

1 Minutes of a Planning Commission Work Session held in the County Manager's  
2 Conference Room to discuss a zoning ordinance amendment regarding sign  
3 regulations in Business Districts, beginning at 6:15 p.m. Thursday, September  
4 13, 2007.

5

Members Present: Mr. Tommy Branin, Chairperson (Three Chopt)  
Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
Mrs. Bonnie-Leigh Jones (Tuckahoe)  
Mr. Randall R. Silber, Director of Planning, Secretary

Members Absent: Mr. Frank J. Thornton (Fairfield)  
Board of Supervisors Representative

Also Present: Mr. Ralph J. Emerson, Jr., AICP, Assistant Director of  
Planning  
Mr. David O'Kelly, Assistant Director of Plan Review and  
Code Support  
Ms. Jean Moore, Principal Planner  
Mr. Ben Blankinship, Principal Planner  
Paul Gidley, County Planner  
Ms. Sylvia Ray, Recording Secretary

6

7

8 Mr. Branin - Mr. Gidley, before you speak, I'd like to call this  
9 meeting to order at 6:14 p.m. on September 13, 2007.

10

11 Mr. Silber - Let me just give an introduction to this. This is a work  
12 session. I think you all are aware of this, as we set this work session at your  
13 Planning Commission meeting. This is a work session to talk about a proposed  
14 zoning ordinance amendment regarding sign regulations in the business districts.  
15 This is to allow for increased opportunities for freestanding signs in regional  
16 shopping centers in the B-3 district. We have provided you with a copy of the  
17 draft ordinance. Paul Gidley, on our staff, is here to tell you more about it.

18

19 Mr. Gidley - Thank you, Mr. Chairman, Mr. Secretary, Members of  
20 the Planning Commission.

21

22 I'm here this evening regarding a proposed ordinance amendment regulating  
23 signs within regional shopping centers. First of all, the Code describes regional  
24 shopping centers as follows: They contain more than 40 acres in the aggregate;  
25 they consist of a coordinated group of retail and service establishments; they  
26 have common parking, access, and service areas; and they're first permitted  
27 within the B-3 zoning district. Examples of regional shopping centers within the

28 County would include Regency Square; Short Pump Town Center; the recently  
29 approved Shops at White Oak Village; and Virginia Center Commons.

30  
31 The reasons for the proposed amendment include the following: 1) To aid  
32 customers of regional shopping centers in finding the major tenants within those  
33 regional shopping centers; 2) To better identify outparcel tenants; and 3) To  
34 facilitate the flow of traffic within the regional shopping center.

35  
36 Staff is proposing one definition with this ordinance amendment, and that is for a  
37 sign called a monument, or in other words, a monument sign. It would be  
38 identified as a detached sign that is either, 1) a solid structure made of brick,  
39 stone, concrete or a similar durable type of material; or 2) constructed on or  
40 connected directly to a solid supporting foundation made of brick, stone, concrete  
41 or a similar durable type of material with no separation between the sign and the  
42 base. The width of the base shall be at least 90% of the width of the sign. The  
43 purpose for that is we obviously don't want a situation where somebody has, say,  
44 one brick column that's a foot wide and then a sign that's, say, six feet wide.

45  
46 There are two main components proposed with this amendment. The first would  
47 permit internal detached signs for outparcels or for those businesses with over  
48 75,000 square feet of floor area. The second would permit internal directional  
49 signs for those businesses that have over 75,000 square feet of floor area. So,  
50 in other words, your major tenants within a regional shopping center would be  
51 those that would qualify under the 75,000-square-foot minimum.

52  
53 For detached signs, as indicated, one additional detached sign would be allowed  
54 per outparcel, or for any business exceeding 75,000 square feet of finished floor  
55 area. The signs would be subject to development standards. These include  
56 being oriented to serve motorists within the shopping center; being over 200 feet  
57 from any public street; being a monument sign; being located along the access  
58 drive serving interior traffic; being part of an overall sign plan for the shopping  
59 center; not exceeding 35 square feet in sign area; and not exceeding five feet in  
60 height or 11 feet in width. Examples, as you can see above, are from Short Pump  
61 Town Center. These are all monument signs. They are ground-mounted; they  
62 are not pole signs. They are made of a durable type material such as brick.

63  
64 The second aspect to the amendment is directional signs. These would permit  
65 one additional internal directional sign showing the location of any business  
66 exceeding 75,000 square feet of floor area. Again, the signs are subject to  
67 certain standards, which are similar to those I just went over. They should be  
68 oriented to serve motorists within the shopping center; be over 200 feet from a  
69 public street; be a monument sign; be located on the access drive serving interior  
70 traffic; and be part of an overall site plan for the shopping center. The difference  
71 here is these could not exceed a height of 12 feet or a width of 8 feet, and that  
72 would include the overall sign structure. Here is an example, once again from  
73 Short Pump Town Center. You can note there that it's a monument sign; it's

74 made of durable material such as brick; and it advertises the names of those  
75 major tenants having over 75,000 square feet of floor area. It's not the smaller  
76 stores; only the larger-named tenants.

77

78 Mr. Branin - Mr. Gidley?

79

80 Mr. Gidley - Yes sir.

81

82 Mr. Branin - Go back, I guess, two slides, if you wouldn't mind.

83

84 Mr. Gidley - Right there?

85

86 Mr. Branin - No, the pictures. That one.

87

88 Mr. Gidley - There we go.

89

90 Mr. Branin - All right. If we're reading this as one additional  
91 detached sign per out parcel or business exceeding 75,000 square feet - you  
92 have an example of Blue Point?

93

94 Mr. Gidley - Yes.

95

96 Mr. Branin - Is that 75,000 square feet?

97

98 Mr. Gidley - No sir. This is the difference. And if you'd allow me to  
99 go back one additional slide.

100

101 Mr. O'Kelly - [Off mike.] Can I say something? All of the examples  
102 of signs you have shown are on a ring road.

103

104 Mr. Gidley - Yes sir, that's correct. If we go back, this ordinance  
105 amendment has two components. One is to allow an additional detached sign  
106 for any outparcel. Period. So, that could be like a Red Robin.

107

108 Mr. Branin - Okay.

109

110 Mr. Gidley - The second component would be for any store over  
111 75,000 square feet.

112

113 Mr. Branin - Ok. Mrs. Jones and I weren't reading it properly.

114

115 Mr. Gidley - Okay. There has been a lot of confusion by people  
116 on that, so you're certainly not the only one.

117

118 Mrs. Jones - I get it. All right. Thank you, Paul.

119

120 Mr. Branin - Okay, that answers that question. Thank you for that.  
121  
122 Mrs. Jones - Thank you.  
123  
124 Mr. Gidley - Well, that is the end of my presentation. If you have  
125 any questions, I'll be happy to answer them.  
126  
127 Mr. Branin - You answered the question that I had. Does anyone  
128 else have any other questions for Mr. Gidley?  
129  
130 Mr. Silber - The Commission may wonder why there are pictures  
131 and illustrations of these signs and then we're adapting a Code to address that.  
132 In the case of the Short Pump Town Center, these signs were approved as a part  
133 of the overall sign package that did not really conform with the ordinance. We  
134 worked it out as an overall sign package, but as additional regional shopping  
135 centers come in, like White Oak Village, we're running into this problem again. I  
136 believe we're trying to address this once and for all for regional shopping centers  
137 so it will conform similar to the way we handled things with the Short Pump Town  
138 Center.  
139  
140 Mr. Branin - Do we have any examples of signs for directional  
141 information?  
142  
143 Mr. Gidley - Yes sir. This last one is an example. Again, that lists  
144 your major tenants over 75,000 square feet of floor area. Now, I've seen small  
145 pole signs for some of the smaller tenants and this amendment would not permit  
146 those. Only the major monument signs for those tenants over 75,000 square  
147 feet.  
148  
149 Mr. Branin - So, with this change in the ordinance, you wouldn't be  
150 allowed to put a sandwich board up on Broad Street advertising the grocery  
151 store.  
152  
153 Mr. Gidley - No sir.  
154  
155 Mrs. Jones - But a grocery store might not be part of a regional  
156 shopping center.  
157  
158 Mr. Vanarsdall - Did we have to do something similar to this in  
159 Innsbrook, just smaller scale signs? I know at one time, everybody in Innsbrook  
160 wanted a sign and we couldn't do that.  
161  
162 Mr. Silber - Mr. Vanarsdall, I'm not sure. I think the signs in  
163 Innsbrook conform to all the office signage requirements. They do have a large  
164 sign out front that identifies Innsbrook. There were some office users that  
165 wanted some additional signage, but I think they all conform with the ordinance.

166  
167 Mr. Silber - What was the biggest complaint that you had?  
168  
169 Mr. Gidley - I think when the Short Pump Town Center came in, it  
170 was something different than what we had traditionally had in the County in that it  
171 was larger, as far as land area and dispersal, and the ring road. And so I think  
172 there was an attempt by staff at the time to try to apply the ordinance in a way  
173 that would facilitate public safety, and yet at the same time, try to remain  
174 reasonably close to the intent of the sign ordinance.  
175  
176 Mr. Branin - Mr. Gidley, with this ordinance change, do you  
177 foresee someone like Regency coming out and putting in new signage?  
178  
179 Mr. Gidley - Being a regional shopping center, they would be able  
180 to do that, assuming they meet the standards here.  
181  
182 Mr. Branin - Have they inquired?  
183  
184 Mr. O'Kelly - [Off mike.] We haven't heard from Regency Shopping  
185 Center, but from Virginia Commons. We also had a situation recently. I would  
186 consider North Park shopping center to be a regional center, although it's  
187 designed a little differently, it is B-3 zoning and over 40 acres. We have a  
188 situation now with out parcels and providing freestanding signs.  
189  
190 Mrs. Jones - Where is this? I didn't hear.  
191  
192 Mr. O'Kelly - [Off mike.] North Park at Parham and Brook Road.  
193 This would help the situation.  
194  
195 Mr. Branin - So, this would help with—  
196  
197 Mr. O'Kelly - [Off mike.] It would enable them in the future if it was  
198 to be done.  
199  
200 Mr. Archer - Mr. O'Kelly, you may recall this. Two years ago, we  
201 had a problem with a sign at Virginia Center Market Place. It was a sign that had  
202 to do with the Target store. Do you remember what that was all about?  
203  
204 Mr. O'Kelly - [Off mike.] The Target store? No -  
205  
206 Mr. Archer - It took us a while to overcome it, but do you  
207 remember that?  
208  
209 Mr. Silber - Was it freestanding or was it attached?  
210  
211 Mr. Archer - I don't remember.

212  
213 Mr. Silber - We occasionally run into problems with attached signs  
214 for some larger stores like Best Buy, Circuit City and Target because they often  
215 have a large color element as a back-drop to what they consider to be their sign.  
216 We have to count that whole color element as their sign. I thought that was the  
217 situation at Target.  
218  
219 Mr. Archer - I think Ukrop's was on the sign. And seems to me, it  
220 has something to do with that big red bulls-eye, but I'm not sure. I know it took  
221 us a few months to get it resolved. I don't remember how we finally resolved it.  
222 It could have been that they were in violation of—Virginia Center has its own set  
223 of regulations. Could have been they were in violation of that, but I don't know  
224 how we got drawn into it.  
225  
226 Mr. Silber - I just don't recall. Mr. Axselle is here. I believe that  
227 he's representing some clients that would benefit from this ordinance  
228 amendment. I don't know if Mr. Axselle has anything he would like to say today.  
229  
230 Mr. Axselle - [Off mike.] Only that, as Mr. Gidley's presented  
231 accurately, that Short Pump signage works well.  
232  
233 Mr. Silber - Why don't you speak at the podium so we can hear  
234 you.  
235  
236 Mr. Branin - Because we want to record everything you say.  
237  
238 Mr. Archer - Not that we'd ever use it against you.  
239  
240 Mr. Axselle - The signage has worked well at Short Pump Town  
241 Center. This type of sign allows people to know which way to go. The staff has  
242 drafted the ordinance in a fashion that basically says this is appropriate and  
243 legal. One of the major features is it has to be off the public road 200 feet, so it  
244 can't be abused by people. And it had to be on an access road and so forth.  
245 This is the same thing we would like to do at White Oak Village. And as Mr.  
246 Silber said, there's some question as to whether that is completely in compliance  
247 with the current ordinance, thus, one of the reasons for this change. The  
248 numbers were set to try to limit it to the major square footage, not just everybody.  
249 So, this would allow, with some modification, what Short Pump and White Oak  
250 have planned. And if it were Regency or Virginia Center Commons, they would  
251 come in with an overall sign package, because that's required by the ordinance.  
252 We are very supportive of this. We think it's worked well at Short Pump and we'd  
253 like to do it at White Oak Village for the same reason.  
254  
255 Mrs. Jones - I have a quick question. I do think that these are very  
256 helpful. I think they're very attractive and, obviously, it would be nice to have  
257 some consistency throughout all this. I'm assuming because we specified a solid

258 structure, one of the things that makes these so attractive is the fact that they're  
259 ground lit. That would, by nature, preclude any internal lighting portion in these  
260 signs, correct?

261  
262 Mr. Silber - No, I don't think it would preclude that. I think the  
263 monument style sign is more of a structure sign versus a pylon sign that would  
264 be a single pole with the sign above it. So, we're looking more for appearance.  
265 You could backlight this, have internal lighting.

266  
267 Mrs. Jones - My question is, is this the place to address those  
268 issues or should we?

269  
270 Mr. Silber - If that's the Commission's desire, that could be done.  
271 I think all the examples given here, they're all front-lit from the exterior. I don't  
272 know if that's something that—

273  
274 Mr. Axelle - From our perspective, we're comfortable with the  
275 front-lit. I think the Short Pump signage is good and it adds dignity to it, as  
276 opposed to a number of different internally-lighted signs.

277  
278 Mr. Branin - I think what Mrs. Jones is saying is we don't exclude  
279 backlit signs in this ordinance.

280  
281 Mrs. Jones - That's what I'm saying. We all understand what we're  
282 going for and I think it's, obviously, a very attractive and useful sign. I don't want  
283 to allow—by overlooking some wording that I should include here—signs that we  
284 don't intend to have.

285  
286 Mr. Axelle - That, from my client's eye, would be fine. We're not  
287 interested in the internally-lighted sign.

288  
289 Mr. Branin - Would we address this by putting in language that  
290 says, "excluding internally-lit signs"? Mr. Gidley.

291  
292 Mr. Gidley - Mr. Chairman, one way to go about doing it would be  
293 under the "Standards" section, going ahead and stating that it must be externally  
294 lit, or ground lit. That's one way of doing it. I'm sure there are other ways of  
295 achieving the same goal.

296  
297 Mr. Branin - Do the other Commissioners feel that's necessary or  
298 not necessary?

299  
300 Mr. Archer - The only option we would have is taking care of it at  
301 POD time. I'm just wondering what we might be doing to somebody who already  
302 has an internally-lit sign already in place.

303

304 Mr. Branin - I don't know if we have any.  
305  
306 Mr. Archer - I don't know.  
307  
308 Mrs. Jones - Nothing would change until they redevelop, I would  
309 think.  
310  
311 Mr. Silber - The majority of the signs that we currently have in  
312 place in regional shopping centers you've seen pictures of. To the best of my  
313 knowledge, they only exist in Short Pump Town Center, and this is an illustration  
314 of those. My only concern would be that you never know when new technology  
315 might come out. There might be an internally-lit sign that might be very tasteful  
316 and might be appropriate. It would preclude that. If this is the look you want, the  
317 feel you like, then I have no problems with adding that as a standard.  
318  
319 Mrs. Jones - I would suggest this is the look that we like. I do think  
320 it's very attractive and I think it serves the shopping center's use very well.  
321  
322 Mr. Branin - I don't think we have any, but do we want to address  
323 this or leave it open and that way we would be able to address it at POD. Or do  
324 we want to close the door now?  
325  
326 Mrs. Jones - As long as we're making definitions, let's think it  
327 through now, I would think.  
328  
329 Mr. Silber - This is a work session. You will need to schedule a  
330 public hearing. You can advise us at the public hearing to add that, if you want to  
331 give this some thought.  
332  
333 Mr. Jernigan - Yes, let's do that.  
334  
335 Mr. Archer - I don't see any drawback to it except what Mr.  
336 Secretary has mentioned. If the technology comes along that's not available  
337 now, we would preclude that unless we change the ordinance again. But then I  
338 agree with Mrs. Jones, this is the look we're looking for. Maybe we could  
339 accomplish that same look with an internally-lit sign. Maybe not now, but maybe  
340 sometime in the future.  
341  
342 Mr. Branin - So, do we shut the door?  
343  
344 Mrs. Jones - We just opened it again. This was supposed to be  
345 simple, wasn't it? I'm sorry.  
346  
347 Mr. Silber - There is very little that's simple, Mrs. Jones.  
348



349 Mr. Jernigan - Let's hear at the public hearing what people feel  
350 about it.  
351  
352 Mr. Branin - So, just keep that at the top of your mind.  
353  
354 Mrs. Jones - I would have nothing against putting wording in here  
355 to preclude that kind of signage, but I'll go along with whatever staff recommends  
356 on that, as far as the wording of the back-lit signs.  
357  
358 Mr. Silber - You'll need to set a public hearing. I was going to  
359 suggest that you set a public hearing for the 24<sup>th</sup> of October. That would be your  
360 POD meeting. I would suggest to set it at 10:00 and at the end of your POD  
361 meeting, you could hold this.  
362  
363 Mrs. Jones - I doubt this is an issue that will have people decide  
364 one way or the other, but I do want us to just think about it.  
365  
366 Mr. Branin - Do we set that now or should we set it—  
367  
368 Mr. Silber - I would suggest we set it now.  
369  
370 Mr. Branin - Would someone like to make that motion?  
371  
372 Mr. Archer - That we have the public hearing on the 24<sup>th</sup>?  
373  
374 Mr. Archer - I move.  
375  
376 Mr. Jernigan - Second.  
377  
378 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.  
379 Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion  
380 carries.  
381  
382 Mr. Silber - I'll advertise it for 10:00. Thank you, Mr. Gidley.  
383  
384 Mr. Gidley – Thank you.  
385  
386 Mr. Silber - If you would like, we need to set a couple other  
387 ordinance amendments.  
388  
389 Mr. Archer - Mr. Silber, before we leave this, do we expect that we  
390 may hear from anybody who has a business that is less than 75,000 square feet  
391 to speak against this maybe? Is that something we're prepared to deal with if it  
392 should come up?  
393

394 Mr. O'Kelly - I we think the goal of 75,000 square feet was to cover  
395 large regional shopping centers.  
396  
397 Mr. Archer - And I agree, but I'm just saying are we prepared to  
398 deal with the question if it comes up at a public hearing?  
399  
400 Mr. Branin - I don't have any problems. I don't see it necessary on  
401 the smaller shopping centers.  
402  
403 Mr. Silber - It wouldn't necessarily be smaller shopping centers. I  
404 guess what you're saying, Mr. Archer, I we showed you examples of  
405 Nordstrom's, Dillard's and Dick's. Probably Dick's is the closest to 75,000.  
406 Those other ones are well over 75,000 square feet. We might get into a regional  
407 center like White Oak Village and—Mr. Axselle, is there anything in White Oak  
408 Village that is one of your smaller junior anchors that might be pushing that  
409 envelope or that 75,000 limit?  
410  
411 Mr. Axselle - [Off mike.] Mr. Gidley, I think, has that. I think for  
412 example, Ukrop's is 60; Sam's, 134; Lowe's, 139, J. C. Penny, 112; Target, 126.  
413 [unintelligible]. Circuit City and PetSmart, some of those others, I don't think are  
414 that large.  
415  
416 Mr. Silber - Mr. Archer's point is that if Ukrop's wanted to be  
417 placed on a directional sign, with this ordinance, they would be prohibited.  
418  
419 Mr. Archer - We're not talking about a footprint, we're talking about  
420 total square footage, right?  
421  
422 Mr. Branin - Right.  
423  
424 Mr. Axselle - [Off mike.] It's actually finished floor.  
425  
426 Mr. Archer - Yes, finished floor.  
427  
428 Mr. Axselle - [Off mike.] The directional sign, I think, should be for  
429 someone like a Ukrop's, because that is the designation. That signage is  
430 [unintelligible] where you want it, what that level [unintelligible]. Mr Archer has a  
431 point in that you ought to be prepared to give some examples because some  
432 people could come along – now I don't represent them, but if I was working for  
433 Ukrop's, I might say that.  
434  
435 Mr. Archer - Mr. Axselle, you said they're at 60,000 square feet. Is  
436 that all finished or is that the total footprint?  
437  
438 Mr. Axselle - [Off mike.] I don't know.  
439

440 Mr. Archer - Right. Probably the size of the whole building, so  
441 maybe the finished area will be even less than that.  
442  
443 Mr. Silber - When you say, "finished area," I think you're talking  
444 about everything within the walls of the building.  
445  
446 Mr. Archer - How about the warehouse space?  
447  
448 Mr. Silber - I think you take in account everything. They have a  
449 stocking area in the back and storage. You still count that.  
450  
451 Mr. Jernigan - I'd say the footprint, whatever the footprint is.  
452  
453 Mr. Branin - So do we reduce it to 60 or do we leave it at 75?  
454  
455 Mr. Archer - I wasn't suggesting that we do anything, but I'm just  
456 saying I think we need to be prepared to deal with it, because I can see it  
457 coming.  
458  
459 Mrs. Jones - You have to choose something. What was the reason  
460 why 75,000 popped to mind as opposed to 50,000 or 60,000 or 80,000 square  
461 feet? Was there a standard of some kind that drove that figure?  
462  
463 Mr. Silber - It seems as though this originally surfaced with the  
464 Dick's retail store. Within that limit, they might be 75,000 or 80,000 square feet - I  
465 don't know. That may have been where we drew the standard. I don't know.  
466 Can staff answer that question?  
467  
468 Mr. Axselle - [Off mike.] I think our original draft we submitted to  
469 Dave was 55,000 square feet. Just thought we would like to get higher. Dick's is  
470 at 75,000.  
471  
472 Mr. Silber - Okay.  
473  
474 Mr. Axselle - [Off mike] He chose that without us really knowing  
475 that it might affect Ukrops.  
476  
477 Mr. Silber - Who is this "He"?  
478  
479 Mr. Axselle - [Off mike.] Dave O'Kelly.  
480  
481 Mr. Silber - Okay.  
482  
483 Mr. Archer - Is that their standard, Mr. Axselle or is that just the  
484 store at White Oak?  
485

486 Mr. Axelle - [Off mike.] That's the store at Short Pump.  
487  
488 Mr. Archer - I meant Short Pump, I'm sorry.  
489  
490 Mr. Branin - So, you're going to create a headache for us.  
491  
492 Mr. Axelle - [Off mike.] No. I'm just saying that a corporate  
493 system like that will probably pick up on it, somebody will. And that's what Mr.  
494 Archer's point was; we need to be prepared.  
495  
496 Mr. Archer - Yes, I think we do.  
497  
498 Mrs. Jones - It will be interesting to see - because in the confines  
499 of Short Pump Town Center or Virginia Center, or their proposals for right after  
500 that - where the stores fall within this. We're talking about the one exception  
501 here that might come forward, or whether there are half a dozen other  
502 businesses in there. This permits them; it doesn't guarantee them, but you know  
503 that the folks will be under pressure to put signage out there for anyone that  
504 qualifies to be on the sign.  
505  
506 Mr. Silber - Why don't we take a look at that square footage and  
507 bring something back to you in an ordinance and we can discuss adjusting that if  
508 necessary.  
509  
510 Mr. Branin - I think that's a good idea.  
511  
512 Mr. Silber - I was going to discuss this with the Commission at the  
513 end of the Planning Commission meeting, but since we have some time, if you'll  
514 allow me, I was going to ask for you to consider setting some more work  
515 sessions and public hearings. We have two ordinance amendments that have  
516 been introduced by the Board of Supervisors for study and work sessions and  
517 hearings. They approved the resolution on Tuesday initiating these ordinance  
518 amendments. They both deal with floodplains, but they are two separate and  
519 distinct ordinance amendments. The first one deals with changing the floodplain  
520 section of the Zoning Ordinance. This would be Section 106.1 of the Zoning  
521 Ordinance that deals with and describes regulations for floodplains. This is being  
522 required as a part of the County's effort to adopt new 100-year floodplain maps.  
523 These would be the FEMA maps, these are the federal floodplain maps, and the  
524 County will be adopting these as the official floodplain maps. These maps have  
525 to be adopted prior to December 18, of this year, and this ordinance amendment  
526 needs to go through the Planning Commission and through the Board. We're  
527 looking to have these adopted in November. That's one ordinance amendment.  
528 Public Works is actually drafting that with the County Attorney's assistance. It  
529 involves amendments to the Zoning Ordinance. That's one and I'd like to have a  
530 work session set on that.  
531

532 The second one involves a request that was made by Rockett's Landing to allow  
533 for dwellings to be constructed within the 100-year floodplain, if contained within  
534 a UMU zoning district and if contained in a mixed-use building. Currently, the  
535 Code does not allow for any new dwellings to be constructed in the 100-year  
536 floodplain. So this would be a change from our past practice, the past Code. In  
537 this case, they're asking permission to have new dwellings in a mixed-use  
538 situation built above the floodplain level, but within the area of a 100-year  
539 floodplain. That ordinance would be coming forward also. We're hoping to set  
540 work sessions on both of these for your meeting on October the 11<sup>th</sup>.

541  
542 Mr. Vanarsdall - What did you say the first one is?

543  
544 Mr. Silber - The Code currently does not allow any new residential  
545 dwellings to be constructed in a 100-year floodplain.

546  
547 Mr. Branin - So, you're looking for another work session or for this  
548 to be heard at zoning time at Planning Commission?

549  
550 Mr. Silber - This would be a work session on both these  
551 ordinance amendments at the Zoning meeting in October - October the 11<sup>th</sup>.

552  
553 Mr. Branin - So, you want to work both of them at the same one.

554  
555 Mr. Silber - Yes. We would be bringing both of them to you at the  
556 same time.

557  
558 Mr. Silber - Maybe 5:30, 5:15.

559  
560 Mr. Branin - 5:15.

561  
562 Mr. Silber - Yes.

563  
564 Mr. Branin - Is everyone okay with 5:15?

565  
566 Mr. Jernigan - On which day?

567  
568 Mr. Branin - October 11<sup>th</sup>.

569  
570 Mr. Silber - I'm shifting gears a little bit here, but it relates to this  
571 date. Some of you may have been invited to Sidney Gunst's roast that evening  
572 on October 11<sup>th</sup>. I don't know if you are, but this is going to conflict with that. I  
573 think that starts like at 6 and goes until 10. If we have this work session early, if  
574 any of you were planning on going to that, this is going to be a conflict.

575  
576 Mr. Branin - We wouldn't be able to go to it anyway because we  
577 have to be in here by 7.

578  
579 Mr. Silber - Unless you want to go for part of it and then get here  
580 by 7. I just wanted to remind you of that if you were planning on going, because  
581 there is a potential conflict there.  
582  
583 Mr. Jernigan - Randy, you said the first part of that was to determine  
584 what is floodplain?  
585  
586 Mr. Silber - The first ordinance amendment is to change our  
587 Zoning Ordinance that address floodplain regulations. We're having to do that  
588 because we're adopting new floodplain maps. We will have to modify our  
589 floodplain ordinance because of map changes.  
590  
591 Mr. Jernigan - Have we ever built anything in a floodplain, other than  
592 the Virginia Eye clinic?  
593  
594 Mr. Silber - That's a good questions, Mr. Jernigan. You can build  
595 commercial buildings in the 100-year floodplain. You can build parking lots in the  
596 floodplain. Any commercial building that is built in a floodplain has to be built at  
597 least one foot above the flood elevation. Virginia Eye Institute is built in a  
598 floodplain and there may be other commercial buildings in the floodplain. And  
599 there are certainly parking lots and roads and things in floodplains, but up until  
600 this point, new residential dwellings were not permitted.  
601  
602 Mr. Axelle- If I may. For example, a hotel, which obviously has  
603 residents in it, is commercial and it could be in the floodplain. So, the ordinance, I  
604 think you will see, will basically say it's limited to buildings that are mixed use; no  
605 residential on the first floor; the first residential area has to be one foot over the  
606 floodplain; and it's only for those along the James River. You also have to have  
607 24-hour access to the residential. I think the theory, in part, is that when the  
608 James River floods, you usually know when that's coming. But the residential  
609 portion would be out of the floodplain, one foot above that, and so forth. The  
610 ironic thing is, a hotel could have rooms on the first floor and because it's  
611 commercial, to the point Mr. Silber's making. So, the staff has drawn it, quite  
612 frankly, very tightly, as they should. It's because of where the floodplain is and  
613 they've limited it to just UMU, mixed-use buildings on the James River and other  
614 protections, as you'll see.  
615  
616 Mr. Silber - So, we'll be drafting these ordinances, bringing them  
617 forward to you for the October 11<sup>th</sup> meeting.  
618  
619 Mrs. Jones - That date works for me.  
620  
621 Mr. Branin - With that, we can say 5:15?  
622  
623 Mr. Archer - We'll be getting something on that, won't we?

624  
625 Mr. Silber - We'll get something out to you two weeks before that  
626 meeting. At the same time, I thought we may want to go ahead and set the  
627 public hearing for both of those items because we will have to advertise for those  
628 ordinance amendments prior to your work session.  
629  
630 Mrs. Jones - Right.  
631  
632 Mr. Silber - So, I would appreciate it if we could also set the public  
633 hearing, and I'd like to set that for the 24<sup>th</sup> of October. If you recall, we just set  
634 the other public hearing for October 24<sup>th</sup>, so this will be our third ordinance  
635 amendment public hearing at that time. If we could schedule them all at 10:00,  
636 we'll get through the POD's and subdivisions, and then we'll the ordinance  
637 amendments at the end of the meeting.  
638  
639 Mr. Jernigan - Let's hear them all.  
640  
641 Mr. Silber - Do we have a motion and second on that?  
642  
643 Mr. Branin - Not on the first one, the work session.  
644  
645 Mr. Silber - All right.  
646  
647 Mrs. Jones - I move that all three work sessions be set for October  
648 24, 2007—excuse me—public hearings be set for October 24, 2007.  
649  
650 Mr. Jernigan - Second.  
651  
652 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr.  
653 Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion  
654 carries. And we also have to make a motion for the other work session.  
655  
656 Mr. Silber - We have two work sessions on the 11<sup>th</sup> and two  
657 public hearings on the 24<sup>th</sup>. You set the public hearings?  
658  
659 Mrs. Jones - Three public hearings on the 24<sup>th</sup>.  
660  
661 Mr. Silber - I think you already set the one for the signs. So, if we  
662 could just have a motion to set the work session, two work sessions on ordinance  
663 amendments for October 11<sup>th</sup>, that would take care of it.  
664  
665 Mrs. Jones - So moved.  
666  
667 Mr. Archer - Second.  
668

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

671  
672 Ladies and gentlemen, it is now 6:50. I'd like to recess and move to the other  
673 room.

674  
675 Mr. Archer - And so it shall be, Mr. Chairman.

676  
677 The Planning Commission recessed this work session at 6:50 p.m.

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Randall R. Silber, Secretary

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Tommy Branin, Chairperson

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