

1 Minutes of the Work Session of the Planning Commission of the County of Henrico, Virginia, held
2 in the County Manager's Conference Room of the County Administration Building, Parham and
3 Hungary Spring Roads at 6:00 p.m. September 9, 2004.

4
5 Members Present: Mrs. Lisa D. Ware, C.P.C., Chairperson, Tuckahoe
6 Mr. Ernest B. Vanarsdall, C.P.C., Vice-Chairman, Brookland
7 Mr. C. W. Archer, C.P.C., Fairfield
8 Mr. John Marshall, Three Chopt
9 M. E. Ray Jernigan, C.P.C., Varina
10 Mr. Randall R. Silber, Director of Planning, Secretary
11 Mr. James B. Donati, Jr., Board of Supervisors, Varina
12

13 Others Present: Mr. Ralph J. Emerson, Assistant Director of Comprehensive
14 Planning and Administration
15 Mr. David D. O'Kelly, Jr., Assistant Director of Plan Review and
16 Code Support
17 Mr. Lee Tyson, County Planner
18 Mr. Paul Gidley, County Planner
19 Mr. Michael Kennedy, County Planner
20 Ms. Debra Ripley, Recording Secretary
21

22 Ms. Ware - I will call the meeting to order and I will turn it over to the Secretary,
23 Mr. Silber.
24

25 Mr. Silber - Thank you. This is a work session that has been scheduled to discuss
26 an Ordinance Amendment that has come out of the Growth Retreat that the Board and the
27 Planning Commission participated in. The Board of Supervisors on June 24th of this year passed
28 a resolution that initiated this process and asked the Planning Department to study and bring an
29 Ordinance Amendment to the Planning Commission relative to Amendments in the A-1
30 Agricultural District. This relates to increasing the minimum lot size in A-1 from 1 acre to 10
31 acres, minimal lot width of 150' to 300', and there are some other Amendments that deal with
32 providing utilities, public water and sewer. So, we have a powerpoint presentation that Lee
33 Tyson on our staff will be making. Lee is probably new to the Planning Commission, I think this
34 may be his first opportunity presenting to the Planning Commission, but he is not new to the
35 Planning Office. He has been in the Planning Department for 2 years. So, I'm going to turn it
36 over to Dave O'Kelly who is going to introduce Lee and the subject a little further.
37

38 Mr. David O'Kelly - Thank you, Mr. Secretary. Good evening, Madam Chairman, Members
39 of the Planning Commission.
40

41 Planning Commissioners - Good evening.
42

43 Mr. O'Kelly - As Randy mentioned, since the Growth Retreat in June and July, staff
44 has taken the direction that was provided from the Board, the Planning Commission and the
45 County Manager and prepared draft ordinances for your consideration. Those were distributed in
46 your packet last week. We do have additional copies here just in case any Commission Member
47 needs those.
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49 Mr. Silber - Anybody need extra copies of the Ordinance Amendment? No.
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Mr. O'Kelly - As Randy mentioned, Lee Tyson is with us this afternoon. Lee is a member of the Planning staff, he has been with the county just over 2 years. He came to us from the Chesapeake Bay Local Assistance Department, but he also in his previous life worked with Joe Emerson in New Kent as the Director of Planning. He has also worked in zoning enforcement with the City of Richmond. He has prepared a powerpoint presentation and he has also prepared the draft ordinances and summaries answering the questions that the Commission may have.

Following his presentation we will need to decide if any other work session is necessary. That could be scheduled with your POD meeting, in 2 weeks. We also probably should consider setting a date for a Public Hearing. The suggested schedule from the Board Retreat was to have to first Public Hearing with the Planning Commission on October 14th, so we do need to talk about that at the end of the meeting. At this point I'll turn it over to Lee Tyson.

Mr. Lee Tyson - Thank you, Madam Chairman, Members of the Commission, Mr. Donati. Thank you for having me here tonight. I'm Lee Tyson, I'm a Planner with the Zoning Division with the County and I appreciate the opportunity to speak with you tonight.

As I go through the presentation if you have any questions, please feel free to stop me and ask questions. I'll certainly be happy to answer them if I can. If I can't, I've never been proud about saying, I'm sorry I don't know the answer to that, but I'll get back in touch with you as soon as I can find out the information.

As the Secretary pointed out in, June 2004 the Board of Supervisors passed a resolution requesting the Planning Commission staff to examine the A-1 Agricultural Zoning District Regulations concerning lot width and lot area and also examine the subdivision ordinance regulations related to public water and sewer. Specifically, the resolution said, in order to promote the health, safety and gentle welfare of the citizens the staff should develop an ordinance that would increase the lot size and lot width requirements in the A-1 district from 1 acre to 10 acres, require all one family homes in the "R" one family residences to have public water and require all one family homes on lots less than one acre to have both public water and sewer. The staff has prepared amendments to the subdivision and zoning ordinance and these have been provided to you. I would like to review the proposed zoning ordinance amendments first.

By way of some background there are currently approximately 9,000 parcels zoned A-1 in the County:

- approximately 2,400 of them are vacant,
- 614 vacant parcels in A-1 subdivisions,
- 100+ acre lots, there are approximately between 51 of those parcels,
- 207 parcels are between 20 and 100 acres,
- 187 parcel between 10 and 20 acres,
- and between 5 and 10, 241 parcels.

Those are rough estimates I obtained from the County's GIS, but taking into consideration there are some pluses or minuses in those, they may not add up exactly. Those are round figures.

99 The current requirement under the A-1 zoning district regulation is a minimum lot size of
100 one acre and a minimum lot width of 150' measured at the building setback line. The
101 requirements for the lot width and the lot area are contained in §24-94 of the County
102 Zoning Ordinance. Unfortunately, it is very difficult to amend one section of the
103 ordinance without having to go through and occasionally tinkering to clean up areas in
104 other sections of the ordinance.

105
106 My presentation is arranged according to Code Section. I would like to stress that the
107 major change is to §24-94 of the County Code, which would change the lot area in an
108 A-1 District from one acre to ten acres and the minimum lot width from 150' to 300'.

109
110 The first proposed amendment would amend §24-51 relating to the listing of one family
111 dwellings in the A-1 Agricultural zoning district as a permitted use. It's really a
112 housekeeping measure. That section refers you to the existing standards for the A-1
113 District. The amendment refers you to the proposed standards for development.

114
115 Section 24-53.1 would be created under the proposed amendment and would
116 grandfather lots already given subdivision approval and considered vested. Those lots
117 would be able to be developed at the current standard of one acre and 150' of lot width.

118
119 As Mr. Silber pointed out, again, the primary change is to §24-94 of the code, which
120 would change the minimal lot size from one to ten acres and the minimum lot width from
121 150' to 300'.

122
123 By way of comparison, in Hanover County the minimum lot size runs from 5 to 10 acres
124 in their agricultural zoning districts with minimum lot width of 200' to 450' depending on
125 the right-of-way width. In Chesterfield, their agricultural district regulations vary from 1
126 to 5 acres with 150' to 300' of lot width depending on the existing public road system. In
127 New Kent, the minimum lot size in an A-1 agricultural zoning district is between 2 and 25
128 acres depending on the road system and the existing parent tracts and divisions that
129 have occurred before. In Goochland County, the lot sizes range from 1 acre to 3 acres in
130 an agricultural district with a lot width of 200' to 350' depending on the functional
131 classification of the streets and the availability of well and septic.

132
133 Section 24-94 would be further amended to create grandfathering provisions for existing
134 A-1 Agricultural parcels. A parcel outside of existing subdivisions, for instance, that had
135 been created through a family transfer and lots at the terminus of a cul-de-sac would
136 continue to be able to be redeveloped at the current one acre and 150' of lot width
137 standard.

138
139 There are existing exception standards contained in the zoning ordinance for lots created
140 prior to 1960. They currently read that agricultural lots up to 30,000 square feet and
141 150' of lot width can be developed. The zoning ordinance that we are proposing would
142 strike that and insert instead the current requirements of one acre and 150'.

143
144 To move away a little bit from the agricultural requirements to address the other issue
145 that was brought up at the Growth Retreat related to public water and sewer. Section
146 24-95(d) of the County Zoning Ordinance would be amended to require public water and
147 sewer on any parcel containing less than one acre and less than 150' of lot width. It
148 would also require public water and sewer for two family development, multi-family
149 development, townhouses for sale, and zero lot line developments.

150

151 Section 24-95(d) would be amended to require public water and sewer for all dwellings
152 or buildings intended for occupancy in any of the "R" residential zoning districts. Section
153 24-95(e), which currently relates to exceptions to those standards, would be stricken
154 from the ordinance completely.

155
156 Those provisions are going to generate a number of questions and issues. One that the
157 staff identified is that immediately family transfers of property are a widely used way to
158 divide property in an agricultural zoning district; and staff is wondering if there should be
159 an exception to the to the proposed ten-acre minimum lot size for immediate family
160 transfers. We'd be happy to address as well, any other questions and issues that you
161 identify as you review the ordinance. That is one we came up with thinking about the
162 possible ramifications.

163
164 Moving on to the subdivision ordinance requirements: the current requirement contained
165 in the subdivision ordinance includes §19.2, which deals with definitions. The term
166 "subdivision" is defined in §19.2 and immediate family transfers of property are exempt
167 from subdivision ordinance requirement. They are not reviewed; they do not have to go
168 through the normal subdivision ordinance review procedures. They are required to be in
169 the subdivision ordinance under 15.2 2244 of the code. The county code must allow for
170 immediate family transfers between family members.

171
172 Section 19-145 deals with the water supply provisions of the subdivision ordinance. In
173 general, §19-145 sets forth what must be contained in a public water system and
174 provides for subdivisions of lots less than 8000 square feet. The developer can supply a
175 complete central water system to the county.

176
177 Section 19-146 currently deals with sanitary sewers and requires a central sewer, if
178 possible with the option for community water systems and for drain fields on lots, if no
179 central water system is provided. Again, these are the existing current requirements as
180 they relate to sanitary sewer. They are dealt with again in Sections 19-145 and 146 of
181 the subdivision ordinance.

182
183 The staff has proposed a number of amendments to the subdivision ordinance. The first
184 we would be an amendment to Section 19.2, which defines subdivisions and deals with
185 the immediate family transfer provisions. The proposed amendment would require that
186 the grantee or the recipient of the property be at least 18 years of age and able to hold
187 title to the property. It would require that the property be held for a minimum of 5 years
188 and also adds the term sibling to the definition of immediate family.

189
190 Section 19-145 would be amended to require developers to build and convey a public
191 water system for any subdivision containing lots of less than 1 acre in size and any "R"
192 residentially zoned district and would amend §19-146 to require the developer to run
193 sewer connections to any lots containing less than 1 acre.

194
195 I know that is a lot of information to digest and I've given you copies of the proposed
196 ordinance text amendments. The additions are in bold; the language to be eliminated is
197 struck through. Again, I'll be happy to answer any questions that the Commission
198 Members might have. I thank you for your time.

199
200 Mrs. Ware - Thank you.
201

202 Mr. Silber - This is a lot of information, as Lee indicated, and it is a fairly
203 complicated amendment. But we really do need input from the Planning Commission to
204 determine whether this is on track; how you think the county should proceed.
205
206 Mr. Marshall - Lot sizes are to big.
207
208 Mr. Silber - Ten acres is to large?
209
210 Mr. Vanarsdall - Did you say (unintelligible).
211
212 Mr. Marshall - No, the size, 10 acres.
213
214 Mr. Vanarsdall - Ten acres. I noticed...
215
216 Mr. Marshall - Ten areas that could last a while in Jim's district, but I don't know
217 about any other district.
218
219 Mr. Vanarsdall - Lets see, Hanover was 10 acres, wasn't it?
220
221 Mrs. Ware - Yes. Chesterfield is 5.
222
223 Mr. Marshall - Chesterfield is 5. Hanover has got a lot more land then we do.
224
225 Mr. Donati - Have some of these localities established a green line or something of
226 that effect where that borders might take place.
227
228 Mr. Silber - Yes. I wouldn't call it a green line, but they do have growth
229 boundaries.
230
231 Mr. Donati - Okay.
232
233 Mr. Silber - Areas that they encourage development to occur and if you go outside
234 of those areas, the larger lot sizes are required.
235
236 Mr. Emerson - Chesterfield and Hanover.
237
238 Mr. Marshall - I can see 5 acres or so being fine in Varina and then maybe 2 or 3
239 being okay in Three Chopt if you drew a line.
240
241 Mr. Donati - According to what you are proposing...
242
243 Mr. Silber - This is being recorded, so it is difficult for Debbie to hear multiple
244 conversations.
245
246 Mr. Archer - I'm sorry. I was asking him who was closest to us in terms of sizes
247 and he was telling us it were New Kent. But there was some other ramifications beside just
248 being 2 acres. How we initially land on 1 acre and when...does anybody know?
249
250 Mr. Silber - Dave, do you know?
251
252 Mr. O'Kelly - Its been in the ordinance since 1960.
253
254 Mr. Archer - How come we were so small compared to everybody else around us.

255
256 Mr. Vanarsdall - I can't either.
257
258 Mr. O'Kelly - I think over the years there have been amendments that other
259 localities have considered. They may have started out with an acre years ago, but we are the
260 only locality that I'm aware of that has the one acre minimum lot size currently on the books.
261
262 Mr. Archer - Yes. To me I sort of had the same...when the Manager introduced this
263 at the retreat and he mentioned 10 acres and I didn't know whether it was something arbitrary
264 that he just came up with, sort of like Mr. Marshall...it seems like a drastic jump all at once from
265 one to ten. I don't know if I disagree with it or not because I don't know enough about it to
266 know what I'm disagreeing with, but it does seem like a huge leap to go from one to ten. I
267 suppose after we get some input from the public probably (unintelligible)...
268
269 Mr. Vanarsdall - I think that...
270
271 Mr. O'Kelly - Keep in mind too that one reason for considering this ordinance is to
272 ask developers to come in and rezone (unintelligible) and develop these ten acres lots.
273
274 Mr. Silber - That is what you may need to recall. At the growth retreats we had,
275 there was a lot of discussion about how we're willing to manage the growth, and providing the
276 services and infrastructure needed to keep up with the growth. One of these techniques is to
277 have a more logical method for a handling development. Where you come out logically and not
278 leap frog out. We're beginning to see a lot of development of one-acre lots. They were not on
279 the edges, but they were further out, and it's very difficult to provide services when you're
280 subdividing land into one-acre lots. So it wasn't, 10 acres, it could be debated whether 5 is
281 appropriate or 15 is appropriate, but I think the point is that we're trying to encourage
282 development on the fringes with a logical extension of utilities. As Mr. Donati indicated, many
283 localities, certainly Chesterfield and Hanover, have these growth boundaries. Where they very
284 much encouraged growth to occur within those boundaries. Outside those boundaries, it's highly
285 discouraged.
286
287 Mr. Archer - And I'm not saying I disagree with that. I don't know enough about it
288 right now to understand whether I do or not.
289
290 Mr. Emerson - One other thing to keep in mind too, is that this is intermediate
291 measure as we work through the Comprehensive Plan over the next sixteen to eighteen months.
292 We're probably going to come up with different ways of developing in the agricultural zones, and
293 different types of zoning categories for you to consider. And, subsequently you will amend the
294 zoning subdivision ordinances possibly to accomplish different design methods and things. This
295 is a way of keeping your properties from getting eaten up in smaller land (unintelligible) parcels,
296 until you have time to work through that process as well.
297
298 Mr. Donati - I noticed you haven't addressed this minimum square footage of the
299 homes. I think right now it's currently at 900 square feet. Is that something that we need to do
300 also?
301
302 Mr. Silber - Mr. Donati, we have considered that. I think at this point we're not
303 recommending any changes. We realize 900 square feet is very minimal. We don't see builders
304 building in that minimum. At this point, the County's position is we prefer not to get into
305 dwelling square footages.
306

307 Mr. Marshall - I don't see where it makes sense to change, say I'm going to change
308 where they can build, have a one acre lot with a 900 square house now I'm going to up their
309 acreage to 10 acres (unintelligible) build a 900 square foot house.
310
311 Mr. Archer - It would be hard to find the house.
312
313 Mr. Marshall - I would have thought they would gone ahead and changed it. Like Mr.
314 Donati said.
315
316 Mr. Silber - All the square footages are by zoning districts, they'll increase ...
317 square footages increase as the lot sizes increase. So you're point is well taken. Some people
318 might think they increased to 900 square foot for A-1, just an acre lot, it's much smaller than like
319 in an R-3. Those lots are a lot smaller, and the house size could be made more than 900, so
320 there's some (unintelligible).
321
322 Mr. O'Kelly - The county attorney really advised us to try to stay away from
323 (unintelligible), and that's another reason we haven't addressed it.
324
325 Mr. Jernigan - I have a question. When, during the retreat they said there was
326 15,000-zoned parcels in Henrico that hadn't been improved, and, 5,000 A-1 parcels, in
327 subdivision parcels. And, in here it says 614. So why the difference?
328
329 Mr. Emerson - This is based on potential lots. We already (unintelligible) the
330 properties, and (unintelligible), and this I think is based on accurate land (unintelligible).
331
332 Mr. Tyson - Right, I went through the assessor's records. They had a database of
333 information that tied into our GIS system, and I queried all A-1 properties. From those that I
334 could identify being in a subdivision, I counted 614 that were vacant. And, I could certainly
335 check those figures and run them again.
336
337 Mr. Jernigan - I understand. I remember that figure did come out at the retreat.
338 That it was a large number of A-1 subdivided lots.
339
340 Mr. Emerson - Well there are two different ways of looking at it. One was potential,
341 the other that Lee is presenting tonight is actual recorded lots.
342
343 Mr. O'Kelly - We're going to have to get an accurate count on that because of state
344 law. We're going to have to notify every property owner that's affected by this ordinance.
345
346 Mr. Silber - It's every property owner that owns A-1 zoning.
347
348 Mr. Tyson - Right. My rough estimate that was about 6,000 properties.
349
350 Mr. Donati - How many?
351
352 Mr. Tyson - 6,000.
353
354 Mr. Marshall - After our next POD meeting (unintelligible) by a 1,000.
355
356 Mr. Donati - Everybody that has a house.
357
358 Mr. Marshall - Or vacant land.
359

360 Mr. O'Kelly - Anybody that is zoned A-1.
361
362 Mr. Silber - The way the state code was amended, about 2 years ago, we fought
363 it, but they said anything that impacts the density in a residential zoning classification. And, we
364 specifically pointed out, that any property that is zoned A-1, whether it's built on or not, has to
365 be notified with a text amendment...that could impact their ability to build on the property. So
366 we have to notify all property owners.
367
368 Mr. Marshall - So, (unintelligible) all these lots that are A-1 that are less than 10
369 acres, so they're now basically just have to get it zoned?
370
371 Mr. Silber - One of the exceptions that's been built into the amendment that Lee
372 just spoke to, is if you have a parcel of land that's less than 10 acres, say 9 acres, this text will
373 allow you to build one house on that property. They would not be able to subdivide it to one-
374 acre lots.
375
376 Mr. Marshall - What if it's a half-acre?
377
378 Mr. Silber - Half-acre of land?
379
380 Mr. O'Kelly - It has to be at least an acre under the current ordinance.
381
382 Mr. Silber - So anywhere between one acre and 10 acres ...
383
384 Mr. Marshall - (Unintelligible) would have to follow in these stacks, would fall under
385 an acre. There's no way about it.
386
387 Mr. Silber - That's correct.
388
389 Mr. Marshall - That is what I was getting at. (unintelligible)
390
391 Mr. Archer - I noticed we've been trying to address the situation where you've got
392 the grantee, the grantee must be 18 years of age and able to hold title of the property, retain
393 title to a minimum of five years. If you look at the situation where a parent say, had 10 children
394 and you have 10 acres of land, and wants to give each one an acre and want to build on it. To
395 me they'd have to rezone each one-acre property? (Unintelligible) grandfather clause.
396
397 Mr. Silber - Mr. Archer, right now the way the ordinance is, without this
398 amendment, currently you can split off a parcel of your property and give it to one of your
399 children. Or give it to a parent, give it to someone who meets this definition. That split has to
400 meet the current zoning requirements, which is one-acre, 150-feet in width. What we would do
401 here is go to 10 acres and 300 feet, and you could split it off, but you would have to meet that
402 10-acre, 300 feet requirement. The question that Lee posed is do we want to consider any
403 exceptions for family divisions. That's not built into the ordinance right now. You'd have to meet
404 the minimum requirements. There is some argument that would say, well, maybe if you had one
405 of the latter exceptions, maybe you could split it off, say 3 times – each lot's got to be 3 acres
406 each or something. There could be some exceptions we could build into it, if you think that's
407 appropriate. Now, the risk you run with that is there's going to be a lot of people, I think a lot of
408 the property owners that will be claiming to split off for brother John, and sisters Mary, and
409 Hillary. There may be these so-called family divisions that are going to be difficult to enforce.
410 Are they really family divisions?
411
412 Mr. Marshall - Why is it going to be difficult to enforce?

413
414 Mr. Silber - Because, how would you know that they're really splitting it off for that
415 family member. Overriding the code. It has got to be split for a family member, they have to
416 hold title to it, they have to be 18 and hold it for 5 years.

417
418 Mr. Marshall - Right.

419
420 Mr. Tyson - Spotsylvania, actually it also requires that there be an affidavit on the
421 plat that the information you're disclosing is correct and that you're not circumventing the
422 subdivisions.

423
424 Mr. Marshall - That's the next thing that I'm getting at. Cause I just did one. I just
425 did one in Louisa. And, unlike Henrico, and this is something I've said to you before ... one of
426 the problems that you're going to run into or you can run into, currently now, if I wanted to go
427 record a plat, in the Clerk's Office, in the Circuit Court, all I have to do is take it over there and
428 record it. It doesn't matter, whether the lots are right, wrong, that family is within the
429 subdivision or not ... that's all that has to be done. Now, I found it interesting, until recently,
430 Chesterfield, just recently, started doing like other jurisdictions like New Kent's been doing and
431 Louisa does. I had to leave the plat for the Planning Office, in Louisa, with the deed. And they
432 look into it to make sure that it's a legitimate valid family subdivision before they'll allow it to be
433 recorded, become a lot at the Court House. In Chesterfield, I had one the other day, and it was
434 just a boundary survey. In other words, not creating a lot – it was a boundary survey. I could
435 not record it, till I took it to the Planning Office, and someone stamped exempt on it. They
436 looked at, made sure by the tax map that it was not a division of that lot. And they stamped it
437 exempt, and I had to go back (and it all happened the same day) to the Clerk's Office and have it
438 recorded.

439
440 Mr. Emerson - That requires the cooperation of the elected Clerk, who doesn't
441 necessarily have to do that. That would be something that we would want to do, if we could
442 accomplish that, but the Clerk's elected independent, operates independent, so they can do as
443 you say. They could record whatever you bring to them, if they choose to cooperate with
444 localities, in most part if you ask them they'll adhere to (unintelligible). You have to ask them to
445 do that. That's an extra duty.

446
447 Mr. Marshall - I think that's something we have to look into.

448
449 Mr. Silber - We'd have to come up with that mechanism, if that's the way we want
450 to go.

451
452 Mr. Marshall - Cause otherwise, you're going to open yourself up, as we're open right
453 now, to people just putting whatever lots and splits and divisions that you want and its recorded
454 and its of record, then somebody is buying it, and then the County will say, sorry you can't build
455 on it.

456
457 Mr. Silber - Mr. Marshall is correct. Anybody can go to the Courthouse and record
458 a split. That split may not meet the zoning requirements. But when they come in to get a
459 building permit if it doesn't meet zoning requirements, we don't issue the building permit. Then
460 they'll either have to pick up more land or seek a variance from the Board of Zoning Appeals or
461 somehow deal with it. You can split a parcel of land one time and not go through the subdivision
462 process. You split it a second time, creating a third parcel, you've got to go through the
463 subdivision process. Unless there's a split for a family member.

464

465 Mr. Donati - Under your proposal, there won't be anymore one-acre lot
466 subdivisions, correct?
467
468 Mr. Silber - That's correct.
469
470 Mr. Marshall - ... unless it gets zoned.
471
472 Mr. Donati - You keep saying less than an acre.
473
474 Mr. O'Kelly - The R-0 district still permits one-acre lots.
475
476 Mr. Donati - One-acre lots. What would happen if you had a development that
477 wanted to buy a hundred acres, or a couple hundred acres tract of land, with five acres estate
478 lots where you could have a full mini estates. So that would be out of the picture, right?
479
480 Mr. Silber - You could zone it R-0.
481
482 Mr. Donati - (Unintelligible) less than one acre, if I'm right, for R-0.
483
484 Mr. Emerson - But you could have a zoning category be a lot larger than the required
485 than the required minimum.
486
487 Mr. Donati - Oh, okay.
488
489 Mr. Marshall - So he'd have to go through zoning. He could just plat it.
490
491 Mr. Tyson - If it was zoned A-1, you could not plat five-acre parcels.
492
493 Mr. Marshall - Right.
494
495 Mr. Silber - Keep in mind if you zone it to a "R" district, and its less than 1 acre
496 then you have water and sewer.
497
498 Mr. Donati - So if you did the five-acres you'd still have to have water and sewer.
499
500 Mr. Marshall - Right.
501
502 Mr. Vanarsdall - What do you want from us tonight? We've got another meeting to go
503 to. What do you want from us tonight?
504
505 Mr. Silber - Well, any guidance you can give us ... we would like to hear it. I hope
506 that staff's noted some of these suggestions.
507
508 Mr. Marshall - I think you need to look into the lot size and then the growth
509 boundaries (unintelligible) may be appropriate for ten acres in the Varina district, not the Three
510 Chopt District.
511
512 Mr. Vanarsdall - Are you saying the minimum number of acres? Not the lot size, not
513 the width of the land.
514
515 Mr. Silber - What you're talking about then is really addressing this in the
516 Comprehensive Plan where you would designate some areas
517

518 Mr. Marshall - Growth areas.
519
520 Mr. Silber - Growth areas, right. Where certain ordinances would apply. We
521 hadn't gone there yet. But that might be something that will come out in the Comprehensive
522 Plan update. Do you feel that this approach, if we could figure out what lot size is appropriated,
523 do you feel that this is a valid approach? Or, do you think that something (unintelligible) then
524 the Comprehensive Plan that deals with growth boundaries?
525
526 Mr. Marshall - My main (unintelligible) ten acres is the way to go, and then force
527 everybody to zone anything.
528
529 Mr. Silber - As Mr. Emerson indicated that is an interim period. We're looking at
530 sixteen-to-eighteen months coming back and looking at things, like growth boundaries and other
531 comprehensive planning approaches. The new ordinances are going to deal with clustered lots
532 and ...
533
534 Mr. Marshall - I do think if we had these high numbers, (unintelligible) ten acres, that
535 you're going to have provide something for family divisions.
536
537 Mr. Emerson - I think the discussion of those issues ...
538
539 Mr. Marshall - I think you're going to have to allow some people to do some family
540 divisions, if you're going to keep it at ten.
541
542 Mr. Emerson - Right.
543
544 Mr. Marshall - I think you are going to have to be some exceptions to allow people to
545 do some family divisions so they can have the kids, whatever.
546
547 Mr. O'Kelly - ... two acres, three acres, five acres.
548
549 Mr. Marshall - You mean for the family division?
550
551 Mr. O'Kelly - Yeah. Or keep it at one acre.
552
553 Mr. Emerson - Without the residual (unintelligible).
554
555 Mr. Marshall - Or the family division.
556
557 Mr. O'Kelly - What that will do is set us up for abuse. If you make it to small, there
558 are going to be too many times that somebody is going to come in, a realtor saying this is for
559 family member, and that's not exactly the case.
560
561 Mr. Marshall - That's where I think, what I was talking about with the old plat
562 process is not allowing working with Ms. Smith, and not allowing those plats just to go to
563 records, and then saying it's a family division. Like I went through in Louisa, the lady up there,
564 she took the plat, she called in the people and she did the research to make sure it was really a
565 family division before she even let the plat go to records.
566
567 Mr. Tyson - The proposal to require that the grantee be 18 and is able to hold title,
568 is going to catch some of that. Because, I've had experience where people have transferred title
569 of property to an 18-month old saying, well I'm going to give this to my child. And, no, I'm not
570 circumventing the subdivision ordinance. And then next week there's a for sale sign.

571
572 Mr. Marshall - I think state law says you can't be under 18 and hold title to real
573 estate.
574
575 Mr. Emerson - That's what I was going to say. (Unintelligible) that I'm aware of that
576 an individual did that. And, the judge caught it and he appointed a guardian-at-litum for the
577 child who would not let them sale the property.
578
579 Mr. Marshall - Right, it's against state law.
580
581 Mr. Archer - It would have to be put in trust.
582
583 Mr. Marshall - It has to be in trust. There would have to be something that if you
584 could do an exception, I think the only way to make sure that it doesn't get abused, is to have a
585 process with Ms. Smith. Whereby, she makes the plats, gets stamped by the Planning
586 Department before you record.
587
588 Mr. Silber - So, do I hear there's consensus to, at this point, stay with the 10
589 acres? Stay at that, at this point, look at some family division exceptions, (unintelligible) acres
590 from 3 to 5 acres or something in that range. With some mechanisms so that we can keep track
591 of these divisions from a procedural standpoint, working with the Clerk's office. There's some
592 information, you all expressed some concern about the square footages of homes. We'll have to
593 consider ...
594
595 Mr. Marshall - I think the acreage is (unintelligible).
596
597 Mr. Donati - Let's say somebody has a ... let's assume that we've adopted 10 acres
598 ... let's say that Joe Blow out there, has a 5 or an 8 acre tract of land that he wants to sell,
599 everybody's building around him – if I buy that piece of property, does that mean I've got to
600 divide more than (unintelligible).
601
602 Mr. O'Kelly - No. If it hadn't been divided before, this ordinance would provide
603 (unintelligible) and you could build house on it.
604
605 Mr. Silber - Without water and sewer.
606
607 Mr. O'Kelly - Without water and sewer.
608
609 Mr. Donati - Where is it in here?
610
611 Mr. Silber - Point that out to us, Lee.
612
613 Mr. Marshall - What size is this family division, do you think? What size of the family
614 division?
615
616 Mr. Archer - How would we know?
617
618 Mr. Jernigan - Well, let me ask you one thing. On a family division, am I correct in
619 saying that you can only do four. Did I hear that? You can split it as many ways, is that right?
620
621 Mr. Marshall - Yes. We've got 10 children, and we can give each one of them an
622 acre.
623

624 Mr. Jernigan - Okay.
625
626 Mr. Emerson - Let me ask, while he's looking for that. What's the reasonable residual
627 size if you allow an exception of the 10 acres? Say, we're going to let an acre serve for a family
628 division, if I were going to split off a parcel, my child ... I have a 3-acre parcel, do you want to
629 have a minimum residual, in order to allow those divisions to occur? If you have 2-acres, then
630 you have an acre you're going to let somebody split that down the middle? Or, do you want
631 them to have these minimums of 5 acres left over, meaning they have to have six in order to do
632 a family division, in order to try to maintain a larger lot size.
633
634 Mr. Archer - I don't think there's any scientific way we can come up with what the
635 correct number ... maybe we should suggest go with the 10 and see how this whole thing
636 evolves. I believe we'll be able to answer all the questions that the public is going to ask us
637 because we're not going to work it out.
638
639 Ms. Ware - I think it's different for every family.
640
641 Mr. Silber - I think what we have to do is put forward the best ordinance that we
642 can. Hold a public hearing and begin to receive input. The Planning Commission as a body, has
643 got to feel comfortable with what you're going out with. In the form of a public hearing we'd be
644 able to defend why you come up with those acres. I think Joe raises a good point, do you want
645 to be concerned about that residual or not. I kind of think, a minimum of one-acre might be
646 small; you might want to add two-acre minimums for a split. But, you know, the process I think
647 will begin to weed this stuff out. But we do need to go forward with some form so we can begin
648 to hold a public hearing. Now, we may want to come back with another work session for the
649 Commission. If you want, we will fix up this draft and come back with another work session. If
650 you don't think that's going to be productive, you want us to incorporate these changes, and go
651 ahead and set a public hearing, we can do that. I'm concerned that if we go to public hearing,
652 the October 14th date I do not recommend for a public hearing, because we have 28 zoning
653 cases, right now. I would suggest we hold a separate meeting for public hearing, like mid-
654 October, or we can do another work session.
655
656 Mr. Jernigan - I would rather see us have another work session because I don't think
657 everybody right now is on the same page, as to what we need. We're already in trouble, already
658 for what's leaked out. I mean, we've had Joe, how many ... 1,400 acres come through to be
659 subdivided.
660
661 Mr. Emerson - I think they have (unintelligible) ...
662
663 Mr. O'Kelly - I think for three weeks we have had 21 new subdivisions filed, and
664 over another 1,600 A-1 lots.
665
666 Mr. Vanarsdall - Randy, you think we'll be on the same wave length with another ...
667
668 Mr. Jernigan - I think, I'd rather discuss it. We're a little pressed for time right now,
669 but, I sure don't want to go ... today I wouldn't feel good about going to a public hearing. I'll be
670 truthful. I'd rather sit there and clear up some issues before you do that.
671
672 Mr. O'Kelly - Between the Board and the Planning Commission at the retreat called
673 for a 2nd work session on September 22nd at the POD meeting. We could certainly, if you want
674 to, set that tonight. I think we can ... the things that the Commission has brought to our
675 attention tonight and include it in a second draft. Also, the County attorney is looking at this.
676 We have not ...

677
678 Mr. Vanarsdall - That is what I asked you, what they said about it. Not that I don't
679 take John's word for it.
680
681 Mr. O'Kelly - We haven't received their comments yet, so that's something we need
682 to bring back to you.
683
684 Mr. Jernigan - I would recommend that we, I'd rather be a little more organized
685 before we faced the public hearing on this one.
686
687 Mr. Vanarsdall - You say the 22nd?
688
689 Mr. Jernigan - You need a motion.
690
691 Mr. O'Kelly - Yes sir.
692
693 Mr. Jernigan - I'll make a motion, that we have a second work session on September
694 22nd, after our POD meeting.
695
696 Mr. Marshall - Second.
697
698 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Marshall. All in favor,
699 aye. All opposed. The motion passes.
700
701 Mr. Marshall - Mr. Silber.
702
703 Mr. Silber - Yes sir.
704
705 Mr. Marshall - One housekeeping matter before our next meeting. Paragraph 6, of
706 your substantially in accord, for the eastern area middle school.
707
708 Mr. Silber - Yes sir.
709
710 Mr. Marshall - I think the first sentence, I understand how it came about to be done
711 with. We acted on the Henrico County government center complex, western campus a few
712 meetings back. Paragraph 6.
713
714 Mr. Silber - Paragraph 6. Of the Resolution?
715
716 Mr. Marshall - No, substantially in accord.
717
718 Mr. Silber - What page?
719
720 Mr. Marshall - Six.
721
722 Mr. Silber - Page 6?
723
724 Mr. Marshall - Page 6.
725
726 Mr. Silber - Yes, I see it. We'll fix that in the next draft.
727
728 Mrs. Ware - Are we adjourned.
729

730 Mr. Silber - Continue the meeting downstairs.

731

732

733

734

735

736

737

Lisa Ware, C.P.C., Chairman

738

739

740

741

742

743

Randall R. Silber, Secretary