

1 Minutes of a work session of the Planning Commission of the County of Henrico  
2 beginning at 5:30 on October 12, 2017, held in the County Manager's  
3 Conference Room in the Government Center at Parham and Hungary Spring  
4 Roads. The Planning Commission reviewed and discussed the Glen Allen  
5 Comprehensive Plan Amendment and Code Amendment.  
6

Members Present: Mr. Eric S. Leabough, C.P.C., Chair (Varina)  
Mr. Robert H. Witte, Jr., Vice Chair (Brookland)  
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

Members Absent: Mr. Tyrone E. Nelson (Varina)  
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning  
Mr. James P. Strauss, PLA, Senior Principal Planner  
Mr. Seth Humphreys, County Planner  
Mr. Mike Morris, County Planner  
Ms. Sylvia Ray, Recording Secretary

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8

9 Mr. Leabough - We'll call this meeting of the Henrico County Planning  
10 Commission to order. This is our work session. Thank you, Mr. Witte. This is our  
11 work session to discuss the Glen Allen Comp Plan amendment and the code  
12 amendments. With that I'd like to turn the agenda over to Mr. Emerson.

13

14 Mr. Emerson - Thank you, Mr. Chairman. As you mentioned, this is a  
15 work session to go over the Glen Allen Small Area Study and the results today  
16 from the open house and also some work that we've done in regards to the  
17 proposed Overlay Code. With that I'll turn it over to Mr. Humphreys who has  
18 prepared a presentation for you this evening.

19

20 Mr. Humphreys - Good evening. All right. In response to the comments  
21 we received so far, changes were made to one design standard in the Overlay  
22 District and to the area which would be subject to the Overlay District itself.

23

24 Also, tonight we wanted to introduce you to the Draft Overlay Ordinance we have  
25 created based on the input received and in conjunction with the County  
26 attorneys.

27

28 Lastly, we'll update you on the future schedule of the study.

29

30 So first I wanted to touch on some things that did not change in the study report.  
31 We are still recommending updating some of the recommended future land uses  
32 in the 2026 Comprehensive Plan on use changes since the adoption of the 2026  
33 Plan. We went over those with you at the initiation work session that we had with  
34 you. And Mike is handing out revised copies of the report that we did on the Glen  
35 Allen Small Area, as well as a copy behind that of the Draft Ordinance.

36  
37 The other thing that's still staying the same is our recommendation for the study  
38 area to be included in the Comprehensive Plan as a Special Focus Area. This  
39 would include leaving the study area boundaries the same as what was originally  
40 proposed. While we did receive some comments suggesting an expansion of the  
41 study area to Woodman and Staples Mill, we did not see a need to expand it for  
42 reasons previously given, which were the examination of the entire corridor  
43 during the formulation of the study; the decision to select the study area was  
44 based on the areas most under threat of future unconditional development; a  
45 focus on the largest concentration of character-giving elements; and, impact on  
46 the least amount of homeowners as possible. The land to the east and west of  
47 the study in the Mountain Road corridor is all zoned for residential and  
48 agricultural uses, has wider distances between contributing elements, and could  
49 create greater impacts on existing homeowners. So that's why we left that study  
50 area the same.

51  
52 The first change we're going to discuss tonight is building orientation. Due to  
53 previous case law in Virginia and because building orientation is more of an  
54 aesthetic concern, this topic was moved from being addressed through the  
55 Overlay Ordinance to inclusion as part of the development guidelines to be  
56 adopted with the Special Focus Area.

57  
58 So what you see on the screen is the language used in both versions of the  
59 report. Previously under the Overlay Ordinance section we had the language  
60 that's on the left. Now because of some of those concerns highlighted by the  
61 attorneys, we moved it to Special Focus Area section, which is the language on  
62 the right.

63  
64 The development guideline addressing this topic recommends orientation  
65 towards the street, and when located on a corner, towards the road with the  
66 higher Major Thoroughfare Plan classification. The topic of building orientation  
67 primarily affects properties located at the corner of two roadways. And because  
68 there are not many of these properties which have not already been developed in  
69 the study area, we thought it could be appropriate to change where this was  
70 addressed. We thought that it would be appropriate to move to the design  
71 guidelines since it wouldn't really affect too many of them.

72  
73 The Overlay District within the study area was expanded on input received. The  
74 Overlay District now includes additional properties north of Mountain Road to the  
75 east and west of the original Overlay District. This area would largely avoid the

76 residential properties and concentrate on the properties already zoned for non-  
77 residential uses. In total, 14 parcels and 58 acres were added. This increased  
78 area includes four new property owners with the primary one being the County of  
79 Henrico. You can see we added the Cultural Arts Center. So that was significant  
80 acreage and significant parcels that encompass all that for the County. If  
81 approved, the designation of this area would be included in official zoning maps  
82 for the County.

83

84 Now onto the actual draft ordinance that we did for you, working in conjunction  
85 with the County Attorneys. The basic structure of the draft ordinance was  
86 modeled after the West Broad Street Overlay District, which already exists in the  
87 Code. The Overlay Ordinance itself starts by laying out the purpose of the  
88 district. The text on the screen is what appears in the draft ordinance.

89

90 The primary reasons would be to encourage appropriate development and  
91 facilitate the creation of a convenient, attractive, and harmonious community.  
92 This would be accomplished by encouraging the reduction of visual impacts,  
93 encouraging well-planned sites, protecting owners from adverse impacts, and  
94 enhancing the area's appearance.

95

96 I'll wait a minute or so in case you want to read all that. That is all inside your  
97 draft ordinance that we handed out.

98

99 Probably most importantly, getting to the meat of the ordinance and what most  
100 people cared about, the ordinance outlines the uses that would be prohibited  
101 within the district. These include attention-getting devices, adult businesses,  
102 drive-up windows, outdoor display of merchandise during non-businesses hours,  
103 and exterior vending machines.

104

105 Additional uses would not be completely prohibited, but would require the  
106 approval of a provisional use permit. These include single retailers with more  
107 than 5,000 square feet. This does mean that a single property could not have  
108 more than 5,000 square feet, but it does mean that each tenant cannot utilize  
109 more than 5,000 square feet with the approval of a provisional use permit. This  
110 is currently larger than all the retailers in the district with the exception of the Dollar  
111 General, which is 10,000 square feet.

112

113 An automotive filling station and service filling station with more than four pumps  
114 would need a provisional use permit. This is more pumps than the Glen Allen  
115 Service Center has and would not affect them.

116

117 Twenty-four-hour operations. There are not currently any known 24-hour  
118 businesses in the district, but this would preclude any from coming into the area  
119 on the parcels with unrestricted zoning unless they acquired a provisional use  
120 permit from the Board of Supervisors.

121

122 And of course, all M-1 and M-2 uses—and there are several properties with  
123 unconditional M-1 and M-2 zoning. The M-1 and M-2 uses currently operating  
124 there would be allowed to continued, but new uses would need a provisional use  
125 permit.

126

127 Mr. Witte - These prohibited uses, that was input we got at the  
128 community meeting.

129

130 Mr. Humphreys - Yes sir.

131

132 Mr. Witte - Okay. This actually came from the people who came.

133

134 Mr. Humphreys - We had had some of those before, and some were  
135 modeled after what was done in the West Broad Street Overlay District, such as  
136 the attention-getting devices and adult businesses and things like that. We  
137 sounded out people on some of the things that we were thinking about there.  
138 They agreed with those, and offered us additional ones. They were very  
139 concerned about the M-1 and M-2 uses, the industrial-type uses that could be  
140 done on some of those properties, especially the larger M-2 property that's out  
141 there. So if they wanted to change, they could still do something out there, but  
142 we want them to come in for a provisional use permit to see what that change is,  
143 see how it was going to impact the nearby residents. Because there are  
144 residents right across the railroad tracks from them. So we'd want to see what  
145 was going on with that versus completely by-right M-2.

146

147 Mr. Witte - Got it.

148

149 Mr. Baka - May I ask a follow-up question?

150

151 Mr. Humphreys - Sure.

152

153 Mr. Baka - You mentioned single retailers over 5,000 square feet  
154 would need a PUP. So you have the existing Dollar General Store. Years and  
155 years from now if for some reason they ceased operations, would a new user be  
156 able to come into that same square footage if it's over 5,000 square feet at that  
157 time?

158

159 Mr. Emerson - Two years.

160

161 Mr. Baka - Two years? Same as the standard for non-conforming  
162 uses. So if it's vacant for two years or more you wouldn't. But if it's under that,  
163 you would be able to transfer approval?

164

165 Mr. Humphreys - Right. And some of these people may not have  
166 specifically suggested these things that we're bringing forward. But they said to  
167 us, "We don't want another Dollar General."

168  
169 Mr. Baka - Or another store that large.  
170  
171 Mr. Humphreys - And so these are some of the mechanisms that we  
172 envisioned, such as the 5,000 square feet. Or people were concerned about  
173 having a Wawa or Sheetz or whatever, so the gas pumps were something that  
174 we envisioned for that. So a lot of it was in response to their concerns and not  
175 necessarily their exact requests, if that makes sense.  
176  
177 Mr. Baka - Thanks.  
178  
179 Mr. Archer - Can I get one clarification to it, please?  
180  
181 Mr. Humphreys - Sure.  
182  
183 Mr. Archer - Under "without a provisional permit," the second bullet  
184 says "more than four filling stations." Now I think you said filling stations with  
185 more than four pumps.  
186  
187 Mr. Humphreys - Yes this is—that may be—  
188  
189 Mr. Archer - You mean pumps not filling stations.  
190  
191 Mr. Humphreys - Yes.  
192  
193 Mr. Archer - Okay.  
194  
195 Mr. Humphreys - I believe the code says filling station. It says a service  
196 station with a filling . . . station or filling pump or something like that I think.  
197 Maybe I just wrote the wrong word there on the slide.  
198  
199 Mr. Witte - I've seen that before, the filling station is actually  
200 the—  
201  
202 Mr. Emerson - Right.  
203  
204 Mr. Witte - —piece that you pull up to to fill from.  
205  
206 Mr. Emerson - Right.  
207  
208 Mr. Witte - It's not the building.  
209  
210 Mr. Leabough - But the way it read, initially I thought the same thing,  
211 more than four gas stations.  
212  
213 Mr. Emerson - Remember, our code was written 50, 60 years ago.

214  
215 Mr. Humphreys - Once again, we are working on a code update.  
216  
217 Mr. Baka - Usually it's two nozzles, one on each side of the  
218 pump. My car's on one side; you car's on the other.  
219  
220 Mr. Emerson - That's right.  
221  
222 Mr. Baka - So that's 4 times 2, that's 8 nozzles.  
223  
224 Mr. Humphreys - But this is currently more than what the service station  
225 out there has now. It would not affect them. That's one reason we did a lot of  
226 these things. The 5,000, for instance. The market that's currently out there has I  
227 think 48 or 4900 square feet. So the 5,000 would not affect them at all. We tried  
228 to—  
229  
230 Mr. Witte - How would that affect them if they wanted to expand?  
231  
232 Mr. Humphreys - If they wanted to expand their use, to be a 6,000-  
233 square-foot one, they would need a provisional use permit.  
234  
235 Mr. Emerson - Anything over 5,000 square feet would need a  
236 provisional use permit.  
237  
238 Mr. Witte - Would that include outside seating?  
239  
240 Mr. Emerson - That would be an enclosed area. Only if it was  
241 considered a closed area. To be clear about the existing building that would be  
242 the Overlay over 5,000 square feet. I don't think you would deny it, but if it fell out  
243 of use for two years, they would have to come in for a provisional use permit in  
244 order to operate it. But an existing building, I think you'd be hard pressed if it was  
245 a reasonable use similar not to issue a provisional use permit.  
246  
247 Mr. Baka - Okay.  
248  
249 Mr. Humphreys - And that 5,000 number, like I said, I just did it  
250 because it was above what they currently have and it was below what Dollar  
251 General had. So that number, if they do have some expansion plans or  
252 something, I don't know. We can talk about what that exact number can be. But  
253 the goal of that is to not affect anybody within the district that's currently  
254 operating and to dissuade national retailers that are larger, such as Dollar  
255 General, from coming in.  
256  
257 Mr. Leabough - So the preference is for more neighbor-serving retail.  
258  
259 Mr. Humphreys - Yes.

260  
261 Mr. Leabough - That's what you heard from the community.  
262  
263 Mr. Humphreys - Mmm-hmm. You could have a building with four users  
264 that each has 5,000 square feet. It's a 20,000-square-foot building.  
265  
266 Mr. Emerson - Individual space is 5,000 or less.  
267  
268 Mr. Humphreys - Individual spaces.  
269  
270 Mr. Baka - One last question. The industrial uses are prohibited  
271 from this industrial zone, but they could still do B-1, B-2, B-3?  
272  
273 Mr. Humphreys - Mmm-hmm.  
274  
275 Mr. Baka - Okay. Thanks.  
276  
277 Mr. Leabough - I see something in the document related to signage.  
278  
279 Mr. Humphreys - Yes, we'll get to that.  
280  
281 Mr. Leabough - Okay. All right. Sorry. I jumped ahead of you. I  
282 apologize.  
283  
284 Mr. Humphreys - The last thing on this slide is in addition to the  
285 prohibited uses an additional use would be permitted in the district. If passed as it  
286 currently reads, the ordinance, restaurants would now be allowed as an  
287 accessory use to bed and breakfast homes.  
288  
289 If there are no more questions on the use slide, I can move on. Okay.  
290  
291 The next topic was building heights and design standards. That's where you get  
292 into signs in just a second. Building heights would be limited to 25 feet unless a  
293 provisional use permit was approved. This is generally consistent with a two-  
294 story building. But since stories can vary in height, definite feet in height is given.  
295 That's what we've started moving towards in proffers and that type of thing. This  
296 would be consistent with the vast majority of existing structures and would not  
297 affect any of those existing structures that may be over 25 feet. They would still  
298 be fine.  
299  
300 The ordinance also addresses many design standards. For instance, streetscape  
301 buffers would have to be at least 10 feet in width, but could also not be more than  
302 20 feet. This is meant to provide street landscaping but still allow businesses to  
303 be close to the road and visible. Much of the character in the area, we saw that  
304 businesses were closer to the road than what typically would see. So we wanted

305 to continue that. We didn't want any of the design standards to hinder their ability  
306 to do that.

307

308 Signage would need to be consistent on a site-wide basis and be of a ground-  
309 mounted monument style not more than 6 feet in height and 20 square feet total.  
310 New changeable message signs would be prohibited. So that's the sign stuff that  
311 we're getting at.

312

313 Individual sites would need to have a consistent architectural style, and  
314 mechanical equipment would need to be screened. That's very typical.

315

316 The depth of the transitional buffers between non-residential and residential  
317 properties would be increased by 15 feet. So if somebody had a TB 10 it would  
318 be 25 feet wide. That type of thing.

319

320 Parking lots would not be allowed to have rows of more than nine spaces unless  
321 it is broken with a landscape area. This is compared to 19 currently allowed in  
322 the code. No more than one row of parking would be allowed in front yards to  
323 keep the buildings closer to the road to be consistent with existing development.

324

325 And lastly, lighting would need to be a concealed source and use of embedded  
326 poles would be prohibited.

327

328 Lastly what we wanted to discuss with you was the overall schedule of the  
329 project. You can see here we've already been through the work session and  
330 website, open house. We had your discussion item and a brief update on that at  
331 the September 14th meeting. Tonight we've having the Planning Commission  
332 work session. Tomorrow we will post for public comment the revised report and  
333 draft ordinance.

334

335 Mr. Emerson - Are we doing that tomorrow or Monday?

336

337 Mr. Humphreys - Tomorrow. I worked it out with Susan where we could  
338 do that tomorrow. She got me in touch with somebody in IT that could do it for us.

339

340 At the very least, I'll also mail out those documents to the electronic mailing list  
341 that people have signed up for on the website so they will be aware that those  
342 things are out there. And we will be requesting comment on them. We'd like to  
343 hear your comments in addition if you have anything further after tonight.  
344 Because these are just draft ordinances, and they can change.

345

346 The next step would be for you to have a public hearing. It would be possible to  
347 have this at your next meeting. But due to the desire to hear public comments on  
348 the ordinance and the Thanksgiving/Christmas holiday seasons coming up, staff  
349 believes it may be more appropriate to schedule the public hearing at your  
350 January meeting. That meeting is here on the slide, which would be January 11,

351 2018. I put a question mark next to it. So a discussion item has been placed later  
352 on tonight's agenda to set that date.

353  
354 That concludes my presentation. Any questions you have I'd be happy to answer.

355  
356 Mr. Leabough - Questions from the Commission? This is a good job, I  
357 think, from what I've seen in the presentation. I haven't had a lot of time to digest  
358 this, but good recommendations.

359  
360 Mr. Humphreys - Thank you.

361  
362 Mr. Emerson - That's one of our reasons as well of thinking that  
363 January the 11th might be a better day. It gives the Commission time to review  
364 these documents. You're just receiving them tonight. Certainly I think a hearing in  
365 November would be too soon. Then we get into the holiday season. Our  
366 meetings get condensed into a closer time frame. So January seems to make  
367 better sense in terms of a planning horizon. If something comes up, course we'll  
368 be meeting in November and December, and we can discuss whether or not we  
369 need to advertise for January or take it to February. It gives us some time to  
370 react, and certainly we could be receiving your comments during that time. As  
371 Seth said, it will be posted on our website, and we'll get the information out, let  
372 people know that it's out there. We've had a lot of folks interested in this process.  
373 It gives them ample time to provide us comments as well.

374  
375 Mr. Archer - Don't we have elections at the January 11th meeting?

376  
377 Mr. Emerson - You do have your reorganization on January 11th,  
378 yes sir.

379  
380 Mr. Archer - That might not be a good time either.

381  
382 Mr. Emerson - It's possible, it's possible. I'd thought about that. We  
383 possibly could schedule it for 6:00 on January the 11th. You could do it prior to  
384 your reorganization if you wanted to. Or we could go to the February meeting.

385  
386 Mr. Archer - Personally, I think that would be best.

387  
388 Mr. Emerson - February?

389  
390 Mr. Archer - Because we'll have a new chair and . . .

391  
392 Mr. Emerson - I'm comfortable with whatever schedule—we don't  
393 have, to my knowledge, anything pending that this would influence one way or  
394 the other. If you did receive a rezoning application in this area, certainly we would  
395 use the guidelines in any staff report or review that we put together. Now if  
396 something came in by right and it came in prior to any action on the Overlay, they

397 would be able to proceed as the code currently is structured. However, I don't  
398 know of anything pending. We certainly haven't had anything filed within this  
399 area. And I haven't had any, recent discussions with any entity planning on  
400 moving forward with any type of development activity within this area. So I don't  
401 think there's anything that's necessarily pushing your schedule. So if you wanted  
402 to go to February with it, it's up to the Commission's pleasure how you want to do  
403 it.

404  
405 Mr. Archer - I was just suggesting it. I can go either way. We might  
406 reelect you, you never know.

407  
408 Mr. Leabough - I don't know if I want to do that. I think I need a break  
409 after this year. So what are you all thinking?

410  
411 Mr. Archer - If we do set the hearing, do we have to do that in the  
412 public hearing? I guess we can decide on it now.

413  
414 Mr. Emerson - You could decide on it, but I would ask you to  
415 publically set it at the end of your agenda.

416  
417 Mr. Leabough - Do we have to make that decision tonight?

418  
419 Mr. Emerson - No sir, you don't. You can wait. We could do it the  
420 next time you meet on the 25th. We can do it in November. I think we  
421 comfortably know it will be January the 11th of later based on the comments I'm  
422 hearing.

423  
424 Mr. Leabough - So we have some time. Okay.

425  
426 Mr. Emerson - All the way up to December if you wanted to. We  
427 don't need to know because we can meet advertising deadlines as late your  
428 December meetings if that is your choice to go in January. Then if you choose to  
429 go in February, we wouldn't place our ads until sometime mid January for the  
430 February meeting. So you have some time to make that decision if you don't  
431 want to act on it this evening. You certainly could take it under consideration and  
432 tell us at your next meeting.

433  
434 Mr. Leabough - So we can decide that between now and the meeting  
435 when we reconvene. Okay. Any other thoughts or comments related to that? All  
436 right. Is there any other business, Mr. Secretary?

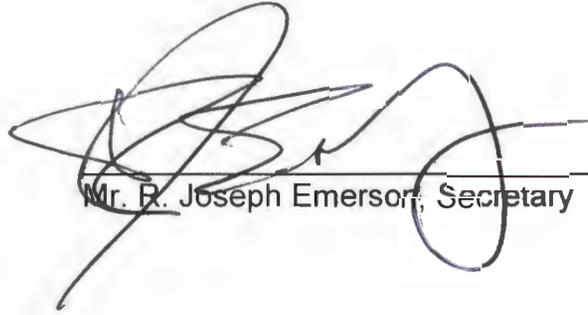
437  
438 Mr. Emerson - Mr. Chairman, I have nothing further for the work  
439 session. Of course, we do have our meeting at seven, so.

440  
441 Mr. Leabough - Okay. Well we'll go into recess and reconvene in the  
442 boardroom if there's nothing else. So be it.

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



Mr. R. Joseph Emerson, Secretary