

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 Springs Roads, beginning at 7:00 p.m. Thursday,
4 May 14, 2009. Display Notice having been published in the Richmond Times-
5 Dispatch on April 23, 2009 and April 30, 2009.

6
Members Present: Mrs. Bonnie-Leigh Jones, Chairperson (Tuckahoe)
Mr. Ernest B. Vanarsdall, C.P.C., Vice Chairman
(Brookland)
Mr. E. Ray Jernigan, C.P.C., (Varina)
Mr. Tommy Branin, (Three Chopt)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. James B. Donati (Varina)
Board of Supervisors Representative
Mr. R. Joseph Emerson, Jr., Director of Planning,
Secretary

Also Present: Ms. Jean Moore, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Ms. Jamie Sherry, County Planner
Ms. Lisa Taylor, County Planner
Ms. Kim Vann, Police Division
Ms. Sylvia Ray, Recording Secretary

7
8 **Mr. James B. Donati, the Board of Supervisors' representative, abstains on**
9 **all cases unless otherwise noted.**

10
11 Mrs. Jones - I'd like to call this meeting to order, and ask that you
12 stand for the Pledge of Allegiance to the Flag.

13
14 Thank you. I'd like to welcome everyone to the May 14, 2009 rezoning meeting
15 for the Henrico County Planning Commission. I would ask that you mute or turn
16 off your cell phones, please, as a courtesy to others. I'd like to welcome Mr.
17 Donati, who is sitting with us this year representing the Board of Supervisors.
18 With that—it's a fairly shortly agenda—I will turn our meeting over to our
19 secretary, Mr. Emerson.

20
21 Mr. Emerson - Thank you, Madam Chairperson. Our first item on the
22 agenda would be the requests for withdrawals and deferrals. Those will be
23 presented by Mr. Jim Strauss.

24
25 Mr. Strauss - Thank you and good evening. Staff is aware of no
26 withdrawals this evening. We are aware of one deferral, which is in the Three
27 Chopt District. It is on page 1 of your agenda, case C-8C-09, CP Other Realty,
28 LLC, for a carwash. The applicant is requesting deferral to the June 11, 2009
29 meeting.

30

31 **Deferred from the April 9, 2009 Meeting**

32 **C-8C-09 James W. Theobald for CP Other Realty, LLC:**
33 Request to conditionally rezone from B-2C Business District (Conditional) to B-
34 3C Business District (Conditional), part of Parcel 735-763-7898, containing
35 approximately 1.680 acres, located on the north line of West Broad Street (U. S.
36 Route 250) approximately 1,650 feet east of N. Gayton Road. The applicant
37 proposes a car wash. The use will be controlled by zoning ordinance regulations
38 and proffered conditions. The Land Use Plan recommends Mixed Use. The site
39 is in the West Broad Street Overlay District.

40

41 Mrs. Jones - Is there anyone in the audience who objects to the
42 deferral of C-8C-09, James W. Theobald for CP Other Realty, LLC?

43

44 Mr. Vanarsdall - When is the deferral for?

45

46 Mr. Branin - Until June 11th.

47

48 Mrs. Jones - Mr. Branin, there are no objections.

49

50 Mr. Branin - Okay. Madam Chair, I'd like to move that C-8C-09,
51 James W. Theobald for CP Other Realty, LLC, be deferred to the June 11, 2009
52 meeting, per the applicant's request.

53

54 Mr. Vanarsdall - Second.

55

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

58

59 At the request of the applicant, the Planning Commission deferred C-8C-09,
60 James W. Theobald for CP Other Realty, LLC, to its meeting on June 11, 2009.

61

62 Mr. Emerson - Madam Chairman, that takes us to the next item on
63 the agenda, which is requests for expedited items. There are none tonight.
64 There is one case on the agenda tonight to be heard.

65

66 **C-10C-09 Kim Jones for Magnolia Pointe Owners**
67 **Association:** Request to amend proffered conditions accepted with Rezoning
68 Case C-66C-00, on Parcels 782-767-7523, 782-767-4906 and 782-766-0597,
69 located at the southeast intersection of Virginia Center Parkway and Francis Road
70 (Magnolia Pointe). The applicant proposes to amend Proffer 9 related to required
71 fencing along the eastern boundary of the property. The existing zoning is RTHC
72 Residential Townhouse District (Conditional). The Land Use Plan recommends
73 Suburban Residential 2, 2.4 to 3.4 units net density per acre.

74

75 Mrs. Jones - Before the staff report, is there anyone in the
76 audience who objects to case C-10C-09, Kim Jones for Magnolia Pointe Owners'
77 Association? All right, thank you.

78
79 Mr. Vanarsdall - Mrs. Taylor, I believe this is your first.

80
81 Ms. Taylor - Yes it is.

82
83 Mr. Vanarsdall - I certainly hope you're not nervous.

84
85 Ms. Taylor - Just a little bit.

86
87 Mr. Archer - She is now.

88
89 Ms. Taylor - Thank you, Mr. Vanarsdall, that's very helpful. Thank
90 you, Madam Chair.

91
92 This is a request to amend proffer number nine accepted with rezoning case C-
93 66C-00. This proffer details fencing requirements for Magnolia Pointe, and in
94 part requires that a three-rail vinyl covered fence be installed along the eastern
95 boundary of the property.

96
97 In 2000, the subject property was rezoned from A-1 and R-2C to RTHC via case
98 C-66C-00. As part of the rezoning case, proffers were accepted that regulated
99 items such as architectural elevations, landscaping, and fencing.

100
101 In order to address security and privacy concerns of Magnolia Pointe residents,
102 the applicant proposes to replace the existing three-rail vinyl covered fence along
103 the eastern boundary of the property with either an opaque vinyl privacy fence,
104 six feet in height, or a welded, steel fence also six feet in height. Since the staff
105 report was issued, revised proffers have been received dated May 6, 2009,
106 indicating a new option for a welded, steel fence. The revised proffers have been
107 handed out to you this evening.

108
109 The revised proffers also indicate that any new fencing material shall be
110 approved by the Planning Director or his designee prior to installation. In
111 addition, at no time shall there be parallel fencing along the eastern property line
112 that would create an alleyway effect.

113
114 The proposed fencing options would allow the Magnolia Pointe Owners'
115 Association to address the concerns of its residents and still maintain a high level
116 of quality in keeping with the intent of the original rezoning case. Staff supports
117 this request.

118
119 This concludes my presentation. I will be happy to answer any questions.

120

121 Mrs. Jones - Thank you very much, Ms. Taylor. Are there
122 questions?

123
124 Mr. Branin - Do you have an example of an opaque fence?

125
126 Ms. Taylor - Yes, I do. Actually, there's an existing opaque fence
127 on the southern property boundary. I can give you that. This is an existing
128 opaque fence along the southern property boundary. Here's another view.

129
130 Mrs. Jones - Any other questions? Mr. Archer, would you like to
131 hear from the applicant?

132
133 Mr. Archer - I don't have any questions. If you want to come up
134 and speak since you came all this way, you're welcome to.

135
136 Mr. Branin - Are you here in favor?

137
138 Mr. Archer - We're not going to make you do it.

139
140 Mr. Branin - But we're not going forward with this until you do. I'm
141 kidding.

142
143 Mr. Archer - I don't have any questions, Madam Chair.

144
145 Mrs. Jones - All right. Well, we appreciate you all being here. I do
146 want to let you know this is not a typical agenda. This is a very short agenda.
147 You will be part of one of the shortest meetings on record, I guess. All right, Mr.
148 Archer.

149
150 Mr. Archer - Okay. Madam Chair, those members of the
151 community who did come tonight, I think we solved a problem, so I'm glad that
152 we can go forward with this, and I thank you. With that, I will move that C-10C-
153 09, Kim Jones for Magnolia Pointe Owners' Association, be forwarded to the
154 Board of Supervisors for approval.

155
156 Mr. Branin - Second.

157
158 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Branin. All in
159 favor say aye. All opposed say no. The ayes have it; the motion passes.

160
161 Thank you very much.

162
163 **REASON:** Acting on a motion by Mr. Archer seconded by Mr.
164 Branin, the Planning Commission voted 5-0 (one abstention) to recommend the
165 Board of Supervisors **grant** the request because it is not expected to adversely

166 impact surrounding land uses and the changes do not greatly reduce the original
167 intended purpose of the proffers.

168
169 Mr. Emerson - Madam Chairman, that takes us to the next item on
170 your agenda, which is at the top of page 2, and that is the approval of your
171 minutes from the April 9, 2009 Planning Commission Meeting.

172
173 Mrs. Jones - Does anyone have corrections or additions to the
174 minutes of April 9, 2009?

175
176 Mr. Archer - I had one correction, Madam Chair. I think it was on
177 page 21, line 914. "Hechler Village" was spelled with a "k."

178
179 Mrs. Jones - Yes. All right. Are there other additions or
180 corrections? I have one other short misspelling on page 7, line 264. "Their"
181 should be t-h-e-r-e. I will say that on page 22 in the spaces marked "inaudible,"
182 I'm not really sure what I did say, so I think we'll leave it like that.

183
184 Mr. Archer - We'll leave it like it is. If I remember, I'll tell you after
185 the meeting.

186
187 Mrs. Jones - Inaudible. All right. Any other corrections? If not, I'll
188 entertain a motion for approval of the minutes.

189
190 Mr. Archer - So moved, Madam Chair.

191
192 Mr. Jernigan - Second.

193
194 Mrs. Jones - All right. We have a motion by Mr. Archer, seconded
195 by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it; the
196 motion passes. The minutes are approved as corrected.

197
198 Is there any further business to come before the Commission?

199
200 Mr. Archer - I'd like to compliment Ms. Taylor on doing such a fine
201 job.

202
203 Mr. Vanarsdall - You did a good job, Ms. Taylor.

204
205 Mrs. Jones - Very nice. I wanted to just mention that yesterday
206 there was a trip through the eastern part of the County. The Economic
207 Development Council had a wonderful bus tour for quite a few folks from the
208 community. These were some planners, realtors, corporate relocators, and a
209 number of folks involved in business development. The potential for wonderful
210 development and redevelopment to the airport, the new technology parks in our
211 eastern section of the County was really quite impressive when we drove around

212 and looked at the possibilities of things to come. I think it was very energizing.
213 Mr. Archer was there, as well Mr. Jernigan, if you have anything you want to add.
214 I was very glad to have that opportunity.

215
216 All right. Mr. Secretary, anything?

217
218 Mr. Emerson - No ma'am, I don't have anything today, other than I
219 will tell you that the Board of Supervisors has scheduled a public hearing on the
220 Comprehensive Plan that you recommended to them on March 12th. Their
221 hearing will be on the evening of June 9th. The meeting starts at 7 p.m., but it will
222 be the second public hearing on the agenda, which is about midway through the
223 agenda.

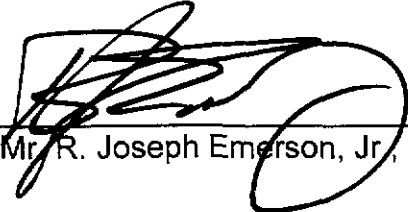
224
225 Mrs. Jones - That's good to know; thank you. All right. If there's no
226 business to come before the Commission, I'll entertain a motion for adjournment.

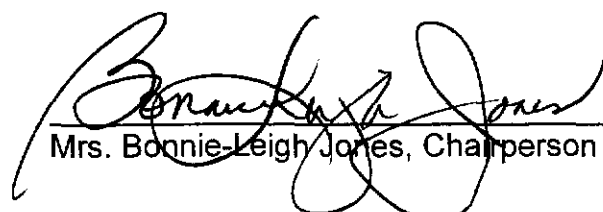
227
228 Mr. Archer - So moved.

229
230 Mr. Jernigan - Second.

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232 Mrs. Jones - Meeting's adjourned.

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234 The meeting adjourned at 7:11 p.m.

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239 
240 Mr. R. Joseph Emerson, Jr., Secretary

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Mrs. Bonnie-Leigh Jones, Chairperson