

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. June 14,
4 2012. Display Notice having been published in the Richmond Times-Dispatch on
5 May 28, 2012 and June 4, 2012.

6
Members Present: Mr. Tommy Branin, Chairman (Three Chopt)
Mrs. Bonnie-Leigh Jones, C.P.C., Vice Chairman (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Eric Leabough (Varina)
Mr. Robert H. Witte, Jr. (Brookland)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. Frank J. Thornton,
Board of Supervisors' Representative

Also Present: Mr. James P. Strauss, CLA, Principal Planner
Mr. Benjamin Blankinship, AICP, Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Seth Humphreys, County Planner
Mr. Livingston Lewis, County Planner
Mr. Benjamin Sehl, County Planner
Mrs. Lisa T. Blankinship, County Planner
Ms. Kim Vann, Henrico Police
Ms. Sylvia Ray, Recording Secretary
Mr. Tommy Catlett, Assistant Traffic Engineer

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

10
11 Mr. Branin - Good evening and welcome to Henrico County's
12 Zoning meeting for June 14, 2012. I would like to let everybody know that the
13 Honorable Frank Thornton is our supervisor. He's running a few minutes late and
14 so you'll see him probably slip in within a half hour. He'll be sitting at the end. Is
15 there any press in the room? None? Okay. If everybody would, for courtesy, turn
16 your cell phones off so they don't go off during the meeting, I would appreciate it.
17 And, with that, let's stand for the Pledge of Allegiance.

18
19 All right, Mr. Secretary.

20
21 Mr. Emerson - Thank you, Mr. Chairman. The first item on your
22 agenda this evening are the requests for withdrawals and deferrals. Those will be
23 presented by Mr. Jim Strauss.
24

Mr. Strauss - Good evening members of the Commission. Staff is aware of two requests for deferral this evening. The first is in the Fairfield District and is on page three of the agenda. It is case C-8C-12, HHHunt Corporation.

C-8C-12 Kim B. Kacani for HHHunt Corporation: Request to conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence District (Conditional) part of Parcels 774-765-4173 and 775-765-1587 containing 25.904 acres located between the eastern termini of Park Green Way and Indale Road, the west line of Woodman Road, and the north line of Woodman Hills Court and from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional) part of Parcel 775-765-1587 containing 21.688 acres located along the west line of Woodman Road approximately 300 feet south of its intersection with Mountain Road. The applicant proposes a development of no more than 60 single-family homes and no more than 80 townhomes. The R-3 District allows a minimum lot size of 11,000 square feet and a maximum gross density of 3.96 units per acre. The RTH District allows a maximum density of nine (9) units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends SR2 Suburban Residential 2, density should not exceed 3.4 units per acre, UR Urban Residential, density should range from 3.4 to 6.8 units per acre, and Environmental Protection Area.

Mr. Branin - Is anyone in opposition to the deferral of C-8C-12, Kim B. Kacani for HHHunt Corporation? No one?

Mr. Strauss - The applicant is requesting deferral to the July 12, 2012 meeting.

Mr. Branin - Okay.

Mr. Archer - Mr. Chairman, I move that C-8C-12, Kim B. Kacani for HHHunt Corporation, be deferred to July 12, 2012 meeting at the request of the applicant.

Mrs. Jones - Second.

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

At the request of the applicant, the Planning Commission deferred C-8C-12, Kim B. Kacani for HHHunt Corporation, to its meeting on July 12, 2012.

Mr. Strauss - The second request for deferral is also in the Fairfield District, page three of the agenda. It's case C-15C-12, William Burfield. It's a request to amend proffered conditions accepted with rezoning case C-87C-97.

71 **C-15C-12** **William Burfield:** Request to amend proffered
72 conditions accepted with Rezoning Case C-87C-97 on Parcel 774-758-0179
73 located on the south line of Hungary Road approximately 130 feet west of its
74 intersection with Woodman Road. The applicant proposes to amend the proffer
75 related to uses to allow gun shop, sales, and repair. The existing zoning is B-2C
76 Business District (Conditional). The 2026 Comprehensive Plan recommends
77 Commercial Concentration. The site is in the Enterprise Zone.

78
79 Mr. Branin - Is anyone in opposition to the deferral of C-15C-12,
80 William Burfield? No one.

81
82 Mr. Strauss - The applicant is requesting a deferral to the July 12,
83 2012 meeting.

84
85 Mr. Archer - Mr. Chairman, I move that case C-15C-12, William
86 Burfield, be deferred to the July 12, 2012 meeting at the applicant's request.

87
88 Mrs. Jones - Second.

89
90 Mr. Branin - Motion by Mr. Archer, seconded by Mrs. Jones. All in
91 favor say aye. All opposed say no. The ayes have it; the motion carries.

92
93 At the request of the applicant, the Planning Commission deferred C-15C-12,
94 William Burfield, to its meeting on July 12, 2012.

95
96 Mr. Emerson - Mr. Chairman, that completes the deferrals and
97 withdrawals, unless the Commission has any additional items to add to that list. If
98 there are none, that takes us to the requests for expedited items. Those will also
99 be presented by Mr. Jim Strauss.

100
101 Mr. Strauss - Yes, we have two cases requesting expedited
102 approval this evening. The first case is in the Brookland District on page one of
103 the agenda. That is case C-13C-12, Westview Investments.

104
105 **C-13C-12** **James W. Theobald for Westview Investments,**
106 **LLC:** Request to conditionally rezone from O-2 Office District to B-1C Business
107 District (Conditional) Parcel 774-745-5455 containing 1.469 acres located along
108 the east line of Staples Mill Road (U.S. Route 33) approximately 220 feet north of
109 its intersection with Northside Avenue. The applicant proposes a veterinarian
110 office and a studio for yoga, Pilates, massage and other therapies. The uses will
111 be controlled by zoning ordinance regulations and proffered conditions. The 2026
112 Comprehensive Plan recommends Office. The site is in the Enterprise Zone.

113
114 Mr. Branin - Is anyone in opposition to C-13C-12, James W.
115 Theobald for Westview Investments LLC? No one?

117 Mr. Strauss - This is a request to conditionally rezone from O-2
118 Office District to B-1C Business District. A veterinary office, and studio for yoga,
119 Pilates, massage, and other therapies are proposed. Staff would note there are
120 revised proffers for this case. In the packet in front of you this evening there are
121 additional proffers six and seven related to screening mechanical equipment and
122 architectural design for any future additions. With that, staff is recommending
123 approval. We are not aware of any opposition.

124
125 Mr. Emerson - Mr. Strauss, what is the date on those proffers?

126
127 Mr. Strauss - June 7th.

128
129 Mr. Emerson - June 7th.

130
131 Mr. Branin - So we don't need to waive time limits?

132
133 Mr. Emerson - We don't need to waive the time limits. Note in your
134 motion June 7th, proffers of June 7th.

135
136 Mr. Witte - Mr. Chairman, I make a motion we expedite C-13C-
137 12, James W. Theobald for Westview Investments LLC, with the additional
138 proffers six and seven dated June 7th.

139
140 Mrs. Jones - Second.

141
142 Mr. Branin - Motion made by Mr. Witte, seconded by Mrs. Jones.
143 All in favor say aye. All opposed say no. The ayes have it; the motion carries.

144
145 **REASON:** Acting on a motion by Mr. Witte, seconded by Mrs.
146 Jones, the Planning Commission voted 5-0 (one absent) to recommend the
147 Board of Supervisors grant the request because it would not be expected to
148 adversely affect the pattern of zoning and land use in the area.

149
150 Mr. Strauss - The next case requesting expedited approval is also
151 in the Brookland District, page one of the agenda, case C-14-12, 1241
152 Associates LLC. This is a request to rezone from R-2AC One-Family Residence
153 District, to C-1 District. This is a rezoning for floodplain areas. It was a
154 requirement from the original rezoning case. Staff is recommending approval and
155 we are not aware of any opposition.

156
157 **C-14-12 Brad Schurman for 1241 Associates, LLC:** Request
158 to rezone from R-2AC One-Family Residence District (Conditional) to C-1
159 Conservation District part of Parcel 775-749-1480 containing 1.032 acres
160 located on the east line of Impala Drive at its intersection with Impala Place. The
161 applicant proposes a conservation district. The use will be controlled by zoning

ordinance regulations. The 2026 Comprehensive Plan recommends Environmental Protection Area and Office.

Mr. Branin - Is there any opposition to case C-14-12, Brad Schurman for 1241 Associates LLC? No one.

Mr. Witte - Mr. Chairman, I make a motion to expedite approval of C-14-12, Brad Schurman for 1241 Associates LLC, to the Board of Supervisors for use as a conservation district.

Mr. Leabough - Second.

Mr. Branin - Motion by Mr. Witte, seconded by Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; that motion carries.

REASON: Acting on a motion by Mr. Witte, seconded by Mr. Leabough, the planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors **grant** the request because the request because it conforms with the objectives and intent of the County's Comprehensive Plan.

Mr. Strauss - That concludes the requests for expedited approval this evening.

Mr. Emerson - Mr. Chairman, that now takes us to your regular agenda.

(Deferred from the May 10, 2012 Meeting)

C-10C-12 James W. Theobald for KCA/Camp Hill Investments, LC: Request to conditionally rezone from R-2AC One-Family Residence District (Conditional) to R-2AC One-Family Residence District (Conditional) Parcels 832-688-9219, 833-686-7681, and part of Parcel 833-682-5297 containing 319.78 acres (Parcel A) located at the northwest intersection of Yahley Mill and Long Bridge Roads; from B-2C Business District (Conditional) to B-2C Business District (Conditional) parts of Parcels 829-681-6852 and 833-682-5297 containing 28.20 acres (Parcel B) located at the northwest intersection of Long Bridge Road and New Market Road (State Route 5); from C-1C Conservation District (Conditional) to C-1C Conservation District (Conditional) part of Parcel 833-682-5297 containing 4.67 acres (Parcel C) located along the east line of Turner Road approximately 1600 feet south of its intersection with Turner Forest Road; from A-1C Agricultural District (Conditional) to A-1C Agricultural District (Conditional) part of Parcel 833-682-5297 containing 13.70 acres (Parcel D) located approximately 1500 feet east of the intersection of Turner Road and Turner Forest Road; from R-2AC One-Family Residence District (Conditional) to R-5AC General Residence District (Conditional) parts of Parcels 829-681-6852 and 833-682-5297 containing 93.41 acres (Parcel E) located along the north line of Long Bridge Road east of its intersection with New Market Road (State Route 5);

from R-2AC One-Family Residence District (Conditional) to RTHC Residential Townhouse District (Conditional) parts of Parcels 829-681-6852 and 833-682-5297 containing 45.39 acres (Parcel F) located approximately 1200 feet northeast of the intersection of New Market Road (State Route 5) and Kingsland Road; and from R-2AC One-Family Residence District (Conditional) to R-2AC One-Family Residence District (Conditional) part of Parcel 833-682-5297 containing 111.02 acres (Parcel G) located at the northeast intersection of Turner Road and New Market Road (State Route 5). The applicant proposes a development of single-family detached homes, zero lot line homes and townhomes totaling no more than 650 units, retail uses, and conservation areas. The R-2A District allows a minimum lot size of 13,500 square feet and a maximum density of 3.22 units per acre. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum density of 6.0 units per acre. The RTH District allows a maximum density of nine (9) units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre, and Environmental Protection Area. Part of the site is in the Airport Safety Overlay District. The staff report will be presented by Mr. Ben Sehl.

Mr. Branin - Is anyone in opposition to C-10C-12, James W. Theobald for KCA/Camp Hill Investments LLC? In opposition? Okay. I'm going to ask the secretary to explain the rules for our meeting in regard to opposition. Then we'll proceed forward and you'll have an opportunity to speak.

Mr. Emerson - Yes sir, Mr. Chairman. The Commission's rules and regulations regarding public hearings are as follows. The applicant is allowed ten minutes to present the request, and time may be reserved for responses to testimony. Opposition is allowed ten minutes to present its concerns. That is ten cumulative minutes for the opposition. Commission questions do not count into the time limits. The Commission may waive the limits for either party at its discretion.

Mr. Branin - Mr. Sehl?

Mr. Sehl - Thank you, Mr. Chairman.

This request would reconfigure an existing residential subdivision and incorporate new proffers and an overall master plan for approximately 616 acres located north of State Route 5. The subject property was rezoned to R-2AC, A-1C, C-1C, and B-2C as part of rezoning case C-18C-05. A 650-lot conditional subdivision was subsequently approved in the layout shown on this map, consistent with the proffers accepted as part of C-18C-05. The applicant now proposes to reconfigure the layout of the proposed subdivision, as well as add additional housing types. However, the 650-dwelling unit maximum would remain.

254 The 2026 Comprehensive Plan recommends Suburban Residential 1 for the
255 entirety of the subject property, exclusive of those areas within the 100-year
256 floodplain, which are designated EPA. The proffered maximum of 650 homes is
257 an equivalent gross density of 1.05 units per acre, well within the range
258 recommended by the Comprehensive Plan, which is 1.0 to 2.4 units per acre.
259

260 The applicant has provided a master plan and pattern book for the proposed
261 development. This document has been proffered, and in addition to showing the
262 proposed layout of the development, the pattern book contains details and
263 guidance for future streets, landscaping, and architectural details.
264

265 The master plan proffered by the applicant shows several distinct project areas,
266 which would include a total of three housing types. The main area of
267 development would contain townhomes and detached dwellings on zero lot lines,
268 and would be accessed via a relocated Long Bridge Road, adjacent to the
269 commercial portion of the development. Homes in this area would enter through
270 a main entrance road—shown here—and detailed on this page of the pattern
271 book, showing a divided roadway with a trail located on either side.
272

273 The entrance road would continue into the project and form the village center
274 street, shown here. Other street types in the village area are also detailed,
275 including the streets that would be provided for the townhouse portion of the
276 development, which is located in this area here. The majority of the streets in the
277 village area would be private, although the entrance road, Village Center Street,
278 and rural roads serving the rest of the development would be public and built to
279 County standards.
280

281 Homes located along the village center street in this portion of the development
282 would be detached dwellings on zero lot lines and zoned R-5A. Homes in the R-
283 5A section of the development would be a minimum of 1,700 square feet, with at
284 least 50 percent of the homes having a minimum size of 2,000 square feet. At
285 least 25 percent of the homes would have all brick or stone front facades, and
286 enhanced exterior material requirements would be provided along the village
287 center street, where an additional 25 percent of the homes would have a front
288 façade containing brick, stone, or HardiPlank.
289

290 Homes in the RTH portion of the property would be a minimum of 1,500 square
291 feet, with at least 25 percent of the homes having a minimum size of 1,700
292 square feet. At least 35 percent of the front façade of townhouse buildings would
293 be brick or stone. Since the staff report was distributed, the applicant has
294 provided additional townhouse pictures, which are located throughout the various
295 pages of the pattern book distributed to you this evening. These additional
296 elevations would help provide guidance regarding architectural design during the
297 POD and building permit process.
298

299 The areas of the property proposed for R-2A development are generally located
300 in the western and northern portions of the site. The western portion of the
301 property—shown here—would be accessed via Turner Road, and would not
302 provide a vehicular connection to the rest of the development. Because this area
303 would contain approximately sixty-seven lots, a second point of access is
304 required. The applicant has indicated the “secondary access” shown on the
305 master plan in this location could be constructed as a full point of access,
306 meeting Public Works requirements.

307
308 The northern R-2A areas—shown here—would have access to the village center
309 via the village center street, as well as two access points to Yahley Mill Road. R-
310 2A homes would be a minimum of 2,200 square feet, and at least 25 percent of
311 the homes would have all brick or stone fronts, façades consistent with C-18C-
312 05.

313
314 It should also be noted that a garage would be required for each dwelling unit.
315 Homes in the R-2A and R-5A portions of the site would all have two-car garages,
316 with one-car garages required for townhomes. At least 50 percent of the R-2A
317 dwellings would have side- or rear-loaded garages, and all front-loaded garages
318 would have decorative doors. In the R-5A portion of the site additional
319 landscaping would be required for front-loaded garages as shown here in this
320 picture—and is detailed elsewhere in the pattern book in the landscaping
321 section—to soften the architectural impact of such garages. This change is
322 contained in the most recent version of the proffers and pattern book distributed
323 to you this evening.

324
325 The applicant has also proffered and provided information on various amenities
326 throughout the development. These amenities include an amenity center located
327 on the village center street, which would include a pool and clubhouse. A trail
328 network connecting the amenity center to the various project areas and future
329 Virginia Capital Trail has also been provided. Various neighborhood parks—
330 shown here—would also be provided by the applicant.

331
332 In addition to the proffers and pattern book items already discussed, proffers
333 have been provided that commit to certain transportation improvements,
334 sidewalks, phasing, street tree requirements, and landscaped buffers along the
335 site’s perimeter adjacent to New Market, Turner, Long Bridge, and Yahley Mill
336 Roads. Proffers are also provided for the commercial portion of the development.
337 These proffers are largely consistent with case C-18C-05, which approved a
338 commercial development in this same location. The proffers for this area regulate
339 permitted uses, exterior materials, architectural design, lighting, trash removal,
340 and other items typically regulated for commercial development.

341
342 Overall, staff believes this request is consistent with the Comprehensive Plan
343 and would be an improvement over the development proposed with C-18C-05.
344 The proffered conditions revised and distributed to you this evening were

submitted on June 12th so the time limits would not need to be waived, and provide for an enhanced level of quality, while providing for more open space and varied housing options as shown in the pattern book. The revised proffers and pattern book address the concerns noted in the staff report. For these reasons, staff supports this request and recommends its approval. I'd be happy to take any questions you might have at this time.

Mr. Branin - Does anybody have any questions for Mr. Sehl? No one? Mr. Leabough? Would you like to hear from the opposition first, sir, or would you like to hear from the applicant?

Mr. Leabough - I'd like to hear from the applicant first.

Mr. Branin - Okay. Sir, would you state your name for the record?

Mr. Theobald - Mr. Chairman, I'm Jim Theobald, here on behalf of KCA/Camp Hill Investments LC, the principal of which is Bob Attack. And I'd like to reserve two minutes for rebuttal, if I may.

Mr. Branin - Two minutes.

Mr. Theobald - Thank you.

Mr. Chairman, Mrs. Jones, and gentlemen, once again, I'm Jim Theobald here on behalf of KCA/Camp Hill Investments LC, and we are seeking to modify the existing zoning in order to achieve a more sophisticated approach to planning, design, and community. Our history with this site initially involved approval of an A-1 subdivision back in 2004, which approved some 317 lots which were on well and septic. Followed in 2005 for 650 lots of R-2A homes along with retail uses along Route 5. A tentative subdivision plan was approved for 650 lots in 2006, and that tentative subdivision plan is still in place today. So we do have the ability to develop the site consistent with that 2005 zoning, and 2006 tentative plan.

The applicant has engaged Doug Cole—who's with us this evening with Cite Design to re-imagine the entire plan. If you've ever worked with Doug you'll know that he takes a holistic approach to land planning. And in this case, like many others with which he has been involved, both Daniel Island in South Carolina and Wilton on the James, he really starts with the land and works with the land as opposed to against the land. Takes into account steep slopes, streams, wetlands, tries to preserve open space as really the emphasis of his design.

And so what you see before you this evening is expressed in the fifty-five proffered conditions, as well in the 52-page pattern book. It's a true community with vastly increased open space with heightened sensitivity to the land, the environment, and the former history of the site. With the cluster design shown on our conceptual master plan, we have increased the amount of open space from

136 acres—or some 22 percent of the site—to 310 acres, which is nearly 50 percent of the site. So when you're trying to determine what's the focal point of this development, it's the open space. It's the trees and it's the park land. The number of homes proffered in this case remains at 650, like that previously approved. But it does include a mix of both single-family homes, townhomes, and R-5A zero lot line type homes.

Now just to take a quick walk around the plan, and hopefully you can see this cursor on this master plan on your screen. The first thing you'll notice is this orange line. This is the Capital Trail. The current plan for the Capital Trail, which I guess is under some discussion, is along the north side of Route 5 until you hit Long Bridge Road, and then it would shift over to the south side. If that Capital Trail is anywhere adjacent to our site, we've committed to providing the necessary easements for it to be accomplished. We think that's a really neat feature and hope that it comes to pass.

The area in this part of the property is the B-2 area that was approved with the last case. That really hasn't changed other than we have increased our setback from seventy feet to ninety feet, in consultation with the Varina Beautification Committee, and have continued to proffer all the same proffers, including the colonial, or neo-colonial Georgian architecture design in the many proffers associated with that.

As you come off Route 5 into the relocated Long Bridge Road, this is our main entranceway. This entranceway, you'll notice there are no homes on either side. It's a boulevard, treed entrance that sets the tone for the setting for the rest of ride in. It's very pretty. It's calm, it's serene, and it comes into the village center street with the amenity area here—which we'll talk about in a moment—with our pool and our clubhouse visible here. So we've taken great care to create this village concept. It's a gridded street pattern. These homes in the light pink are the R-5A zero lot line homes. The more pink cluster development in this area is the townhome community. We have enhanced the architectural treatments and materials along this village center drive in order to guarantee the setting and the impression on the entrance.

What you'll note, then, as you leave the village center, is really pods or clusters of R-2A homes, single-family attached homes in a more rural setting. And you'll note that they're sort of disconnected by long areas that go through a wooded environment where we're going to be able to preserve trees, and then cluster the development in these areas. The buffers along Yahley Mill Road and Long Bridge have basically been increased from ten feet in the old case to thirty-five in the new. Much more open space. As we come up to the north we still have the area that was the recharge area for Diamond Springs. We spent an enormous amount of time dealing with Diamond Springs in all the cases that have occurred on this site. This was an accommodation and an agreement. This area is A-1C. There are proffered conditions that limit the use. Basically other than—the only

437 uses really there would be if we come back for a Provisional Use Permit for a
438 stable, and then we can only stable some fifteen horses. So that has not
439 changed, but there is an increased amount of open space within this area.
440

441 As we come on around we have Fort Southard, which was a Revolutionary War
442 site, and then used again as a Civil War site. That area was proffered to be some
443 four acres preserved in the original case, now over nine acres, and programmed
444 in conjunction with the County. There is also some Civil War trenches in the
445 northeastern part of the site that we've also agreed to preserve that had not been
446 previously identified.
447

448 As you come down the Turner Road side, this is a little bit of a change. In the old
449 case we did not have access to Turner Road. What we've done here is we've
450 essentially cut off the rest of The Ridings from this portion of the subdivision. It
451 has sixty-seven lots. It does edge it on to Turner Road in this location. We do
452 have a secondary access planned here that can be either a permanent
453 secondary access, if required by Public Works, or it can be emergency access. It
454 will serve as both secondary access for the subdivision and access to the
455 preserved Fort Southard that will have a little parking area and some historic
456 markings.
457

458 Let's go ahead for a moment and just take a look at the buffers along Turner
459 Road. Those were ten feet in the old case. We've increased those to thirty-five
460 feet along Turner Road, and that's exclusive of lots. So from the right-of-way line
461 to the rear lot line of these homes you have thirty-five feet. We have agreed to do
462 significant plantings within that area, and have basically proffered a planting
463 scheme with sizes and types of plantings to go in this area, and a cross section
464 showing we are interested in mitigating those views of our neighbors on the other
465 side of Turner Road. And so again, this has been proffered. Part of Turner Road
466 has been farmed for a long time so it's very cleared.
467

468 Mr. Branin - Mr. Theobald, I don't want to interrupt you, but I need
469 to interrupt you. You may exceed your two-minute reserve?
470

471 Mr. Theobald - That's fine. I can do that and I can move on.
472

473 Mr. Branin - I'm sure you can request a couple extra minutes and
474 we'll be happy to give it to you.
475

476 Mr. Theobald - Thank you, that's fine. We're just about all the way
477 around. The amenity area I was just pointing out has a pool that faces the green
478 area and some active and passive recreation in a design that's either going to be
479 this stable-type design that we had proffered previously, or more the Rutland
480 farmhouse design that exists up in Hanover County.
481

Our proffers are extensive. We've proffered the pattern book, which is extensive and covers everything from landscaping to streetscaping to architecture. We've preserved those historic areas on the site. We've enhanced the setbacks on our retail area, and continue to protect the recharge area next to Diamond Springs. We've met with the community at large at John Rolfe Middle School; had about twenty-some people show. We've also met with the Varina Beautification Committee and the Varina Beautification Committee has sent in an e-mail evidencing its support of this request.

I think this represents a much better plan for The Ridings and Varina in general. We respectfully request that you recommend approval of the case to the Board of Supervisors. I'd be happy to answer any questions.

Mr. Branin - Does anybody have any questions for Mr. Theobald?
None?

Mrs. Jones - I have just a quick one. I think you just answered one that I had and I want to make sure I understand. The historic sites, especially Fort Southard, are they accessible, you say, to non-residents of the community?

Mr. Theobald - Yes they are. In fact, the proffer says we need to program that through Parks and Rec. Have to provide a little parking area and commemorative plaque. We've had some discussions about potentially donating that area to the County; that will be up to the County. But very accessible to the public. The earthworks are basically through the woods. We are happy to talk with Parks and Rec about programming that as well. That's going to be a little more of a challenge. The interesting thing is that on the other side of the street where the Civil War Preservation Trust Fund has property, while they're great at preserving the property, it's not accessible to the public. So just a little different approach.

Mrs. Jones - Well, it's a benefit and I'm happy to hear that that's the approach. And the arrangement with the County is to be determined?

Mr. Theobald - Right.

Mrs. Jones - Okay. On the record I just have to say that I am familiar with planned communities that have clusters of housing with a lot of open space, specifically where my son lives in Colorado. It is a quality-of-life issue and it has tremendous benefits for the residents. So while this was one of the cases I heard in my early days on the Commission, I really do think there are a lot of benefits that this particular arrangement has given to this community. It's a great opportunity to get it right. And I'm happy with a lot of the changes. I will tell you I miss the horses. They were part of the original.

Mr. Theobald - Well, they still may be there.

528
529 Mrs. Jones - Well, I hope they will. And I'd like to plant that in your
530 thinking as a consideration as this might go forward. Thank you.

531
532 Mr. Theobald - I appreciate your comments.

533
534 Mr. Branin - My only comment would be is actually I'm jealous
535 because we've had a lot of planned communities in the Three Chopt District, and
536 the open land and the preservation of land in this is remarkable, it really is. I am
537 jealous, actually.

538
539 Mr. Theobald - We'll try to bring you one.

540
541 Mr. Branin - We don't have much left, but please. Would you like
542 to hear from the opposition now? Okay. Opposition, if you can come down. There
543 are two of you now, correct? Ma'am, you had put up your hand? Okay. When you
544 come to the microphone please state your name for the record because this is a
545 public hearing and it is being taped, so we need to get it right for the minutes.

546
547 Ms. Lewis - My name is Carolene Lewis. I live at 45 20 Union
548 Grove Road, which is right at the intersection of Yahley Mill and Union Grove,
549 and I understand one of the egresses is going to be right at that intersection. I'm
550 kind of new at this and not familiar with some of the terms, but my main concern
551 is I'm reading the information and the square footage. My neighbors, especially
552 my immediate neighbors, each house is on at least two and half to three acres
553 plus. And when I read things like a maximum density of six units per acre or nine
554 units per acre, that kind of frightened me. I'm wondering what is it going to do to
555 the property value of me and my neighbors, the houses that are around there
556 and on Union Grove Road. Most of them have at least three-plus acres that are
557 right on Union Grove Road.

558
559 And also when I come out of that driveway, Union Grove Road right at the
560 egress, are the houses going to be right there at the road? Is there a buffer line
561 there? When he was showing the picture, I wasn't understanding what everything
562 was because he was saying this is here and here. He kept saying "here," but he
563 wasn't using intersections, and I know intersections. So I wasn't sure exactly
564 where the townhouses are going, where is the layout for the map. And also how
565 many homes are going to be 1,300 square feet? How many acres will have the
566 maximum nine units per acre? To me that is a lot, and that is something that
567 definitely can bring down the property value of me and my neighbors.

568
569 I also heard him say additional homes. And I also heard add possibly—I don't
570 know what a R-5A zero lot line home is. I don't know what that is, but I am
571 concerned about what that is.

573 And so my main concern is, is this something that's going to bring down the
574 homes that are around there? What is that going to do to the property value of
575 our homes that are already there? Is that going to be a deficit because we do
576 have a lot of acreage per home, and that is not the same thing. So that's my
577 main concern.

578

579 Mr. Branin - Ms. Lewis, we're going to start addressing some of
580 your questions. Do you want to hear them both or do you want to do one at a
581 time?

582

583 Mr. Leabough - Let's hear—

584

585 Mr. Branin - Did you write down all—

586

587 Mr. Leabough - No, so we probably should address those now. I know
588 one answer. Correct me if I'm wrong, Mr. Sehl. The buffer along the road that
589 she's referring to—

590

591 Mr. Branin - Ms. Lewis, can you show us where the house is? Can
592 you pull up a different map, Mr. Sehl, so we can get a pinpoint on her house to
593 the community?

594

595 Mr. Sehl - This is Union Grove Road in this location here,
596 ma'am. And these are the R-2A-zoned homes, which are the larger single-family
597 detached homes that are proposed. There is a thirty-five-foot buffer proffered
598 along Yahley Mill at that location, so they would have to provide that buffer there.
599 The townhomes that they are proposing, which they're limited to a maximum of
600 650 homes overall, if that was one of your questions. These are required to be
601 1,500 square feet. And these would be R-5A.

602

603 Mr. Leabough - At a minimum.

604

605 Mr. Sehl - At a minimum, yes, with 25 percent of them being
606 1,700 square feet. And R-5A is just a zoning designation. They are single-family
607 detached homes, but they are essentially pushed to one lot line. There is still a
608 twenty-foot separation between the buildings, but they appear like single-family
609 detached homes, just on a little bit smaller lot.

610

611 Mr. Branin - Are you familiar, Ms. Lewis, with the neighborhood
612 Twin Hickory?

613

614 Ms. Lewis - Oh yes, in the West End.

615

616 Mr. Branin - When you come into Twin Hickory there's a section
617 called Parsons Walk, which is the first section as you come down Twin Hickory

618 Lake. That's an R-5A. The houses are—it's pretty much the same size lot, but
619 they're pushed to one side so you have a smaller yard, if you will.

620
621 Mr. Sehl - All of the R-5A homes would be located in this area
622 here, if you can see where the cursor is. It's closer out towards where Long
623 Bridge Road comes out. They would also provide a thirty-five-foot buffer along
624 Long Bridge Road.

625
626 Mrs. Jones - As far your point, Ms. Lewis, about the large lots. The
627 way in which this is configured—Mr. Sehl can give you the specifics if you want
628 to see them. The way in which this is configured is the residences would be
629 clustered a little closer together in order to gain a tremendous amount of
630 untouched open space that will serve the whole community. That's my
631 understanding; the applicant can probably tell you more about that if you'd like to
632 know. But that's why those numbers are a little different than what you're used to
633 with the two- or three-acre lots. Just configured differently.

634
635 Ms. Lewis - As long as there is nothing negative to the property
636 value; that's my concern. As long as it goes up and not down.

637
638 Mrs. Jones - I can't begin to talk to you about property values.
639 Would that I had a crystal ball. But the applicant may wish to—or someone else
640 may wish to make a comment if they care to.

641
642 Mr. Leabough - Could you also address the question about the
643 density? I think there was a question about the density of the R-2A.

644
645 Mr. Sehl - Those are the overall maximum densities that are
646 permitted by the Zoning Ordinance. The overall density for this project is just a
647 little over one unit per acre. So the densities that we list in the ad that you see
648 are the maximum that are permitted by the Zoning Ordinance. They've proffered
649 that there will be no more than 650 homes, which means that the actual density
650 is much lower than what would otherwise be permitted by the Zoning Ordinance.
651 But that's why those numbers are in the information you have.

652
653 Mr. Witte - And the larger lots are actually over by Union Grove
654 Road?

655
656 Mr. Sehl - Yes, Mr. Witte. Those are located—this is a portion of
657 the R-2A development.

658
659 Ms. Lewis - And the size of those?

660
661 Mr. Sehl - At least 2,200 square feet, ma'am, with a 13,500-
662 square-foot lot. That's the minimum lot size. And Mr. Theobald can maybe speak
663 to that; might be a little bit larger than that.

664
665 Mr. Branin - Did that answer your questions, Ms. Lewis?
666
667 Ms. Lewis - Yes.
668
669 Mr. Branin - Okay. Yes sir.
670
671 Mr. Appleby - Hello. My name is Harold Appleby; I go by Bud. I live
672 on Camp Hill Road. The blackened area in there that we see the homes that are
673 just colored.
674
675 Mr. Branin - Mr. Appleby, not to interrupt. Can you take the mouse
676 and put it to where you're referring.
677
678 Mr. Appleby - This is—I'm sorry.
679
680 Mr. Appleby - This is Camp Hill Road. I think it goes right up through
681 here. My property in particular is this area in here. And as you can see, I'm the
682 closest to these townhouses. There are other neighbors in here. There is some
683 reason they weren't here; I don't know. They had planned to be here.
684
685 I didn't come to speak; I came to listen. So I apologize if I'm not prepared and
686 coherent in my thoughts.
687
688 Mr. Branin - I'm usually not prepared when I get here. And I'm the
689 chairman.
690
691 Mr. Appleby - I'm not a lawyer, I'm not a developer, I'm not a
692 businessman. I'm an engineer by profession, so that's what I do. I'm here as a
693 resident of Camp Hill Road.
694
695 First off, I have to echo the things that were already said. No need to repeat
696 those. In addition to those thoughts, though, I know this doesn't mean anything,
697 but I want to say it anyway. Varina has a particular culture. It's unlike the West
698 End, and this whole thing isn't welcomed to begin with. Enough said of that. But if
699 it's going to be, it needs to be the best it can be for the people that live in the
700 area.
701
702 We were introduced to this originally as single-family homes. That still is a
703 concern for the population that was going to grow in that area. And there's all the
704 cars and things. Now that it's turned into a large percentage of townhomes—
705 *townhomes* is a euphemism. Let's call them what they are; they're apartments.
706 And apartments, there's a persona with apartments. We talk about 1,500 square
707 feet? I'm sorry; my garage is 700 square feet. That is a small place. I don't want
708 to offend anybody, but I have to say it. Townhomes—apartments attract low-

709 income people. With low income comes crime. We, in this area, are particularly
710 concerned with the proximity.

711
712 In addition to that, the value of our houses, we feel strongly—I echo that—will go
713 down. It's bad enough what's happened in the last several years with the
714 economy. They're going to drop.

715
716 And the last thing that I want to say is I've heard nobody talk about traffic. Route
717 5 is a major artery into Richmond. I invite you, I challenge you—I'll feed you
718 breakfast. Come to my house in the morning and try to leave Camp Hill Road
719 and pull out onto New Market Road with the existing traffic as it is and you'll see
720 how unsafe it is. Long Bridge Road is a major artery that's going to dump onto
721 New Market Road. Between that point and Camp Hill Road there's more than
722 sufficient time for cars to be going fifty-five, sixty-five—and we know they
723 speed—seventy miles an hour. Try to pull out of a dirt road safely.

724
725 And I could go on and on, but those are my major points. Thank you.

726
727 Mr. Leabough - I'd just like to respond to the comment about
728 apartments. These are for-sale townhomes, correct, Mr. Sehl? They're not
729 apartments. They're not for rent. Correct?

730
731 Mr. Sehl - Mr. Leabough fee-simple lot townhomes are
732 proposed. The applicant has included a proffer that they would be marketed as
733 for-sale units. That obviously doesn't prohibit an individual from renting or leasing
734 a home to another person.

735
736 Mr. Leabough - Initially they will be sold. But that doesn't preclude
737 someone from renting a single-family home as well.

738
739 Mr. Sehl - Yes sir, correct.

740
741 Mr. Leabough - So even if they were all single-family homes,
742 someone could rent those as well.

743
744 Mr. Sehl - Correct.

745
746 Mr. Emerson - These would not be considered apartments, Mr.
747 Leabough, that is correct. They are residential townhomes. They reside on
748 individual lots.

749
750 Mr. Witte - I think Mr. Appleby was referring to the style of
751 apartments and townhomes being similar.

752
753 Mr. Appleby - That is correct.

755 Mr. Witte - Mr. Appleby, how many acres do you have back
756 there?
757
758 Mr. Appleby - Five and a half acres.
759
760 Mr. Witte - In reference to the rest of the lots on Camp Hill Road,
761 is that similar?
762
763 Mr. Appleby - I'm one of the smaller ones.
764
765 Mr. Witte - Oh, okay. So they're larger lots?
766
767 Mr. Appleby - They are larger lots.
768
769 Mr. Witte - So you have natural buffers on your side of the
770 property line?
771
772 Mr. Appleby - On the southern side I do. But my property
773 immediately—I'm sorry. My property immediately borders the area right here.
774 This is my property. This is probably—I know this is 1,800 feet, so I'm going to
775 say this is probably about 1,200 feet from my house where these townhouses are
776 going to be. That's a very big concern.
777
778 Mr. Witte - And your house in that diagram I imagine is in the
779 cleared area.
780
781 Mr. Appleby - No sir. I live under—I always wanted a house in the
782 middle of the woods and I have that. I'm surrounded by trees, which I sweep the
783 pine needles weekly.
784
785 Mr. Witte - Okay. How far from the property line do you estimate
786 you are?
787
788 Mr. Appleby - From the—
789
790 Mr. Witte - From your property line to the property line of the
791 property.
792
793 Mr. Appleby - It is right at. We border. We share the fence line.
794
795 Mr. Witte - Well I understand that, but your house to the fence.
796
797 Mr. Appleby - Oh, the house to the fence line? About a hundred
798 feet. I think it's 112, if I recall, from looking many years ago. Not very far.
799

800 Mr. Witte - Okay. So you're saying 1,300 feet, basically, from
801 your house to the property—that's what I'm getting at.

802
803 Mr. Appleby - Roughly speaking, yeah. I mean it might—actually, I
804 correct myself because I was going to here. Going to here, I would have to say—
805 this is my property right here; you're looking at it. I would say from here to here—
806 there's no real good visible scale here, but probably more like about 300 feet.

807
808 Mr. Branin - The beige ones, Mr. Appleby, are not actually
809 townhomes; those are R-5. The ones that are closer to you.

810
811 Mr. Appleby - Right on this side?

812
813 Mr. Branin - They are actually R-5A, not townhouses.

814
815 Mr. Appleby - I was pointing out that these were—

816
817 Mr. Branin - Yes sir. But then you pointed to the beige ones and
818 said those are closer to your property.

819
820 Mr. Witte - Those are on individual lots.

821
822 Mr. Branin - Those are individual-lot houses.

823
824 Mr. Appleby - Okay. My concern is still exactly the same. This puts
825 us in an area—I think of, for example, Autobon, up by—you hear it on the news.
826 Just watch the news and where are the crimes? Heavily populated apartments.
827 Call them townhomes. Yes. I call them apartments. They're low-income
828 residences and it's going to attract a different type of people than Varina are
829 used to. It's not our culture, sir.

830
831 Mr. Witte - Thank you.

832
833 Mr. Appleby - Thank you.

834
835 Mr. Branin - Absolutely. Mr. Theobald, you have technically a
836 minute and a half, but I'm sure Mr. Leabough will give you an additional half.

837
838 Mr. Theobald - I think that's probably plenty, Mr. Chairman. Thank
839 you so much.

840
841 I think you all answered Ms. Lewis's questions.

842
843 Mr. Branin - Mr. Leabough, you have one more that has just come
844 into the room.

845

846 Mr. Randolph - Oh no. No, I'm not in opposition. I'm with Colonial
847 Pipeline.
848

849 Mr. Branin - Sir, I welcome you to come down, but everything is
850 taped for the minutes. So I have to wait—
851

852 Mr. Branin - Please state your name for the record and then
853 whatever you want to say.
854

855 Mr. Randolph - My name is Jeff Randolph. I'm a representative for
856 Colonial Pipeline; I spoke with you this morning. I'm not here in opposition. I just
857 wanted you to be aware that if this does go through that Colonial Pipeline does
858 have a major facility that's running through that area that's feeding the Peninsula,
859 the Norfolk Naval base, and the Coast Guard base. And any construction or any
860 traffic or anything that happens over there Colonial would have to be involved in
861 it. We have a fifty-foot easement that's going through there for our pipeline, which
862 is a fourteen-inch high-pressure line. We reserve the rights—we do our own
863 mowing and maintaining our line. And no obstructions or no—
864

865 Mr. Branin - Can you point that out on this layout?
866

867 Mr. Randolph - This is it right here. It's running all the way through
868 that area.
869

870 Mr. Branin - So there are no houses directly on top?
871

872 Mr. Randolph - I can't tell.
873

874 Mr. Branin - It's just a road.
875

876 Mr. Randolph - I'm just here for that reason; Colonial asked me to
877 come just to make them aware of that.
878

879 Mr. Branin - Make sure you maintain that line.
880

881 Mr. Randolph - Yes.
882

883 Mr. Branin - We don't want to happen what happened in Three
884 Chopt.
885

886 Mr. Randolph - Oh. We do. That's all. Thank you.
887

888 Mr. Branin - Mr. Theobald, I apologize.
889

890 Mr. Theobald - That's no problem. In one of Ms. Lewis's comments,
891 the homes around here are on two to three acres because they're all on well and

892 septic. We're bringing sewer and public water to this area, which will be nice and
893 close to folks should they need to hook up. And Mr. Sehl is correct; it is 1.2 units
894 per acre with the overall density rather than the other figures that were
895 apparently stated in the advertisement.

896
897 Property values? I mean, absolutely, as sure as I'm standing here a development
898 like this can do nothing but increase property values in this area, provide impetus
899 for new students in our schools and interested parents. I really honestly believe
900 that. Frankly, the depiction of this community as being low income and potentially
901 crime ridden I just take issue with, for what it's worth.

902
903 Your traffic engineer has an extensive report in here. Says that the road systems
904 work. You'll note that New Market Road is carrying 2,200 vehicles per day. That's
905 relatively small when you think of Broad Street and places like Midlothian
906 Turnpike. Long Bridge Road is carrying 456 vehicles a day, and Yahley Road
907 approximately 250. We're going to have to do whatever Public Works thinks is
908 appropriate by way of shoulders and whatnot. We obviously will be adding some
909 amount of traffic onto these roads, but your traffic engineer has indicated that the
910 roads can accommodate this development.

911
912 I believe those are all of my rebuttal points. If you have any further questions I'd
913 be happy to try to address them.

914
915 Mr. Branin - The original case that's already approved had how
916 many houses?

917
918 Mr. Theobald - Six hundred and fifty.

919
920 Mr. Branin - And how many does this have?

921
922 Mr. Theobald - Six hundred and fifty.

923
924 Mr. Branin - So there is no increase, no decrease. It's the exactly
925 the same amount of—

926
927 Mr. Theobald - Same amount of units. Actually the traffic guys project
928 that this is slightly less traffic because they assign fewer trips to the R-5A and the
929 townhomes than a single-family home.

930
931 Mr. Branin - So traffic may have been improved?

932
933 Mr. Theobald - Potentially.

934
935 Mr. Branin - Anyone else?

937 Mr. Archer - Mr. Theobald, when Mr. Randolph came down and
938 talked about the pipeline, I'm assuming that all of that had been considered?

939
940 Mr. Theobald - Oh, yes. Yes sir. In fact we had tentative subdivision
941 approval to build 650 single-family homes, which you'll note this land plan
942 absolutely takes that into account. And you don't see any homes along the
943 pipeline easement.

944
945 Back to Ms. Lewis for just one other point. You'll note there really is only one
946 home that faces—sides up to Yahley Mill Road over here. The homes are all off
947 that road. So I hope that she'll have plenty of protection over here with our thirty-
948 five-foot buffer and the orientation of that neighborhood.

949
950 Mr. Branin - Good evening, Mr. Thornton.

951
952 Mr. Thornton - Good evening.

953
954 Mr. Leabough - Mr. Chairman, I would like to say I think the other
955 Commissioners, just to have you all compliment the plan for my first—I think this
956 is a substantially-sized case.

957
958 Mr. Branin - I think you did a great job with this.

959
960 Mr. Leabough - There has been a lot of back-and-forth between the
961 applicant and staff and myself. I'd like to thank the applicant for working with us,
962 but I'd like to first and foremost thank staff. There has been a lot of back and forth
963 between staff and the applicant, and staff and myself. Having this case—it's
964 already approved. And I think that what we're doing here today is enhancing
965 what has been approved, providing more open space, more areas for pedestrian
966 activity. Creating a more of a live, work, and play—well live-and-play
967 environment, if you will, with the opportunity of some commercial, the concerns of
968 the Varina Beautification Committee were addressed. I received an e-mail from
969 Dr. Nelson this morning with Varina Beautification Committee. They're pleased
970 with and support the rezoning request.

971
972 To address some of the concerns, I think Varina has character. That's really what
973 Varina is known for. And I think that's the thing that staff and myself tried to focus
974 on is the character of the development. We didn't so much focus on the people;
975 we focused on what it looks like, the materials of the buildings, the architecture—
976 things like that. We talked about density. We talked about square footages. And I
977 think that this is a huge improvement from what was previously approved. So
978 when you talk about traffic, there were already 650 homes already planned for
979 this site. We're not going to impact traffic. You all had the opportunity to go out
980 and build 650 homes already. So that's something that was already there. We
981 didn't approve 650 homes in addition to the ones that were already planned. So I
982 think that there are concerns on Route 5; I hear you. I drive down Route 5 every

day to get to work, so I hear the concerns. But this case wasn't going to change that.

I think that this is an opportunity for us to really set a minimum standard, and I encourage the developer to consider what was talked through with staff and myself, minimum standards. And I encourage you to exceed those, if the market gives you the opportunity to do that.

I appreciate comments from other Planning Commissioners. I mean, we're here to help each other. Ms. Jones and I have had conversations around it. For the community that has concerns about townhomes, I think we need to focus on the quality of the development, not who's going to live there, how much they make. I think that as people age their needs change, so this could very well be an older generation living in some of these RTH units, that don't want to have to maintain their yards, they don't want to have to cut their grass. So I wouldn't view it as all lower-income people and crime. It's housing for people that have different needs and different desires and wants.

So I think with that, I'll just thank staff again for their support. And we're getting good at this. I mean, they've done a great job in anticipating what I was expecting before I ever got the staff report. And I didn't ask a lot of questions because we've been working on this since probably March. A few months. At this point we worked through a lot of issues. And I think you noted, Mr. Theobald, there are fifty-five proffered conditions. That's substantial. And I'm glad that you all were willing to offer those.

With that I move that we recommend to the Board of Supervisors C-10C-12, James W. Theobald for KCA/Camp Hill Investments LC, with the proffered conditions dated June 12, 2012. And those are conditions 1 through 55.

Mr. Witte - Second.

Mr. Branin - Motion by Mr. Leabough, seconded by Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion carries.

REASON: Acting on a motion by Mr. Leabough, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it would permit development of the land for residential use in an appropriate manner, it would not adversely affect the adjoining area if properly developed as proposed, and the proffered conditions will assure a level of development not otherwise possible.

P-12-12 Richard Souter for CVI/Rocketts Landing, LLC:
Request for a Provisional Use Permit under Sections 24-32.1(u), 24-32.1(v), 24-32.1(w), 24-34.1 (c), 24-120 and 24-122.1 of Chapter 24 of the County Code on part of Parcels 797-712-4180 and 797-711-6071 in order to allow an increase in

building height limitations for residential townhomes, office and commercial buildings, and an increase in density for multifamily and residential townhomes. The applicant also proposes a Master Plan for Land Bay 5 under Section 24-34.1(c). The subject site is in Rocketts Landing located between Old Osborne Turnpike (State Route 5) and the James River approximately 440 feet south of the City of Richmond. The existing zoning is UMUC Urban Mixed Use District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed Use and Environmental Protection Area. The staff report will be presented by Mr. Ben Sehl.

Mr. Branin - Is anyone in opposition to P-12-12, Richard Souter for CVI/Rocketts Landing LLC? No one? Mr. Sehl.

Mr. Sehl - Thank you, Mr. Chairman.

This Provisional Use Permit request would approve a master plan for Land Bay 5 of Rocketts Landing, as well as allow certain buildings to exceed height and density limitations in the UMU district. The UMU ordinance specifically allows these exceptions as provisional uses, and similar requests were approved for Land Bay 4B of Rocketts Landing, which is the developed portion of the site to the north.

The master plan shows several proposed buildings in the new land bay, and the proposed uses are generally consistent with the overall master plan that was submitted as part of the original rezoning request. In this land bay the applicant proposes a total of 310 residential units, which is slightly lower than the 341 contemplated during the rezoning request, which anticipates a total of 972 units throughout the Rocketts Landing development. Land Bay 5 would include 156 apartments, and the overall development is limited to 425 apartments. Approximately 290 units have been developed in Land Bay 4B at this time.

Also proposed on the master plan are condominiums, office space, and a clubhouse and two restaurants located adjacent to the James River. The layout would continue the grid pattern of streets established in the existing development, and required open space would be provided along the river, and future development of the Capital Trail and other improvements will ultimately be provided in a linear fashion along the river. The final details of these improvements will be determined during the plan of development process, and should help create the open space vision described during rezoning request.

With regards to the other portions of the request, the applicant is requesting approval to exceed the sixty-foot height limitation contained in the UMU district. This would be consistent with Land Bay 4B, and would allow townhouses to be as tall as fifty feet, condominiums up to a hundred feet, and other buildings up to seventy feet. The requested density exceptions would allow the form of

development established in Land Bay 4B to continue, and may not ultimately be necessary, depending on how the units are allocated during the POD process.

Overall, staff believes the requested provisional uses are appropriate and would help achieve the goals of the UMU district. The master plan would set the framework for future development in Land Bay 5, and future POD approvals will ensure that specific requirements of the proffers and zoning ordinance are met. For these reasons, staff supports this request subject to the conditions contained in the staff report.

I'll be happy to take any questions you might have at this time.

Mr. Branin - Does anybody have any questions for Mr. Sehl?

Mrs. Jones - Yes, I do. The parks, open space, access to the riverfront, all of that seems to be important discussion points that are addressed. With every phase of Rocketts it becomes part of the discussion, but just so I understand you. There are only certain things that can be handled right now, and other things that will have to be incorporated into this plan as we go through. Is there kind of a priority order that we can look at? You know, this has to happen before this happens before that happens? Just for my own information.

Mr. Sehl - Yes ma'am, it is. As you know, Rocketts Landing is a on-going construction site at this point. They're developing through the land bays. They haven't completely finished Land Bay 4B as they move on to Land Bay 5. The applicant could maybe speak to some of the sequencing of those events as well. But there is an exhibit contained within the proffered conditions accepted as part of the original rezoning case that shows some different sections of this proposed riverfront park. Some of them include buildings with the trail on one side; some of them with the trail immediately adjacent. And that will be provided—ultimately some of it's dependent upon future development of the Virginia Capital Trail and some other items like that. So as development occurs it will be considered. And then it is also part of the Plan of Development that will be submitted as part of Land Bay 5. And that will obviously come back to the Commission as well.

Mrs. Jones - So we may not be able to pinpoint everything now, but it will be all there at the end.

Mr. Sehl - This does set the framework for those PODs to come under. In no way does it change the proffered requirements that were accepted by the Board of Supervisors back in 2004.

Mrs. Jones - Thank you.

Mr. Branin - Any other questions?

1120
 1121 Mr. Leabough - Mr. Sehl, you did point out—I was looking at the
 1122 materials, so I may have missed this—the heights that are being proposed in
 1123 which we're being asked to grant an exception?
 1124
 1125 Mr. Sehl - Yes sir.
 1126
 1127 Mr. Leabough - Those are consistent with Land Bay 4?
 1128
 1129 Mr. Sehl - Yes sir. Land Bay 4 allowed the condominium
 1130 buildings. If you'll look at the cursor, there are two condominium buildings here,
 1131 as well as over here. Those are allowed to go to 100 feet. They didn't quite reach
 1132 that at the built stage. The condominium building proposed with Land Bay 5 is in
 1133 this location, and so that would be the building that would be allowed to go up to
 1134 100 feet. The other buildings would be limited to seventy feet. And any
 1135 townhomes proposed in Land Bay 5 would have to be fifty feet.
 1136
 1137 Mr. Leabough - Thank you.
 1138
 1139 Mr. Sehl - Yes sir.
 1140
 1141 Mr. Branin - Would you like to hear from the applicant? You have
 1142 no opposition.
 1143
 1144 Mr. Leabough - Sure.
 1145
 1146 Mr. Souter - Good evening, Mr. Chairman, members of the
 1147 Commission. I'm Richard Souter, one of the developers at Rocketts Landing. I
 1148 don't actually have a formal presentation tonight, but I would be happy to answer
 1149 any questions and give a quick update on where we are, if that would interest
 1150 anyone.
 1151
 1152 Mrs. Jones - Yes.
 1153
 1154 Mr. Souter - 4B is really Phase 1, so we built four condominiums
 1155 there. What will basically come after this PUP is in the next Planning Commission
 1156 you're probably going to see a POD for this apartment building up here. The
 1157 building has been in the planning phase for a year for us and we'd really like to
 1158 start that this summer. So you should see that coming very soon. We've been
 1159 working with staff on the beginnings of the POD plan, which would really be the
 1160 extension of this main street, the extension of Main Street down, and connected
 1161 back to Route 5 on this site of the building. And you connect on this side of the
 1162 building. And the new road they would continue down here, because along with
 1163 this apartment building we would really like to start these riverfront restaurant
 1164 buildings to build on the success of the restaurants we already have at Rocketts
 1165 Landing.

1166

1167 Mr. Leabough - Those are the commercial buildings—I mean the
1168 restaurants.

1169

1170 Mr. Souter - The restaurants. That's what I think the last time we
1171 spoke probably we were talking about.

1172

1173 Mr. Leabough - The white area you were just pointing to?

1174

1175 Mr. Souter - Right there?

1176

1177 Mr. Leabough - No, north.

1178

1179 Mr. Souter - The Virginia Rigging Building. Which is a building we
1180 don't currently—we do not control this piece of property.

1181

1182 Mr. Leabough - Okay. Just trying to orient myself.

1183

1184 Mr. Souter - And down here we have—there is a pool house and
1185 an existing structure existence that we'll adaptively reuse at some point in the
1186 future. And then the Virginia Capital Trail really is kind of a keystone to the
1187 riverfront park system. That is predicated on the city purchasing Lehigh Cement,
1188 which is four cement silos a little bit further down. This is a spur track that goes to
1189 Lehigh Cement. They're the only user of the spur track. We've been working very
1190 closely with the city over the last couple of years to try—that group is moving out
1191 to Chesterfield. And as soon as they go we will really embark on the process
1192 called Rails to Trails to turn that rail bed into the Virginia Capital Trail. The city
1193 would like to have that done by the middle of 2014, and we'd love it done as soon
1194 as possible. So the Virginia Capital Trail is a huge amenity that we would really
1195 love to plug everything into.

1196

1197 Mr. Branin - The marina. Last time I was on the project there were
1198 some slips put in. How far along are you with that now?

1199

1200 Mr. Souter - We've built—in our first phase, which was all on the
1201 Henrico side—and the marina's not configured this way. If you've been down
1202 there it's kind of—it looks like a comb almost with the slips angled downstream.
1203 We built forty slips in the first go round and the slips basically run from the city-
1204 county line, which is this line over here. The first forty slips went downstream to
1205 basically about this point. This last winter we installed another eighteen slips
1206 basically on the city side going upstream. We installed another eighteen slips
1207 there that included a fuel dock. It's been well received. The fuel dock is just going
1208 to add another amenity in the marina that will encourage transient and seasonal
1209 boaters. That's complete; it's opened up.

1210

1211 Mr. Branin - So you have a total of fifty-eight now?

1212
1213 Mr. Souter - Yes.
1214
1215 Mr. Branin - And a fuel dock?
1216
1217 Mr. Souter - Yes.
1218
1219 Mrs. Jones - I have a question. Access to that area. Is there
1220 restricted access currently in Land Bay 4 with any way to get down to the river or
1221 to walk along the marina? And will there be restricted access in Land Bay 5? Is
1222 this just for marina slip holders or is there access for residents of Rocketts
1223 Landing? Is there public access? How does that break out along the riverfront?
1224
1225 Mr. Souter - The gentleman who really envisioned this project at
1226 the beginning, Bill Abelhoff, he always used to say, "Public access to public
1227 water." I mean that's still our mantra. At the Boathouse restaurant there's a
1228 staircase that goes—our project's plan is three-tiered. You have the river at the
1229 bottom and there's kind of a bank that comes up onto a mezzanine plateau which
1230 is where the railway track runs. And then there's another steep bank that goes up
1231 to the main village, which conveniently puts the main village out of the floodplain.
1232 At that mezzanine bank along where the rail bed currently runs there is access at
1233 the boathouse to get from the top to the bottom. The Virginia Boat Club and VCU
1234 crew use that staircase a lot to access their boathouse. And there's a staircase
1235 that runs down the side.
1236
1237 It's not closed to public access now, although we don't actively encourage people
1238 to go and walk down the rail bed because, I mean, it's still a train track. But that
1239 doesn't stop people. We'd much rather see a Virginia Capital Trail that people
1240 can go and recreate safely, and it will be well lit in the evening. Ultimately our
1241 plan is to create as many connections from the upper level to the lower level. We
1242 just haven't put all those connections in yet because right now we're not actively
1243 encouraging people to do that. But that does not stop people from riding their
1244 bicycles down the slope next to the Conch Republic. People want to be near the
1245 water.
1246
1247 Mrs. Jones - I know. So you're saying that would be access to the
1248 public, not just residents of Rocketts Landing.
1249
1250 Mr. Souter - Virginia Capital Trail is a public trail. It's a public
1251 amenity. The most recent eighteen slips we put in, we actually did not gate that
1252 off to the public either, much to the disdain of our insurance agent.
1253
1254 Mrs. Jones - Thank you. Well, that's the one thing I hear over and
1255 over. It's such a beautiful area it's drawing people in. And so to plan on that is the
1256 smart thing to do. And the right thing to do. Thank you.
1257

1258 Mr. Branin - Any other questions? Then I would entertain a motion.

1259

1260 Mr. Thornton - Mr. Chairman, I have a question. Talking about
1261 access to the water there. What effect does riparian rights have on that? Does
1262 anyone know?

1263

1264 Mr. Emerson - I'm not sure. As far as public access to the water, Mr.
1265 Thornton?

1266

1267 Mr. Thornton - Is that something that we need to be concerned
1268 about? Is it a non-issue?

1269

1270 Mr. Emerson - I think in this case Rocketts Landing is committed to
1271 providing public access to the river, so it's not an issue at this point. In other
1272 locations it may be, but if an individual owns the land to the water, I believe
1273 there's a high-water and a low-water mark in terms of where there's public
1274 access. So in this case they're providing public access to the waterfront. So I
1275 don't think there's any type of issue there. In other cases there may be.

1276

1277 Mr. Thornton - Thank you.

1278

1279 Mr. Leabough - Mr. Chairman, I move approval of P-12-12, Richard
1280 Souter for CVI/Rocketts Landing LLC, subject to conditions 1-4 noted in the staff
1281 report.

1282

1283 Mr. Archer - Second.

1284

1285 Mr. Branin - Motion by Mr. Leabough, seconded by Mr. Archer. All
1286 in favor say aye. All opposed say no. The ayes have it; the motion carries.

1287

1288 **REASON:** Acting on a motion by Mr. Leabough, seconded by
1289 Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend
1290 the Board of Supervisors grant the request because it conforms to the Urban
1291 Mixed-Use recommendation of the Comprehensive Plan, and when properly
1292 developed and regulated by the recommended conditions, it would not be
1293 expected to adversely affect the adjoining area.

1294

1295

1296 *(Deferred from the May 10, 2012 Meeting)*

1297 **C-11C-12 Larry Horton for Pouncey Tract Company of**
1298 **Virginia, LLC:** Request to conditionally rezone from A-1 Agricultural District to
1299 RTHC Residential Townhouse District (Conditional) Parcel 740-765-7333
1300 containing 12.72 acres located along the east line of Pouncey Tract Road (State
1301 Route 271) approximately 600 feet south of its intersection with Twin Hickory Lake
1302 Drive. The applicant proposes a townhome development of no more than 70 units.
1303 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 Urban Residential, density should range from 3.4 to 6.8 units per acre, and Commercial Concentration. The site is in the West Broad Street Overlay District.

Mr. Branin - Is anyone in opposition to C-11C-12, Larry Horton for Pouncey Tract Company of Virginia LLC? No one? Okay. The staff report will be presented by Mr. Livingston Lewis.

Mr. Lewis - This is a request to rezone the 12.7-acre parcel at 4521 Pouncey Tract Road from A-1 to RTHC for a townhouse development. The property is located southeast of the Pouncey Tract Road/Twin Hickory Lake Drive intersection, and was formerly used as a VDOT storage and maintenance facility for many years. Several storage buildings, sheds, and other structures still remain on the site, along with a mature tree buffer and security fence around nearly the entire perimeter.

Adjacent uses and zoning are as follows:

- a twenty-foot wide privately-owned landscaping strip to the north (A-1),
- the Avington townhome community to the south (RTHC),
- the Parsons Walk at Twin Hickory neighborhood to the east (R-5AC), and
- a mixture of auto service, storage, and related commercial uses to the west.

The subject site is part of the West Broad Street Overlay District as well.

The 2026 Comprehensive Plan's recommended future land use is Urban Residential, except for a narrow strip of Commercial Concentration along the western entrance road. The applicant's request is consistent with this Urban Residential designation and its corresponding 3.4 to 6.8 units per acre density range.

The applicant submitted revised proffers dated May 29, 2012, with additional changes initialed on June 7 and June 13. This is the version just distributed to you. Proffered Exhibit F shows a 17-building, 70-unit layout with a mixture of 3, 4, 5, and 6-unit buildings. This represents a density of 5.5 units per acre, the maximum allowed by Proffer #2. The development's primary entrance is from Pouncey Tract Road. The layout also shows ten-foot and fifteen-foot wide landscape buffers along the northern and eastern property lines, an open courtyard area near Building I, and provision for interior and perimeter sidewalks.

Exhibits A through E represent a variety of different building elevations to be applied to specific façades throughout the development. As shown on Exhibit A, the front of every building would be all brick except for cementitious siding on

certain gables. Other features include one central roof offset, porticos, façade projections, columns, and detailing around windows, doors and garages.

Exhibits B and C represent the rear and side treatments for two of the most visible buildings—those labeled P & Q adjacent to Twin Hickory Lake Drive. This rear image shows a 100 percent brick façade, two large dormers, and window and door detailing similar to the front elevation.

The side façades of these two buildings are also mostly brick (100 percent on the primary side surfaces and the sides of front projections). Fiber-cement board would be used on the sides of the rear dormers.

Exhibits D and E show the rear and side treatments for all other buildings. Rear surfaces would be all cementitious siding with some pattern variation on the dormers.

Typical sides would also be cementitious siding, although the sides of front projections would still be brick.

This diagram provides a visual summary of which exterior treatments are proffered for specific façades, with orange representing brick and green being fiber-cement board siding.

Other proffers include but are not limited to the following assurances:

- 1800-square-foot finished floor area and 24-foot minimum width per unit,
- Minimum of two rear dormers on all buildings as shown in the exhibits,
- One-car garage with each unit,
- Brick foundations with a minimum of eight inches or two courses visible above grade,
- 30-year dimensional shingles,
- Transitional 25 standards for the plant quantity in both buffers,
- Benches and landscaping for the open space courtyard area, and
- A brick or stone landscaped entrance feature.

The applicant has committed to build a five-foot-wide sidewalk—which you may have noticed on the layout—through the adjacent landscape strip to the north but this is not part of the proffered conditions because they do not control that property. This would be accomplished through a private agreement between the applicant and the owner of the adjacent property. A letter outlining this agreement has been provided to staff and has been included in the case file.

The residential use and density proposed are consistent with the 2026 Plan's designation and could be compatible with surrounding properties—particularly given the proffer revisions provided by the applicant to further clarify various

1395 aspects of the case, provide additional quality assurances, and mitigate potential
 1396 impacts. For these reasons, staff is able to support this request.

1397

1398 Time limits would need to be waived for the several proffer changes before you
 1399 this evening.

1400

1401 This concludes my presentation. I will be happy to take any questions.

1402

1403 Mr. Branin - I have no questions, Mr. Lewis. Does anybody have
 1404 any questions for Mr. Lewis?

1405

1406 Mr. Witte - I just have one. Proffer 21 and joint access. What
 1407 properties are joined? I mean what would use that?

1408

1409 Mr. Lewis - The commercial property to the west, which that was
 1410 the subject of a previous request last month. This area right at the cursor on the
 1411 screen right here. So the property line for the subject request is right here, that
 1412 bold line. And in order to facilitate better movement between sites, and to and
 1413 from Twin Hickory Lake Drive, the property owners have been in contact and are
 1414 trying to create unified development between the two sites.

1415

1416 Mr. Witte - Thank you.

1417

1418 Mr. Branin - Mr. Witte, we also had tried to get connectivity with
 1419 Avington as well, but the owner of Avington—it's his right to refuse and he took
 1420 that right.

1421

1422 Mr. Witte - Thank you.

1423

1424 Mrs. Jones - So at the moment there's one road in, one road out?
 1425 One way in, one way out off of Pouncey Tract only?

1426

1427 Mr. Branin - Yes.

1428

1429 Mr. Emerson - But ultimately there will be two.

1430

1431 Mr. Branin - There will be two.

1432

1433 Mr. Thornton - Mr. Lewis, as a neophyte in planning, I'm always
 1434 concerned about terms. I don't recall having seen this term before. Could you just
 1435 tell me—did we use another term instead of cementitious siding before? Did we
 1436 have another term for that?

1437

1438 Mr. Lewis - Unfortunately there are several.

1439

1440 Mr. Thornton - Okay.

1441
1442 Mr. Lewis - Fiber-cement board, HardiPlank, cementitious siding.
1443 They all generally mean the same thing. HardiPlank is sort of like Xerox; it's a
1444 brand name. So we try not to use that because that can tie down to a specific
1445 brand. So we try to use the general terminology. Cementitious siding is one of
1446 them.

1447
1448 Mr. Thornton - Thank you.

1449
1450 Mr. Branin - Any other questions for Mr. Lewis? I don't have to
1451 hear from the applicant because there is no opposition. I would like to make the
1452 statement that the original case that came in looked much like Fort Lee barracks'
1453 layout, and today's is a great change. The quality of product, especially along
1454 Twin Hickory of making those buildings all brick, was a great change. So I think
1455 this case has come a long way since its first presentation. Any other questions or
1456 comments?

1457
1458 Then I could like to move to approve C-11C-12, Larry Horton for Pouncey Tract
1459 Company of Virginia LLC—well actually I need to waive the time limits first. So I'd
1460 like to move to waive the time limits for C-11C-12.

1461
1462 Mr. Archer - Second.

1463
1464 Mr. Branin - Motion by Mr. Branin, seconded by Mr. Archer. All in
1465 favor say aye. All opposed say no. The ayes have it; the motion carries.

1466
1467 Now I would like to move that C-11C-12, Larry Horton for Pouncey Tract
1468 Company of Virginia LLC, move forward with the recommendation for approval to
1469 the Board of Supervisors with proffers 1 through 27, and the revised 2, 10, and
1470 20.

1471
1472 Mr. Archer - Second.

1473
1474 Mr. Branin - Motion by Mr. Branin, seconded by Mr. Archer. All in
1475 favor say aye. All opposed say no. The ayes have it; the motion carries.

1476
1477 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
1478 Archer, the Planning Commission voted 5-0 (one abstention) to recommend the
1479 Board of Supervisors grant the request because it conforms to the
1480 recommendations of the Land Use Plan and the proffered conditions will provide
1481 appropriate quality assurances otherwise not possible.

1482
1483 **C-16C-12 Neil Farmer for CHD2, LLC:** Request to rezone from
1484 A-1 Agricultural District to R-3C One-Family Residence District (Conditional)
1485 Parcel 738-755-8984 containing 4.717 acres located at the southwest
1486 intersection of Old Pump Road and Thaddeus Drive. The applicant proposes a

single-family residential development. The R-3 District allows a minimum lot size of 11,000 square feet and a maximum gross density of 3.96 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. The staff report will be presented by Ms. Rosemary Deemer.

Mr. Branin - Good evening, Ms. Deemer. How are you?

Ms. Deemer - I'm fine. Good evening, Mr. Chairman, members of the Commission.

Mr. Branin - Is anyone in opposition to C-16C-12, Neil Farmer for CHD2, LLC? Okay. Once we go through it, I'll ask you down to ask that question. Okay. Ms. Deemer?

Ms. Deemer - This request is to rezone 4.717 acres from A-1 Agriculture to R-3C One Family Residence District to allow for the development of a residential subdivision. Located at the southwest intersection of Thaddeus Drive and Old Pump Road, the property is surrounded by the Laurel Woods, Timberlake and Coventry subdivisions while the Chesterbrook Academy is located directly to the north.

Adjacent zoning in the immediate area is predominantly R-4C, with a mixture of R-C3, R-3AC, R-5 and A-1. The properties zoned A-1 are characterized as residential uses on parcels smaller than five acres and property to the east, owned by Henrico County for the design and construction of John Rolfe Parkway.

Major aspects of the proffers include:

- A minimum house size of 1,800 square feet for two-story dwellings and 1,700 square feet for one-story dwellings. No more than three houses will be one story.
- Exterior materials of brick, stone, cultured stone, EIFS, cementitious siding or a combination thereof have been proffered; vinyl siding is prohibited.
- All houses would be constructed on crawlspace foundations finished with brick or stone.
- All driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete, or other similar materials and all houses would have a minimum of a one-car garage.

The applicant has submitted, but not proffered, the following concept plan. In order to better integrate the proposed subdivision into the existing neighborhood, staff recommends the applicant revisit the design to determine the need for the smaller cul-de-sac. The proposed cul-de-sac at the intersection of Thaddeus

1533 Drive and Laurel Woods Lane creates an incongruous layout with the adjacent
1534 Timberlake subdivision. As you can see it is practically in the backyards of those
1535 lots in Timberlake.

1536
1537 Staff believes the same lot yield can be achieved without impacting adjacent
1538 development and furthering the goals, objectives and policies of the 2026 Plan
1539 including encouraging the design of new development be compatible with and
1540 complimentary to existing land uses and encouraging developments be designed
1541 to minimize fiscal impacts.

1542
1543 The 2026 Comprehensive Plan recommends Suburban Residential 2 at a density
1544 not to exceed 3.4 units per acre, and this is consistent with the planned density
1545 submitted. The proposed use, zoning and density are consistent with the Plan
1546 and staff is generally supportive of the request but recommends the applicant
1547 consider addressing the site design to make the request more compatible with
1548 surrounding developments.

1549
1550 I'd be happy to answer any questions you may have.

1551
1552 Mr. Branin - Does anybody have any questions for Ms. Deemer?
1553 None? I don't have any questions. If you just hang on and we'll find out what the
1554 comments are and then I may need you. So don't go far. Ma'am, would you like
1555 to come down? And when you come down, please state your name for the
1556 record.

1557
1558 Ms. Schwartz - My name is Sharon Schwartz and I reside at 11915
1559 Sunrise Road. My property is adjacent to the property that they're going to build,
1560 by the Clay property.

1561
1562 I'm not in opposition to anything that that they're doing over there. All I want is a
1563 privacy fence because I'm right next door to Coventry. The children are always
1564 trespassing on my property because they don't have any room to play, and I
1565 have an acre field behind my house that we keep mowed. And that's awful
1566 tempting to young children when they want to play soccer or whatever. We're
1567 constantly getting jumped on by parents when we try to explain to them that this
1568 is private property and you just can't come on private property and start doing
1569 what you want to do. It's gotten so bad I've even had my house egged on
1570 Halloween.

1571
1572 Like I said, I'm not in opposition to anything they're going to do. I just want a
1573 privacy fence the length of my property back there.

1574
1575 Mr. Branin - Mr. Deemer, can you do me a favor and pull up the
1576 layout, actually. And Ms. Schwartz, can you show me where you—right there.
1577 Okay. And that is a big open field?

1579 Ms. Schwartz - Yes. I have 1.52 acres there. So yes, it's big open
1580 field.
1581
1582 Mr. Branin - Yes, it's a nice field. It's a great soccer field.
1583
1584 Ms. Schwartz - Great for soccer, yes. In fact, the children have tried
1585 to play back there.
1586
1587 Mrs. Jones - On the aerial. Sorry. I need to make sure I
1588 understand. Ah, okay.
1589
1590 Mr. Branin - Her house is way up at the top of the lane in a big
1591 open area in the back. Okay. All right, Ms. Swartz, I've written a note. Let's talk to
1592 the developer. Is the developer here?
1593
1594 Ms. Schwartz - You don't need me for anything else?
1595
1596 Mr. Branin - No ma'am.
1597
1598 Ms. Schwartz - Thank you.
1599
1600 Mr. Branin - We may. If you want to add some comments, you're
1601 welcome to.
1602
1603 Mr. Farmer - Mr. Chairman, members of the Planning Commission.
1604 Neil Farmer. I'm the developer and I'm here just I guess to answer some
1605 questions. Rosemary did a good job presenting the case. Do you have any
1606 questions?
1607
1608 Mr. Branin - I do. I have two, actually. Number one, the layout that
1609 the County has come up with yields the same amount of lots and it didn't look
1610 that bad to me.
1611
1612 Mr. Farmer - It didn't look that bad to me either. My engineer,
1613 Andrew Browning with Youngblood and Tyler is here. And I told Rosemary
1614 yesterday and today that I liked her layout; it looked pretty good. And Andrew
1615 said that he would look at it.
1616
1617 Mr. Branin - Did you ask Andrew what you're paying him for if
1618 they're coming up with better layouts? Then I don't blame you.
1619
1620 Mr. Farmer - I agree with you. She did a good job and then don't
1621 have a build a road, don't have to build a cul-de-sac there. The problem I
1622 addressed to her was that we have just finished doing the survey. Usually I don't
1623 spend all the engineering money to do all the engineering work until after we get
1624 Board of Supervisors' approval. The people that own the land wanted a couple

1625 questions answered. He had a window for some of his people so I have the
1626 fieldwork done. He's compiling his notes and everything like that. I'm a layman in
1627 terms of that. You can do as many layouts as you want, but until we know
1628 whether we got two or three feet here, or three feet there to know if it actually fits.
1629 And I would submit to you and the people in the Planning Commission that I like
1630 Rosemary's layout, and it looks better than Andrew's, no deference to Andrew.
1631 But if it works, we can submit that at the POD level or maybe get it worked out by
1632 the Board of Supervisors.

1633

1634 Mr. Branin - I would make note that if this makes it to the Board,
1635 and past the Board, and gets to POD level, I think it may be a better layout. So I
1636 would be looking for you to—

1637

1638 Mr. Farmer - I agree with you.

1639

1640 Mr. Branin - With all due consideration.

1641

1642 Mr. Farmer - It has the exact same thing without—

1643

1644 Mr. Branin - Less road building. And since you're going to be
1645 saving so much money on roads, how do you feel about fences? Because you
1646 know what they say about fences, Mr. Farmer, they make good neighbors.

1647

1648 Mr. Farmer - I agree with you on that. My preference would be not
1649 to put a fence there because it's on the side yard of one of the lots. The people
1650 haven't bought the home, and then when they go to buy the home what happens
1651 if they don't want a fence there. It will make it harder to sell a lot like that in this
1652 type of a market. It's a tough situation there anyway, and then I get into the can
1653 of worms. Ms. Schwartz is a very nice person. What if they find out I've built a
1654 fence, then pretty soon I'm going to have a fence on the whole thing and there
1655 goes—poof, there goes everything there. So that's my preference if you ask. I'm
1656 just being honest with you.

1657

1658 Mr. Branin - Okay. And I'm going to be honest with you. Get ready
1659 at POD to possibly be putting a fence in.

1660

1661 Mr. Farmer - Okay. Well then I'll get with the Schwartz's and we'll
1662 work out where the fence goes.

1663

1664 Mr. Branin - Other than that, I take no issues. But if they're already
1665 having issues, we don't want to exacerbate the situation by adding more houses.
1666 And now your houses back up to the field, and that field will become your
1667 development's backyard. We don't need to exacerbate that.

1668

1669 Mr. Farmer - That's fine; no problem. I will get that done by the time
 1670 we get the POD submitted with the site plan and put a fence in there. On their
 1671 property. Is that correct?
 1672

1673 Mr. Branin - Yes, that's correct.
 1674

1675 Mr. Farmer - And that's what I would prefer, just because when it
 1676 gets into maintenance or whatever, I'd rather have—
 1677

1678 Mr. Branin - If we had forty-seven people in opposition here I'd say
 1679 well, we're going to be doing a lot of fences, but we don't.
 1680

1681 Mr. Farmer - Okay, thank you.
 1682

1683 Mr. Witte - Mr. Farmer, I would suggest that it's in your favor to
 1684 put up a fence rather than have the Schwartz's put up a fence that's not really
 1685 attractive in your opinion to the sale of your property. I think it would be in your
 1686 best interest to do that rather than have them put up a fence that you really don't
 1687 like.
 1688

1689 Mr. Farmer - After what Mr. Branin and I talked about, I'm going to
 1690 be putting up a fence. So I will put it up, yes sir. It'll be me.
 1691

1692 Mr. Archer - I just have further comments about the layout. It does
 1693 seem a little different.
 1694

1695 Mr. Farmer - I agree. And Andrew looked at it the other day and he
 1696 said it looks good to him. He just has to put all of his actual numbers on there,
 1697 because that layout that he did and what Rosemary did was off my compiled plat
 1698 that I submitted to the County. So nothing is—engineering is an exact science, so
 1699 everything's been done of the compiled plat. It should be pretty close to being
 1700 accurate.
 1701

1702 Mr. Branin - Okay.
 1703

1704 Mr. Farmer - Okay?
 1705

1706 Mr. Archer - I have one question, Mr. Chairman. In Ms. Deemer's
 1707 summary, there was a recommendation that there be a consideration to address
 1708 the concerns in Section 4 to make the request more compatible. Have we
 1709 achieved that?
 1710

1711 Mr. Farmer - I believe so, yes sir.
 1712

1713 Mr. Archer - Do you notice in the staff report that they had a
 1714 Section 3 and also a Section 4. And in the comments she said staff is generally

1715 supportive, yet recommends the applicant consider addressing the concerns in
1716 Section 4 to make the request more compatible. And I'm just trying to find out
1717 have you achieved that.

1718
1719 Mr. Leabough - Oh, okay.

1720
1721 Mrs. Jones - Are you going to answer that? Okay, then I have a
1722 question.

1723
1724 Ms. Deemer - I think since Mr. Farmer is indicating that at the time
1725 of POD—or at the time of subdivision that if there is the appropriate amount of
1726 land he will be submitting a different concept plan that reflects the lack of the
1727 second cul-de-sac that staff would be happy with that.

1728
1729 Mr. Archer - Okay. I just wanted to make you happy.

1730
1731 Mrs. Jones - I have a question. Perhaps Mr. Farmer or perhaps
1732 Ms. Schwartz can answer. I'm a little confused, so I just need to be set straight
1733 here. If Ms. Schwartz is having a problem with use of her property now, clearly
1734 those folks are not coming from your development; they're coming from
1735 elsewhere. So I'm wondering while a fence along the back of her property would
1736 eliminate a problem that could develop, clearly she has a problem already. So
1737 I'm not sure that a fence on the back of her property really is going to solve a
1738 problem that already exists. Nobody is coming from your property to hers at the
1739 moment. At the moment. They're coming from other places. I don't know if she's
1740 ever considered fencing her property to take care of the problem, but I'm not sure
1741 that your fence is going to solve the problem that exists already.

1742
1743 Mr. Branin - That's a very good point. I didn't even take that into
1744 consideration.

1745
1746 Mr. Farmer - I agree with that. It was something you could say that
1747 I couldn't say.

1748
1749 Mrs. Jones - I was just trying to understand, that's all.

1750
1751 Mr. Farmer - Very astute. That's correct. Coventry's been there
1752 approximately eighteen to twenty years. I developed Coventry. It was an R-4
1753 subdivision and it has a cul-de-sac there, and the children live there, and the
1754 children that live over there have a basketball goal at the end of the cul-de-sac,
1755 which is close to the Schwartz's. If they walk up a few feet they're in her yard. It's
1756 just there.

1757
1758 Mrs. Jones - Very tempting. Okay.

1759

1760 Mr. Farmer - Coventry's been there probably approximately
 1761 eighteen years, I think.
 1762
 1763 Mr. Branin - And kids will be kids.
 1764
 1765 Mr. Farmer - And kids will be kids. And they've been going over
 1766 there. I didn't create the problem, but we'll work it out by POD, which I promised
 1767 the Chairman, so. But it's there and it's going to still be there. I just hope it
 1768 doesn't happen where the kids knock down one board of the fence and crawl
 1769 through there because they're kids. Just because it's there.
 1770
 1771 Mr. Branin - Actually they would just need to go into the cul-de-sac
 1772 and come right back around the fence.
 1773
 1774 Mr. Farmer - Right. So, I mean, when kids see something, they're
 1775 going to find a way to get there. I agree with you.
 1776
 1777 Mrs. Jones - Well, I think this may bear some further thought, but I
 1778 don't think having one section of fence across the back of her yard is going to
 1779 solve an existing problem.
 1780
 1781 Mr. Emerson - It would have to be completely fenced to solve her
 1782 problem.
 1783
 1784 Mr. Witte - I agree it's not going solve the existing problem, but it
 1785 may deter some additional problems.
 1786
 1787 Mrs. Jones - Mr. Chairman, I'm not sure how to solve this.
 1788
 1789 Mr. Branin - I had said we wouldn't address fencing until we get to
 1790 landscaping POD anyway. So I'm not going to ask Mr. Farmer to proffer it in. We
 1791 have a citizen that has a concern and I didn't see through the wood into the
 1792 empty field. Being that it's already existing, one strip of fence probably isn't going
 1793 to get it. So I appreciate your help on that.
 1794
 1795 Mr. Leabough - This is a subdivision, right?
 1796
 1797 Mr. Emerson - That is correct, yes sir.
 1798
 1799 Mr. Branin - When I use the word *POD*, I mean that Wednesday
 1800 meeting.
 1801
 1802 Mr. Emerson - It would be subdivision.
 1803
 1804 Mr. Leabough - Just making sure I'm clear.
 1805

1806 Mr. Branin - Mr. Farmer, I think we have a little bit more work to
1807 do. I'm not going to hold this up in regards to that. The layout we'll look at. We'll
1808 have some discussion. Ms. Deemer, if you could please get Ms. Schwartz's
1809 information for me because I'd like to look into that a little more before this gets to
1810 subdivision. Not POD.

1811
1812 All right. With that I'd like to move that C-16C-12, Neil Farmer for CHD2, LLC, be
1813 approved to move forward to the Board of Supervisors with a recommendation of
1814 approval.

1815
1816 Mr. Leabough - Second.

1817
1818 Mr. Branin - Motion by Mr. Branin, seconded by Mr. Leabough. All
1819 in favor say aye. All opposed say no. The ayes have it; the motion carries.

1820
1821 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
1822 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
1823 the Board of Supervisors grant the request because it conforms to the
1824 recommendations of the Comprehensive Plan, is appropriate residential zoning
1825 at this location, and it represents a logical continuation of the one-family
1826 residential development which exists in the area.

1827
1828 Mr. Emerson - Mr. Chairman, that now takes us to page four of your
1829 agenda to a discussion item. It is to discuss scheduling a work session for June
1830 27, 2012, to consider an amendment to the County Code regarding non-
1831 commercial signs. This is a fast-track item that the Board actually approved a
1832 Board paper on earlier this week. I asked Mr. Blankinship to be here tonight just
1833 to give you a short presentation on this so you could begin to think about it prior
1834 to hopefully your work session on the twenty-seventh.

1835
1836 Mr. Branin - Mr. Blankinship, welcome this evening.

1837
1838 Mr. Blankinship - Thank you, Mr. Chairman, members of the
1839 Commission.

1840
1841 As Mr. Emerson mentioned, this is a matter that the County Manager has asked
1842 to put not on an accelerated schedule but—what's the phrase. I'll think of it later.
1843 We are trying to keep on a track to move forward in order to have these issues
1844 resolved by the end of this summer.

1845
1846 Briefly, the sign ordinance, 24-104, regulates, as you know, types of signs in
1847 each zoning district. There is also a prohibition on any sign that is not specifically
1848 allowed in the zoning district. And there's a requirement for a sign permit for
1849 every sign that's allowed unless the ordinance exempts a particular sign from the
1850 permit requirement. And this is an abbreviated view of those exemptions. I'll draw
1851 your attention to C and D: signs up to two square feet advertising real estate do

not need a permit, and signs up to three square feet prohibiting trespassers and those sorts of things do not require a permit.

There is also a sentence in the Zoning Ordinance that is very important for this topic. It says "Prohibited signs." Any sign not specifically permitted is prohibited, provided, however, that any permitted sign is allowed to contain non-commercial speech in lieu of any other speech. That was put into the ordinance I think in 1987 as a result of a U. S. Supreme Court case where the Court struck down an ordinance that was allowing commercial speech but not allowing non-commercial speech such as political speech or religious speech. The Supreme Court of the United States said that's upside down. we're going to give higher deference to political speech and higher deference to religious speech than we do to commercial speech. And so we added that sentence to make clear that any place we allow commercial speech we will allow non-commercial speech.

In the residential districts we allow a temporary real estate for-sale sign up to thirty-two square feet with a permit. You have to get a permit to put that up. So because of that earlier sentence, you're allowed to have a 32-square-foot sign, up to a 32-square-foot sign proclaiming any non-commercial message, whether it's a political message, vote for a candidate, or an ongoing political issue, or a religious message—any non-commercial speech. However, at this time it does require a permit. That's the issue that we're really concerned about right now, whether to keep that requirement that a permit be required.

Mr. Branin - You know, who took these pictures?

Mr. Blankinship - I did. Well it was convenient because there were several signs there in one place and I didn't have to do a lot of driving and use up the County's gas.

Mr. Branin - Okay.

Mr. Leabough - Sure.

Mr. Blankinship - These are three-square-foot signs, just to give you a picture of what we were talking about before. These would be allowed today without a permit in a residential area. These are some non-commercial signs that are not political in nature. Just giving you ideas of what the different square footages look like when you go out and look at them. The top one there is fourteen square feet; the bottom one is eleven. So that's a total of twenty-five square feet of sign area.

This is a 32-square-foot sign, a 4- by 8-foot sheet of plywood. And these are two 32-square-foot signs that are right next to those two three-square-foot signs. So that's why I say I could take a lot of the pictures all at one location.

1898 These are not plywood, although they might appear to be. But they are 4- by 8-
1899 foot signs. So these are the size of signs that we're talking about when we say
1900 thirty-two square feet of sign.

1901
1902 Mrs. Jones - Mr. Blankinship, I just need to understand. Did you
1903 make a differentiation between temporary and permanent?

1904
1905 Mr. Blankinship - No ma'am, not at this point. I'll come back to that
1906 point.

1907
1908 Mrs. Jones - Oh, okay.

1909
1910 Mr. Leabough - So the 32-square feet requires a permit today.

1911
1912 Mr. Blankinship - Today, a 32-square-foot sign, yes sir, it requires a
1913 permit. Even a non-commercial sign.

1914
1915 Mr. Leabough - Which many people probably don't get.

1916
1917 Mr. Blankinship - Many people don't get them. One gentleman has
1918 actually come to the Board of Supervisors. He was cited by Community
1919 Maintenance for having a sign without a permit, the owner of this particular sign
1920 here. And he came to the Board of Supervisors and asked a question, why am I
1921 required to have a permit. And frankly, we've had a difficult time answering that
1922 question. The permit process, as you mentioned, a lot of people circumvent it,
1923 just don't bother to apply for a permit. It's one of those situations where we end
1924 up punishing the people who are following the rules. People who choose not to
1925 follow the rules, you know, save money, save time, save hassle.

1926
1927 Mr. Emerson - Mr. Blankinship, too, one of the other things you might
1928 want to mention, especially with political signs, we do go through a process. We
1929 send out a letter to everyone that's a registered candidate noting to them the sign
1930 regulations in the County. However, they have campaign staff who go out and
1931 put up signs, and may or may not be familiar with our rules and regs. By the time
1932 we write a notice of violation, our Community Maintenance writes a notice of
1933 violation, they then have thirty days to correct. The election's over, the sign's
1934 gone. So it's kind of a moot point. We need to address it before "silly season," I
1935 guess, begins again.

1936
1937 Mrs. Jones - You mean address it in a way such as political signs
1938 from such a date to such a date will not require permitting? Just make it go
1939 away?

1940
1941 Mr. Emerson - We're looking at square footage. And Mr. Blankinship
1942 will address that.

1943

1944 Mrs. Jones - I'm sorry to interrupt.
 1945
 1946 Mr. Blankinship - This isn't really the work session. We're going to hold
 1947 a work session for you in two weeks, as Mr. Emerson said. He just wanted to get
 1948 you thinking about the topic, make you aware of what we're doing. So I'm going
 1949 to skip over these next couple of slides.
 1950
 1951 The questions we're looking at really are:
 1952
 1953 • Should the County continue to require a permit for political campaign
 1954 signs or other non-commercial signs that exceed three square feet in
 1955 area?
 1956 • What should be the area and height limits for such signs? And,
 1957 • Should the County impose a maximum area for all of the signs on a
 1958 single lot?
 1959
 1960 The recommendation that we have arrived at at this point, at the beginning of this
 1961 process, is we think that up to thirty-two square feet of sign area on any lot
 1962 should be allowed without a permit, provided that none of the signs exceed eight
 1963 feet in height, and none of them are located in a sight-distance triangle. We're
 1964 also thinking about setbacks, particularly in the residential areas. Most of the
 1965 larger signs in residential areas require a fifteen-foot setback.
 1966
 1967 Yes, Mr. Chairman.
 1968
 1969 Mr. Branin - Would you go back to the photo? Okay. Now, that
 1970 exceeds thirty-two?
 1971
 1972 Mr. Blankinship - Yes sir, it does.
 1973
 1974 Mr. Branin - So that would be—
 1975
 1976 Mr. Blankinship - This would not be covered even by the proposal that
 1977 we are discussing right now. But as I say, we're at the very beginning of the
 1978 process.
 1979
 1980 Mr. Emerson - I was just going to note we are working on some draft
 1981 recommendations that will be distributed to you prior to the twenty-seventh. But
 1982 you are correct, that would not be what we're talking about right now. Those are
 1983 64-square feet there. I'm sorry, Mr. Witte.
 1984
 1985 Mr. Witte - If they were separated?
 1986
 1987 Mr. Branin - It's still signage.
 1988

1989 Mr. Blankinship - And that's the question. The question is should we
1990 say you can't have a sign over 32-square feet, or should we say you can't have
1991 over thirty-two square feet of sign?
1992
1993 Mr. Branin - I think it would be better to say you can't have a sign
1994 over 32-square feet.
1995
1996 Mr. Blankinship - One sign, but not limit it to total number of signs. Is
1997 that what you're saying?
1998
1999 Mrs. Jones - So you can have 50 signs, each of them less than 32-
2000 square feet and you'd be fine.
2001
2002 Mr. Witte - For 30 days.
2003
2004 Mrs. Jones - Is that what you're saying? Okay.
2005
2006 Mr. Branin - Maybe. Can I get back to you on that?
2007
2008 Mr. Blankinship - At this point it's all questions. At this point we're just
2009 trying to raise your awareness and let you know that we're thinking about this.
2010 We'll be holding a work session with you on June the 27th at the POD meeting,
2011 hoping to have the public hearing by July 12th so that we can get it onto the
2012 Board's agenda by July 24th for work session, and public hearing August 14th.
2013 The attempt is to try to keep us ahead of the busiest part of this campaign
2014 season. We know we're going to be inundated with signs in the next few months
2015 and we'd like to get out ahead of that. When candidates come in and say, do we
2016 really need to apply for 300 sign permits, we'd like to be able to say no, you
2017 don't.
2018
2019 Mr. Witte - The meeting, will that be before or after our—
2020
2021 Mrs. Jones - After.
2022
2023 Mr. Witte - After?
2024
2025 Mr. Blankinship - That would be up to you. That would be up to the
2026 Chairman.
2027
2028 Mr. Emerson - We could do it either way. Your normal meeting on
2029 Wednesday morning begins at nine o'clock, so I'll leave it up to you. Normally we
2030 would have it afterwards.
2031
2032 Mrs. Jones - I think that anybody who comes to be part of the
2033 proceedings will come at nine o'clock. They don't need to sit here through this
2034 ordinance discussion. Somewhere back in the slides before I started interrupting

2035 you—and I apologize, but I was thinking about this—did I see things about signs
 2036 such as road signage and this kind of thing as non-commercial?
 2037

2038 Mr. Blankinship - Those are signs that already do not require a permit.
 2039 If the County puts up a sign or the State puts up a sign, or handicapped parking
 2040 signs.
 2041

2042 Mrs. Jones - So you're not discussing sizes of those signs or
 2043 anything else.
 2044

2045 Mr. Blankinship - They're already addressed, yes ma'am.
 2046

2047 Mrs. Jones - Okay.
 2048

2049 Mr. Archer - Mr. Blankinship, you had a slide just now that showed
 2050 I think it was two signs together and they were suspended from something. That
 2051 one. Would the poles and the chains and all that stuff be considered in the
 2052 square footage of the sign, or just the written message part?
 2053

2054 Mr. Blankinship - Just the message. The Zoning Ordinance defines sign
 2055 area and it exempts supporting structures. Sometimes that's a tricky call to make,
 2056 but in this one I think it's pretty clear that the posts and shock cords, or whatever
 2057 those are, are supporting, and the banners themselves would be the signs.
 2058

2059 Mr. Archer - Okay.
 2060

2061 Mrs. Jones - And even if the activity required signing up, charging
 2062 a fee, that kind of thing, it's not considered commercial?
 2063

2064 Mr. Blankinship - There might be a gray area there that we'd have to
 2065 sort through case by case, yes ma'am.
 2066

2067 Mrs. Jones - It's not as easy as it sounds.
 2068

2069 Mr. Leabough - I think you mentioned the temporary versus the
 2070 permanent nature of the sign?
 2071

2072 Mr. Blankinship - Yes, and I said I'd get back to that and I didn't. There
 2073 are some United State Supreme Court cases where local governments have set
 2074 limits on the amount of time that you can have a political sign up. And the courts
 2075 have generally struck those down. Not always. Some of them, apparently, have
 2076 been allowed. But the problem is this sort of sign, which doesn't relate to any
 2077 particular event. One of the cases that's very important in this is about a woman
 2078 who put up a sign during the first Gulf War, the one in the 1990s. Put up a sign in
 2079 opposition to that war. Well, you couldn't really tell her that message has to come
 2080 down in forty-five days because the issue continued for years.

2081
 2082 Mr. Emerson - Freedom of speech.
 2083
 2084 Mr. Blankinship - Yes. Time limits are not really something that we're
 2085 anticipating being a part of this.
 2086
 2087 Mrs. Jones - Yard sales, those kinds of signs. Is that considered
 2088 non-commercial?
 2089
 2090 Mr. Blankinship - That's the first time I've been asked that. I'm not sure
 2091 how we'd consider it. In a way a yard sale is certainly a commercial activity, but
 2092 it's accessory to a residence.
 2093
 2094 Mr. Emerson - It's free enterprise.
 2095
 2096 Mr. Blankinship - Yes. As it is now, as Mr. Emerson is saying, they're
 2097 usually up Friday and down by Sunday. If we did put a notice on it, it would be
 2098 gone long before we got through the process.
 2099
 2100 Mr. Emerson - Usually those are up and down so quick we wouldn't
 2101 have time to address them.
 2102
 2103 Mrs. Jones - What I really want to avoid is to have an ordinance in
 2104 place that people disregard because it's so darn silly that, you know, nobody
 2105 wants to pay it any attention. So nitpicky is what I mean.
 2106
 2107 Mr. Blankinship - And I hate to say it on the record, but that's almost
 2108 where we are today. When a candidate comes in and says, "Do I need sign
 2109 permits?" we hate to look them in the eye and say yes you do, because we know
 2110 his question's going to be, "Why doesn't anyone else get them?"
 2111
 2112 Mr. Branin - I've heard rumor—just rumor, though—that most
 2113 campaigns understand the thirty days. So it's usually you don't see the large
 2114 signs because yard signs go up as they go up through a campaign. But actual
 2115 large signs usually don't go up until about twenty-eight days before the election.
 2116
 2117 Mr. Blankinship - Generally speaking I think you're right.
 2118
 2119 Mr. Emerson - I believe you're probably correct on that.
 2120
 2121 Mr. Branin - And then they usually disappear the day after. Win or
 2122 lose.
 2123
 2124 Mr. Blankinship - Most people are very good about taking them down.
 2125

2126 Mr. Branin - Matter of fact—point of interest—I tried to get a truck
 2127 from a company, a rental company this week, and I called on Monday and said I
 2128 need a truck. And he said he didn't have any. And I said, "What?" He said, "The
 2129 campaigns took all of them. I won't have any until Thursday." And I said the
 2130 election's on Tuesday. He said they keep them until Thursday because—they
 2131 take them to put up all the signs and then they take them all back down.
 2132
 2133 Mr. Archer - Interesting.
 2134
 2135 Mr. Branin - As a Commission you'd rather have a work session
 2136 afterwards? Do you know what the agenda is looking like for the twenty-seventh?
 2137
 2138 Mr. Emerson - The agenda actually may be somewhat busy. There is
 2139 at least one large item on the agenda.
 2140
 2141 Mr. Branin - So pack a lunch.
 2142
 2143 Mrs. Jones - We're deferred, yes. So it'll be shorter.
 2144
 2145 Mr. Emerson - It's possible. Let me look at the agenda and possibly
 2146 we'll bring in some sandwiches and do it in the large conference room.
 2147
 2148 Mr. Branin - I don't know if that will be necessary.
 2149
 2150 Mr. Emerson - Let me look at the agenda.
 2151
 2152 Mr. Branin - We just all need to expedite all our cases. Okay. Is
 2153 there anything else? Mr. Blankinship, thank you.
 2154
 2155 Mr. Blankinship - Thank you, Mr. Chairman.
 2156
 2157 Mr. Emerson - Mr. Chairman, the last item on your agenda other
 2158 than, of course, the motion for adjournment, would be consideration of the
 2159 approval of your minutes of May 10, 2012.
 2160
 2161 Mr. Branin - Everybody I'm sure received notification and an
 2162 opportunity to correct?
 2163
 2164 Mr. Emerson - Yes sir, they did. And we received no corrections.
 2165
 2166 Mr. Branin - Does anybody have any additional corrections that
 2167 you saw after? None? Then I'll entertain a motion for approval.
 2168
 2169 Mrs. Jones - I move we approve the minutes as distributed.
 2170
 2171 Mr. Archer - I second.

2172
2173
2174
2175
2176
2177
2178
2179
2180
2181
2182
2183
2184
2185
2186
2187
2188
2189
2190
2191
2192
2193
2194
2195
2196
2197
2198
2199

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

Mrs. Jones - I move adjournment of the meeting.

Mr. Leabough - Second.

Mr. Branin - So moved.

The meeting adjourned at 8:56 p.m.



Mr. R. Joseph Emerson, Secretary



Mr. Tommy Branin, Chairman

