

1 **Minutes of the regular monthly meeting of the Planning Commission of the**  
2 **County of Henrico held in the County Administration Building in the**  
3 **Government Center at Parham and Hungary Spring Roads, beginning at**  
4 **7:00 p.m. December 8, 2016. Display Notice having been published in the**  
5 **Richmond Times-Dispatch on November 21, 2016 and November 28, 2016.**  
6

Members Present: Mr. C. W. Archer, C.P.C., Chair (Fairfield)  
Mr. Gregory R. Baka (Tuckahoe)  
Mr. Eric Leabough, C.P.C. (Varina)  
Mrs. Sandra M. Marshall (Three Chopt)  
Mr. Robert H. Witte, Jr., (Brookland)  
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,  
Secretary  
Mr. Frank J. Thornton (Fairfield)  
Board of Supervisors' Representative

Also Present: Mr. Andrew Newby, County Attorney  
Ms. Jean M. Moore, Assistant Director of Planning  
Mr. James P. Strauss, PLA, Senior Principal Planner  
Mr. Benjamin Blankinship, AICP, Senior Principal Planner  
Mr. Seth Humphreys, County Planner  
Mr. Benjamin Sehl, County Planner  
Mr. Michael Kennedy, County Planner  
Ms. Lisa Blankinship, County Planner  
Ms. Erin Puckett, County Planner  
Mr. John Cejka, County Traffic Engineer, Public Works  
Ms. Sylvia Ray, Recording Secretary

7  
8 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains**  
9 **on all cases unless otherwise noted.**

10  
11 Mr. Archer - The Planning Commission will come to order. Good  
12 evening, everyone. Welcome to the December 8th meeting of the Henrico  
13 County Planning Commission for zonings and rezonings. I'm going to ask that we  
14 stand and address the flag. Before you sit, if you would, please, turn off or mute  
15 your cell phones.

16  
17 Thank you. At this time, I'd like to recognize Mr. Frank Thornton on my far left  
18 who is our representative from the Board of Supervisors and also Ms. Debbie  
19 Truong from the *Richmond-Times Dispatch*.

20  
21 Mr. Secretary, I'll hand things over to you and we can get started.

22  
23 Mr. Emerson - Thank you, Mr. Chairman. First on your agenda this  
24 evening are the requests for withdrawals and deferrals. I believe you have two

25 withdrawals and no deferrals this evening. Those will be presented by Mr. Jim  
26 Strauss.

27  
28 Mr. Archer - Good evening, Mr. Strauss.

29  
30 Mr. Strauss - Thank you, Mr. Secretary, and good evening  
31 members of the Commission. As the Secretary said, we do have two requests for  
32 withdrawal of two companion cases this evening. They would be on page 2 of  
33 your agenda, both in the Three Chopt District. That would be REZ2016-00035  
34 and the companion case PUP2016-00009. Both are for Carvana, LLC. No action  
35 is required by the Commission.

36  
37 **(Deferred from the November 10, 2016 Meeting)**

38 **REZ2016-00035 Andrew M. Conclin for Carvana, LLC:** Request to  
39 amend proffers accepted with rezoning cases C-76C-02 and C-31C-97 on part of  
40 Parcel 743-762-6518 containing 1.4 acres located on the east line of Tom  
41 Leonard Drive approximately 625' north of its intersection with W. Broad Street  
42 (U.S. Route 250). The applicant proposes to amend proffers related to prohibited  
43 uses, concept plan, hours of operation, signage, and development standards.  
44 The existing zoning is M-1C Light Industrial District (Conditional). The 2026  
45 Comprehensive Plan recommends Commercial Arterial. The site is located in the  
46 West Broad Street Overlay District.

47  
48 **(Deferred from the November 10, 2016 Meeting)**

49 **PUP2016-00009 Andrew M. Conclin for Carvana, LLC:** Request for a  
50 Provisional Use Permit under Sections 24-66.1 (b), 24-120, and 24-122.1 of the  
51 County Code in order to allow a 75' high building on part of Parcel 743-762-6518,  
52 located on the east line of Tom Leonard Drive approximately 625' north of its  
53 intersection with W. Broad Street (U.S. Route 250). The existing zoning is M-1C  
54 Light Industrial District (Conditional). The 2026 Comprehensive Plan  
55 recommends Commercial Arterial. The site is located in the West Broad Street  
56 Overlay District.

57  
58 Mr. Archer - Okay, thank you, Mr. Strauss.

59  
60 Mr. Emerson - Mr. Chairman, next on your agenda are the requests  
61 for expedited items. You have three of those this evening, and they will also be  
62 presented by Mr. Jim Strauss.

63  
64 Mr. Emerson - Thank you, Mr. Secretary. We do have three cases  
65 for approval on the expedited agenda this evening. The first one is in the Three  
66 Chopt District on page 2 of your agenda. It's REZ2016-00039, ME Sadler, LLC.  
67 This is a request to rezone from the RTHC Residential Townhouse District and  
68 A-1 Agricultural District to the RTHC Residential Townhouse District. Staff is  
69 recommending approval with proffers 1 through 19 in the staff report. We are not  
70 aware of any opposition.

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**REZ2016-00039**                    **Nathalie Croft for ME Sadler, LLC:** Request to conditionally rezone from RTHC Residential Townhouse District (Conditional) and A-1 Agricultural District to RTHC Residential Townhouse District (Conditional) Parcels 746-765-0309 and 746-764-2092 containing 8.5 acres located between the west line of Sadler Grove Road at its intersection with Sadler Road and the north line of Dublin Road. The applicant proposes a detached condominium unit development. The RTH District allows a maximum density of nine (9) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre.

Mr. Archer -                    Thank you, Mr. Strauss. Is there anyone present who is opposed to REZ2016-00039, Nathalie Croft for ME Sadler, LLC? There is no opposition.

Mrs. Marshall -                    Mr. Chairman, I move that REZ2016-00039, Nathalie Croft for ME Sadler, LLC, be forwarded to the Board of Supervisors with a recommendation of approval with proffers dated November 21st, 2016.

Mr. Witte -                    Second.

Mr. Archer -                    Motion by Mrs. Marshall and seconded by Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

**REASON -**                    Acting on a motion by Mrs. Marshall, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it continues a form of zoning consistent with the area and it would not adversely affect the adjoining area if properly developed as proposed.

Mr. Strauss -                    The next request is also in the Three Chopt District on page 3 of your agenda, REZ2016-00043, BHC Townes, LLC. This is a request to rezone from RTHC to R-6C. Staff is recommending approval with proffers 1 through 17 in your staff report. Again, we're not aware of any opposition.

**REZ2016-00043**                    **James W. Theobald for BHC Townes, LLC:** Request to conditionally rezone from RTHC Residential Townhouse District (Conditional) to R-6C General Residence District (Conditional) part of Parcel 730-767-7336 containing 8.738 acres located on the south line of Interstate 64 along the western Henrico County line. The applicant proposes a condominium development. The R-6 District allows a maximum density of 19.8 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed Use and Environmental Protection Area.

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118 Mr. Archer - All right. Is there anyone present who is opposed to  
119 this case, REZ2016-00043, James W. Theobald for BHC Townes, LLC? No  
120 opposition.

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122 Mrs. Marshall - Mr. Chairman, I move that REZ2016-00043, James  
123 W. Theobald for BHC Townes, LLC, be forwarded to the Board of Supervisors  
124 with a recommendation of approval with proffers dated October 11, 2016.

125  
126 Mr. Baka - Second.

127  
128 Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Baka.  
129 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

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131 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.  
132 Baka, the Planning Commission voted 5-0 (one abstention) to recommend the  
133 Board of Supervisors grant the request because it is reasonable in light of the  
134 surrounding uses and it would not adversely affect the adjoining area if properly  
135 developed as proposed.

136  
137 Mr. Strauss - The last request for approval on the expedited  
138 agenda is in the Brookland District, page 3 of the agenda. This is REZ2016-  
139 00041, George B. Duke. This is simply a request to rezone to the C-1  
140 Conservation District in compliance with the proffers of the original case. Again,  
141 staff is recommending approval, and we are not aware of any opposition.

142  
143 **REZ2016-00041** **George B. Duke:** Request to rezone from R-1AC  
144 One-Family Residence District (Conditional) to C-1 Conservation District part of  
145 Parcel 768-778-6296 containing 4.2 acres located on the west line of Greenwood  
146 Road along the Chickahominy River. The applicant proposes a conservation  
147 district. The use will be controlled by zoning ordinance regulations. The 2026  
148 Comprehensive Plan recommends Environmental Protection Area.

149  
150 Mr. Archer - Okay. Is there anyone present who is opposed to  
151 REZ2016-00041, George B. Duke? Mr. Witte.

152  
153 Mr. Witte - Mr. Chairman, I move that case REZ2016-00041,  
154 George B. Duke, move to the Board of Supervisors with a recommendation of  
155 approval.

156  
157 Mr. Leabough - Second.

158  
159 Mr. Archer - Motion by Mr. Witte and seconded by Mr. Leabough.  
160 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

161  
162 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr. Leabough, the  
163 Planning Commission voted 5-0 (one abstention) to recommend the Board of

164 Supervisors grant the request because it conforms to the Environmental Protection Area  
165 recommendation of the Comprehensive Plan.

166

167 Mr. Emerson - Mr. Chairman, that now takes us to the first item on  
168 your regular agenda. This is consideration of an ordinance to amend and  
169 reordain the following sections of the Code of the County of Henrico.

170

171 **PUBLIC HEARING: ORDINANCE – To Amend and Reordain the Following**  
172 **Sections of the Code of the County of Henrico Titled:** 24-3, “Enumerated;”  
173 24-13, “Accessory uses permitted;” 24-13.2, “Accessory uses permitted;” 24-30,  
174 “Accessory uses permitted;” 24-34, “Development standards;” 24-37, “Accessory  
175 uses permitted;” 24-39, “Accessory uses permitted;” 24-50.3, “Accessory uses  
176 permitted;” 24-50.8, “Accessory uses permitted;” 24-50.13, “Accessory uses  
177 permitted;” 24-50.21, “Accessory uses permitted;” 24-50.32, “Accessory uses  
178 permitted;” 24-53, “Accessory uses permitted;” 24-56.1, “Accessory uses  
179 permitted;” 24-57, “Development standards and conditions for permitted uses;”  
180 24-60, “Accessory uses permitted;” 24-62.1, “Permitted uses;” 24-64, “Accessory  
181 uses permitted;” 24-68, “Accessory uses permitted;” 24-72, “Accessory uses  
182 permitted;” 24-75, “Accessory uses permitted;” 24-101, “Neighborhood and  
183 community shopping centers;” 24-106.2, “Landscaping, tree cover, screen and  
184 buffer requirements, transitional buffering and design standards;” and 24-121,  
185 “Conditional zoning or zone approval;” To Repeal and Reserve the Following  
186 Sections of the Code of the County of Henrico Titled: 24-85, “Signs permitted;”  
187 24-86, “Signs prohibited;” 24-104, “Signs;” and 24-105, “Planned neighborhood;”  
188 And to Add a New Section 24-104.1 “Signs” to Chapter 24 of the Code of the  
189 County of Henrico. This ordinance repeals the existing sign ordinance and enacts  
190 a new sign ordinance. The new sign ordinance is designed to comply with the  
191 U.S. Supreme Court’s ruling in Reed v. Town of Gilbert decided June 18, 2015.  
192 The new sign ordinance principally regulates the number, size, height,  
193 illumination, motion, construction, maintenance, and location of commercial and  
194 noncommercial signs within each of the various zoning districts of the County.  
195 The new sign ordinance specifies that a sign permit is required for each sign  
196 unless a specific exception applies, and it explains how a sign permit is obtained.  
197 The new sign ordinance specifies which signs are prohibited, which existing  
198 signs will be considered nonconforming, and how those nonconforming signs will  
199 be regulated. The new sign ordinance also regulates changeable message signs  
200 in the various zoning districts and outdoor advertising signs in the business and  
201 industrial districts. Under the new sign ordinance, signs are regulated without  
202 regard to the content of the sign. Also, the ordinance updates various sections of  
203 the County Code to cross-reference to the new sign ordinance instead of the old  
204 sign ordinance. Finally, the ordinance repeals regulations for the establishment of  
205 Planned Neighborhood Districts.

206

207 Mr. Emerson - Once you’ve heard the staff presentation and held  
208 your public hearing, Mr. Chairman, I will ask that you defer action on this  
209 ordinance until your next evening meeting, which I believe will be January 12th.  
210 The reason for that being is we have received written comment today. We have

211 also received verbal comment. I have had several conversations, as has  
212 Mr. Blankinship. And I would like the opportunity to hear what the folks here  
213 tonight have to say regarding this proposed code change and then have an  
214 opportunity to gather all that information together, present it to the Commission in  
215 a work session in January, and discuss how these changes may or may not  
216 impact the code as proposed tonight. So once you do take input, I would request  
217 that you make a motion to defer it to your January meeting.

218  
219 With that, Mr. Chairman, the staff report will be presented by Mr. Ben  
220 Blankinship.

221

222 Mr. Archer - Thank you, Mr. Secretary. I'll give you a moment to  
223 rest.

224

225 Mr. Emerson - Yes sir. I need it after that.

226

227 Mr. Archer - This is a public hearing. Is there anyone present who  
228 is opposed to those cases he named?

229

230 Male - [Off microphone.] I have a quick question.

231

232 Mr. Archer - Sir, not right now. We'll get to you.

233

234 Male - [Off microphone.] Oh, I'm sorry.

235

236 Mr. Archer - Just want to know that you're here. We do have  
237 opposition. Mr. Blankinship, how are you, sir?

238

239 Mr. Blankinship - Fine, thank you.

240

241 Mr. Archer - I don't believe it's necessary for you to call all these  
242 off again.

243

244 Mr. Blankinship - I wouldn't dare. I will just say that one of the highlights  
245 that you might have heard from Mr. Emerson reading the title is that this was  
246 brought about in response to a United States Supreme Court decision, Reed v.  
247 Town of Gilbert. The sort of marquee ruling, a portion of that ruling is that sign  
248 regulations should not be based on the content of signs, that they should be  
249 neutral as to the content of signs.

250

251 That presented a challenge for us. In our first draft we just took our existing sign  
252 ordinance and went through and tried to change everything that specifically  
253 regulated content. What we quickly discovered is that the entire organizing  
254 principal of our regulations is based on the content of signs. If you have a  
255 directional sign, it can be this big. If you have a shopping center sign, it can be  
256 that big. If you have a real estate sign, it can be this big. So the whole organizing

257 of our sign regulations is based on content. So with the advice of the County  
258 Attorney's Office, we decided to just strike Section 24-104 and replace it in its  
259 entirety.

260  
261 As you'll see from the draft you have, we've struck about 37 pages and replaced  
262 it with about 9 pages. So we're moving in the right direction for once. We're  
263 actually making the ordinance shorter and simpler and easier to comply with. On  
264 that basis, this is not an attempt either to increase or to decrease the signs that  
265 are allowed. It's just a matter of trying to comply with Reed v Gilbert, first of all,  
266 trying to simplify and clarify and provide more flexibility for the people who design  
267 signs. At the same time, there are some interpretations that have built up over  
268 the years that we would like to get written into the code just to make sure that we  
269 perpetuate the understanding that has come about on some of those sections.

270  
271 I have spent a great deal of time with you over the last couple of months going  
272 through this, and I'm not going to try to go over it line by line tonight. But I did  
273 want to just illustrate some of those points. And the regulation of "for sale" signs  
274 is one thing that brings them all three together.

275  
276 First of all, as you see in the current language, we have a regulation based on  
277 signs advertising the sale or rent of the property. Clearly, that is a content-based  
278 regulation. So the first thing we had to do was get away from that. So we're  
279 replacing that language with allowing certain signs on property that is actively  
280 marketed for sale or rent. It doesn't have to say that the property is for sale or  
281 rent; it can say whatever they want it to say. But there is an additional sign  
282 allowed under that circumstance. So we're getting away from the content-based  
283 regulation and still sticking as close to the intent as we can, allowing people the  
284 opportunity to advertise their property is for rent.

285  
286 Another thing is that we have tried to simplify this. Today, if you want the larger  
287 real estate signs, not the little realtor sign stuck in the yard, but the big 32-  
288 square-foot signs, you're required to apply for a permit. There are signs like that  
289 all over Henrico County, and not all of them have permits. We considered  
290 whether we really needed the permit for them and reached the conclusion that  
291 it's really not necessary. The signs go up, the property sells or leases, the signs  
292 come down. As long as they're outside of the sight distance triangle and meeting  
293 other requirements, we don't need to go through the paperwork exercise of  
294 issuing a permit. So we're simplifying the ordinance and making it easier for the  
295 customer by no longer requiring the permit, which in a lot of cases is not  
296 procured anyway.

297  
298 Finally, we are writing into the code something that's been kind of a longstanding  
299 understanding, which is that—the way the code is written now, you could get a  
300 permit to put a 32-square-foot, a 4-by-8 foot "for sale" sign in front of every house  
301 in a subdivision, in front of every townhouse in a row of townhouses because it  
302 doesn't distinguish. It says you get a 3-square-foot sign without a permit, but you

303 can get a 32-square-foot sign just by applying for a permit. Nobody does that, but  
304 you could. So what we're writing into this proposed draft is that signs of 32  
305 square feet are allowed on major thoroughfares, which is where you usually see  
306 the large leasing agents putting up those signs. But on a subdivision street, you  
307 would be limited to the three-square-foot, the standard realtor's yard sign. So  
308 we're talking something that's been a common understanding and we're  
309 including it in the code to avoid misunderstandings.

310

311 Another good example of these principles is in the matter of temporary non-  
312 commercial signs. For example, political campaign signs. Many of you know that  
313 we've had longstanding disagreements with different people over how we  
314 manage political campaign signs, because again, you're required to get a permit  
315 for anything over three square feet. But every campaign season, we get  
316 complaints from people who have gotten their permits and they know that their  
317 opponent didn't get his permits. And it just becomes a big back and forth and  
318 something that we get caught in the middle of that we'd really rather not be  
319 caught in the middle of.

320

321 The problem is our code does not address political campaign signs. It does not  
322 directly address non-commercial signs at all. The only thing it says is—and this  
323 comes from actually an earlier Supreme Court case—that any permitted sign is  
324 allowed to contain non-commercial speech in lieu of any other speech. So  
325 anywhere you're allowed to have a business sign, you can put up a political sign  
326 instead or any kind of non-commercial sign instead. And so that's how they've  
327 been allowed over the years.

328

329 We would like to write into the code that you're allowed, without getting a permit,  
330 a non-commercial temporary sign. And in the residential districts, it would be  
331 limited to 16 square feet per lot, and they're allowed 90 days at time or 120 days  
332 in one year. You can go 90 and 30 or 60 and 60, whatever you want to do. But  
333 you can't just put them up and leave them up. You can't put them up 90 days,  
334 take it down, and put it back up the next day for 90 days. There is a limit on the  
335 amount of time that they would be up. But no permit required and an aggregate  
336 of 16 square feet. So if you want to have three 3-square-foot signs next time  
337 there's a state election and you want a governor, lieutenant governor, and  
338 attorney general, you can do it that way. Or you can just put up a 16-square-foot  
339 sign.

340

341 The parallel provision in the districts other than residence districts is the same  
342 except that it would allow 32-square-feet per 300 feet of road frontage. Again,  
343 that's a change because right now you're only allowed 32 square feet. Even if  
344 you have a 100-acre parcel with a mile of road frontage, you only get one 32-  
345 square foot sign. It's been brought to our attention that that's not really fair, that  
346 there should be more opportunity on a larger parcel like that. So that's the  
347 purpose of that proposed change.

348



349 Moving on to illumination. Some of you remember back in 2002, we changed our  
350 regulations regarding changeable message signs. One thing I wish that I had  
351 written into that amendment that I did think of at the time is to have a limit on the  
352 overall brightness of signs. The one you see before you there, the Gold's Gym  
353 Plaza sign, you're probably all familiar with down on Broad Street. And right here,  
354 you see a blue background with some light-colored letters, and that's not that  
355 bad. Sometimes that will switch to a white background with just a few dark letters  
356 on it. And when it goes from a dark panel to that white panel at night, the light  
357 can really blind you for a moment while you're driving.

358  
359 So we would like to write into the code a standard both of lumens, which  
360 measures the amount of light coming out of the sign, and foot candles, which as  
361 you know measures the amount of light landing on the ground. Just to have two  
362 different ways of measuring the brightness or the intensity of the illumination of  
363 signs. I took a light meter one night and went out and did a bunch of these  
364 readings. This is not going to get us into trouble in a lot of places, but there are a  
365 couple of places where it will help us tone down a sign. Not telling them to turn it  
366 off or get rid of the sign, but just change the design so that it's not causing a  
367 hazard to traffic.

368  
369 Probably the single biggest change in this draft is in the Office districts. The way  
370 the code is written now, you're allowed one attached sign. For an office building  
371 standing on its own, you're allowed one attached sign of 12, 16, or 20 square  
372 feet. And that's it. That's the only attached sign you get. And you get that sign  
373 whether this building is 1,000 square feet or 450,000 square feet. We've had a lot  
374 of conversations with people trying to find ways to get around that. You've even  
375 had cases where property owners have rezoned their property for the sole  
376 purpose of getting into a zoning classification that will allow them larger signs.  
377 And we don't want to see that kind of thing go on. We do believe that the  
378 restriction as it's written is too restrictive.

379  
380 So we have proposed that it should be a sliding scale based on the square  
381 footage of the building. After doing a fair amount of research, and looking at older  
382 cases and existing permits and comparing to the business districts, we came up  
383 with this number of 32 square feet for every 25,000 square feet of floor area.

384  
385 The day before yesterday, I got in my e-mail a proposal from a new office  
386 building that you all approved just very recently where the guy designing the sign  
387 just could not believe that he was only allowed a 20-square-foot sign. And he  
388 sent me an example of what he would like to do and said, "Don't you agree that  
389 this is reasonable?" It's a 35,000-square-foot office building, so under this rule,  
390 he'd be allowed 64 square feet of sign, and what he wants is 70. So he would get  
391 90 percent of what he wants with this change. Whereas today, he gets less than  
392 a third of what he wants. That just kind of confirmed for me that we hit that  
393 number just about right, and I think we'll be able to work with 25,000. I think it will

394 be a lot more helpful to our office tenants and of course the owners and  
395 developers of office buildings.

396  
397 Probably the biggest change in the business districts has to do with detached  
398 signs. And again, it's one of the things that's just kind of an odd unintended  
399 consequence, I think, of the way our code has developed over time. For  
400 shopping centers, you get a 100-square-foot, 25-foot-high detached sign. For  
401 other groups of businesses like the one you see in the picture there, which is  
402 right around the corner here, several businesses fit on one parcel but not a  
403 shopping center. They get 150 square feet and 45 feet of height. A standalone  
404 commercial use also gets 150 square feet and 45 feet of height. So Regency  
405 Square Mall gets 100 square feet. The Sugar Shack Donuts across the street  
406 gets 150 square feet. It's a quirky little thing. We would like to correct that.

407  
408 We also spent a lot of time debating over what is and is not in a shopping center,  
409 because as you know, you can't always tell just from looking what is under the  
410 shopping center regs. Everything that looks like a shopping center is not  
411 necessarily approved under the shopping center regs. So it can be very  
412 challenging to apply that section of the code.

413  
414 What we would like to change that to is for a standalone business, one business  
415 on one property, they can have a detached sign, but a small detached sign. But if  
416 groups of businesses go together and combine their sign area into one detached  
417 sign, they get a much larger sign. And it doesn't matter whether or not they're a  
418 shopping center. In either case, they get the larger sign. So we're hoping to  
419 provide an incentive to have fewer detached signs but allow them to be larger.  
420 But in a case where it's not practical to combine them, still give the property  
421 owner a reasonable sign that he can have.

422  
423 We do propose limiting all the signs in the business districts to 25 feet in height,  
424 which is one of very few things that we're really becoming more restrictive in this  
425 proposed draft. For comparison sake, Chesterfield's new regulations don't allow  
426 anything over 20, and most of them are either 15 or 8 in maximum height  
427 depending on the zoning district. So we still feel like 25 feet is really something  
428 you can get along with.

429  
430 We do have one request that has come in—Mr. Emerson mentioned it—that  
431 we've been having some conversations with week. There's one request in certain  
432 circumstances to allow up to a 30-foot sign. That's still somewhat open to debate.  
433 But what we would like to propose is limiting them to 150 square feet and 25 feet  
434 in height.

435  
436 That is really all the detail I wanted to go into this evening unless someone has  
437 more specific questions. And of course I'll be happy to address anything that  
438 anyone else asks from the audience to the best of my ability.

439

440 Mr. Witte - I have a quick question, Mr. Blankinship.  
441  
442 Mr. Blankinship - Yes sir.  
443  
444 Mr. Witte - Are the illuminated signs restricted by any color?  
445  
446 Mr. Blankinship - By color? No sir. A question that has come up is  
447 whether internally illuminated and externally illuminated, that is having a light  
448 inside the sign that lights around the vinyl or a spotlight shining on a sign. In the  
449 UMU District, you are now only allowed internal signs, and we have not changed  
450 that. Internally illuminated signs.  
451  
452 Mr. Witte - You showed a picture of a sign at West End Drive and  
453 Broad Street.  
454  
455 Mr. Blankinship - Yes sir.  
456  
457 Mr. Witte - That blue sign, when that comes on, if you're coming  
458 up Broad Street, it looks like a major traffic accident with a lot of police cars. It's  
459 the same blue.  
460  
461 Mr. Blankinship - There is a provision that any sign that can be  
462 confused with emergency vehicle lights is unlawful. So if that is the case, then we  
463 could ask them to reprogram that to use a different shade of blue.  
464  
465 Mr. Witte - Make it a darker blue?  
466  
467 Mr. Blankinship - Right. We wouldn't make them change the message  
468 or anything like that. But yes, we could ask them to change that sign so that it's  
469 not similar.  
470  
471 Mr. Witte - Over the past six months, it never occurred to me to  
472 say anything about it. But I've had an awful lot of people mention that sign.  
473  
474 Mr. Blankinship - That's interesting. I've never noticed it.  
475  
476 Mr. Witte - And not in a good way.  
477  
478 Mr. Blankinship - I've never noticed that. I'll check on it.  
479  
480 Mr. Archer - Mr. Blankinship, I have two quick questions.  
481  
482 Mr. Blankinship - Yes sir.  
483

484 Mr. Archer - And I think you may have answered this for me once  
485 in another venue. That 32-foot rule, we normally think of a sign as being 8-by-4  
486 or 4-by-8. But it could be 32 by, right?  
487

488 Mr. Blankinship - Yes sir, it could.  
489

490 Mr. Archer - Okay. And the other question you may not know.  
491 Where is the town of Gilbert?  
492

493 Mr. Blankinship - Arizona. I don't know where in Arizona, but I know  
494 that it's in Arizona.  
495

496 Mr. Archer - Close enough. I just wondered what state. All right,  
497 any questions from anyone else?  
498

499 Mr. Baka - I had a couple of questions, Mr. Blankinship. If the  
500 illumination standard is changed here at the West Tower Plaza sign, is the  
501 current changeable message sign considered to be grandfathered or must it  
502 comply with these new standards of the lighting?  
503

504 Mr. Blankinship - That's an interesting question.  
505

506 Mr. Baka - If it's been greater than 100 lumens.  
507

508 Mr. Blankinship - They could possibly make an argument that that  
509 illumination level is non-conforming. I would think they would be receptive to  
510 changing that panel of the sign, but they might not.  
511

512 Mr. Baka - The same question or corollary goes to detached  
513 signs if they're now proposed to be 32 square feet max, 8 feet high. Will that  
514 render some of the signs in small shopping strip centers throughout the County  
515 non-conforming?  
516

517 Mr. Blankinship - In some cases, yes it would.  
518

519 Mr. Baka - Okay. Would they have to comply with that new  
520 standard of the detached signage?  
521

522 Mr. Blankinship - They would be allowed to maintain that sign. But if it  
523 ever came down and they wanted to put a new sign up, the new sign would have  
524 to meet the new regulations.  
525

526 Mr. Baka - Right. And then the last question I had was how  
527 would the situation be addressed either by the current ordinance or proposed  
528 where you have a wall sign of a retail strip center and a restaurant has its sign  
529 with letters that are projected or raised from the building wall. And behind the wall

530 is a restaurant that has colored light shining out behind the actual letters of the  
531 sign, making the sign appear to be much larger than all the other signs in the  
532 shopping center. Is that currently regulated by the current code is that something  
533 that needs attention?  
534

535 Mr. Blankinship - I would have to see the details of that to answer the  
536 question. It's a little challenging just on your description of it. Generally I would  
537 say that just lighting the building differently would not enlarge the sign area. But  
538 the definition of sign area for a sign attached to a wall does take into account  
539 enough background to define the sign area. So if we looked at that change in  
540 color as being essentially background to the sign, then that could be regulated.  
541 So I'd have to see it.  
542

543 Mr. Baka - I'll follow up with you on that separately. Thanks.  
544

545 Mr. Thornton - Mr. Blankinship, as you began your description of the  
546 signage, you mentioned permits. And then in your explanation, you mentioned a  
547 permit is no longer requested. I guess my question is was the rationale for the  
548 permit for funding purposes? Or why was a permit required and was there  
549 funding when they had pay for those permits?  
550

551 Mr. Blankinship - For most of them, there is a permit application fee.  
552 For political campaign signs, I believe there is not. That's actually a Building  
553 Code fee, so I don't know those as well as I know ours. I'm sure that fee was  
554 never intended to increase revenue. All they do is defray part of the cost of  
555 administering the code. As to why it was written that way in 1998, I'm sorry, I  
556 don't know. Our experience has shown that those extra steps are not really  
557 benefiting the public in any way.  
558

559 Mr. Thornton - Thank you.  
560

561 Mr. Blankinship - Yes sir.  
562

563 Mr. Archer - Mr. Leabough, did you have a question?  
564

565 Mr. Leabough - No, I don't.  
566

567 Mr. Archer - Mrs. Marshall?  
568

569 Mrs. Marshall - No.  
570

571 Mr. Archer - Okay. Mr. Secretary, I guess we need to proceed  
572 from here. And we'll need a motion to table the vote on this until—  
573

574 Mr. Emerson - I think first, Mr. Chairman, you would want to take  
575 public comment on that.

576  
577 Mr. Archer - I beg your pardon, sir. I didn't mean to ignore you.  
578 Please come down to the podium.  
579  
580 Mr. Long - My name is Mike Long. I'm with Holiday Signs. We've  
581 got about 11 specific items that we have questions about. And I didn't know if it  
582 makes sense to talk about that now. I realize you guys may have a committee. I'll  
583 defer to you what's the best course of action for us to address these.  
584  
585 Mr. Emerson - Well you certainly could submit them to  
586 Mr. Blankinship in writing, and we'll be happy to get back to you. And then we'll  
587 go over those with the Commission in January.  
588  
589 Mr. Long - All right.  
590  
591 Mr. Emerson - But if you'd like to verbally just present them now,  
592 we're here to listen.  
593  
594 Mr. Long - Well, you get into the weeds a bit on some of it. Will  
595 the consideration of our concerns be treated equally in committee as in front of  
596 you guys?  
597  
598 Mr. Emerson - Certainly, yes sir.  
599  
600 Mr. Long - Okay. Then I think we'll just wait and I'll submit to him.  
601 We'll submit to him that way those specifics.  
602  
603 Mr. Emerson - Sure.  
604  
605 Mr. Long - Okay, great. Thank you.  
606  
607 Mr. Archer - Thank you, sir.  
608  
609 Mr. Long - I do have one question, though, on the lumens issue.  
610 Is that for nighttime? My question is you get high noon in the middle of June  
611 when it's bright out, I don't know if a hundred lumens gets you what you need  
612 during the day. Is this more of a nighttime limitation?  
613  
614 Mr. Blankinship - The way it's drafted, it would apply to day and night.  
615  
616 Mr. Long - Okay.  
617  
618 Mr. Blankinship - We don't have separate levels.  
619  
620 Mr. Long - Okay, I gotcha.  
621

622 Mr. Blankinship - If that's one of your comments—  
623  
624 Mr. Long - Well it's not. It's just something that popped up when  
625 you mentioned this. Okay. All right. Thank you.  
626  
627 Mr. Archer - Thank you, Mr. Long. I got ahead of myself. And I  
628 know there may be others who want to speak. Sir, I see you in the back.  
629  
630 Male - [Off microphone.] I was going to ask a question about  
631 the nighttime versus daytime.  
632  
633 Mr. Archer - Okay. That was it? All right.  
634  
635 Mr. Witte - You have a lady right there.  
636  
637 Mr. Archer - Someone else? Please come up.  
638  
639 Ms. Cosby - Good evening. Thank you.  
640  
641 Mr. Archer - Good evening.  
642  
643 Ms. Cosby - Mr. Chairman, members of the Commission, my  
644 name is Ann Neil Cosby, and I'm an attorney at McGuireWoods. With me tonight  
645 is Tammy Philblad, and she is the regional property manager for ShopCore  
646 Properties, which owns the majority portion of West Broad Village. ShopCore has  
647 invested over 400 million in Henrico County and currently employs over a  
648 thousand people.  
649  
650 At McGuireWoods, we've represented a number of clients through the years who  
651 have navigated the County's Sign Ordinance, so we're pleased to see that it's  
652 getting some attention.  
653  
654 But I am here tonight to speak specifically on behalf of two clients—ShopCore  
655 and also the developers of the West Broad Marketplace. While each of these  
656 projects is unique, both would significantly benefit from changes to the Sign  
657 Ordinance. I'd like to commend staff for their thoughtful and comprehensive  
658 treatment of the Sign Ordinance. I think they've done a really good job, and I'd  
659 like to thank Mr. Blankinship for speaking with me about our potential changes.  
660  
661 In particular, on behalf of West Broad Marketplace, which of course is where the  
662 Cabala's and the Wegmans are located. We have asked that in the business  
663 districts that the proposed Sign Ordinance be modified to permit accessory signs  
664 located at the point of access of up to 30 feet. So we're the one asking instead of  
665 the 25 that you heard Mr. Blankinship speak, that in limited circumstances, only  
666 where the project contains more than 40 acres. So for a West Broad Marketplace  
667 in those instances that signage is allowed up to 30 feet. Currently, that sign is 30

668 feet, so the reduction in the B-3, which is what West Broad Marketplace is zoned,  
669 would make that sign non-conforming at 25 feet. So we would ask that the  
670 Planning Commission consider just in that one instance that signage up to 30  
671 feet be allowed for those detach access signs and also up to 250 square feet in  
672 area. And again, only in that instance in those B districts where there are 40  
673 acres. So we would ask that you consider that.

674  
675 For development projects like West Broad Marketplace where businesses are  
676 located deep within the site, the visible identification signage on the road is just  
677 critical. While signage interior to the parcel, which is what's being proposed, is  
678 nice, for a site like West Broad Marketplace, really it's the signage on Broad  
679 that's most helpful. And that's particularly true where the sign actually—if you've  
680 been there, it's located 30 feet downhill from the actually sort of entrance to the  
681 commercial section of that property.

682  
683 You can't see many of the other businesses that are in there. Of course  
684 everybody knows Wegmans and Cabela's, but there are a lot of other wonderful  
685 businesses. But without additional signage, nobody would ever know it. And we  
686 want those businesses to also be successful.

687  
688 We have discussed these concerns with Mr. Blankinship, and he's been open to  
689 more discussion on this. And so we just would hope that the Planning  
690 Commission would consider the same.

691  
692 With regard to West Broad Village, the application of the Sign Ordinance to this  
693 development may be even more crucial. As a mixed-use new urbanist  
694 development, a significant portion of the project's commercial uses are located  
695 on those private streets, which are interior to that whole development. As I'm  
696 sure you are all aware, there is a very large parking deck and also the restaurant  
697 outparcels in between this core commercial area along those streets and Broad  
698 Street. And absolutely no visibility right now for those businesses. And many  
699 aren't leased or there has been turnover. And so we would like to be able to  
700 address the way to get visibility for those parcels so that they will be successful.

701  
702 Having signage that allows tenants to identify themselves and customers to  
703 these businesses is crucial. However, the development currently is uniquely  
704 zoned for the County as an Urban Mixed Use, a UMU development. To my  
705 knowledge, there are only three in the County. So it's got very particular UMU  
706 requirements for signage. And West Broad Village is also located in the West  
707 Broad Overlay District. That Overlay District also has very specific and more  
708 restrictive signage requirements. To have this development, West Broad Village,  
709 that needs signage perhaps more than any other development in the County that  
710 I can think of certainly, but to be subject to the UMU restrictions and the Overlay,  
711 we really believe that some changes could be adopted related to height, square  
712 footage, type and location, which would greatly benefit West Broad Village but  
713 wouldn't affect the aesthetic that's currently there and that's proposed along



714 Short Pump and West Broad and would still meet the zoning intent of the Zoning  
715 Ordinance.

716  
717 We're glad that Mr. Emerson has suggested that the matter be deferred. We  
718 would request that it is deferred. We would love the opportunity to work with staff  
719 to suggest perhaps some changes to particularly the UMU District so that those  
720 might be included and would, again, at least for West Broad Village and hopefully  
721 the other UMU developments, make those as successful as they can possibly for  
722 the County.

723  
724 Thank you for your consideration.

725  
726 Mr. Archer - Thank you, ma'am. Any questions for her before she  
727 sits down? Thank you.

728  
729 Ms. Cosby - Thank you.

730  
731 Mr. Archer - Is there anyone else who has a question or would like  
732 to make a comment? Okay, looks like we covered it all. I can see that this is  
733 something that would probably come up again from time to time. As technology  
734 evolves, I guess the sign world is evolutionary too. We don't know what the future  
735 holds in terms of signs. They might be hanging up from drones before too long.

736  
737 Mr. Emerson - You never know, you never know.

738  
739 Mr. Archer - All right, Mr. Secretary, what do we need to do now?

740  
741 Mr. Emerson - Mr. Chairman, I would request that a motion be  
742 entered to defer this to your January 12th meeting. That will allow us some time  
743 to consider the comments that we have received. And also in that interim period,  
744 if anybody would like to submit written comments to County staff, we certainly will  
745 take those in and take them under consideration and present those to you in  
746 work session on the twelfth. Possibly we may be deferring it again, depending  
747 upon decisions you might make at the work session on the twelfth. But at this  
748 point, I would just request you defer this to January 12th.

749  
750 Mr. Thornton - Mr. Chairman, if I may. When it comes back or as it  
751 goes further, I did hear the lawyer state a very critical word I think we need to  
752 take into consideration. That is *aesthetics* with these signs. We're trying to make  
753 sure that we shore up and improve the signage. But we want to make sure also  
754 that we don't want to create a monster with the signs and to keep the mantra of  
755 having good aesthetics with whatever we do as far as we can.

756  
757 Mr. Archer - All right. Thank you, Mr. Thornton.

758

759 Mr. Leabough - Mr. Chair, I move that the action on the Ordinance be  
760 deferred until January 12, 2017.

761  
762 Mr. Witte - Second.

763  
764 Mr. Archer - Okay. Motion by Mr. Leabough, seconded by Mr.  
765 Witte. All in favor say aye. All opposed say no. The ayes have it; the motion  
766 passes.

767  
768 Mr. Emerson - Mr. Chairman, we now move to page 3 of your  
769 agenda for REZ2016-00044, James W. Theobald for P&F, LLC and North  
770 American Holdings, Inc. The staff report will be presented by Ms. Erin Puckett.

771  
772 **REZ2016-00044 James W. Theobald for P&F, LLC and North**  
773 **American Holdings, Inc.:** Request to conditionally rezone from B-3C Business  
774 District (Conditional) and O-2C Office District (Conditional) to B-3C Business  
775 District (Conditional) Parcels 761-754-4773 and 761-754-2053 containing 4.01  
776 acres located between the south line of W. Broad Street (U.S. 250) and Skipwith  
777 Road approximately 600' west of their intersections with N. Parham Road. The  
778 applicant proposes a car dealership and inventory. The uses will be controlled by  
779 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive  
780 Plan recommends Commercial Arterial and Office.

781  
782 Mr. Archer - Thank you, Mr. Secretary. Is there anyone present  
783 who is opposed to REZ2016-00044, James W. Theobald for P&F, LLC and North  
784 American Holdings, Inc.? I see no opposition. Ms. Puckett, how are you?

785  
786 Ms. Puckett - Good. How are you?

787  
788 Mr. Archer - Go right ahead.

789  
790 Ms. Puckett - Thank you Mr. Chairman and members of the  
791 Commission.

792  
793 The applicant is requesting to rezone approximately 4.01 acres from B-3C and  
794 O-2C to B-3C to allow expansion of the storage area for an existing automobile  
795 dealership, Pearson Kia. The subject property includes two parcels located  
796 between the south line of West Broad Street and Skipwith Road.

797  
798 After much of the subject property was rezoned to B-3C in 1990 for an  
799 automobile dealership, a subsequent 2003 rezoning case added half an acre to  
800 that use while simultaneously rezoning just over an acre along Skipwith Road to  
801 O-2C for office uses. The office property has remained vacant. The current  
802 request would allow expansion of the dealership by rezoning the vacant parcel  
803 from O-2C to B-3C to allow vehicle storage associated with the dealership.  
804

805 The applicant has submitted revised proffers dated December 8, 2016, which  
806 have just been handed out and would require a waiver of time limits. Proffers  
807 affecting the existing dealership parcel have largely been carried over from the  
808 original 1990 approval. Proffers addressing the rear portion of the site along  
809 Skipwith Road include limiting uses to vehicle inventory, providing a minimum 25-  
810 foot-wide landscaped buffer with a wrought iron style fence along the Skipwith  
811 Road frontage and gating access to the site. The applicant has stated that  
812 access will be used for delivery vehicles to be able to exit on Skipwith Road  
813 rather than turning around and exiting on Broad Street.

814  
815 The revised proffers address concerns outlined in the staff report. The applicant  
816 has proffered the dedication of Skipwith Road right-of-way to its ultimate cross-  
817 section. They have also included a proffer for provision of a landscaped and  
818 natural area a minimum of 25 feet in width along the right-of-way of West Broad  
819 Street. That proffer further states any automobiles parked within this area shall  
820 only be parked on display pads designated for such use on the plan of  
821 development and limits the number of vehicle pads to two.

822  
823 The 2026 Comprehensive Plan recommends Commercial Arterial and Office  
824 uses for the subject property. The requested B-3C zoning is consistent with the  
825 Commercial Arterial designation along Broad Street, but would not be entirely  
826 consistent with the Office designation along Skipwith Road.

827  
828 While not entirely consistent with the Comprehensive Plan, this request would be  
829 harmonious with the previously approved rezoning for expansion of the  
830 dealership, and a logical continuation of the existing commercial use. Overall,  
831 staff believes this request could be appropriate, given the previous rezoning  
832 approval and the increasingly commercial nature of the surrounding area. With  
833 the revised proffers, which further regulate the impacts and aesthetics of the  
834 proposed use, staff can now support the request.

835  
836 This concludes my presentation and I would be happy to answer any questions.

837  
838 Mr. Archer - Thank you, Ms. Puckett. Are there questions for  
839 Ms. Puckett? There was no opposition. Mrs. Marshall, any questions?

840  
841 Mrs. Marshall - No sir.

842  
843 Mr. Archer - Okay. Then I suppose we're ready for a motion.

844  
845 Mrs. Marshall - Mr. Chairman, I move that we waive the time limits for  
846 REZ2016-00044, James W. Theobald for P&F, LLC and North American  
847 Holdings, Inc.

848  
849 Mr. Leabough - Second.

850

851 Mr. Archer - All right. Motion by Mrs. Marshall and seconded by  
852 Mr. Leabough to waive the time limits. All in favor say aye. All opposed say no.  
853 The ayes have it; the motion passes.

854  
855 Mrs. Marshall - And Mr. Chairman, I move that REZ2016-00044,  
856 James W. Theobald for P&F, LLC and North American Holdings, Inc., be  
857 forwarded to the Board of Supervisors with a recommendation of approval with  
858 proffers dated December 8, 2016.

859  
860 Mr. Witte - Second.

861  
862 Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Witte.  
863 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

864  
865 **REASON** - Acting on a motion by Mrs. Marshall, seconded by Mr. Witte, the  
866 Planning Commission voted 5-0 (one abstention) to recommend the Board of  
867 Supervisors grant the request because the business use is compatible with  
868 surrounding development, and the proffered conditions should minimize the  
869 potential impacts on surrounding land uses.

870  
871 Mr. Emerson - Mr. Chairman, we now move on to the next item,  
872 which also appears on page 3 of your agenda, REZ2016-00042, Rhonda  
873 Ledbetter for CFT NV Developments, LLC. The staff report will be presented by  
874 Mr. Ben Sehl.

875  
876 **REZ2016-00042 Rhonda Ledbetter for CFT NV Developments, LLC:**  
877 Request to conditionally rezone from B-1 Business District and O-2C Office  
878 District (Conditional) to B-2C Business District (Conditional) Parcel 753-747-9823  
879 containing .714 acres located on the west line of N. Parham Road approximately  
880 275' south of its intersection with Three Chopt Road. The applicant proposes a  
881 restaurant with drive thru. The use will be controlled by zoning ordinance  
882 regulations and proffered conditions. The 2026 Comprehensive Plan  
883 recommends Commercial Concentration.

884  
885 Mr. Archer - Thank you, Mr. Secretary. Is there anyone present  
886 who is opposed to REZ2016-00042, Rhonda Ledbetter for CFT NV  
887 Developments, LLC? No one. Mr. Sehl, how are you, sir?

888  
889 Mr. Sehl - I'm well, Mr. Chairman. Thank you very much.

890  
891 The applicant is requesting to rezone slightly less than three-quarters of an acre  
892 from B-1 and O-2C to B-2C to allow for the redevelopment of two existing office  
893 buildings into a new restaurant with drive-thru service. Surrounding uses include  
894 a pharmacy, childcare facility, grocery store, and McDonald's restaurant with  
895 drive-thru service immediately to the south.

896

897 The 2026 Comprehensive Plan recommends Commercial Concentration and the  
898 proposed restaurant and drive-thru would be consistent with this designation  
899 along with the other commercial uses located in the vicinity along North Parham  
900 Road.

901  
902 The applicant proposes to demolish the two existing office buildings and  
903 construct a 1,900-square-foot restaurant as shown on this proffered conceptual  
904 plan. The applicant has also submitted proffers that would limit uses on the  
905 property to those permitted in the B-1 District plus the proposed drive-thru. Other  
906 proffers address HVAC and dumpster screening, loudspeakers, access, and  
907 utilities.

908  
909 You'll also note that a number of new proffers have been provided this evening,  
910 and I'll walk through those. These were handwritten. Staff and the planning  
911 commissioner for the Tuckahoe District met with the applicant this evening who's  
912 up from Florida. And I can walk through those proffers. They were submitted this  
913 evening, and time limits would need to be waived.

914  
915 These are in direct response to the comments that were outlined in the staff  
916 report and are consistent with those that were submitted for the McDonald's that  
917 was recently redeveloped just to the south.

918  
919 Going down the proffers in front of you, #2, staff requested that the applicant  
920 address the materials for the dumpster surround. So the applicant has added  
921 language that would require that the dumpster be screened from public view and  
922 be predominately of a similar material to the building as constructed on the  
923 property. As we'll see further on, that's going to be predominately brick, so it will  
924 contain similar materials.

925  
926 There are also concerns about the permitted uses on the property. Although the  
927 B-1 uses are currently permitted on the site, certain uses that might not be  
928 compatible with adjacent properties, such as check cashing and payday loan  
929 facilities, were requested to be removed. And those uses have now been  
930 prohibited by the applicant in proffer 3.

931  
932 Moving further down, proffer 9. To be consistent with both this adjacent property  
933 to the north and south, the applicant has limited the height of site lighting to 20  
934 feet above grade, which would be consistent with those properties.

935  
936 Proffer 10 would provide for a sidewalk along North Parham Road. That sidewalk  
937 is consistent with other properties, and the County's undertaking a project along  
938 North Parham Road to install additional sidewalk. So the proffer 10 reads:  
939 Sidewalks shall be provided along North Parham Road.

940  
941 Proffer 11 addresses landscaping. There has been a somewhat consistent theme  
942 moving from the recently redeveloped Aldi at the corner of Starling Drive leading

943 back to the Tuckahoe Library up through the McDonald's. So the applicant has  
944 proffered the equivalent of a Transitional Buffer 10 along that property line, along  
945 North Parham Road.

946  
947 Proffer 12 limits the height of detached signage to 25 feet in height, which is  
948 consistent with the adjacent heights to the south for both the Aldi and the  
949 McDonald's. Obviously, there has been some discussion about signage this  
950 evening as well. The applicant's here and can potentially discuss some of that.

951  
952 And then finally, proffer 13 would require the building to be constructed primarily  
953 of brick similar to those sites to the south. Both the Aldi and the McDonald's are  
954 predominately brick. The applicant has e-mailed, and it's on here and he can  
955 show it when he comes up, an un-proffered architectural rendering that would—I  
956 think the coloring is a little bit off, but to give an example of what we might see.  
957 And again, the Commission would see this when it comes back for plan of  
958 development and would have some input on the architecture at that time as well.

959  
960 Again, these are a number of late changes. Staff does believe they addressed  
961 the comments in the staff report. Staff was hoping to work with the applicant. In  
962 this instance, they did come from a long distance, so we wanted to try to see  
963 what we could accomplish this evening from a proffer-change perspective. But  
964 obviously there are a number of changes, so I'm certainly happy to answer any  
965 questions you have about the language that is included. I know some of it in the  
966 copying got a little bit hard to read, so I'm happy to speak to any of those as well.

967  
968 With those proffer changes, staff does believe the request is consistent with the  
969 adjacent uses and consistent with the recommendations of the 2026  
970 Comprehensive Plan and could recommend approval. Time limits would need to  
971 be waived on those proffers.

972  
973 Mr. Archer - Thank you, Mr. Sehl. Any questions for Mr. Sehl?

974  
975 Mr. Baka - A couple of staff.

976  
977 Mr. Archer - Go ahead, Mr. Baka.

978  
979 Mr. Baka - There were a few concerns that were outlined in the  
980 staff report. My bottom-line question is, in your opinion do the revised proffers  
981 meet the intent of all the changes that staff is comfortable in recommending  
982 based on architecture, landscaping, sidewalk, and other proffers?

983  
984 Mr. Sehl - The intent of the proffers as written here does  
985 address those concerns.

986  
987 Mr. Baka - Okay.

988

989 Mr. Sehl - I would note that there might be—before it came to  
990 the Board of Supervisors, we would certainly recommend they clean the proffers  
991 up and type them so they're more clear for the Board to read. There might be  
992 some need to alter the location of a comma or something like that. They were  
993 handwritten this evening. But the intent of each of those proffers does address  
994 the concerns that were noted by staff in the staff report.

995  
996 Mr. Baka - Okay. And the intent addresses that. I guess my  
997 question would deal with architecture. I'm not sure if this is a question for staff or  
998 for the applicant. Could you elaborate a little bit more on the architecture that's  
999 being proffered right now?

1000  
1001 Mr. Sehl - Right now, the proffered language itself commits to  
1002 the materials that would be provided, which was staff's main concern. The recent  
1003 redevelopment there has contained a fairly similar theme from a material  
1004 standpoint. The architecture itself has been modified from site to site, but it's all  
1005 been high-quality exterior materials—brick, stone, things of that nature. So staff  
1006 was looking for a commitment along those lines. The applicant has provided that.

1007  
1008 The specific appearance of the architecture, the applicant has e-mailed  
1009 something this evening. This is an all-brick-and-stone building. You can speak to  
1010 them directly. This is not a proffered document at this time. The applicant could  
1011 speak to the ability to modify some of those items. I think they also indicated that  
1012 they would certainly be willing to—and the applicant can speak to it more directly.  
1013 The color palette there is obviously a little bit different than what is done with the  
1014 McDonald's and with the Aldi. They indicated a willingness to have that  
1015 conversation with the Commission as far as what direction that color palette went  
1016 in as well.

1017  
1018 Mr. Leabough - May I ask a quick question? When was this staff  
1019 report drafted?

1020  
1021 Mr. Sehl - The staff report was drafted—it was distributed  
1022 November 22nd, so it would have gone out to the applicant around that time  
1023 frame.

1024  
1025 Mr. Leabough - So well before December 8th.

1026  
1027 Mr. Sehl - It was, yes sir.

1028  
1029 Mr. Leabough - So why don't we have the same courtesy that the  
1030 Board will have in looking at a clean copy of proffers and proffers that are  
1031 submitted well before the day of the meeting? I know you can't answer that  
1032 question.

1033

1034 Mr. Sehl - The applicant could certainly speak to that. The staff  
1035 did share the staff report with them. We thought we had the time today to work  
1036 with the applicant to try to achieve what we've achieved here. But that's certainly  
1037 within the Commission's discretion as to whether or not they'd like to see  
1038 something additional.

1039  
1040 Mr. Leabough - I'm just seeing this for the first time, and I can't even  
1041 read half of what is being conveyed here. So that's the concern that I have. Also,  
1042 I'm just curious why the elevations aren't proffered, which we would typically see  
1043 for other cases of this nature, right?

1044  
1045 Mr. Sehl - I can let the applicant speak to that as well.

1046  
1047 Mr. Leabough - Yes, I know you can't speak to that. Sorry, Mr. Baka.

1048  
1049 Mr. Baka - No, please continue.

1050  
1051 Mr. Leabough - I'm trying to digest what, seven or eight additional  
1052 proffers that I can hardly make out on this sheet of paper here.

1053  
1054 Mr. Archer - All right, anything further for Mr. Sehl? Thank you, sir.

1055  
1056 Mr. Sehl - Thank you very much.

1057  
1058 Mr. Archer - The applicant will come forward, please, and state  
1059 your name for the record.

1060  
1061 Mr. Hooks - My name is Arthur Hooks. I'm with Ingenium  
1062 Enterprises. We're the engineering firm representing Panda Express. Good  
1063 evening, and thank you for listening to me at this time.

1064  
1065 As for why we did not address this back a week or so ago when it would have  
1066 been received two weeks ago, or I think a week, the idea is that normally in this  
1067 process—and this isn't the first one that we've been through. A lot of times when  
1068 we go through the rezoning, architecture has not been released at that time. And  
1069 this is actually one of the standard buildings that they use, and it will need to be  
1070 tweaked to go with what the city wants. The idea is that we looked at the proffers  
1071 that the city wanted. Everything seems to be something that we would work with  
1072 and we have no issues with.

1073  
1074 What would happen is, normally anything with architecture, color palettes,  
1075 anything with materials, that is worked out during the planning instead of there at  
1076 the rezoning because the idea is they release the architecture once and then  
1077 they have the rezoning. It's been that way throughout. I mean basically every site  
1078 that I've ever had to go with a rezoning. It's not something that a lot of times we  
1079 have in the rezoning issue. It's worked out during planning because the idea is



1080 you're working with the planners as well as the city once you go in for those  
1081 approvals.

1082  
1083 My understanding when we have spoken with them—and I was not the one  
1084 speaking originally. I just was brought in onto the project recently. The process  
1085 we had worked with after the rezoning, is generally how we would do the color  
1086 palettes and the finishes. We went ahead and did the ones that we know. From  
1087 the civil side we have issues with and would be able to quickly say yes. And we  
1088 actually went ahead and did the site plan to address those issues. Now as we  
1089 start into the release of the architecture, that's when we would start doing the  
1090 elevations that you see. And we would still further refine this and work with the  
1091 Planning Department, Building Department, to meet what the city—what the  
1092 County would like.

1093  
1094 I'm sorry if I said *city*. I just was at another one the other night. I did not mean to  
1095 say that.

1096  
1097 Mr. Leabough - I know what you were talking about.

1098  
1099 Mr. Archer - All right. Anything further for the applicant?

1100  
1101 Mr. Baka - Do you have any other building elevations with you or  
1102 other items you might be able to show on the projector which would exemplify  
1103 something more consistent? When you think of the row from Walgreens to  
1104 McDonald's, the Aldi, you have a little bit more red brick.

1105  
1106 Mr. Hooks - You and I did go over one just a little bit. I can get it.  
1107 We just had one on e-mail, and that's what I e-mailed him quickly. I can get my  
1108 laptop, bring it up. Is there a camera that we can plug in?

1109  
1110 Mr. Baka - Yes, there is a camera on the side, if we can activate  
1111 that camera and take a look. My question would deal with is the architecture  
1112 more consistent with some of the red brick characteristics between the  
1113 Walgreens, McDonald's, and Aldi, and others. And even the dental office across  
1114 the street.

1115  
1116 Mr. Hooks - As I stated, the color scheme would be worked out  
1117 with the planning throughout the entire process.

1118  
1119 Mr. Leabough - My concern is that—we've had these conversations  
1120 before. Here we are at the meeting trying to digest all this information. The staff  
1121 report was written on the twenty-second. If there were conditions that they were  
1122 comfortable with on the twenty-second, why is it that we're just seeing this  
1123 documentation today? It's just not fair to the rest of the Commission because we  
1124 weren't part of some of the other conversations. And now we're having to read,

1125 digest, and make a decision here at the meeting. If we had it beforehand, we  
1126 would have been prepared to make that decision.

1127  
1128 Mr. Archer - Good observation, Mr. Leabough.

1129  
1130 Mr. Baka - I agree.

1131  
1132 Mr. Leabough - We've had this conversation with other developers,  
1133 not just this.

1134  
1135 Mr. Baka - I agree and understand Mr. Leabough's concern. I  
1136 had those same exclamations this morning when I first learned there might be  
1137 changes. So I empathize with that.

1138  
1139 Mr. Leabough - I'm sure that they're going to build—if this gets  
1140 approved—a product that would be comparable to what's in the area. But just  
1141 giving us benefit of the doubt to be able to review the case fairly and adequately.

1142  
1143 Mr. Thornton - Mr. Chairman, I've never quite seen one before like  
1144 that. But I would just hope that if we have future cases coming in—there's a  
1145 protocol that we normally have coming before us like that, unless it was  
1146 something that was finalized at the last moment. But as I look at the dates, I don't  
1147 know.

1148  
1149 So I'm saying I just think you need to—I think we pride ourselves with what we  
1150 call good customer service. So therefore, I think there are certain expectations  
1151 we have as a Commission in how the information should be given to us. That's  
1152 an expectation, I think. So I just hope that once we get past this one that we  
1153 won't allow that again unless it's an anomaly.

1154  
1155 Mr. Archer - I'm sure that will be duly noted, Mr. Thornton.

1156  
1157 Mr. Emerson - Yes sir. Mr. Thornton, this was just worked out prior to  
1158 the beginning of this meeting, and that's why it's handwritten. The applicant is  
1159 from out of town and was unable to get here prior to this evening. So he met with  
1160 the Planning Commissioner and staff I believe at 6:30 this evening, directly prior  
1161 to this meeting, to work some of these items out. However, the report, as  
1162 Mr. Leabough has pointed out, was provided two weeks ago. So there was time  
1163 for these discussions to occur. They just did not.

1164  
1165 Mr. Hooks - I would like to just apologize on firm's behalf for that.  
1166 We thought by meeting the ones that we normally would meet prior to a rezoning  
1167 issue—the intent is that Panda is a restaurant. It's not one of the other uses they  
1168 wanted specifically like the check cashing. These are the ones that—we  
1169 specifically said the ones we thought that would have to be met now and then the  
1170 other ones we would want to work with them.

1171

1172 You can't really pick a brick color at this time. It takes time to go through the  
1173 palettes. Yes, we could have done it within a week, but as we go through this and  
1174 you find out maybe a certain color is not actually available when things are going  
1175 to be met, that's usually things, as we've said, we work with as we're getting  
1176 close to where we know that the product's going to be there. Sometimes some of  
1177 these buildings may take a year. I've had one that took two years to go. And by  
1178 the time we actually got to construction, we had to go back and actually pull  
1179 some of the materials, some of the equipment on the inside, because they no  
1180 longer made that. This is something that we normally try to do as we're going  
1181 through the process so that we know those products are available at that time. A  
1182 certain shade of red may not be available next time. McDonald's has a tan. That  
1183 color may not be available from that manufacturer. You might be able to find  
1184 something similar.

1185

1186 Color schemes change. We had that happen just recently on one in Casselberry,  
1187 Florida, where we had to go through and pick out whole other set of specific  
1188 Benjamin Moore colors the city wanted. But some of those colors disappeared  
1189 over time. And because it was in an Overlay District, we had to work with the city  
1190 to specifically get what they want.

1191

1192 The idea is we want a quality product, we want the city—the county—and I'm so  
1193 sorry about that—the County to be happy with that. We want something that  
1194 you're going to be proud of. We want it to match the adjacent structures. We  
1195 want everything on site to be a quality product. We'd like the County of Henrico  
1196 to be happy when we're done.

1197

1198 Mr. Witte - How long would it take to get an illustration with the  
1199 similar color?

1200

1201 Mr. Hooks - I would have to release the architect. And since this is  
1202 going to be a specialty building, it's not just one that we pull out of basically a  
1203 folder that we've already done, it's going to take some time for an architect to  
1204 actually to get together. Before we'd actually get to the next meeting, we should  
1205 be able to have a color elevation of what it's going to be. When we get into the  
1206 planning process.

1207

1208 Mrs. Marshall - I have a question. The one that's on West Broad  
1209 Street, the colors shown in this picture, that's pretty close to the color of the one  
1210 by the Target and across from West Broad Village. Is that correct?

1211

1212 Mr. Hooks - Actually, I did not do that one. I have not seen that  
1213 one. I'm sorry.

1214

1215 Mr. Baka - A question on this architectural elevation in front of  
1216 us. Can you walk through some of the elements in the building, separate from

1217 just what we're seeing here, and describe the brick, the fascia, the windows, the  
1218 awnings, the color, the red?

1219  
1220 Mr. Hooks - On this one specifically, you have basically a tan  
1221 brick, a tan stone, a brown brick. You also have what would be our stainless  
1222 panels that we've seen with some of the buildings. I've seen that change over the  
1223 last couple of years. Earlier you've seen one where we had stainless on one. It  
1224 was wood on another. It was a wood ceramic just because they didn't have the  
1225 stainless material that was originally specified for that one.

1226  
1227 It generally changes, but when we lock down something with the city, unless it's  
1228 something that the city has specifically said has changed and is no longer  
1229 available, when we work with the city to find a substitute for that. I mean, if it's  
1230 going to be a red, we'll do our best to find the shade that you're going to be  
1231 wanting to have. If it's a darker color, the idea is we'll work out every color with  
1232 you. Every elevation is going to be tied down to a specific color, a specific  
1233 manufacturer. And that will be submitted to the County for approval. It's going to  
1234 be going through the Building Department. Planning is going to have a chance to  
1235 look at it before then. That's the whole part of the process. We work through it  
1236 during that time because it does take some time for the architect to coordinate  
1237 with planners and the Building Department.

1238  
1239 Mr. Witte - Does anyone on the Commission have issue with the  
1240 design or are we just dealing with the color? No concern over the design?

1241  
1242 Mr. Archer - Do you, Mr. Witte?

1243  
1244 Mr. Witte - No. I think the design is great. As a matter of fact, I  
1245 wish I had a little more of this in the Brookland District.

1246  
1247 Mr. Archer - Be careful what you wish for.

1248  
1249 Mr. Hooks - We will also work with those changes that are needed  
1250 by the architects, and the County has said that. We will be able to tweak some of  
1251 that also. The idea is that this is a handholding process. It's a coordination effort.  
1252 We will work with you all as long as it takes to get this taken care of. And as I  
1253 said, please accept my apology for not having all the proffers beforehand. Those  
1254 are some that we normally would work out the entire time.

1255  
1256 Mr. Witte - Do you get your materials locally from the area you're  
1257 building in or are they shipped in?

1258  
1259 Mr. Hooks - A lot of times it's done by the general contractor. The  
1260 general contractor usually has the subcontractors that are local, and sometimes  
1261 it's a local general. A lot of times the materials they get may be off the shelf from

1262 around here. It just depends on where they're ordering from. Generally the only  
1263 thing that Panda generally will provide is a lot of the interior equipment.  
1264

1265 Mr. Witte - Okay. I'm pretty sure all the brickyards around here  
1266 have small panel boards with samples on them with different colors. I've had that  
1267 come to me several times. And I've met with the people on site to compare to  
1268 other businesses in the area. That's pretty simple to do.  
1269

1270 Mr. Hooks - That's one thing that we would be able to work out in  
1271 the planning process. I can't say specifically where the brick is going to come  
1272 from. I don't think the ones that I've dealt with—I mean if they had the materials  
1273 available just because it's a thing of getting the materials quicker. When they try  
1274 to build this, the idea is getting it and going as fast as possible. And so if there  
1275 are materials available locally, I would think that would be something they would  
1276 do. At that point, it's going to be the contractor's work, where they can get the  
1277 materials. We don't specifically say well you have to go and get this from  
1278 California or Oregon or Florida. It's just where they go to buy the materials.  
1279

1280 Mr. Witte - I understand. But if we don't settle the color issue, you  
1281 can put orange out there.  
1282

1283 Mr. Hooks - The color issue will be locked down during the  
1284 planning process. And it will be something, as the proffer said, similar to the  
1285 buildings in the adjacent properties. Right now, they're a red color brick. I'm  
1286 assuming that's what the majority of it will be. I know we have to coordinate that.  
1287 The McDonald's has two different colors. The Aldi is majority red. They're going  
1288 to have to take a look at it and work that one out with the Planning Department.  
1289

1290 Mr. Witte - Mr. Secretary, is it possible to move this to the Board  
1291 subject to approval by the Director of Planning on the color prior to?  
1292

1293 Mr. Emerson - Yes sir, you could do that, but it will return to you. The  
1294 elevations will return to you during the plan of development process. So you'll  
1295 have an opportunity to work with the applicant on the color selection and the  
1296 coordination of materials at the plan of development stage. They will be required  
1297 to submit elevations.  
1298

1299 Mr. Witte - Okay, thank you. That answers everything.  
1300

1301 Mr. Emerson - But we do on occasion have elevations proffered. And  
1302 probably more often than not on commercial projects with the caveat that they  
1303 can change at the discretion of the Planning Commission at the time of plan of  
1304 development. You have a general idea in front of you of what the building may  
1305 look like. You've seen two different schematics of what it could look like.  
1306 Certainly everything that's been said will be reflected in your minutes. So I think  
1307 you'll have ample opportunity at plan of development stage.

1308

1309 Mr. Baka - Mr. Chairman, knowing that this case will come back  
1310 before the Planning Commission for POD where we would not only have a  
1311 chance to see the final elevations but have a chance to make comments and  
1312 perhaps changes on them, knowing that if we were to make a motion to move  
1313 this on to the Board of Supervisors—I heard Mr. Hooks say that they could have  
1314 prepared for the next meeting specific elevations that mesh with the language  
1315 here in the proffer for consistency with the other building materials in the adjacent  
1316 buildings. Could some elevations that show the actual red brick on that building  
1317 itself—I guess my question is, if this goes on to the January Board meeting, how  
1318 many weeks in advance prior to that, two or three weeks, how much in advance  
1319 of the Board do those proffers need to be submitted showing the red brick  
1320 elevations?

1321

1322 Mr. Emerson - The dates are changing in January. We go to the  
1323 second meeting. So you have a little more time than normal to get those to us.  
1324 The staff reports go to the Board a week prior to the meeting. I would say no later  
1325 than two weeks prior to the meeting, which is the second meeting date in  
1326 January. I'm not sure exactly what that date is.

1327

1328 Mr. Baka - So even three weeks before would be the first week  
1329 of January. So the question of the applicant is could you go ahead and resubmit  
1330 proffers showing consistency with the other buildings and showing specific red  
1331 brick somewhere in the first week of January so that staff will have time to react  
1332 to them before it goes to the Board of Supervisors?

1333

1334 Mr. Hooks - I'm going to go take additional pictures from the ones  
1335 that we have tomorrow. I will send them to the other PMs, and we will get that  
1336 started so that yes, we can get you what you need.

1337

1338 Mr. Baka - Okay. We have the assurance of the proffers here  
1339 tonight. But the Board will have even more assurance of a specific elevation  
1340 showing that—I'll just say generally more than a couple weeks before the Board  
1341 meeting. That would be helpful for them.

1342

1343 Mr. Emerson - Mr. Baka, the Board of Supervisors' meeting it  
1344 appears will be on the 24th of January. So we would want those elevations to us  
1345 probably no later than January 9th.

1346

1347 Mr. Baka - Will that work for you, sir?

1348

1349 Mr. Hooks - That should be no problem at all.

1350

1351 Mr. Baka - That's great. And then lastly, as Mr. Witte pointed out,  
1352 we'll have the opportunity, the Planning Commission, to hear you back again on  
1353 the plan of development approval at a future date to go over those specific site

1354 plan issues with Leslie News and her staff. So that's all the questions I have at  
1355 this time, Mr. Chairman, unless there are others.

1356

1357 Mr. Archer - Okay, sir. And bear in mind also the Board does have  
1358 the right to defer this, too, if it's not to their satisfaction.

1359

1360 Mr. Witte - Absolutely.

1361

1362 Mr. Archer - Anyone else with questions for the applicant? All right,  
1363 Mr. Baka.

1364

1365 Mr. Baka - Mr. Chairman, I would move approval of a waiver of  
1366 the time limit for revised proffers as submitted on December 8, 2016, for  
1367 REZ2016-00042, Rhonda Ledbetter for CFT NV Developments, LLC as  
1368 requested.

1369

1370 Mr. Witte - Second.

1371

1372 Mr. Archer - Motion by Mr. Baka, second by Mr. Witte to waive the  
1373 time limits. All in favor say aye. All opposed say no. The ayes have it; the motion  
1374 passes.

1375

1376 Mr. Baka - Mr. Chairman, I would move that case REZ2016-  
1377 00042, Rhonda Ledbetter for CFT NV Developments, LLC move to the Board of  
1378 Supervisors with a recommendation of approval with the revised proffers as  
1379 submitted.

1380

1381 Mr. Witte - Second.

1382

1383 Mr. Archer - Motion by Mr. Baka and seconded by Mr. Witte. All in  
1384 favor say aye. All opposed say no. The ayes have it; the motion passes.

1385

1386 **REASON -** Acting on a motion by Mr. Baka, seconded by Mr.  
1387 Witte, the Planning Commission voted 5-0 (one abstention) to recommend the  
1388 Board of Supervisors **grant** the request because the proffered conditions will  
1389 provide appropriate quality assurances not otherwise available and conforms to  
1390 the recommendations of the Comprehensive Plan.

1391

1392 Mr. Hooks - Thank you very much. I'll see you all shortly.

1393

1394 Mr. Emerson - Mr. Chairman, we now move on to the next item on  
1395 your agenda, which also appears on page 3. It's REZ2016-00040, Ralph L. "Bill"  
1396 Axselle, Jr. for BPMS Carriage Hill Holdings, LLC. The staff report will be  
1397 presented by Mr. Ben Sehl.

1398

1399 **REZ2016-00040** **Ralph L. "Bill" Axelle, Jr. for BPMS Carriage Hill**  
1400 **Holdings, LLC:** Request to conditionally rezone from R-5 General Residence  
1401 District to R-6C General Residence District (Conditional), Parcels 769-748-8819,  
1402 770-748-2488, and 770-748-3221 containing 47.03 acres located on the north  
1403 and south sides of Glenside Drive at its intersection with Inglewood Street. The  
1404 applicant proposes an expansion of an existing multi-family residential  
1405 community. The R-6 District allows a maximum density of 19.8 units per acre.  
1406 The use will be controlled by zoning ordinance regulations and proffered  
1407 conditions. The 2026 Comprehensive Plan recommends Multi-Family  
1408 Residential, density should not exceed 19.8 units per acre.

1409  
1410 Mr. Archer - Thank you, Mr. Secretary. Is there anyone present  
1411 who is opposed to REZ2016-00040, Ralph L. "Bill" Axelle, Jr. for BPMS  
1412 Carriage Hill Holdings, LLC in the Brookland District?

1413  
1414 Male - [Off microphone; inaudible.]

1415  
1416 Mr. Archer - Okay, we'll get to you. Anyone else? Okay, thank you.  
1417 Mr. Sehl, again.

1418  
1419 Mr. Sehl - Thank you again, Mr. Chairman.

1420  
1421 This request is to rezone about 47 acres from R-5 to R-6C to allow for the  
1422 expansion of the existing Carriage Hill apartment complex. As part of this  
1423 expansion the development, which is currently marketed towards those over the  
1424 age of 55, the property would also become age restricted and limited to housing  
1425 for older persons by proffer.

1426  
1427 The Comprehensive Plan recommends the site for Multifamily Residential, which  
1428 recommends a density up to 19.8 units per acre, which is right in line with what  
1429 has been proffered by the applicant. This request would allow for additional units  
1430 on the property up to that maximum density. Adjacent developments consist  
1431 primarily of multifamily communities, with some single-family homes located  
1432 across Basie Road, as well as adjacent to the two parcels south of Glenside in  
1433 this area.

1434  
1435 The applicant proposes to build additional buildings within the community, and  
1436 has indicated this would allow them to offer additional services to residents such  
1437 as expanded meal services. As part of this request all new and existing units  
1438 would be restricted to housing for older persons as defined by fair housing law.  
1439 This limitation would mitigate potential impacts on schools and traffic resulting  
1440 from the proposed increase in residential density on the site. In addition to the  
1441 proffered concept plan, which shows the proposed location of two new buildings  
1442 indicated in red, the applicant has provided proffers that limit the hours of  
1443 construction activity and detail the proposed appearance of the new buildings,  
1444 which is shown here.



1445

1446 Overall, the proposed use and density are consistent with the recommendations  
1447 of the 2026 Plan, and the proffered age restriction should mitigate impacts  
1448 caused by the increased number of units within the community. For these  
1449 reasons, staff supports this request. I'd be happy to answer any questions you  
1450 might have at this time.

1451

1452 Mr. Archer - Thank you, sir. Are there questions for Mr. Sehl from  
1453 the Commission?

1454

1455 Mr. Witte - I have none.

1456

1457 Mr. Archer - Okay.

1458

1459 Mr. Sehl - Thank you.

1460

1461 Mr. Archer - All right, we did have someone in the audience who  
1462 needs to make an observation, I believe. Come on up, sir, and state your name  
1463 for the record.

1464

1465 Mr. Melton - Good evening. I'm Andrew Melton. I just had a  
1466 question. I was particularly concerned about the parcel ending in 8819. What's  
1467 currently listed at Kenwood Avenue was never developed and is actually an  
1468 easement, which is my driveway and is the only access to my house. And so I  
1469 know that currently there are no plans for development on that property, but with  
1470 the rezoning I was interested in how Kenwood would be affected with future  
1471 development.

1472

1473 Mr. Witte - Can you put the indicator on that exact location?

1474

1475 Mr. Sehl - Mr. Melton, this is parcel 8819.

1476

1477 Mr. Witte - Okay. And that's actually a driveway to your house?

1478

1479 Mr. Melton - Yes sir. Kenwood Avenue originally, from my  
1480 understanding. Kirkwood Street is my address. You cannot access my house  
1481 form Kirkwood Street. Originally, from my understanding, they were planning to  
1482 make this street go all the way through. But then they built Glenside and  
1483 abandoned this, so it's now a cul-de-sac. So my driveway is an easement, which  
1484 is listed at Kenwood Avenue. My house is this one right here, and the driveway's  
1485 right here. So this lot, I believe 8819, was what I was concerned about because it  
1486 is bordering that. I was interested how that would impact getting to my house.

1487

1488 Mr. Witte - We'll see if we can get that answered for you.

1489

1490 Mr. Melton - I appreciate it.

1491  
1492 Mr. Archer - Thank you, sir.  
1493  
1494 Mr. Witte - Any other questions?  
1495  
1496 Mr. Melton - That's all.  
1497  
1498 Mr. Witte - Okay. Thank you.  
1499  
1500 Mr. Archer - Okay. Would the applicant come down, please?  
1501  
1502 Mr. Axselle - Mr. Chairman and members of the Commission, Bill  
1503 Axselle on behalf of the applicant.  
1504  
1505 Mr. Archer - Good evening, Mr. Axselle. Good to see you.  
1506  
1507 Mr. Axselle - I will not reiterate the points that Mr. Sehl made in the  
1508 staff report. J. P. Hyland is with me. He's with the company who owns Carriage  
1509 Hill. On this particular point, we do not believe that what we're doing will affect  
1510 the easement that's used now. And J. P. Can give you the assurance that  
1511 nothing we do will affect this gentleman's access to his property.  
1512  
1513 Mr. Witte - Is that a dedicated easement?  
1514  
1515 Male - [Off microphone.] I don't know anything about the  
1516 easement, unfortunately.  
1517  
1518 Mr. Emerson - Mr. Witte, it appears to be a 50-foot public right-of-  
1519 way. Is that correct, Mr. Sehl?  
1520  
1521 Mr. Sehl - Yes sir, Mr. Emerson. It's actually a paper street at  
1522 this point that I think they use as an easement.  
1523  
1524 Mr. Witte - Okay. So we can be assured that he will not be  
1525 denied access to his property because of the construction or the finished product  
1526 or anything else.  
1527  
1528 Male - [Off microphone.] Absolutely. We will not obstruct his  
1529 access to his property.  
1530  
1531 Mr. Emerson - Also, Mr. Witte, the Board would have to take action  
1532 to vacate that right-of-way before it would be rendered available to anyone for  
1533 any type of development purpose. So there would be a public process. As long  
1534 as someone's utilizing it, I wouldn't foresee the Board ever considering a  
1535 vacation.  
1536

1537 Mr. Witte - All right. I just didn't want any liability put on the  
1538 County to extend the road so he would have access.

1539

1540 Mr. Emerson - Yes sir.

1541

1542 Mr. Axselle - We'll be glad to respond to any other questions. We  
1543 wanted to express our appreciation to the County staff, to Mr. Witte, the local  
1544 supervisor. We've worked the issues through pretty well, and we're comfortable  
1545 with the way the end product is and hope you will approve it.

1546

1547 Mr. Archer - All right. Anyone have anything further for  
1548 Mr. Axselle? Thank you, sir.

1549

1550 Mr. Witte - First I'd like to say that Mr. Axselle and his client have  
1551 been most gracious with their time on this as we've had more than a couple  
1552 meetings. They've been very agreeable with some issues we had. I think this is  
1553 going to be a really, really good decision to increase the age-restricted housing in  
1554 the area. It's very convenient. And I know we have a lot of our citizens going to  
1555 other localities because there's not enough convenient senior housing. So I see  
1556 this as a very good development.

1557

1558 Mr. Archer - Mr. Witte, before you move, Mr. Melton, are you  
1559 okay? Okay. Go right ahead.

1560

1561 Mr. Witte - All right. Mr. Chairman, with that I move that case  
1562 REZ2016-00040, Ralph L. "Bill" Axselle, Jr. for BPMS Carriage Hill Holdings,  
1563 LLC, move to the Board of Supervisors with a recommendation of approval.

1564

1565 Mr. Baka - Second.

1566

1567 Mr. Archer - Motion by Mr. Witte and seconded by Mr. Baka. All in  
1568 favor say aye. All opposed say no. The ayes have it; the motion passes.

1569

1570 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.  
1571 Baka, the Planning Commission voted 5-0 (one abstention) to recommend the  
1572 Board of Supervisors grant the request because it conforms to the  
1573 recommendations of the Comprehensive Plan and would not adversely affect the  
1574 adjoining area if properly developed as proposed.

1575

1576 Mr. Emerson - Mr. Chairman, the next item on your agenda appears  
1577 at the bottom of page 3. It is a discussion item. As we noted earlier, we will need  
1578 a work session on January the 12th to discuss further the proposed changes to  
1579 the Sign Ordinance, and the input we've received thus far, and hopefully any  
1580 input we receive between then and now. Also, I thought this would be a good  
1581 opportunity, as it is your organizational meeting, to review the rules and  
1582 regulations of the Commission and just refresh everybody on the items contained

1583 within that document. If there are any changes or any adjustments we need to  
1584 make, opportunity also to discuss and consider those. So I would suggest 5:30  
1585 on the twelfth if that meets with everyone's liking.

1586  
1587 Mr. Archer - Everybody good with that? Do we need a motion or  
1588 can we just do it by acclamation?

1589  
1590 Mr. Emerson - Acclamation or consensus is perfectly fine with me,  
1591 Mr. Chairman. I will make sure that we have some nourishment available for you  
1592 as well.

1593  
1594 Mr. Archer - You're very kind, Mr. Secretary.

1595  
1596 Mr. Leabough - Will it be comparable to the nourishment that we  
1597 received last time we convened?

1598  
1599 Mrs. Marshall - That was amazing.

1600  
1601 Mr. Archer - I think that was one of a kind.

1602  
1603 Mr. Witte - January 12th is a Thursday.

1604  
1605 Mr. Emerson - I'll see what I can do, but it is the beginning of the  
1606 year.

1607  
1608 Mr. Leabough - I'm joking, Mr. Emerson, I'm joking.

1609  
1610 Mr. Archer - No, he's not joking.

1611  
1612 Mr. Leabough - Right after the holidays, budgets are tight.

1613  
1614 Mr. Emerson - That's right. We might have to curb back a little bit  
1615 right after the holidays.

1616  
1617 Mr. Archer - All right, sir. Everybody concur with that?

1618  
1619 Mr. Leabough - Yes.

1620  
1621 Mr. Archer - All right. January 12th.

1622  
1623 Mr. Emerson - Mr. Chairman, the next item on your agenda would be  
1624 consideration of approval of your minutes from the November 10, 2016 meeting.  
1625 You do have an errata sheet also that was handed out this evening.

1626  
1627 Mr. Archer - I was the one that detected that error. I certainly didn't  
1628 want Mr. Baka to be held responsible for anything I may have said.

1629  
1630 Mr. Baka - I certainly appreciate that.  
1631  
1632 Mr. Leabough - Is that the last item on the—  
1633  
1634 Mr. Archer - I believe it is.  
1635  
1636 Mr. Leabough - So we know you read the entire document.  
1637  
1638 Mr. Archer - Apparently so. Although I do generally read from the  
1639 back to the front.  
1640  
1641 Mr. Emerson - You're not supposed to tell your secrets.  
1642  
1643 Mr. Leabough - I move the minutes be approved as corrected.  
1644  
1645 Mr. Witte - Second.  
1646  
1647 Mr. Archer - All right. Motion by Mr. Leabough and seconded by  
1648 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion  
1649 passes. The minutes are approved.  
1650  
1651 Mr. Emerson - Mr. Chairman, I have nothing further for the  
1652 Commission this evening.  
1653  
1654 Mr. Thornton - Mr. Chair, I have something.  
1655  
1656 Mr. Archer - Go ahead, Mr. Thornton.  
1657  
1658 Mr. Thornton - This is December, and I'll be moving on. Every four or  
1659 five years I come on this board. It's a very dignified board and commission. But  
1660 you know I've brought up some issues this past year. And the other thing that I  
1661 want to leave my colleagues with is Henrico is growing, and we have places  
1662 where people live and particular the public housing. One of the things I have  
1663 emphasized is that we want to be visionary in our planning in the future. We have  
1664 in the Fairfield District one of the largest public housing enterprises. One of the  
1665 things I think that the County needs to do with input from this group, is we need  
1666 to take a look at public housing in Henrico County.  
1667  
1668 I'm originally from Richmond. I used to live on a street called St. John Street. And  
1669 behind St. John Street was a creature that came up in the 1940s, '45, '47 called  
1670 Gilpin Court. The 1940s and coming to the 1960s, that was the methodology for  
1671 people who basically rented or needed public housing. I do not say anything that  
1672 is disparaging those people because I came from a family that rented. What I am  
1673 concerned about, though—and I think this group should at least discuss it—is  
1674 how do we handle public housing when you have a whole lot of people, maybe

1675 too many people, in the same location. I think the data and research on that will  
1676 show that is not such a good formula to have. And I think our sister locality is  
1677 changing some of that.

1678  
1679 My suggestion is—and Chicago did this. Some of you have heard of Cabrini  
1680 Green. So I'm just suggesting in the future I hope this committee will kind of take  
1681 a look at some tough issues. That's a tough issue. But we want to do it right. And  
1682 doing it right means, at least in my opinion, you don't put all of a group of people  
1683 of one so-called lower socioeconomic group in one place. That is not healthy. It's  
1684 not good for a locality. It just is unworthy of good locality planning.

1685  
1686 So I'm just hopeful that maybe in the future some of that, you might discuss it.  
1687 And I wouldn't just depend on the Board of Supervisors all the time. Okay? I  
1688 mean creativity comes from all people I think the Planning Commission is a  
1689 seminal group in any locality. So you need to start taking a look at some of those  
1690 things. And maybe some other people may not bring them up. But we need to do  
1691 that, I think, to rectify some things we didn't plan so well on in the past. We're  
1692 talking about the twenty-first century, so we can't have nineteenth century  
1693 methodology when it comes to human beings.

1694  
1695 So I'm hopeful that if you think that's a legitimate thought concept that you will  
1696 discuss that sometime in the year 2017.

1697  
1698 Mr. Archer - All right, thank you, Mr. Thornton. That's a very astute  
1699 observation. Could that be probably a part of the Land Use Plan discussions next  
1700 time?

1701  
1702 Mr. Emerson - Yes sir.

1703  
1704 Mr. Archer - When that comes up.

1705  
1706 Mr. Emerson - It could come up within the Land Use Plan  
1707 discussions. And it's possible while we're discussing the revision and updating of  
1708 our zoning codes and subdivision ordinances it could also be a part of that  
1709 discussion as well. We have chosen a consultant. I think I noted it to you during  
1710 the discussion with the Board at the work session the other evening. We have  
1711 awarded the contract for the updated zoning code. And I hope to kick that off in  
1712 earnest in January. We anticipate that to be about a 30-month process. I think  
1713 the Commission will be very, very involved in that.

1714  
1715 Mr. Thornton - And Mr. Secretary, I'm also in the process of  
1716 researching something that was done in Atlanta. Atlanta had a situation like this.  
1717 What they did—we don't have to do what anybody else does, but they razed that  
1718 whole area. And then what they did, they did something new. They had what's  
1719 called mixed income people in there. That might be something that other  
1720 localities need to take a look at. Some areas have gone on and tried to put

1721 something in place. Since we're an outstanding county, I'm sure we're going to  
1722 look at some solutions ourselves.

1723

1724 Mr. Emerson - Absolutely.

1725

1726 Mr. Leabough - I think we have some opportunities as far as tools are  
1727 concerned. We just need to move forward with the code amendment or the  
1728 review will be critical. The TND Ordinances and other ordinances like the form  
1729 based code that have not been so successful at the Board level will be critical as  
1730 we move to the future. It's great to have these conversations, but we really need  
1731 the tools in the toolbox to help us get there from a market perspective. So I agree  
1732 with you, Mr. Thornton.

1733

1734 Mr. Thornton - We do. And you will recall—and this is the last thing  
1735 I'll say, Mr. Chairman. I chose not to vote with my colleagues once some years  
1736 ago when we had a changing of some of the classifications. I did not discuss with  
1737 my appointee on the Planning Commission, but I subsequently found out that  
1738 person voted the same way. We relegated into the past, or into the universe, two  
1739 types, or three types, of zoning classifications that we no longer have. It was R-  
1740 3—

1741

1742 Mr. Archer - R-3, R-3A and—

1743

1744 Mr. Thornton - Yes. What we see now is we have a new group of  
1745 persons called millennials, and they may not go for that big house as a lot of us  
1746 have opted to do and all that. So I'm just saying people's tastes change in our  
1747 country. So maybe that's something you need to take a look at also just to see  
1748 what's going on. And people are becoming more pragmatic as we live each year.  
1749 Maybe it's time to take a look at those zoning classifications again.

1750

1751 Mr. Archer - We did bring that up not too long ago, so I think that  
1752 will be in the works at some point in time.

1753

1754 Mr. Emerson - That's what I hope to look at, all forms of changes to  
1755 the Zoning Code including what Mr. Leabough talked about, the TND, the form  
1756 based especially, and other mixtures of development that would benefit the  
1757 County. We haven't done this since 1960, so I'm very hopeful and excited.

1758

1759 Mr. Archer - All right. Well thank you, Mr. Thornton, for those  
1760 observations. If you reappoint me next year, I promise you I'll work on it.

1761

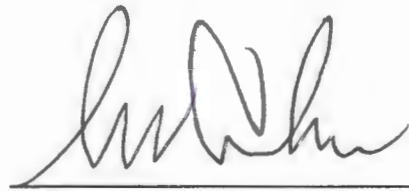
1762 All right. Anyone with anything further to bring before the Commission? Okay.  
1763 Then with your permission, I declare this meeting adjourned at 8:32.

1764

1765

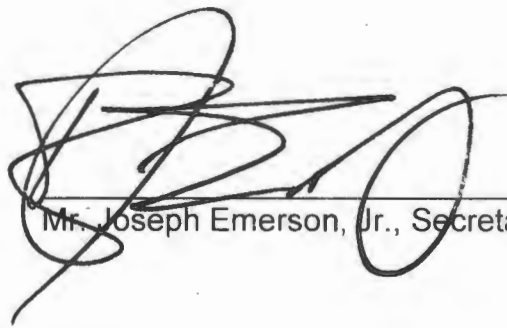
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Mr. C. W. Archer, C.P.C., Chairman



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Mr. Joseph Emerson, Jr., Secretary