that the Board amend the code. And
244 we're thankful to Rev. Nelson and the other members of the Board for that
245 legislative change.

246

247 So Mr. Chairman. I would move that PUP2017-00012, George W. Gray, III for
248 Mika and Henna Elovaara, be forwarded to the Board of Supervisors with a
249 recommendation of approval on the expedited agenda with the conditions in the
250 staff report.

251

252 Mr. Archer - Second.

253

254 Mr. Leabough - We have a motion by Mr. Baka, a second by
255 Mr. Archer. All in favor say aye. Those opposed say no. Hearing no opposition,
256 that motion passes.

257

258 **REASON -** Acting on a motion by Mr. Baka seconded by Mr.
259 Archer, the Planning Commission voted 4-0 (one absent, one abstention) to
260 recommend the Board of Supervisors **grant** the request because it would not be
261 expected to adversely affect public safety, health or general welfare.

262

263 Mr. Emerson - Mr. Chairman, that completes the expedited items for
264 the evening, and we now move into your regular agenda at the top of page 2.
265 This is REZ2017-00016, Andrew M. Condlin for GMB Trading, LLC. The staff
266 report will be presented by Mr. Ben Sehl.

267

268 **REZ2017-00016 Andrew M. Condlin for GMB Trading, LLC:**
269 Request to conditionally rezone from O-1 Office District to B-1C Business District
270 (Conditional) Parcel 784-752-5293 containing .644 acres located at the northwest
271 intersection of Brook Road (U.S. Route 1) and Ridge Road. The applicant
272 proposes retail uses. The uses will be controlled by zoning ordinance regulations
273 and proffered conditions. The 2026 Comprehensive Plan recommends Office.
274 The site is in the Enterprise Zone.

275

276 Mr. Leabough - Is there anyone present in the audience in opposition
277 to REZ2017-00016, GMB Trading, LLC? We have opposition. All right, thank
278 you, sir. We'll get with you in a moment. Mr. Sehl.

279

280 Mr. Sehl - Thank you, Mr. Chairman.

281

282 The applicant is requesting to rezone the subject property from O-1 Office District
283 to B-1C Business District to allow the development of a small retail center. The
284 property is bounded by Brook Road to the east, Ridge Road to the south, and the
285 Stuart Ridge neighborhood to the west. To the north are additional Office-zoned
286 properties previously developed for residential uses.

287

288 This area of Brook Road is characterized by properties zoned for non-residential
289 uses, including a number of properties zoned B-1 immediately south of the site.
290 The requested zoning would continue this pattern and would allow a similar level
291 of intensity to adjacent development.

292

293 The applicant has submitted revised proffers that have been distributed to you
294 this evening. They have been revised to address certain issues raised at the
295 community meeting held on June 8th, including additional limitations on the hours
296 of operation. In addition, the applicant has proffered this conceptual plan, as well
297 as this landscaping plan that shows areas of parking, a proffered sidewalk along
298 Brook Road and Ridge Road, as well as a landscaping equivalent to the West
299 Broad Street Overlay District along Brook Road.

300

301 They have also proffered architectural elevations, as shown here. I would note
302 that these have been slightly revised since your staff report. They really just

303 flipped the building to match the conceptual plan. That's the only change with
304 those. They've also proffered a screening wall at the rear of the site that would
305 be six feet in height and masonry in nature, as well as limiting signage on the site
306 to six feet in height.

307

308 While not fully consistent with the site's Office designation on the 2026 Plan, the
309 proposed development would be consistent with other uses in the area, and with
310 the proposed proffers would not be anticipated to increase the level of impacts on
311 adjacent properties further than already permitted by the site's Office zoning. The
312 revised proffers generally address the concerns of residents raised at the
313 community meeting, including a commitment to attempt to limit right turns from
314 the site onto Ridge Road in this location. For these reasons, staff can support
315 this request.

316

317 I'll be happy to answer any questions you might have.

318

319 Mr. Leabough - Are there any questions from the Commission for
320 Mr. Sehl? Mr. Archer, how would you like to proceed?

321

322 Mr. Archer - I'd like to hear from the opposition, if you would,
323 Mr. Chairman.

324

325 Mr. Leabough - Would the opposition please approach the podium?
326 As you do so, I'll ask Mr. Emerson to please share our guidelines for speaking at
327 our public hearings.

328

329 Mr. Emerson - Yes sir, Mr. Chairman. As you noted, the Commission
330 does have guidelines regarding the conduct of their public hearings, and they are
331 as follows: The applicant is allowed ten minutes to present the request, and time
332 may be reserved for responses to testimony. Opposition is allowed a cumulative
333 ten minutes to present its concerns, meaning if you have more than one
334 individual who wishes to speak, everyone should fit into those ten minutes.
335 Commission questions do not count into the time limits. The Commission may
336 waive the limits for either party at its discretion. Comments must be directly
337 related to the case under consideration.

338

339 Mr. Leabough - Good evening, sir.

340

341 Mr. Childress - How you doing? My name is James Childress. I've
342 resided for 45 years at 7503 Wentworth Avenue, which is located right behind the
343 area they're talking about building this place.

344

345 In this area right here alone we have an extreme amount of retail stores that are
346 not rented; they're vacant. At the mall up the street there where Martin's is
347 located, there are over 12 or 14 retail stores up there that just sit there. They're
348 vacant. Across the street you have a 7-Eleven that's been sitting there for over,

349 I'd say, a year. If you go north on Brook Road, you have a lot of retail up there,
350 same way. It's not rented. I don't see where we need any more retail stores.

351

352 That's about all I have to say.

353

354 Mr. Leabough - All right. Thank you, sir. Would the applicant please
355 come forward?

356

357 Mr. Archer - Mr. Condlin, you noticed most of us up here stayed
358 silent, so I guess we're concluding that we'll let you answer that question.

359

360 Mr. Condlin - I figured as such. Mr. Archer, members of the
361 Commission, Andy Condlin here on behalf of GMB Development.

362

363 This request really does fit within the pattern of development along Brook Road
364 with a lot of retail and restaurant uses. But of course the zoning that we're asking
365 for also allows for office use. My client wants to be able to put in his office, but
366 have flexibility and not limit it just to office, to be able to build a new building—
367 which I think that's one of the reasons you see a lot of vacant retail space in this
368 area, it's dated. A lot of new businesses aren't moving in because the buildings
369 and structures are so dated and aren't accommodating for current retail facilities.

370

371 This is a B-1. It's a neighborhood business. It's appropriate for business. I would
372 point out that I believe in this area right off of Wilkinson Road was recently zoned
373 B-2 for an O'Reilly's Auto Parts. I think the POD has gone before the Planning
374 Commission already. We followed that case, as well as a prior case on this site
375 that went through the Planning Commission, got approved, and was withdrawn
376 before it got approved through the Board of Supervisors. We followed those,
377 including the six-foot brick wall.

378

379 Right now it's zoned Office without conditions. We're limiting it to the one story.
380 As you can see, a 16-foot-tall building up to the very top, which included the
381 parapet wall to hide the HVAC. So it really should not have any impact any
382 greater, certainly, than an O-1. And we've tried to limit that impact by increasing
383 and enhancing the landscaping and putting the six-foot masonry wall in the rear.
384 Staff has asked us to—and I thought it was a good idea—move the building to
385 this corner in order for planting purposes, but also our access point has to come
386 into this point because we're not allowed to have an access on Brook Road, and
387 we need to get as far away from Brook Road as possible.

388

389 Neighbors were concerned about cut-throughs on Ridge Road. We agreed to at
390 least put a sign up that says, "No Right Turn." It's not necessarily enforceable,
391 and we told the neighbors that. But we've tried to accommodate everything that
392 we could with the landscaping, with the elevations, and with the uses. We believe
393 that it is appropriate.

394

395 We do understand the neighbors, that it's residential behind us. But Brook Road
396 is calling for business, B-1 and B-2, up and down Brook Road as well. Being in
397 an Enterprise Zone, we thought this was an appropriate use, and with more
398 modern facilities be able to have—and we have some commitments from some
399 folks that we want to be able to bring in here. But certainly the owner wants to
400 build their office and move their office location here and have the flexibility for
401 some retail and service uses as well as office uses.

402

403 With that, I'll be happy to answer any questions.

404

405 Mr. Leabough - Any questions for Mr. Condlin?

406

407 Mr. Baka - You said commitments from other business to come
408 there. Can you elaborate at all?

409

410 Mr. Condlin - No sir.

411

412 Mr. Baka - Okay.

413

414 Mr. Condlin - As you know, we're still a year and a half away. This
415 is only just over 6,000 square feet—a 6,300-square-foot building. We're
416 anticipating three bays, maybe four bays, and one of those is already occupied
417 by the office. Others would be appropriate for a small center like this. That's
418 really what we're looking for.

419

420 Mr. Leabough - Any other questions for Mr. Condlin?

421

422 Mr. Archer - I don't have any, Mr. Chair.

423

424 Mr. Leabough - Thank you, sir.

425

426 Mr. Condlin - All right.

427

428 Mr. Leabough - Mr. Archer, how would you like to proceed, sir?

429

430 Mr. Archer - I'd just like to say a few things. We met with the
431 neighborhood. I believe it was on the eighth, a week ago today. There were
432 questions that came in from the audience, and some of the proffers that
433 Mr. Condlin has revised and reissued address those concerns that we heard. I
434 can understand very clearly Mr. Childress's concern about space that is not
435 occupied. I also understand and am somewhat enlightened by Mr. Condlin
436 saying that those buildings that are there are not modern and supposedly not the
437 kind of thing that people want to move into.

438

439 Some 15, 16 years ago we formed a Brook Road Revitalization Study Area.
440 Since that time, we have very carefully watched what has gone on in that area

441 and tried to make sure that the revitalization was up to what new standards are. I
442 think we've done pretty well.

443

444 I don't believe that we are able to recommend a denial on a determination of
445 unused space. And this is a relatively small site being only .644 acres. So my
446 recommendation would be to send this along to the Board with a
447 recommendation for approval. Mr. Childress and anyone else who is opposed to
448 this can come to that Supervisors' meeting. What we make here tonight is a
449 recommendation; the Board has the final approval on this. They may see it your
450 way. If so, you could be there to express your feelings. But for now, I move that
451 this go along to the Board with a recommendation for approval.

452

453 Mr. Baka - Second.

454

455 Mr. Leabough - We have a motion by Mr. Archer, a second by
456 Mr. Baka. All in favor say aye. Those opposed say no. Hearing no opposition,
457 that motion passes.

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459 **REASON -** Acting on a motion by Mr. Archer seconded by Mr.
460 Baka, the Planning Commission voted 4-0 (one absent, one abstention) to
461 recommend the Board of Supervisors grant the request because it continues a
462 form of zoning consistent with the area and the proffered conditions will provide
463 appropriate quality assurances not otherwise available.

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465 Mr. Archer - Excuse me, Mr. Secretary. What is the date of that
466 Board meeting?

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468 Mr. Emerson - The date of the July Board meeting would be the
469 eleventh.

470

471 Mr. Archer - The 11th of July, Mr. Childress. They'll meet here.

472

473 Mr. Emerson - Mr. Chairman, we now move on to the next item on
474 your agenda, which appears on page 3. It is Resolution PCR-3-17. This is a
475 Resolution to consider amendments to the Zoning Ordinance and Subdivision
476 Ordinances to implement action of the 2017 General Assembly. Mr. Andrew
477 Newby, one of the County attorneys, is present to present this item to you and
478 explain to you the need as to why we should amend the ordinance or have
479 necessity to amend the ordinance. After his presentation, we would request that
480 you adopt PCR-3-17,

481

482 **RESOLUTION PCR-3-17:** The Planning Commission will consider a Resolution
483 to Initiate Consideration of Amendments to the Zoning Ordinance and
484 Subdivision Ordinances to Implement Actions of the 2017 General Assembly.

485

486 Mr. Newby - Thank you, Mr. Emerson, Mr. Chairman, members of
487 the Commission.

488
489 As Mr. Emerson alluded to, what you have before you tonight is what we call an
490 initiating resolution that would direct the Planning Department to study some
491 changes to our Zoning Ordinance and Subdivision Ordinance that we believe in
492 my office are required by legislation enacted by the General Assembly this year
493 in 2017.

494
495 The amendments deal with the extension of certain approvals for plans of
496 development and subdivision plats. An extension would go to July 1, 2020. As
497 some of you will recall, this is not the first time the General Assembly has done
498 an extension of this nature. Many of you went through this exercise back in 2012
499 when the General Assembly extended the approvals to 2017. Well that time has
500 run, so they've extended it again to 2020.

501
502 Our Zoning Ordinance and Subdivision Ordinance track the language of state
503 code as far as those extensions. So what we'd like to do is study amendments to
504 our County code to match up with state code. It truly is a housekeeping measure
505 in that regard. Our office's advice to you would be that they are required
506 amendments.

507
508 Nevertheless, what we would do with this resolution is get staff to draft up that
509 ordinance, come back to you with a public hearing for you to consider that
510 ordinance on July 13th. It would be an advertised public hearing. Should you
511 recommend the ordinance at that meeting, we anticipate bringing the ordinance
512 to the Board of Supervisors in August. In addition, staff is going to hold a work
513 session with the Board of Supervisors on June 27th to discuss this and other
514 amendments that we believe are required with the County code because of 2017
515 General Assembly state legislation.

516
517 I'd be happy to answer any questions you have at this time.

518
519 Mr. Leabough - Are there any questions from the Commission? Thank
520 you, sir.

521
522 Mr. Newby - Thank you.

523
524 Mr. Leabough - Mr. Emerson, do we need to read this into the record
525 or would a motion just approving the resolution be enough?

526
527 Mr. Emerson - I think a motion just approving PCR-3-17 would
528 suffice, Mr. Chairman.

529
530 Mr. Leabough - Okay. Would any Commissioner like to make a
531 motion?

532

533 Mr. Archer - Mr. Chairman, I move that Resolution PCR-3-17 be
534 approved.

535

536 Mrs. Marshall - Second.

537

538 Mr. Leabough - We have a motion by Mr. Archer, a second by
539 Mrs. Marshall. All in favor say aye. Those opposed say no. Hearing no
540 opposition, that motion passes.

541

542 Mr. Emerson - Thank you, Mr. Chairman. We now move on to your
543 next item, which is the consideration of the approval of your minutes from your
544 May 11, 2017 meeting. We have no errata sheet tonight, but of course we'll
545 entertain any changes or error corrections or anything you may have in regards
546 to those minutes.

547

548 Mr. Leabough - Any corrections to the minutes? If not, I move that the
549 minutes be approved.

550

551 Mr. Archer - Second.

552

553 Mr. Leabough - We have a motion by Mr. Leabough, a second by
554 Mr. Archer. All in favor say aye. Those opposed say no. That motion passes.

555

556 Just for the record, I think I made a motion earlier for approval of a PUP. I
557 intended to say to move it on to the Board of Supervisors for approval. So just for
558 the record I'd like to correct that. Just got a little bit excited about a Varina case,
559 that's all.

560

561 Mr. Emerson - That's a case to be excited about.

562

563 Mr. Leabough - Yes, it's the best district in the County.

564

565 Mr. Emerson - Mr. Chairman, I have two other items I'd like to share
566 with you this evening. One is I'd like to introduce a new member of our staff,
567 Kristin Smith. Kristin, if you'd stand up. She has come over to our office from the
568 Permit Center. She is filling the position previously held by Mr. Billy Moffett, who
569 you saw on several occasions. She has her master's degree in Urban Planning
570 from Virginia Commonwealth University. She started on May 30th. We're very
571 excited to have her over on our side of the office. We'll call it the good side
572 versus the dark side. I wanted to make sure that all of you were aware that she is
573 with us and get a chance to meet her so when you see her you'll know who
574 you're dealing with.

575


576 Mr. Leabough - Thank you. Welcome.

577

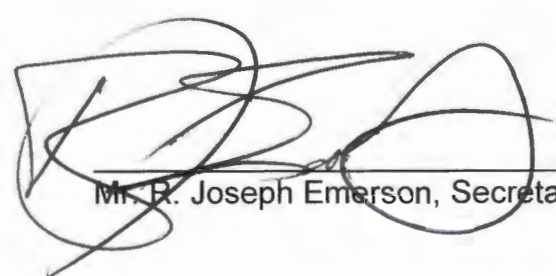
578 Mr. Archer - Welcome.
579
580 Mr. Archer - Ma'am, we always applaud new people because
581 that'll probably be the last applause you'll ever hear.
582
583 Mr. Leabough - Especially a VCU grad. I think we met during the—
584
585 Ms. Smith - [Off microphone] Last weekend.
586
587 Mr. Leabough - The kickoff for the Route 5 study. Thank you for being
588 there. I'd like to also extend a thanks to staff for doing a great job during that
589 meeting. I think it went well. I think we had almost 100 people show up?
590
591 Mr. Emerson - I believe over a hundred. Was it 110? I think that's
592 very successful.
593
594 Mr. Leabough - Oh yes, oh yes. So thank you all for all of the great
595 work you do. You don't hear "thank you" enough, but you heard "welcome" and
596 "thank you" tonight.
597
598 Ms. Smith - [Off microphone] Well I appreciate that. Thank you.
599
600 Mr. Leabough - All right. Anything else?
601
602 Mr. Archer - Mr. Chairman, could I make an announcement?
603
604 Mr. Emerson - Yes sir, go ahead.
605
606 Mr. Archer - As of today, I have sold my business. So don't call my
607 office anymore because you won't get me. But I will give you an alternate number
608 to use, if you need it. That number is my cell number. And notice I said, "Call me
609 if you need me." Don't call me indiscriminately. But I did want you to know that.
610
611 Mr. Emerson - Mr. Chairman, I did have one other item to bring to
612 your attention. I'm happy to be able to do this tonight. A lot of times I don't get the
613 opportunity to recognize staff. We have a member of our staff and an esteemed
614 colleague that has an anniversary on the 19th of this month. I normally don't
615 have this opportunity, but I'll be out next week, and I wanted to bring to your
616 attention and present this letter from the County Manager to Ms. Jean Moore for
617 her 15 years of service to the County.
618
619 Mr. Leabough - So she started when she was 15.
620
621 Mr. Emerson - She did.
622

623 Mr. Archer - Now that's the second applause she heard. The first
624 one was 15 years ago.
625
626 Mr. Emerson - She had to wait 15 years in order to get that, yes.
627
628 Mr. Leabough - Congrats.
629
630 Ms. Moore - [Off microphone] Thank you.
631
632 Mr. Emerson - Mr. Chairman, I have nothing further this evening.
633
634 Mr. Leabough - Anyone else have anything. Just for Mr. Witte, who is
635 not with us, let's make sure that we take note of the time. With that, I'll entertain a
636 motion for adjournment.
637
638 Mr. Baka - So moved.
639
640 Mr. Archer - Second.
641
642 Mr. Leabough - We have a motion by Mr. Baka, second by
643 Mr. Archer. We're adjourned.

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Mr. Eric S. Leabough, C.P.C., Chairman



Mr. R. Joseph Emerson, Secretary

