

1 Minutes from the Major Thoroughfare Plan (MTP) discussion at the work session
2 of the Planning Commission of the County of Henrico held in the County
3 Administration Building in the Government Center at Parham and Hungary Spring
4 Roads, beginning at 5:30 p.m. September 15, 2016. Display Notice having been
5 published in the Richmond Times-Dispatch on August 29, 2016 and September 5,
6 2016.
7

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

Also Present: Mr. Tom Tokarz, Deputy County Attorney
Mr. Andrew Newby, County Attorney
Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Mr. Benjamin Blankinship, AICP, County Planner
Mr. Seth Humphreys, County Planner
Mr. Paul Gidley, County Planner
Ms. Erin Puckett, County Planner
Ms. Sylvia Ray, Recording Secretary

8
9 **The Commission convened a work session in the County Manager's**
10 **Conference Room at 5:45 p.m.**

11
12 Mr. Archer - I'm going to turn it over to Mr. Emerson, our secretary,
13 and we'll get started.
14

15 Mr. Emerson - Thank you, Mr. Chairman. As you know, we do have a
16 work session this evening, and we have several items on that work session. The
17 first is a presentation that you'll receive from Ms. Erin Puckett of my staff regarding
18 action that the Board of Supervisors took on Tuesday evening directing the
19 Planning Commission to schedule a public hearing on October 13th in order to
20 consider an amendment to the 2026 MTP regarding Dominion Club Drive. With
21 that, I'll let Ms. Puckett make her presentation. We can have some discussion
22 regarding what your views are on this process. With that, Erin?
23

24 Mr. Archer - Good afternoon, Ms. Puckett.

25
26 Ms. Puckett - Thank you very much. Good evening.

27 Tonight I'll briefly be discussing an upcoming MTP amendment that, as Joe said,
28 was initiated this week by the Board on September 13.

29
30 Planning staff have been tasked with evaluating the impact of removing a portion
31 of Dominion Club Drive between Old Wyndham Drive and the Hanover County line
32 from our 2026 MTP. Dominion Club Drive is a minor collector on the 2026 MTP,
33 and if extended, it would provide a direct north/south connection to anticipated
34 future development in Hanover County.

35
36 Dominion Club Drive was first shown as a concept road in rezoning case C-29C-
37 89, which was the original case for Wyndham. It was dedicated in 1990. In 1990,
38 the Board also initiated the Northwestern Henrico Land Use and Transportation
39 Study. And in May 1991, the MTP was amended to include Dominion Club Drive
40 as a minor collector. It has since been carried over to the 2010 MTP and the 2026
41 MTP.

42
43 Hanover County has recently received a rezoning request for a 366-acre age-
44 restricted community just to the north of Wyndham. The application indicates 932
45 dwelling units, which would include assisted living units and attached and detached
46 single-family homes. A traffic impact assessment estimated 3,313 average daily
47 trips from this number of units. The plans submitted with the applications indicate
48 the development will have three entrance/exits, which would include one
49 connecting to Dominion Club Drive.

50
51 With the Board's approval of the resolution to initiate the consideration of an MTP
52 amendment, Planning staff and the Commission are now tasked with evaluating
53 the impacts of the removal of this road from the plan, given existing conditions and
54 potential future development. Planning staff will now coordinate with other
55 departments to prepare the necessary information for the Commission's review.
56 There is an item on tonight's agenda, as Joe mentioned, to set a public hearing for
57 October 13th to review and discuss an amendment to the 2026 MTP. If the
58 Planning Commission moves on the proposed amendment at their October 13th
59 meeting, it is anticipated the Board of Supervisors would hear this item at the
60 November 9th meeting.

61
62 With that, I'd be happy to take any questions.

63
64 Mr. Witte - Can you go back to that first slide? There we go.

65
66 Mr. Emerson - That road is not built. The right-of-way exists, but it has
67 never been completed because it didn't serve any single-family lots. They were all
68 served off other roads. It was laid out and held in reserve by HHHunt to access
69 property in Hanover County in the future. I think that's always been their plan. I
70 don't know that we ever were aware of just how large a development that they
71 possibly might consider on the Hanover side. And of course now that they've come
72 forward—it is quite a large number of trips that could possibly come through there.

73 The number that Erin gave you certainly wouldn't all come through Dominion Club
74 Drive. There are two other points of ingress/egress I believe on Cauthorne and
75 also on 623. There may even be another one. I have not seen the layout.

76
77 Mrs. Marshall - I'm thinking off Shady Grove.

78
79 Mr. Emerson - Well that's Cauthorne. That would be Cauthorne. I
80 want to say there might be two onto 623, one coming through what's now Hunting
81 Hawk. You can see to the upper left-hand corner of the screen that's one of the
82 holes on the Hunting Hawk Golf Course. That would become part of this
83 development.

84
85 What we will do, we will go back through, and we've already begun combing
86 through our files to determine the entire history on this property. We've distributed
87 the information that we received from Hanover, as well as information that we had
88 out to our normal commenting agencies, including Public Works. So we will receive
89 information back from those agencies. We'll take a look at it, analyze it, and add
90 our own comments. We'll produce a report and come forward with a
91 recommendation on the thirteenth for the Planning Commission to consider. That's
92 with me making the assumption that you'll move forward and schedule at your
93 regular meeting this evening the public hearing on the thirteenth.

94
95 I would anticipate there will be quite a few people at this meeting. There has been
96 at least one community meeting, Mrs. Marshall, maybe two—

97
98 Mrs. Marshall - Two.

99
100 Mr. Emerson - —in Wyndham. And I have not heard of one Wyndham
101 resident from the letters we've seen or the comments we've had that support this
102 extension into Hanover County. With that said, I think you'll have quite a few people
103 come forward expressing support for deleting this section of the MTP. And you
104 probably—well, there's no probably. There will be at least one party represented
105 that will oppose any change to the MTP as it currently exists.

106
107 Right now, we don't know what our recommendation will or won't be. We have to
108 complete our research and analysis in order to be able to provide that to you.

109
110 Mrs. Marshall - Just to throw this out there, at the very first meeting that
111 we had for that, I was just invited because Hanover was having it and Wyndham
112 invited me to come to it. Somewhere between 250 and 300 people were at that
113 first meeting. I can't say one person, except for the developer, stood up and said
114 that they wanted it. It was three hours, pretty much, of conversation about it.

115
116 Mr. Witte - What happens to the property? I don't know how they
117 would develop anything on there because cul-de-sacs all back up to it. Is that just
118 going to be a common area?

119
120 Mr. Emerson - The right-of-way currently belongs to the County.
121
122 Mr. Witte - Oh, okay.
123
124 Mr. Emerson - It possibly could be vacated or abandoned. But we
125 haven't had a request for that at this point.
126
127 The Wyndham Homeowners Association owns the property on either side of it
128 because they are buffers. And there may be some property that we would not want
129 to landlock that's adjacent to the County line. So there may be some area that
130 needs to be left aside so we don't landlock a small portion of property. All of that
131 will come forward in the analysis.
132
133 Mr. Witte - All right. Thank you.
134
135 Mrs. Marshall - Good question. For all of you that don't know, I won't
136 be here on that day.
137
138 Mr. Witte - Oh great.
139
140 Mrs. Marshall - I know, right? I'm actually having surgery on that day.
141 With all that said, is it the best time to vote on it? Or who will take the lead for when
142 I'm not there to take up the lead of that spot?
143
144 Mr. Archer - Why are you looking at me like that?
145
146 Mrs. Marshall - I'm just looking at this whole side in general.
147
148 Ms. Jones - I guess the question is, is time of the essence on this
149 particular request?
150
151 Mr. Emerson - The Board requested this schedule.
152
153 Mr. Witte - Half of Glen Allen is already mad at me for the Dollar
154 General. So if you want the rest of it now—
155
156 Mrs. Marshall - Well you might as well just go ahead and do it then.
157
158 Mr. Thornton - Might as well get the whole thing.
159
160 Mrs. Marshall - Mr. Witte, that's a yes, you can be me then on the
161 thirteenth.
162
163 Mr. Witte - I'm not wearing a skirt.
164

165 Mrs. Marshall - That's okay. That's fine.
166
167 Mr. Archer - Well that does create an interesting path.
168
169 Mr. Emerson - Well certainly the Commission will have a quorum.
170
171 Ms. Jones - The Commission has a quorum and it goes to the
172 Board.
173
174 Mr. Emerson - Exactly. This is a recommendation. So it's a
175 recommendation to the Board; the Board has the final decision.
176
177 Mr. Archer - We'll get through it.
178
179 Mr. Emerson - So this is the schedule that they requested.
180
181 Mrs. Marshall - You can just set up chairs outside of the entrance for
182 the extra people.
183
184 Mr. Emerson - Mr. Chairman, this is really all we have on this topic
185 tonight. I wanted to make you aware of it because it is on your agenda to set for
186 public hearing. And I felt that you needed an opportunity to hear some of the
187 background for those of you that weren't aware of it—some of you might be
188 already—and to discuss it just a little bit knowing that Mrs. Marshall will be absent.
189 So I'm not looking for any action from you at this point.
190
191 Mr. Archer - All right, Mr. Secretary. Are there any questions for Ms.
192 Puckett, before we move on to the next item? I guess not Thank you, ma'am.
193
194 The Commission received three additional presentations by Ben Blankinship. They
195 covered the potential changes to the Code to allow front porches on certain
196 dwellings by Provisional Use Permit, information on initiating an ordinance
197 amendment for extended hours in the B-1 District with a Provisional Use Permit,
198 and the presentation/discussion on improving the zoning ordinance regulation of
199 signs was continued.
200
201 The Commission will forward any questions or concerns they have regarding the
202 regulation of signs to Mr. Blankinship for a response. An additional work session
203 will be held on October 13th to continue discussion on this item. Additionally,
204 information on the zoning ordinance regulation of signs will be posted on the Portal
205 for review.
206
207 The Commission recessed their meeting at 6:48 p.m.
208
209

210 **THE PLANNING COMMISSION RECONVENED AT 7:00 P.M. FOLLOWING A**
211 **WORK SESSION.**

212
213 Minutes of the regular monthly meeting of the Planning Commission of the County
214 of Henrico held in the County Administration Building in the Government Center at
215 Parham and Hungary Spring Roads, beginning at 7:00 p.m. September 15, 2016.
216 Display Notice having been published in the Richmond Times-Dispatch on August
217 29, 2016 and September 5, 2016.

218

Members Present: Mr. C. W. Archer, C.P.C., Chair (Fairfield)
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Mr. Robert H. Witte, Jr., (Brookland)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mr. Frank J. Thornton (Fairfield)
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Mr. Seth Humphreys, County Planner
Ms. Rosemary D. Deemer, AICP County Planner
Ms. Lisa Blankinship, County Planner
Mr. William Moffett, County Planner
Ms. Sylvia Ray, Recording Secretary

219

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

222

223 Mr. Archer - Good evening everyone. This is the September 15,
224 2016 Rezoning meeting. Before we get started, I would like everyone to please
225 mute or turn off your cell phones and stand with me as we pledge allegiance to the
226 flag.

227

228 All right, we thank you for coming tonight and being good stewards of your
229 neighborhoods. I don't think our agenda is too lengthy tonight. With that I will turn
230 things over to your secretary, Mr. Emerson, and he'll get us started. Mr. Emerson.

231

232 Mr. Emerson - Thank you, Mr. Chairman. I will take this opportunity to
233 note that the Commission did hold a work session this evening in the County
234 Manager's conference room. You went over several pending items that are
235 discussion items this evening to set for public hearing. And also you discussed
236 upcoming changes to the sign ordinance.

237

238 With that said, Mr. Chairman, first on the agenda are requests for withdrawals and
239 deferrals. Those will be presented by Mr. Jim Strauss.

240
241 Mr. Archer - All right. Good evening, Mr. Strauss. How are you, sir?

242
243 Mr. Strauss - Good evening, members of the Commission. Staff is
244 aware of three cases requesting deferral this evening. The first request for deferral
245 is in the Brookland District. It's on page 2 of the agenda, and that's Mr. Bobby
246 Marchetti, PUP2014-00001. The applicant is requesting deferral to the November
247 10, 2016 meeting.

248
249 **(Deferred from the July 14, 2016 Meeting)**

250 **PUP2014-00001 Malachi M. Mills for Bobby Marchetti:** Request for
251 a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of
252 Chapter 24 of the County Code in order to allow outdoor dining for a proposed
253 restaurant on part of Parcel 767-757-6829 located 95' east of the east line of
254 Hungary Spring Road approximately 1,025' south of its intersection with Staples
255 Mill Road (U.S. Route 33). The existing zoning is B-2C Business District
256 (Conditional). The 2026 Comprehensive Plan recommends Commercial
257 Concentration and Office.

258
259 Mr. Archer - All right. Is there anyone present who is opposed to the
260 deferral of this case, PUP2014-00001, Malachi M. Mills for Bobby Marchetti? I see
261 no one. Mr. Witte.

262
263 Mr. Witte - Mr. Chairman, I move for deferral of case PUP2014-
264 00001, Malachi M. Mills for Bobby Marchetti, to the November 10th meeting, per
265 the applicant's request.

266
267 Ms. Jones - Second.

268
269 Mr. Archer - Okay. Motion by Mr. Witte and seconded by Ms. Jones.
270 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

271
272 At the request of the applicant, the Planning Commission deferred PUP2014-
273 00001, Malachi M. Mills for Bobby Marchetti, to its meeting on November 10, 2016.

274
275 Mr. Strauss - The next case recommended for deferral this evening
276 is in the Varina District. It's on page 2 of the agenda. That's SIA2015-00002,
277 Osborne Turnpike - Dominion Virginia Power Electric Substation. Staff is
278 recommending deferral to the January 12, 2017 meeting.

279
280 **(Deferred from the June 9, 2016 Meeting)**

281 **SIA2015-00002 Osborne Turnpike - Dominion Virginia Power**
282 **Electric Substation:** The Department of Planning has received a request from
283 Dominion Virginia Power to initiate a Substantially In Accord study of a proposed

284 site for an electric substation. The proposed substation site would use 1.53 acres
285 of part of Parcel 798-696-8886 located along the west line of Osborne Turnpike
286 approximately 1,150 feet south of Equestrian Way. The existing zoning of the
287 subject area is A-1 Agricultural District. The 2026 Comprehensive Plan
288 recommends Traditional Neighborhood Development.

289
290 Mr. Archer - Thank you. Is there anyone present who is opposed to
291 the deferral of SIA2015-00002, Osborne Turnpike – Dominion Virginia Power
292 Electric Substation? All right, Mr. Leabough.

293
294 Mr. Leabough - Mr. Chair, there being no opposition, I move that
295 SIA2015-00002, Osborne Turnpike – Dominion Virginia Power Electric Substation,
296 be deferred to the January 12, 2017 meeting.

297
298 Mrs. Marshall - Second.

299
300 Mr. Archer - Motion by Mr. Leabough and seconded by
301 Mrs. Marshall. All in favor say aye. All opposed say no. The ayes have it; the
302 motion passes.

303
304 At the request of the Planning staff, the Planning Commission deferred SIA2015-
305 00002, Osborne Turnpike – Dominion Virginia Power Electric Substation, to its
306 January 12, 2017 meeting.

307
308 Mr. Strauss - The last request for deferral this evening is in the Three
309 Chopt District, page 3 of the agenda. It is REZ2016-00001, Windsor Enterprises
310 Corporation. The applicant is requesting deferral to the November 10, 2016
311 meeting.

312
313 **(Deferred from the July 14, 2016 Meeting)**

314 **REZ2016-00001 Andrew M. Conclin for Windsor Enterprises Corp.:**
315 Request to conditionally rezone from A-1 Agricultural District and R-2AC One-
316 Family Residence District (Conditional) to R-2AC One-Family Residence District
317 (Conditional) Parcels 741-771-3734, 741-771-2432, and part of Parcels 740-771-
318 9736, 741-771-6359, 741-772-9212, -5941,-4776, -0892, and 741-773-2144
319 containing 29.97 acres located at the terminus of Ellis Meadows Lane and along
320 portions of the southern and eastern property boundaries of the Estates at Grey
321 Oaks. The applicant proposes single-family residences. The R-2A District allows
322 a minimum lot area of 13,500 square feet and a maximum gross density of 3.22
323 units per acre. The use will be controlled by proffered conditions and zoning
324 ordinance regulations. The 2026 Comprehensive Plan recommends Suburban
325 Residential 1, density should not exceed 2.4 units per acre and Environmental
326 Protection Area.

327

328 Mr. Archer - Okay. Is there anyone present who is opposed to the
329 deferral of REZ2016-00001, Andrew M. Condlin for Windsor Enterprises
330 Corporation? Mrs. Marshall.

331
332 Mrs. Marshall - Mr. Chairman, I move that REZ2016-00001, Andrew
333 M. Condlin for Windsor Enterprises Corporation, be deferred to the November 10,
334 2016 meeting at the request of the applicant.

335
336 Mr. Witte - Second.

337
338 Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Witte. All
339 in favor say aye. All opposed say no. The ayes have it; the motion passes.

340
341 At the request of the applicant the Planning Commission deferred REZ2016-
342 00001, Andrew M. Condlin for Windsor Enterprises Corporation, to its meeting on
343 November 10, 2016.

344
345 Mr. Emerson - Mr. Chairman, that completes the deferrals for this
346 evening unless members of Commission have any that they would wish to enter
347 at this time.

348
349 Mr. Archer - Thank you, sir.

350
351 Mr. Emerson - If there are no more, next on the agenda will be the
352 request for expedited items; there are none of those this evening. So we now move
353 into your request agenda to page 2 for REZ2016-00026, David L. and Charlotte Y.
354 Holley. The staff report will be presented by Ms. Rosemary Deemer.

355
356 **(Deferred from the August 11, 2016 Meeting)**
357 **REZ2016-00026 David L. and Charlotte Y. Holley:** Request to rezone
358 from B-1 Business District to B-2C Business District Parcel 826-716-2217
359 containing .427 acres located at the southwest intersection of W. Williamsburg
360 Road (U.S. Route 60) and S. Confederate Avenue. The applicant proposes a gun
361 shop. The use will be controlled by zoning ordinance regulations and proffered
362 conditions. The 2026 Comprehensive Plan recommends Commercial
363 Concentration. The site is located in the Enterprise Zone and the Airport Safety
364 Overlay District. The staff report will be presented by Ms. Rosemary Deemer.

365
366 Mr. Archer - All right, thank you, sir. Is there anyone present who is
367 opposed to REZ2016-00026, David L. And Charlotte Y. Holley? We do have
368 opposition, and we'll get to you. Thank you. Good evening, Ms. Deemer. How are
369 you?

370
371 Ms. Deemer - I'm fine, thank you.

372

373 Mr. Chairman, members of the Commission, the applicant is requesting to rezone
374 0.427 acres from B-1 Business District to B-2C Business District (Conditional) to
375 allow a tenant to operate a gun shop. The property is located at the southwest
376 intersection of West Williamsburg Road and South Confederate Avenue and is part
377 of the original plan of Sandston.
378

379 A one-story, 2,200-square-foot commercial building is currently located on the site.
380 Half of the building houses the All Tangled Up hair and nail salon while the other
381 half of the building is vacant. Parking is available on both the side and rear of the
382 building.
383

384 The property is zoned B-1 Business District, as is a majority of the Williamsburg
385 Road area between Carter Avenue and Eastlake Drive. The property immediately
386 to the east, across South Confederate Avenue, is zoned B-2. That rezoning
387 occurred in 1971, prior to counties having the ability to use conditional zoning.
388 Directly to the south is an additional part of the Sandston subdivision, which is
389 zoned R-3 One-Family Residence District.
390

391 The 2026 Comprehensive Plan recommends Commercial Concentration for the
392 subject site, which is also in the Sandston Commercial Area, a designated
393 Revitalization/Reinvestment Opportunity Area. In 2002, the Board of Supervisors
394 adopted the Sandston Commercial Area Study which studied Williamsburg Road
395 from Early Avenue to East Nine Mile Road. The plan emphasized that Sandston
396 retain and enhance its small town character.
397

398 The applicant has made the request as gun shops are first permitted in the B-2
399 District. Revised proffers, dated September 13, 2016, have been submitted to
400 mitigate concerns about safety and security and were handed out to you this
401 evening. They include but are not limited to:
402

- 403 • Limiting the hours of operation from 10:00 a.m. to 9:00 p.m. Monday
404 through Saturday;
- 405 • Installing motion detectors on the outside of the front and rear of the
406 building;
- 407 • Installing specialized doors at the front and rear entrances;
- 408 • Securing weapons at the close of business;
- 409 • Installing video security cameras, motion detectors, and surveillance
410 cameras inside the establishment; and
- 411 • Installing reinforced bars on all front and rear windows
412

413 While the applicant is limiting the uses to a gun shop and those permitted in the B-
414 1 District, staff believes there are ample uses available to the owner under the
415 current zoning district and upzoning to a higher intensity is unnecessary.
416

417 Just to the west of the property, beginning at Carter Avenue—the site is located
418 here on your map on the far right, and this is the Carter Avenue area just to the

419 west of the property along Williamsburg Road is a three-mile stretch of higher
420 intensity business zoning. Extending beyond Charles City Road, there is
421 unrestricted B-2, B-3, and M-1 zoning on both sides of the corridor. Staff performed
422 a basic windshield survey this week and identified at least six vacant buildings or
423 shopping centers with tenant space available.

424
425 Since the adoption of the 2002 Sandston Commercial Area Study, there has been
426 an effort to maintain the existing lower intensity character of the corridor. Recent
427 requests for B-2C or B-3C rezonings have had proffered limitations on hours of
428 operation, signage, and uses, including the exclusion of gun shops.

429
430 Considering the proposed use does not necessarily serve the neighborhood, and
431 would detract from the small town character with some of the proposed security
432 measures (including the barred windows), and there is an availability of existing,
433 unconditioned B-2 and B-3 zoning to the west of the site, staff recommends denial
434 of this request.

435
436 I'd be happy to answer any of your questions.

437
438 Mr. Archer - Thank you, Ms. Deemer. Are there questions from the
439 Commission for Ms. Deemer? No questions. We do have opposition on this case.
440 Before we begin, Mr. Emerson, would you be so kind as to give the instructions for
441 opposition for this case and any that may follow.

442
443 Mr. Emerson - Yes sir, Mr. Chairman. As you noted, the Commission
444 does have guidelines for their public hearing process, and they are as follows: The
445 applicant is allowed ten minutes to present the request, and time may be reserved
446 for responses to testimony. The opposition is allowed a cumulative ten minutes to
447 present its concerns. Commission questions do not count into the time limits. The
448 Commission may waive the limits for either party at its discretion. And comments
449 must be directly related to the case under consideration. Again, the opposition's
450 ten minutes is cumulative, meaning that all the opposition should try to conserve
451 time and speak within the ten-minute timeframe.

452
453 Mr. Archer - All right, I think you, sir. Mr. Leabough, who would you
454 like to hear from first, sir?

455
456 Mr. Leabough - I'd like to hear from the opposition first and then the
457 applicant following that, please sir.

458
459 Mr. Archer - All right. I noticed there were several hands up. Maybe
460 there's one person who is a spokesperson for the group? If not, the first person
461 who wishes to speak may come down to the podium, please. Come right on down.
462 Give us your name and address for the record, please.

463
464 Ms. Wilson - Hi. My name is Lynn Wilson. Thank you, Mr. Chairman.

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Mr. Archer - Good evening, Ms. Wilson.

Ms. Wilson - Thank you commissioners and staff, Mr. Emerson, Ms. Moore. My name is Lynn Wilson, and I'm a 35-year resident of the Sandston community. I do business in this downtown. I go to church here. It's my library, my post office, my dentist, my dry cleaner, our friends, my family, my insurance agent. Sandston is home.

It's been a joy to see the improvements in our community over the years. The Enterprise Zone is making a huge difference. To see the new storefronts is so incredibly lovely, to see how far we've come. The parking lots, the sidewalks. We have just looked so good right down to the Dollar Store. We look better than we did 35 years ago.

I also want to say that I come from a long line of hunters on both sides of my family, my husband, my sons. We are gun owners, and we are hunters, and continue to be to this day. That's important for you to know.

But I do not want a gun shop in this town, in my community. I believe there is no need for a gun shop here. There is little benefit to be had to our community. In fact, I believe it has the potential to harm our community in the direction in which we've been moving over past years. And of course the bars in the windows just give me chills.

There are plenty of corridors in the greater Richmond area where people fear to go. I could name the names of those roads, and you would know what I'm talking about. We stay away from them. We don't need the Sandston community to become another one of those corridors where people don't want to be.

Thank you very much for your consideration. And I also would just like to say thank you to my neighbors who have come here as well. As you well know, it's 50 miles roundtrip. On a weeknight people—many people I feel and I do know share my concern that I've expressed here this evening. But it's just not very convenient for people in Varina to come and to speak to you. So I know I'm definitely not alone in this. So thank you very much for your consideration.

I would encourage any of you to add to what I've said. We have not coordinated.

Mr. Archer - Thank you, Ms. Wilson. Any questions for Ms. Wilson before she takes a seat?

Mr. Leabough - No sir.

Mr. Archer - Thank you, ma'am.

511 Ms. Harper - Good evening.

512

513 Mr. Archer - Good evening.

514

515 Mr. Leabough - Good evening.

516

517 Ms. Harper - My name's Sherry Harper, and I've lived in Sandston
518 for 61 years. I moved into my home when I was three weeks old. It's my parent's
519 home. And it's been a pleasure to keep that home—it's 97 years old—restored.
520 I've grown up, I've run those streets, and I've committed sins and prayers all in that
521 area. And I love every day.

522

523 I want to have a community where my granddaughter can run down to the little
524 corner ice cream store, she can run down to the tennis courts. Right now, we're
525 facing a drug problem in Sandston. Putting a gun shop there is not going to bring
526 the kind of people that we want to encourage to stay in Sandston. We're trying to
527 get the school districts and Eastern Henrico County better so that we can have
528 people that will stay there. To me, our money is where the children are. And we
529 can't get people to stay now because of the elementary schools, the bad schools.
530 We need people with small children so that our infrastructure in Sandston can grow
531 and be strong. We don't want just old people like me that don't have children to
532 stay. We want young people.

533

534 There were three gun stores that tried to make it in Sandston on Laburnum
535 Avenue. They were broken into three times. They can't secure the building enough
536 because it's a glass-front building. You can't secure it enough to keep gun powder
537 and the guns safe. I didn't know that they were going to have to have bars in front
538 of the windows. That is not the statement we want to make as citizens. You have
539 to have bars on your windows? That's not the statement I want somebody coming
540 through from the airport who's looking for a little restaurant. That's not the
541 statement I want to make for my community.

542

543 I thank you for hearing me, and I thank you for any decision that you make against
544 a gun shop. Thank you and good evening.

545

546 Mr. Archer - Thank you, Ms. Harper. Any questions for her before
547 she sits?

548

549 Ms. Jones - I neglected to ask Ms. Wilson this. Ms. Harper, are you
550 an adjacent neighbor with this parcel under consideration?

551

552 Ms. Harper - I am right down the street. 105 North Confederate
553 Avenue.

554

555 Ms. Jones - So you're on North Confederate?

556

557 Ms. Harper - I am.
558
559 Ms. Jones - I see. And Ms. Wilson, is she a neighbor of yours?
560
561 Ms. Harper - I do believe that her shop is in the same area on
562 Confederate.
563
564 Ms. Jones - I see. Okay. Thank you.
565
566 Ms. Harper - Yes ma'am.
567
568 Mr. Archer - All right, anything else? Thank you, ma'am. All right, if
569 anyone else wants to speak, we've got about six minutes left.
570
571 Mr. Creeden - Good evening.
572
573 Mr. Archer - Good evening, sir.
574
575 Mr. Creeden - My name is Paul Creeden. I'm a relative newcomer to
576 Sandston; I've only lived there for 20 years.
577
578 Mr. Archer - Excuse me, sir. Would you spell your last name,
579 please?
580
581 Mr. Creeden - C-r-e-e-d-e-n.
582
583 Mr. Archer - I thought that's what I heard. Thank you.
584
585 Mr. Creeden - Let me just say for the record I'm not opposed to a gun
586 shop per se, but I want to emphasize what Ms. Deemer said. I don't see any reason
587 with the current availability of places that are zoned B-2, B-3 to change the zoning
588 in what I'll euphemistically call downtown Sandston. It is primarily a residential
589 district. The parking lot of this parcel opens onto a residential street. Already at
590 rush hour, it's difficult to cross Williamsburg Road. With the availability of places
591 that have quite large parking lots a couple miles to the east, I simply want to
592 emphasize that I don't see really any reason to increase the zoning in that area.
593 I've yet to hear a single reason why any of those places should go up. I just want
594 to emphasize that it is a residential area, and I think it should remain so. Obviously,
595 Williamsburg Road is a commercial corridor, the main thoroughfare, but it is
596 surrounded by residences.
597
598 Mr. Archer - All right, thank you, sir. Any questions for him? All right,
599 thank you. Anyone else wishing to speak in opposition? All right. Mr. Leabough,
600 do you want to hear from the applicant?
601
602 Mr. Leabough - Yes sir.

603

604 Mr. Archer - Will the applicant please come down and identify
605 yourself for the record.

606

607 Ms. Holley - Good evening, Mr. Chairman and members of the
608 Commission.

609

610 Mr. Archer - Good evening, ma'am.

611

612 Ms. Holley - I'm Charlotte Holley. My husband Dave and I actually
613 own the property at 103/105 West Williamsburg Road, and it currently is zoned B-
614 1. We are requesting it to be rezoned to B-2C with proffers.

615

616 We took a lot of interest in trying to find out before I came information about that
617 area, what it has, and how much of it's rented, what part of it's zoned and so forth.
618 From where Naglee Avenue goes up to Carter where they say it's predominantly
619 B-1, we found that there are four beauty shops, three attorneys, three restaurants,
620 three auto repairs, two tattoo parlors, three insurance companies. And then within
621 that three-block radius, there are five vacant buildings to be rented. One is East
622 Wing, that's been available right across from Citizens and Farmers Bank for
623 probably two or three years. It used to be a really up-and-running business, but it
624 no longer is. I don't know what they plan on doing with that.

625

626 The other thing is that I was also going through the—which Ms. Deemer
627 mentioned—Sandston Commercial Area Plan for 2002 and came across several
628 things I wanted to mention. In that plan, they said that one of the things they were
629 asking was what the use issues were. Another thing they were asking in regard to
630 that was what Sandston needed to do to grow. One of them was on page 35 of
631 that report that it's important that Sandston target a different market that's more
632 suitable for the available physical space that's there. And then another one in
633 March 2002 that's also on page 6 says that one of the use issues there is that the
634 current zoning creates parcels that are not marketable by comparative standards.

635

636 I think to have this property rezoned—I've owned this property about ten years,
637 and I've always had difficulty renting it. I certainly respect how people feel in regard
638 to a gun shop. But honestly, if you ride through Sandston, you'll see some people's
639 houses and front doors have bars on them. So that's not all in itself true.

640

641 The other thing is that in trying to get the part rezoned is that they have different
642 criteria. Like in here it says when you sent the Comprehensive Plan analysis out,
643 it said concentration, increasing the level of intensity of the zoning of B-2 may not
644 be compatible—or comparative. Does that mean is it not or is it maybe or it does?
645 It just says "may not."

646

647 The other one was on the vision, the goals, and the objectives. It also had in here
648 on that that it does not entirely—the request is not entirely consistent. So does

649 *entirely* mean that there's a loophole there or that it could possibly be or that it's
650 definitely not? I don't understand those two words *maybe* or *it's not entirely*.

651

652 When they speak of properties being available down the street past Carter that are
653 zoned B-3, that's true. But if you go and talk to them—and there's five of them
654 vacant because I went myself—those rents are \$1500. So small businesses like
655 the people who are trying rent my shop can't afford a \$1500 rent. They can afford
656 \$700 or \$800 rent, but they can't afford the one for \$1500. That's one of the
657 reasons why we try to rent to small business and not charge them a whole lot.

658

659 I think if you talk to the gentleman—and I'll have him come up—that actually wants
660 to rent the shop and he gives you some information about what he plans on doing
661 and how he plans on securing it—and he does already have a shop in Goochland
662 that he got approved, and he's been there for a while—that it may shed some light
663 on any of the questions that you may have on that.

664

665 Before I do that, I had one more question—or one more scenario. In 2009, there
666 was a B-1 zoning off of Williamsburg Road at the corner of Naglee Avenue. It was
667 a grocery store at that time. They rezoned it. It was B-1 and they rezoned it B-3
668 when right down the street from Carter was available, 3-1/2 miles of property could
669 have been rented for this, but they didn't. That's on the corner of Naglee Avenue.
670 I'm saying the consistency of having zoned it.

671

672 Fifty feet from my property, if I walk right across the street to the right of me, there's
673 a B-2 zoning right there. No proffers whatsoever. So if a person wanted to actually
674 rent that building and not go through the rezoning, they could go in and not even
675 have to have a rezoning. They could just go in and rent the building and have a
676 gun shop there if they wanted to. I'm trying to do it the right way. I'm trying to pacify
677 and look at the concerns of the people that have spoken tonight, as well as trying
678 to make it available to get B-2 zoning to make Sandston grow. Sandston has not
679 grown—I lived in Sandston until I was 40 years old, and then I moved to New Kent.
680 But I still own four properties in Sandston, so I can say I grew up in Sandston too.
681 And I don't have a problem, not just because it's my property.

682

683 I've had a tattoo parlor this year in my property. I've had a nail salon in my property.
684 I've had a doctor in there, a chiropractor. But you can't rent those five buildings—
685 and I'm telling you all—that are vacant right now in Sandston. We're in a
686 revitalization. In trying to revitalize Sandston, if you don't have the zoning you need
687 to rent your buildings, then it looks like a ghost town. If you ride up and down there,
688 you'll see that happening. If we could get some type of business there that small
689 business could afford it would be good.

690

691 Do you want to come forward?

692

693 Mr. Leabough - Ms. Holley, I have a couple of questions before you call
694 up someone else. Maybe the owner or potential tenant, I should say, could address
695 them as well.

696
697 There were concerns that were brought up related to crime and the attention, be it
698 positive or negative, that could be potentially attracted to the use itself. Could you
699 speak to that? Also, there was a statement made that the intensity of the use in
700 relationship to the corridor may not be appropriate. So could you speak to that as
701 well?

702
703 Ms. Holley - Yes. The first thing you want me to talk to is about the
704 safety of it? Is that what you're saying?

705
706 Mr. Leabough - That was a concern I think that the folks from the
707 neighborhood raised relating to the potential to bring criminal element to the
708 community because of the fact that there are guns that people may want to access.
709 So could you speak to that?

710
711 And then I think the community would disagree with you based on the comments I
712 heard tonight as it relates to how *this* use could propel the corridor in a positive
713 direction. I think they would disagree. So could you speak to that, please?

714
715 Ms. Holley - Well, I'm just trying to figure out exactly what you're
716 asking me. You're asking me to—

717
718 Mr. Leabough - To address the concerns that the neighborhood folks
719 raised regarding crime and the potential that *this* use could be a negative impact,
720 the opposite of what you're suggesting.

721
722 Ms. Holley - Well, there's a shop right down the street, Popes, a
723 fishing shop?

724
725 Mr. Leabough - Bait and Tackle?

726
727 Ms. Holley - Bait and Tackle Shop. It's my understanding that they
728 do also sell firearms. That was my understanding. I can't back that up, but I did
729 hear that. Also, right down Sandston where T. C. Williams is across the street from
730 the tattoo parlor, there had been a gun shop there for a year or so. I don't know
731 personally of any issues that were with that as far as the safety of the community.
732 Right down on the corner in Seven Pines, the 7-Eleven stores have been robbed
733 twice this year already. So I'm saying it's not just a gun shop or it's not just a 7-
734 Eleven store. It's the neighborhoods. People have been breaking in cars and stuff
735 like that.

736
737 You get more vacant buildings because you can't rent your properties to people
738 because of your zoning. I think the safety part of that we would do everything in

739 our power to have adequate lighting, safety there, two people at the property at all
740 times, the police department's recommendations, the fire department's
741 recommendations, the Zoning Board's recommendations, or any
742 recommendations that would be for the type of security that we need and for the
743 type of canvassing that we would need.

744
745 The other thing, too, is that in Sandston on Confederate Avenue, we actually took
746 up petitions for that area. I heard the lady mention it. She went to the Baptist church
747 right across the street. Her pastor signed our petition. Rosemary, do you have
748 those petitions? We had in those petitions, which I have copies of, 217 people that
749 signed them that were for a gun store, a shop there.

750
751 Mr. Leabough - Are those 217 people in the immediate area or are
752 they—?

753
754 Ms. Holley - Well that's the thing. I own four properties right in that
755 immediate area, but I don't live in there. I rent them out. So Confederate Avenue
756 behind my building, the majority of those are rentals. They're not owner-occupied.

757
758 Mr. Leabough - I'm just trying to get a sense of—we're going to see 217
759 signatures, so I'm trying to get a sense of where these signatures are—

760
761 Ms. Holley - People that patronize those who are left and the beauty
762 shop right next door to—I have two sides. One side is vacant and has been, stays
763 vacant. The other side is rented to the beauty shop. Those were in the beauty
764 shop. So every time somebody came to patronize Sandston, they were put in the
765 beauty shop for somebody to come in and sign.

766
767 Mr. Leabough - I'm just looking at the first page. There are folks from
768 Hanover, Mechanicsville, some from Sandston. Looks like they're kind of all over.
769 I'm just trying to a sense of how many people out of the 217 are from the immediate
770 area.

771
772 Ms. Holley - You mean that own property there or live there?

773
774 Mr. Leabough - Live, own property.

775
776 Ms. Holley - I think it's both. I think they do both. I think some of
777 those people actually own property and some of those—you know, the thing of it
778 is, is they come to the beauty shop. If they were going to have a gun store right
779 next door, these people had no problem with that, whether they live there or
780 whether they rented property out there or whether they own property and actually
781 live there. They didn't have a problem with that.

782
783 I think that says a lot with 200-and-some people signing these and 3 people that
784 are opposed to it. You have a neighborhood from Naglee Avenue all the way up to

785 Carter Avenue with 600 people living there, and you had 3 people, and you had
786 216 [sic] people saying that they don't disapprove of it.
787

788 The safety will be no issue because we could guarantee that we would do
789 everything we could to make it just as safe as the 7-Eleven store does when they
790 get held up all the time. We would do better than that.
791

792 Mr. Leabough - Are there any other questions of Ms. Holley?
793

794 Mr. Archer - Any questions from the rest of the Commission
795 members?
796

797 Ms. Holley - I don't want to own property in an area that I can't rent.
798 I don't think that's good. If I have a property that's going to be vacant for seven
799 months, that's not where I want to own property anymore. I either need to get my
800 rezoning or move on.
801

802 Mr. Archer - All right. Ms. Holley, was there someone else that you
803 had that you wanted to speak?
804

805 Ms. Holley - This gentleman right here is the one that wants to put
806 a gun shop in there.
807

808 Mr. Archer - Okay. We have a few minutes left.
809

810 Mr. Emerson - Three and a half, Mr. Chairman.
811

812 Mr. Archer - Three and a half minutes left for other comments. We
813 have three and a half minutes left, ma'am.
814

815 Ms. Edwards - Okay. I'm his wife, and I own the shop beside where he
816 wants to put it.
817

818 Mr. Archer - And your name, please?
819

820 Ms. Edwards - My name is Caroline Edwards.
821

822 Mr. Archer - All right, Ms. Edwards.
823

824 Ms. Edwards - As far as the bars are concerned, the windows are
825 tinted so you would not see any bars. And as far as what somebody said about the
826 people it would attract, the people that come to his gun store in Goochland are
827 doctors, lawyers, dentists. And if those are the kind of people they don't want there,
828 I don't understand. I just wanted to reassure that—I mean gun stores don't
829 necessary bring the pagans in.
830

831 Ms. Jones - Can I ask a quick question?
832
833 Mr. Archer - Sure. Go ahead, Ms. Jones.
834
835 Ms. Jones - The gun store in Goochland, how long have you all
836 been operating out there?
837
838 Ms. Edwards - Four years.
839
840 Ms. Jones - And is this in one of the towns in Goochland?
841
842 Ms. Edwards - Yes. It's right in the little town of Goochland.
843
844 Ms. Jones - Goochland Courthouse?
845
846 Ms. Edwards - Right beside the post office.
847
848 Ms. Jones - I see. And what are your hours out there?
849
850 Ms. Edwards - It's open from 10 to 6 and 9 to 5 on Saturday.
851
852 Ms. Jones - And your hours here are restricted I see in your—
853
854 Ms. Edwards - They would be about the same.
855
856 Ms. Jones - Okay. It's written here that there shall be no services to
857 the public or outside activities on the property after 9 or before 8. So it's 8 to 9.
858
859 Ms. Edwards - Right.
860
861 Ms. Jones - Okay. Just so I get a sense of your goal here. Tell me
862 what kind of guns do you sell and to whom do you primarily sell them? Are they for
863 hunting? Are they for protection? What do you sell?
864
865 Ms. Edwards - All the above. But my husband would probably better
866 answer all that, if he could come up here and speak to that. Is that okay?
867
868 Ms. Jones - I'm just trying to understand your goal for your
869 business.
870
871 Ms. Edwards - We sell pistols, rifles, and shotguns, ammo and stuff
872 like that.
873
874 Ms. Jones - Do you have education—
875
876 Ms. Edwards - Yes.

877
878 Ms. Jones - —as part of that?
879
880 Ms. Edwards - We do.
881
882 Ms. Jones - Would you like to elaborate on that?
883
884 Ms. Edwards - Well, to get your concealed weapons permit and have
885 class and everything. And we would like to expand that. One of the guys that works
886 with my husband, he is a member of Black Creek. We were thinking about taking
887 people out there and training them to use guns if that's what they want to do.
888
889 Ms. Jones - Do you do that currently in Goochland?
890
891 Ms. Edwards - No, we do not do that currently. They have other people
892 there that do that.
893
894 Ms. Jones - Okay.
895
896 Ms. Edwards - But they do have classes for the concealed weapons
897 permit.
898
899 Ms. Jones - Thank you.
900
901 Mr. Archer - All right. Anybody else with questions for
902 Ms. Edwards? Go ahead.
903
904 Mr. Leabough - There was another question that was raised I think by
905 Mr. Creeden related to traffic. How many customers are you anticipating on a daily
906 basis?
907
908 Ms. Edwards - Well it's a small business. I don't anticipate that
909 Sandston would be overrun with people. If that were the case, we would move to
910 a larger place. It's just a small business. I couldn't tell you how many people will
911 come in and out of there.
912
913 Mr. Leabough - Just on average I guess based on your experience in
914 Goochland?
915
916 Ms. Edwards - All right. Say 15 people a day. I'm kind of going by what
917 my shop—15, 20, something like that.
918
919 Mr. Leabough - Okay. All right. As far as security, can you talk about
920 your operations in Goochland, how things are managed and so on and so forth?
921
922 Ms. Edwards - Well we have—

923
924 Mr. Leabough - We've heard about—I'm sorry to interrupt you—other
925 shops in the area. I think there was a point that was made that other shops have
926 had some challenges in that area. So could you speak to your operations and how
927 that could address some of those concerns?
928

929 Ms. Edwards - Just to say this, the store down the street by the
930 7-Eleven, he had no security at all. Of course he was small time. But he absolutely
931 no security. Our security, ADT will come in. There will be motion detectors. There's
932 a siren on the top of the building. There will be steel doors, bars at the windows,
933 which you cannot see from the road. Let's see, what else. I've secured my building
934 as far as having an alarm system. But between my building and that building it's a
935 brick wall. You can't, unless you're going to spend a whole of time trying to break
936 through. And I have an alarm system.
937

938 And of course we're getting ideas on what all we need to do to secure the building.
939 Basically, it'll probably be overkill. And then you take a steel rope to put between
940 the guns before you leave at night.
941

942 Mr. Leabough - So there's a masonry brick wall between the two, the
943 salon and the—
944

945 Ms. Edwards - All the way up.
946

947 Mr. Leabough - And that's something that couldn't be broken with a
948 sledgehammer to break in one side to get to the other?
949

950 Ms. Edwards - Well yes, but by that time my alarm will be going off and
951 the police will be there. I mean it's not something you're going to do easily.
952

953 Mr. Leabough - So you're offering similar protections for the other use?
954

955 Ms. Edwards - Right. Mmm-hmm. I mean I'm securing my building just
956 in case—I mean just trying to cover all avenues of people being able to get in.
957 Anybody can get in anywhere that they really want to, but the police will be there
958 before anything else.
959

960 Mr. Leabough - Okay. Thank you.
961

962 Mr. Witte - I have a question.
963

964 Mr. Archer - Go ahead, Mr. Witte.
965

966 Mr. Witte - If you're presently operating your business from 10 to
967 6 Monday through Friday, 9 to 5 on Saturday, why wouldn't you use the same
968 hours here?

969
970 Ms. Edwards - Well, we are. We said those hours because a lot of
971 times—I stay in my building until 2:00 in the morning sometimes, cleaning and
972 doing stuff like that. We just wanted to extend the hours for it takes time to close
973 up, do bookwork and stuff like that. But it'll be 10 to 6, 9 to 5 on Saturdays. The
974 same hours.

975
976 Mr. Witte - If that's the case, that's what it should say, 10 to 6 and
977 9 to 5.

978
979 Mr. Leabough - I have another question, but it's a question for
980 Mr. Emerson or Ms. Deemer. The conditions, do they apply to one side of the
981 building or is it inclusive of the totality of the building?

982
983 Mr. Emerson - The rezoning, Rosemary? Do you want to address
984 that?

985
986 Mr. Leabough - If safety is a concern, if we're only applying the
987 conditions to one side of the building, you have a potential problem as it relates to
988 the ability to penetrate one side to get to the other. That's why I'm asking that
989 question.

990
991 Ms. Deemer - Right, I understand. Technically, they are rezoning the
992 entire property and parcel. I think we need to check with Ms. Holley to make sure
993 that she understands how it would be applying. Some of her proffers, as you look
994 at them, are indicating and they are written often so that it's saying "the tenant
995 shall." So I think we should ask the applicant to make sure she understands
996 whether it is Ms. Edwards or Mr. Edwards, they are being committed to have
997 security done for everything. That is how the proffers are being written.

998
999 Mr. Leabough - Okay.

1000
1001 Ms. Deemer - I can't commit to that but, I believe that that's what—

1002
1003 Mr. Leabough - Yes. Thank you for that clarification. I really appreciate
1004 it.

1005
1006 Ms. Jones - Question. Did the community and the applicant ever
1007 get together to chat about this?

1008
1009 Mr. Leabough - There was a community meeting held. There were two
1010 individuals that were present, as I recall. Correct me if I'm wrong, Ms. Deemer?
1011 But there were two individuals present. Both individuals had concerns. One
1012 gentleman said he was outright opposed. The lady said she wasn't necessarily
1013 100 percent opposed, but she had concerns related to the use.

1014

1015 The point that was brought up, if I'm not mistaken, was crime and some of the
1016 other concerns that she raised. She said she wasn't opposed to it, but she had
1017 some concerns about what had happened in the past with other gun shops in the
1018 area.
1019
1020 Mr. Edwards - [Off microphone.] Can I address that?
1021
1022
1023 Mr. Leabough - That's what I heard. I don't know, Ms. Deemer? Yes,
1024 you can come forward. I have no problems with that.
1025
1026 Mr. Edwards - [Off microphone.] What I was saying is I'd like to
1027 address the—
1028
1029 Mr. Archer - Sir, excuse me. Sir, you have to come up to the
1030 microphone and identify yourself, please.
1031
1032 [Much talking in the background that's not on the microphone.]
1033
1034 Mr. Edwards - This is what I do.
1035
1036 Mr. Leabough - I hope I reflected what the community shared at the
1037 meeting accurately.
1038
1039 Mr. Archer - Sir, you have approximately three minutes left.
1040
1041 Mr. Witte - Can you state your name?
1042
1043 Mr. Edwards - What I'd like to tell the opposition or make it clear to
1044 them is—
1045
1046 Mr. Emerson - Sir, could you state your name?
1047
1048 Mr. Edwards - —that is a square deal.
1049
1050 Mr. Archer - Excuse me, sir.
1051
1052 Mr. Leabough - He can't hear that well.
1053
1054 Mr. Archer - We need your name.
1055
1056 Mr. Edwards - Yes, my hearing is bad.
1057
1058 Mr. Emerson - Could you state your name for the record?
1059
1060 Mr. Edwards - I'm sorry. My name is Joseph Edwards.

1061

1062 Mr. Archer - Okay. Thank you, Mr. Edwards.

1063

1064 Mr. Edwards - I've been running a gun store in Goochland, Virginia,
1065 for four years now. Everything that I do is square. Background checks are done.
1066 The security system has worked well for me twice. When they had the break-ins in
1067 Hanover and in Powhatan, I survived that. They never even got through my doors.
1068 It was the same people, and they never got through my doors.

1069

1070 I've walked around the building. I'm not a security expert, but I do feel like I have
1071 good common sense. I've walked around the building. I will be making upgrades
1072 to the security system I have now. The security system I have now will be moved
1073 from the store I'm in now to this store, if it's possible. The way it's set up now is
1074 you can't get in my building without setting off the alarm. Can't do it. Can't be done.
1075 If you come through the roof, you're going to set off motions. It's pretty tight, pretty
1076 well sealed up.

1077

1078 As far as the bad element, that's coming no matter what. More 7-Elevens are
1079 robbed than gun stores. That doesn't mean 7-Eleven brings a bad element. It's just
1080 coming, no matter what.

1081

1082 Background checks are done with every gun I sell out of my store. If I brought my
1083 own gun into that store, it would be logged into my books and sold. There would
1084 be a background check done. And I wouldn't have to do that, but I will.
1085 Consignment sales, same way. A lot of people bring their guns in because they
1086 don't want to sell to strangers. They don't want people coming to their homes. I
1087 give them that opportunity to bring the gun into my store and it's sold right through
1088 the books. Background checks, everything else. A lot of people do that. They could
1089 make more money if they sold it to a total stranger, which is totally legal. However,
1090 most people don't want to do that. Real, honest people don't want to do that. They
1091 want to do it to where the people that they sell them to, they know that they're not
1092 criminals.

1093

1094 Do you have any questions for me?

1095

1096 Mr. Archer - Any questions for Mr. Edwards?

1097

1098 Mr. Leabough - One quick question. You mentioned some things that I
1099 don't think I saw in the conditions that were provided related to rooftop sensors or
1100 something like that.

1101

1102 Mr. Edwards - If they come through the roof. As soon as something
1103 comes and hits the floor, the motions will go off.

1104

1105 Mr. Leabough - Okay.

1106

1107 Mr. Edwards - As it stands right now, I have an audible alarm inside
1108 and out. If you're inside and it goes off, if you ate before you came, it would be on
1109 my floor. It's that loud. It's about 150 decibels.
1110
1111 Mr. Leabough - Okay.
1112
1113 Mrs. Marshall - Your alarm system, is it phone line based?
1114
1115 Mr. Edwards - I'm sorry.
1116
1117 Mrs. Marshall - Is your alarm system phone line based?
1118
1119 Mr. Edwards - It is. It's wired right to ADT. ADT calls the police
1120 department, and the police department responds.
1121
1122 Mrs. Marshall - So if I was someone who was interested in breaking
1123 into your store, I could cut your line unless you made—
1124
1125 Mr. Edwards - No, no. I'm sorry; I misunderstood that.
1126
1127 Mrs. Marshall - Okay.
1128
1129 Mr. Edwards - It's not line-based. It's Wi-Fi.
1130
1131 Mrs. Marshall - Okay.
1132
1133 Mr. Edwards - It's over the air. Good question.
1134
1135 Mr. Witte - I have a question. Are you going to close the
1136 Goochland store?
1137
1138 Mr. Edwards - Pardon me?
1139
1140 Mr. Witte - Are you going to close the Goochland store?
1141
1142 Mr. Edwards - Yes sir.
1143
1144 Mr. Witte - Okay. I didn't understand that originally until you said
1145 you were going to move your alarm systems.
1146
1147 Mr. Edwards - Yes. I will be moving that.
1148
1149 Mr. Leabough - The level of security that you're providing or proposing
1150 to provide is comparable to what's provided at the Goochland store where the
1151 break-in was avoided?
1152

1153 Mr. Edwards - It will be more. I'm going to add cameras to the outside
1154 of the building.
1155

1156 Mr. Archer - All right, anything further?
1157

1158 Mr. Leabough - I do have a question for the applicant related to the
1159 conditions as they relate to the site, the building.
1160

1161 Mr. Archer - Ms. Holley, would you come up again?
1162

1163 Mr. Edwards - What about it?
1164

1165 Mr. Leabough - I would like to hear from Ms. Holley again since she's
1166 the owner of the building. Thank you, Mr. Edwards.
1167

1168 Mr. Edwards - Sure. Thank you.
1169

1170 Ms. Holley - Yes sir.
1171

1172 Mr. Leabough - Ms. Holley, it looks like the conditions apply, according
1173 to Ms. Deemer, to the entirety of the site, not just the half that the potential gun
1174 store would occupy. I just want to make sure I'm clear as to what your intent is. Are
1175 you all planning to do this for the entire building, a portion of the building or what?
1176 Could you elaborate on that?
1177

1178 Ms. Holley - Will it make a difference in your decision?
1179

1180 Mr. Leabough - I'm just asking what you're planning to do.
1181

1182 Ms. Holley - I'm saying that when—[unintelligible] is one parcel. I
1183 don't know how you divide a parcel up. It's 103/105, but it's basically one parcel.
1184 With the County, it has one ID number. If you're asking me to make a determination
1185 that 103, which is a beauty shop, will not have that security but 105 will have that
1186 security it depends—the wall that's the center that separates them, which is a
1187 concrete wall for the center of the property. So you can't get to the other side unless
1188 you get in to one of the sides and chisel it out. It would make sense to have some
1189 security on the opposite side. Maybe not as much security, but at least some that
1190 would keep somebody from going into the beauty shop trying to get into the other
1191 side.
1192

1193 Mr. Leabough - Okay. The proffers, Mr. Emerson, the way they're
1194 written apply to the totality of the building, correct?
1195

1196 Mr. Emerson - They do, yes sir.
1197

1198 Mr. Witte - So then the beauty shop would have to abide by these
1199 proffers.
1200
1201 Mr. Emerson - That's correct.
1202
1203 Mr. Leabough - I'm just making sure that we're clear in terms of what
1204 your intent was with these conditions.
1205
1206 Ms. Holley - It never came up that it's two sides and which one I was
1207 going to do or which one I wasn't going to do or if it could be divided between the
1208 two. That never came up. So my question legally is if you do one, do you have to
1209 do the other.
1210
1211 Mr. Leabough - I'm asking you what your intent was. You provided
1212 these conditions.
1213
1214 Ms. Holley - To do whatever I need to do to get it rezoned. That's
1215 my intent.
1216
1217 Mr. Leabough - Okay.
1218
1219 Mr. Witte - According to what I'm reading, the beauty shop would
1220 have to have hours of operation 8 to 9 p.m. Monday through Saturday; install
1221 motion detectors on the outside, front and rear of the building; and security
1222 measures to include LEXAN glass front door at the entrance; steel door at the rear,
1223 etcetera, etcetera.
1224
1225 Ms. Jones - And a safe room.
1226
1227 Mr. Witte - And a safe room.
1228
1229 Mr. Emerson - Yes sir, that would be correct.
1230
1231 Ms. Holley - I don't think the beauty shop would need that.
1232
1233 Mr. Witte - If you rezone the whole property, that's it.
1234
1235 Mr. Emerson - These proffers, Ms. Holley, don't discern between the
1236 two structures on your property. It's one building. These proffers are made upon
1237 the parcel of land that contains those two buildings. Therefore, they apply to the
1238 entirety of the property. It would apply to the entirety of your building unless you
1239 redrafted these in a fashion that would allow you to secure one side versus the
1240 other side.
1241
1242 Ms. Holley - So would that be a deferral again of this one?
1243

1244 Mr. Emerson - Yes ma'am, I think it would.
1245
1246 Ms. Holley - Can we talk a minute? Can I talk with him a minute
1247 about that, just one second?
1248
1249 Mr. Emerson - It's up to the discretion of the Commission?
1250
1251 Mr. Archer - Is it okay with you, Mr. Leabough?
1252
1253 Mr. Leabough - Sure.
1254
1255 Mr. Archer - Okay.
1256
1257 [Pause in discussions.]
1258
1259 Mr. Archer - Okay, go ahead, ma'am.
1260
1261 Ms. Holley - This is for the whole building and we don't want to
1262 defer.
1263
1264 Mr. Leabough - Okay.
1265
1266 Mr. Archer - All right, then. Is there anymore discussion? All right,
1267 Mr. Leabough, I suppose we'll need a decision.
1268
1269 Mr. Leabough - Okay. Mr. Chair, after careful consideration,
1270 understanding the needs of the Williamsburg Road corridor, I think we heard a lot
1271 of points on both sides here. But I think Ms. Deemer hit the nail on the head with
1272 this when she stated in her presentation, is this intensity of the use appropriate for
1273 the character of that corridor. Given what we've heard tonight from the community,
1274 I don't think I'm in a position where I can recommend approval of this particular
1275 case. In my humble opinion, I agree with that. I don't think the intensity of this use
1276 is appropriate for this parcel that's under consideration, especially considering that
1277 some of the other cases that were rezoned in this area specifically conditioned or
1278 proffered that gun stores would not be allowed.
1279
1280 With that, I ask that we move REZ2016-00026, David L. and Charlotte Y. Holley,
1281 on to the Board of Supervisors with a recommendation of denial.
1282
1283 Mr. Witte - Second.
1284
1285 Mr. Archer - Motion by Mr. Leabough and seconded by Mr. Witte.
1286 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
1287
1288 **REASON -** Acting on a motion by Mr. Leabough, seconded by Mr.
1289 Witte, the Planning Commission voted 5-0 (one abstention) to recommend the

1290 Board of Supervisors **deny** the request because it would likely set an adverse
1291 zoning precedent for the area and the applicants failed to meet their burden to
1292 show that the requested change is in the best interests of the welfare and future of
1293 the community.

1294

1295 Ms. Holley, the Board of Supervisors will have the final say on this. The Board's
1296 next meeting I believe is October 11th. Is that correct?

1297

1298 Mr. Emerson - Yes sir, that's correct.

1299

1300 Mr. Archer - In this room. Okay? Thank you so much. All right, let's
1301 move right along.

1302

1303 Mr. Emerson - Mr. Chairman, the next item on your agenda also
1304 appears on page 2. It is REZ2016-00031, James W. Theobald for HHHunt. The
1305 staff report will be present by Mr. Seth Humphreys.

1306

1307 **REZ2016-00031 James W. Theobald for HHHunt:** Request to
1308 conditionally rezone from A-1 Agricultural District to R-5AC General Residence
1309 District (Conditional) Parcel 779-773-4325 containing 7 acres located at the
1310 terminus of Winfrey Road. The applicant proposes single family residences. The
1311 R-5A District allows a minimum lot area of 5,625 square feet and a gross density
1312 of 6 units per acre. The use will be controlled by proffered conditions and zoning
1313 ordinance regulations. The 2026 Comprehensive Plan recommends Suburban
1314 Residential 1, density should not exceed 2.4 units per acre.

1315

1316 Mr. Archer - All right, thank you. Good evening, Mr. Humphreys.

1317

1318 Mr. Humphreys - Good evening, Mr. Chairman.

1319

1320 Mr. Archer - Is there anyone present who is opposed to this case,
1321 REZ2016-00031, James W. Theobald for HHHunt? No objections. Go ahead. Mr.
1322 Humphreys.

1323

1324 Mr. Humphreys - Okay. This request is to rezone seven acres from A-1
1325 and R-5AC to allow the development of detached zero-lot-line dwellings. The
1326 subject property is located at the northern terminus of Winfrey Road. The applicant
1327 has indicated this request would become part of the recently approved River Mill
1328 development, which was approved with REZ2016-00002. The conceptual plan
1329 submitted by the applicant shows all access coming from that proposed
1330 development. This request would continue the R-5A District portion and add up to
1331 42 units to the overall River Mill development with this proposal.

1332

1333 Several acreage parcels and A Thyme to Plant Herb Farm border the request to
1334 the west and south. The proposed River Mill community will border the request to

1335 the north and east. An existing house is located on the property and is not expected
1336 to be kept as part of the community.

1337
1338 The property is recommended for Suburban Residential 1 in the 2026
1339 Comprehensive Plan. While the detached residential development proposed with
1340 this request is consistent with this recommendation, the allowable density under
1341 the requested R-5A district (6 units/acre), is greater than the maximum density of
1342 2.4 units associated with the Suburban Residential 1 designation.

1343
1344 The 2026 Comprehensive Plan recommends interconnectivity throughout the
1345 County in new and existing developments. Interconnectivity helps to take the load
1346 off of collector roads for local trips and also allows for alternate points of access in
1347 times of emergency. The proffered conceptual plan submitted with this request
1348 does not show any stub roads to adjacent properties and in the event those
1349 properties developed in the future all the development contained on them would
1350 be forced to utilize Winfrey Road or an alternate road built with the development.

1351
1352 The applicant has submitted proffers consistent with those accepted for the R-5A
1353 portion of the rezoning for the River Mill community, with the only exception being
1354 the lack of a maximum density for this request. The proffers would allow for this
1355 proposal to be consistent with the previous zoning case.

1356
1357 The form of development is generally consistent with the plan's recommendation
1358 of Suburban Residential 1, the planned development in the immediate vicinity, and
1359 the proffers submitted with this request would provide consistency with the
1360 previously approved adjacent case. Upon resolution of providing future
1361 connectivity to adjacent properties, staff could fully support this request.

1362
1363 This ends my presentation and I would be happy to answer any questions you may
1364 have.

1365
1366 Mr. Archer - All right. Any questions for Mr. Humphreys from the
1367 Commission?

1368
1369 Mr. Leabough - No sir.

1370
1371 Mr. Archer - Okay. Mr. Humphreys, just for the record and so all of
1372 us can be singing out of the same hymnbook, can you give us the main objective
1373 for providing connectivity from one area to another?

1374
1375 Mr. Humphreys - Sure.

1376
1377 Mr. Archer - I think you've done it, but let's reiterate it, if you would.

1378
1379 Mr. Humphreys - The Comp Plan mentions connectivity several times
1380 throughout the plan. In this case, it would mostly affect the properties to the west

1381 of this request, west and to the south. Some of the reasons that the
1382 Comprehensive Plan talks about regarding the benefits of connectivity are multiple
1383 points of access. As I mentioned, in times of emergency you can have different
1384 places of ingress and egress, such as when HHHunt worked with the County on
1385 the original request for River Mill to provide emergency access out through the old
1386 Little Five Azalea Farm. Once they were past a certain number of units and until
1387 Woodman Road was extended, they worked with us to get emergency access for
1388 that.

1389
1390 Restriction of density would be another concern. Because of that emergency
1391 access, the policy is that no more than 50 units could be accessed off of one point.
1392 So that would hinder the full potential of the development. The land to the west,
1393 with about a little over 75 acres, if all of that were to develop at the same density
1394 as the River Mill community, that would be over 200 units. So it would not be able
1395 to develop to that.

1396
1397 And then also multiple routes throughout the County. I think the County has a very
1398 good road network. We've tried to develop parallel roads and multiple routes to get
1399 to the same place. That takes some of the pressure off of the main roads, and in
1400 cases of emergency on those main roads, alternate routes can be had. I think that
1401 is what is good for the road network of the County.

1402
1403 Mr. Archer - Okay. Thank you much. Any questions since that
1404 explanation? All right, then. Would the applicant please come forward?

1405
1406 Mr. Theobald - Good evening, Mr. Chairman, ladies and gentlemen,
1407 I'm James Theobald.

1408
1409 Mr. Archer - Good evening, Mr. Theobald.

1410
1411 Mr. Theobald - I'm here this evening on behalf of HHHunt, the
1412 developers of River Mill. You may recall that this case was approved this spring
1413 for approximately 250 acres for a very significant upscale community in this area
1414 just west of Route 1 near Virginia Center Commons.

1415
1416 The area we're adding, as you've seen, is in red. It would have been included in
1417 the original case, but for the fact that we were still trying to negotiate the acquisition
1418 of it, and there will likely be more of these cases as we add on to this significant
1419 development.

1420
1421 The plan that you see and has been proffered basically shows 28 lots that are R-
1422 5A, single-family detached homes in this area as an extension of the existing
1423 development. We've brought forth those proffers that are applicable to this small
1424 piece, including the elevations that you see before you.

1425

1426 I believe we've addressed all the issues save for connectivity. And I will tell you
1427 that I am prepared to offer a proffer this evening, that I shall give to you in a
1428 moment, regarding connectivity. It's just curious that when we zoned River Mill
1429 initially, we never got a comment about connecting here, here, here, here, here, or
1430 here. And as you may recall from your work session this afternoon, we seem to be
1431 a bit schizophrenic on this issue of connectivity in the County these days. So I will
1432 read this into the record and hand it to the planner. But proffer 19 will be added,
1433 entitled Access. It says:

1434

1435 A stub road connection serving adjacent properties shall be provided
1436 on the subdivision/plan of development plans unless otherwise
1437 requested by the owner and specifically approved by the director of
1438 Planning.

1439

1440 So that will be addressed with the subdivision plan and/or POD. As you know, you
1441 need both for an R-5A.

1442

1443 With that, I would respectfully ask that you recommend approval to the Board of
1444 Supervisors. I'd be happy to answer any questions.

1445

1446 Mr. Archer - Thank you, Mr. Theobald. Are there any questions? Mr.
1447 Secretary, does that additional proffer pass muster with you?

1448

1449 Mr. Emerson - Yes sir. It sounded fine to me. We can take another
1450 look at it. If it needs any changes, we'll work with Mr. Theobald.

1451

1452 Mr. Theobald - And we'll need to waive time limits.

1453

1454 Mr. Archer - Thank you, Mr. Theobald. Any other questions from the
1455 Commission?

1456

1457 Mr. Leabough - I'm just wondering how "we" is defined, but I'll leave
1458 that to Mr. Theobald to have that conversation. I won't take it personally.

1459

1460 Mr. Theobald - Good.

1461

1462 Mr. Leabough - Because I don't think you were referencing anyone up
1463 here. But thank you, sir.

1464

1465 Mr. Archer - Okay. Well with that, that was the only part of
1466 Mr. Humphreys' presentation that needed some attention and Mr. Theobald seems
1467 to have taken care of that. So with the additional proffer that he has offered this
1468 evening—do we need to—

1469

1470 Mr. Emerson - You need to waive the time limits, yes sir.

1471

1472 Mr. Archer - Okay. I will make a motion to waive the time limits on
1473 that proffer. Was it 19, Mr. Theobald?
1474

1475 Mr. Theobald - [Off microphone.] Yes sir.
1476

1477 Mr. Archer - Nineteen.
1478

1479 Ms. Jones - Second.
1480

1481 Mr. Archer - Motion by Mr. Archer and seconded by Ms. Jones. All
1482 in favor of the motion say aye. All opposed say no. The ayes have it; the motion
1483 passes.
1484

1485 With that and the additional proffer 19, I will move that this case, REZ2016-00031,
1486 James W. Theobald for HHHunt, be passed along to the Board of Supervisors with
1487 a recommendation for approval.
1488

1489 Mr. Leabough - Second.
1490

1491 Mr. Archer - Motion by Mr. Archer and seconded by Mr. Leabough.
1492 All in favor of the motion say aye. All opposed say no. The ayes have it; the motion
1493 passes.
1494

1495 **REASON -** Acting on a motion by Mr. Archer, seconded by Ms.
1496 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the
1497 Board of Supervisors **grant** the request because it represents a logical
1498 continuation of the residential development approved in the area.
1499

1500 Mr. Theobald - [Off microphone.] Thank you very much.
1501

1502 Mr. Archer - Thank you, Mr. Theobald.
1503

1504 Mr. Emerson - Mr. Chairman, we now move on to page 3 of your
1505 agenda for PUP2016-00007, The Peterson Companies. The staff report will be
1506 presented by Ms. Lisa Blankinship.
1507

1508 **PUP2016-00007 The Peterson Companies:** Request for a Provisional
1509 Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the
1510 County Code in order to operate five outdoor dining areas on Parcel 746-773-8345
1511 located on the east line of Nuckols Road between Wyndham Forest Drive and Twin
1512 Hickory Road. The existing zoning is B-2C Business District (Conditional). The
1513 2026 Comprehensive Plan recommends Commercial Concentration.
1514

1515 Mr. Archer - All right. Is there anyone present who is opposed to
1516 PUP2016-00007, The Peterson Companies? No opposition. Good evening, Ms.
1517 Blankinship.

1518

1519 Ms. Blankinship - Good evening. Thank you Mr. Chairman, members of
1520 the Commission.

1521

1522 This is a Provisional Use Permit request to allow outdoor dining services for five
1523 restaurants in the proposed Nuckols Place shopping center located on the east
1524 line of Nuckols Road between Wyndham Forest Drive and Twin Hickory Road.

1525

1526 The applicant has submitted a conceptual plan, seen here, to illustrate the location
1527 of the proposed restaurants and their respective outdoor dining areas. Three of the
1528 five restaurants have been identified. A fourth was identified in the staff report;
1529 however, negotiations for that restaurant have not been finalized. A fifth restaurant
1530 is yet to be determined.

1531

1532 A community meeting was held on September 7th and was attended by
1533 approximately 12 citizens. Items discussed included the development of the
1534 shopping center, landscaping, pedestrian circulation, and hours of operation for
1535 the outdoor dining areas.

1536

1537 Since the issuance of the staff report, proposed conditions to regulate the
1538 operation of the outdoor dining areas have been revised and handed out to you
1539 this evening. As you can see from the handout, Condition #1 identifies the outdoor
1540 dining area locations and square footages, but removes the name of the
1541 businesses. This is a recommendation from the County Attorney's office.

1542

1543 Also, Condition #15 has been added for clarification purposes. If one of the outdoor
1544 dining areas has an adverse effect on the surrounding area, the Board of
1545 Supervisors could hold a public hearing to considering revoking the approval of the
1546 provisional use permit for the offending operation/tenant.

1547

1548 Staff believes the proposed outdoor dining area use is consistent with the 2026
1549 Comprehensive Plan's Commercial Concentration designation and the site's B-2C
1550 zoning. If properly regulated, the outdoor dining use would be compatible with the
1551 surrounding commercial uses and would be an appropriate extension of the
1552 restaurants' operations. For these reasons, staff supports this request.

1553

1554 This concludes my presentation. I am happy to try and answer any questions you
1555 may have.

1556

1557 Mr. Archer - Thank you, Ms. Blankinship. Are there questions?

1558

1559 Ms. Jones - Yes.

1560

1561 Mr. Archer - Ms. Jones.

1562

1563 Ms. Jones - I just want to make sure I understand. This PUP would
1564 approve the outdoor dining for a number of areas, but each one of them could
1565 individually be revoked if the need arises.
1566
1567 Ms. Blankinship - Yes ma'am.
1568
1569 Ms. Jones - Why does that sound backward to me? Okay. I'm sure
1570 the County attorneys have given that their blessing, right?
1571
1572 Mr. Emerson - Honestly, I'm not sure that language is even necessary
1573 based on the County code, but that was a specific request that it be added. Each
1574 one of these is a separate business.
1575
1576 Ms. Jones - But it's one PUP.
1577
1578 Mr. Emerson - It's one PUP, but you could come in, I think, and
1579 individually revoke a portion of it. I believe you could.
1580
1581 Ms. Jones - I just wanted to make sure I understood that correctly.
1582
1583 Mr. Emerson - I understand.
1584
1585 Ms. Jones - Okay. Thank you.
1586
1587 Mr. Archer - All right. Any further questions? Mrs. Marshall.
1588
1589 Mrs. Marshall - I do need to hear from the applicant.
1590
1591 Mr. Archer - Okay. Will the applicant come forward, please?
1592
1593 Mr. Rodriguez - Good evening. Roger Rodriguez with Timmons Group
1594 on behalf of the applicant. I do have representatives here from The Peterson
1595 Companies as well tonight. And Freeman Morgan is the architect.
1596
1597 Mr. Archer - Good evening, sir. Thank you.
1598
1599 Mrs. Marshall - I think it would be helpful for everyone sitting up here
1600 to give a little reason why #14 was put into place. Maybe clarify a little bit for people.
1601
1602 Mr. Rodriguez - Certainly. That was a request that actually came to our
1603 attention at the community meeting last week. I believe Mr. Branin requested that.
1604 We're certainly not opposed to it. The intention of that is if there is an issue with
1605 one of the operators that it doesn't encumber all five. The other four could continue
1606 operating while one is reviewed.
1607

1608 Mrs. Marshall - Okay. To add to that for clarification, so not knowing
1609 what the fifth one is, there needs to be some kind of language in there that gives
1610 you some kind of fallback if you need it as far as what could be put into that place.
1611 That's where the language came from on 14.

1612
1613 Mr. Leabough - Just a quick clarification on the language. Should it
1614 include that the revocation of that permit could be for that operation or tenant, any
1615 or all, so it doesn't preclude that all of the PUPs could be revoked? What's that?

1616
1617 Ms. Jones - It's one PUP.

1618
1619 Mr. Leabough - Yes, but this language in 14 only speaks to one
1620 operation or one tenant. The use permit for that operation or tenant or all
1621 operations or tenants so that this doesn't prevent us—if the Board decided to
1622 revoke all of them, this language wouldn't preclude that. Which I guess the code
1623 couldn't, so to add this is kind of weird.

1624
1625 Ms. Jones - Leave it up to us to take something that's been
1626 simplified and streamlined and try to make it complicated.

1627
1628 Mr. Leabough - I know, I know.

1629
1630 Ms. Jones - I understand exactly what you're saying. First of all, I
1631 hope they're all wildly successful so this is never an issue. I agree with you. It
1632 seemed awkward at first, but I'm sure it can be worked out wording-wise.

1633
1634 Mr. Archer - I think the last word in the sentence might clarify it a
1635 little bit, operation or tenant.

1636
1637 Mr. Emerson - Yes, it says for that operation or tenant.

1638
1639 Mr. Archer - Yes, *that* operation or tenant.

1640
1641 Mr. Emerson - Right, so that's specific. I don't know that it precludes
1642 you from revoking the entire provisional use permit if you chose to.

1643
1644 Mr. Leabough - It's not something we have to decide tonight, but the
1645 sentence is specifically included. Should probably talk to an attorney that is
1646 probably more qualified to provide some options or review better than I would.

1647
1648 Mr. Emerson - We will take your comments into consideration and
1649 work on them between now and the Board meeting. How about that?

1650
1651 Mr. Leabough - Okay, great.

1652

1653 Mr. Rodriguez - And if I can offer, the original intent when that came up
1654 was severability. So it was to keep one separate from the other four.
1655
1656 Mr. Leabough - I understand.
1657
1658 Ms. Jones - Maybe that's all it needs it a severability notice.
1659
1660 Mr. Emerson - We'll work on it.
1661
1662 Mr. Leabough - I guess my point was that if there's some issue with one
1663 tenant that could be problematic as it relates to all the tenants, then this doesn't
1664 speak to that.
1665
1666 Mr. Archer - Yes, I see your point.
1667
1668 Mr. Emerson - Yes. Any or all, probably is what needs to be in there.
1669
1670 Mr. Rodriguez - We'll be happy to work with staff and the County
1671 attorney.
1672
1673 Mr. Archer - Okay. Minds that are wiser than ours.
1674
1675 Mr. Leabough - I'm a part-time attorney not full time, so.
1676
1677 Ms. Jones - Okay.
1678
1679 Mr. Leabough - I was being facetious about the part time.
1680
1681 Mr. Rodriguez - Thank you.
1682
1683 Mr. Archer - All right, thank you, sir. All right, Mrs. Marshall, I think
1684 we're waiting on you.
1685
1686 Mrs. Marshall - All right. Mr. Chairman, I move that PUP2016-00007,
1687 The Peterson Companies, be forwarded to the Board of Supervisors with a
1688 recommendation of approval subject to the 14 conditions dated September 15,
1689 2016, and with the addition of the language to be readdressed in condition #14.
1690
1691 Ms. Jones - Second.
1692
1693 Mr. Archer - Motion by Mrs. Marshall and seconded by Ms. Jones.
1694 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
1695
1696 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Ms.
1697 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the
1698 Board of Supervisors grant the request because when properly developed and

1699 regulated by the recommended conditions, it would not be detrimental to the public
1700 health, safety, welfare and values in the area.

1701

1702 Mr. Emerson - Mr. Chairman, we now move on to the next item, which
1703 is Resolution PCR-7-16. You did receive a presentation on this during your work
1704 session. Do you have a copy of the resolution? If you don't, I have additional copies
1705 here for you.

1706

1707 **RESOLUTION PCR-7-16:** The Planning Commission will consider a Resolution to
1708 Initiate Consideration of an Amendment to the Zoning Ordinance regarding
1709 Provisional Uses Allowed in the B-1 District.

1710

1711 Ms. Jones - I don't think we do.

1712

1713 Mr. Emerson - Okay, here you go. As you'll recall, the purpose of this
1714 resolution is to begin staff work on an amendment to B-1 to consider allowing
1715 expanded hours in the B-1 district with a provisional use permit. If you're willing to
1716 let staff move forward, we would need a motion approving PCR-7-16.

1717

1718 Mr. Archer - All right. Any question or discussion from the
1719 Commission?

1720

1721 Mr. Leabough - No sir.

1722

1723 Mr. Archer - All right. Do we have a motion?

1724

1725 Ms. Jones - I move the resolution.

1726

1727 Mr. Witte - Second.

1728

1729 Mr. Archer - Motion by Ms. Jones and seconded by Mr. Witte. All in
1730 favor say aye. All opposed say no. The ayes have it; the resolution passes.

1731

1732 Mr. Emerson - Thank you, Mr. Chairman. The next item on your
1733 agenda will be to set a work session for October 13, 2016, at 5:30 p.m. We also
1734 discussed that this evening. I don't necessarily need a motion on that, but I would
1735 need consensus that that works within your schedule and that we can continue the
1736 discussion we had this evening.

1737

1738 **DISCUSSION ITEM:** Set a Work Session for October 13, 2016 at 5:30 p.m.,
1739 to continue discussion on the Zoning Regulations of Signs and to discuss potential
1740 changes for Provisional Use Permits allowed in the B-1 District.

1741

1742 Mr. Archer - Okay. Any discussion? Does that fit with everybody's
1743 plans?

1744

1745 Ms. Jones - Sounds good to me.
1746
1747 Mrs. Marshall - As long as Mr. Witte wears a skirt and chooses to be
1748 me.
1749
1750 Mr. Archer - I got that.
1751
1752 Mr. Leabough - Don't be schizophrenic while you're wearing your skirt.
1753
1754 Mr. Archer - We don't need a second, Mr. Witte, but you have to do.
1755
1756 Mr. Witte - I'll second it.
1757
1758 Mr. Archer - All right. I think we're set on that, Mr. Secretary.
1759
1760 Mr. Emerson - Yes sir, Mr. Chairman. We will reserve the manager's
1761 conference room, and we'll provide a meal again, and continue our sign
1762 discussion.
1763
1764 The next item is to set a public hearing for October 13, 2016. You did receive a
1765 presentation on that topic this evening. If you have any questions, certainly we'll
1766 try to answer them. Otherwise, I would need a motion scheduling that public
1767 hearing for October 13.
1768
1769 **DISCUSSION ITEM:** Set a Public Hearing for October 13, 2016, to review
1770 and discuss an amendment to the Code of the County of Henrico to Allow Front
1771 Porches on Certain Dwellings by Provisional Use Permit.
1772
1773 Mr. Archer - Okay, Commission members, what will it be, questions
1774 or a motion?
1775
1776 Mr. Witte - So moved.
1777
1778 Mr. Archer - All right.
1779
1780 Mr. Leabough - Second.
1781
1782 Mr. Archer - Motion by Mr. Witte and seconded by Mr. Leabough.
1783 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
1784
1785 Ms. Jones - Excuse me. So the public hearing will be the first item
1786 on the agenda at seven or?
1787
1788 Mr. Emerson - Well we didn't schedule a specific time. All of our
1789 hearings fall after 7 p.m. unless we specify otherwise.
1790

1791 Ms. Jones - But it's at our meeting, it's not—
1792
1793 Mr. Emerson - It's part of the meeting, yes ma'am.
1794
1795 Ms. Jones - Okay.
1796
1797 Mr. Emerson - The next item is to set public hearing for October 13,
1798 2016, on the 2026 Major Thoroughfare Plan.
1799
1800 **DISCUSSION ITEM:** Set a Public Hearing for October 13, 2016, to review
1801 and discuss an amendment to the Code of the County of Henrico on the 2026
1802 Major Thoroughfare Plan (MTP).
1803
1804 Mr. Leabough - So moved.
1805
1806 Mr. Witte - Second.
1807
1808 Mr. Archer - Motion by Mr. Leabough and seconded by Mr. Witte.
1809 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
1810
1811 Mr. Emerson - Mr. Chairman, the next item on the agenda would be
1812 the consideration of the approval of your minutes from the August 11, 2016
1813 meeting. We do have an errata sheet as well.
1814
1815 Mr. Archer - All right. Would the Commission please consider the
1816 approval of the minutes?
1817
1818 Ms. Jones - So moved as corrected.
1819
1820 Mrs. Marshall - Second.
1821
1822 Mr. Archer - Motion by Ms. Jones and seconded by Mrs. Marshall.
1823 All in favor of approval of the minutes say aye. All opposed say no. The ayes have
1824 it; the motion passes.
1825
1826 Mr. Emerson - Mr. Chairman. I do have a request, and I'm not sure
1827 whether this will come together or not. There may be a need for the Commission
1828 and the Board to come together in a joint work session. The date I was given prior
1829 to coming into the work session this afternoon was November 22nd. I was asked
1830 to see how that would work within your schedule. This would be a work session
1831 prior to the Board of Supervisors' meeting. So it would probably be 5:30.
1832
1833 Mr. Archer - In the afternoon, okay.
1834
1835 Mr. Emerson - I would think somewhere between—possibly 5. Some
1836 of the Board work sessions have started as early at 5:00.

1837
1838 Ms. Jones - Which day of the week is that?
1839
1840 Mr. Emerson - That would be a Tuesday.
1841
1842 Mrs. Marshall - Is that Thanksgiving week?
1843
1844 Mr. Archer - November 22nd?
1845
1846 Mr. Emerson - That is Thanksgiving week, yes ma'am.
1847
1848 Mr. Archer - It is Thanksgiving week, yes.
1849
1850 Mr. Emerson - Yes, that is Thanksgiving week. Tuesday, November
1851 22nd. Does anyone have a conflict that you're aware of?
1852
1853 Mr. Archer - Not at this point I don't. Anyone else?
1854
1855 Mr. Leabough - What time were you thinking again, Mr. Emerson?
1856
1857 Mr. Emerson - Board work sessions normally start around 5, 5:30.
1858
1859 Mr. Leabough - I should be okay.
1860
1861 Mr. Emerson - Okay. Once that firms up, I will let you know. But if you
1862 would, hold that date on your calendar.
1863
1864 Mr. Archer - Okay.
1865
1866 Mr. Emerson - With that, Mr. Chairman, that's all I have this evening.
1867
1868 Mr. Archer - May I have—I'm sorry. Mr. Thornton, you have a
1869 comment?
1870
1871 Mr. Thornton - May I ask a question, if you're about finished, Mr.
1872 Chairman?
1873
1874 Mr. Archer - Yes, we are.
1875
1876 Mr. Thornton - I want to ask a question of the secretary. Mr. Secretary,
1877 I'm asking you this so that maybe we can come up with a process here. As the
1878 County is moving ahead, as we're looking at the ordinances from 1959, trying to
1879 revise those and bring those up to date, trying to make sure that businesses
1880 relative to zoning and planning, the future will be efficacious.
1881

1882 What I'm wondering about is, is it possible for us to also think along the lines of a
1883 new vehicle for helping residential areas that might be stressed? Let me give you
1884 an illustration. Let me just take RIR. Okay? RIR might be thinking of some very
1885 creative initiatives in the future. And those initiatives would be to help create a
1886 better facility there. But if that isn't done right, then all of this is kind of a—it's not
1887 as concrete right now. But let's take that as an illustration. If a project at RIR gets
1888 really visionary and brings about some major changes in there to make that a
1889 whole different venue, my challenge is that we may have in that case a Taj Mahal
1890 surrounded by a stressed community.

1891

1892 Mr. Emerson - Yes sir.

1893

1894 Mr. Thornton - So here is my question to you to help me see how I
1895 could maybe suggest some resolution to that. Could our staff, if they are permitted
1896 to do so, find some information, data, and research and bring it back and share it
1897 with us to see is there such a tool or creature that could be used—I'm going to use
1898 a word now that's out of my area. You recall in some areas we have used a CDA—
1899

1899

1900 Mr. Emerson - Yes sir.

1901

1902 Mr. Thornton - —to help out with the funding of things. But we don't
1903 have a creature, to my knowledge. Now I don't have that much knowledge about
1904 these things. If there are major improvements in certain portions of the County,
1905 what about those stressed communities? Why don't we also create a new vehicle
1906 or creature to make sure that we have a pot of funds for those localities that might
1907 surround a new initiative? I don't think we've ever done that. And I don't think it's
1908 something that's on the books. It may be a novel idea; it might a stupid idea. I don't
1909 think so, though, but it might be silly. But if it's not silly, if it's something that is very
1910 helpful, I'm just asking you is that something we can look into as we're looking over
1911 a plethora of things in improving the zoning and planning process.

1912

1913 Mr. Emerson - Certainly I think we could look at that. Some localities
1914 use CDBG funds to do that in areas where they're applicable. We've used them
1915 here in Henrico, of course. We do have tax abatement in place now where you get
1916 a certain amount off your taxes over a certain number of years in order to offset
1917 improvements that you make in areas that qualify.

1918

1919 As far as creating a fund, that might be more of a policy of the Board where you
1920 set aside money in the budget each year. So I think there are different ways
1921 certainly you could come at that. But we could take a look at that if we're directed
1922 that way, certainly.

1923

1924 Mr. Thornton - I would hope that maybe some of my colleagues might
1925 reflect over there that they think that that's a good idea to pursue.

1926

1927 I know with the CDBG we don't get that much.

1928
1929 Mr. Leabough - Those funds are decreasing by the years.
1930
1931 Mr. Thornton - We don't get that much to make a difference. But I do
1932 think it's something for us to think about if we want to make sure anything that has
1933 a little age to it—and I'll just use the medical. From time to time, I have to go into
1934 the doctor. But these older neighborhoods like we used in our session this
1935 afternoon, 1960.
1936
1937 Mr. Emerson - Right.
1938
1939 Mr. Thornton - So we need to think about that because it's almost like
1940 great civilizations. They go through three stages, some historians say: birth,
1941 prosperity, and decline. If that's true, can we thwart the decline part since we're
1942 talking about people. I thought I'd just ask you for that information. And maybe if
1943 it's a good idea that maybe we could talk about it a little bit.
1944
1945 Mr. Emerson - Certain, sir. We could take a look at that. You may want
1946 to bring it up with the County manager.
1947
1948 Mr. Thornton - Yes sir.
1949
1950 Mr. Emerson - And see how he'd like to proceed with that. This may
1951 be something that would be more suitable for Community Revitalization to take a
1952 look at and bring a report back to the Board or the Commission.
1953
1954 Mr. Thornton - I would also try to bring it up with my colleagues also,
1955 not to put the onerous just on the Planning Commission, because if they say nay,
1956 then it won't go anywhere anyway. Just talking about a new idea, a new concept.
1957
1958 Mr. Emerson - I will discuss it with Mr. Silber.
1959
1960 Mr. Thornton - Thank you.
1961
1962 Mr. Archer - All right.
1963
1964 Mr. Leabough - Mr. Thornton, I think we were just talking about a
1965 corridor that's experiencing some of the similar challenges, but having a resource
1966 like the airport that's just down the street. Just like the racetrack. Huge economic
1967 driver, but then the corridor around it declines. So it's problematic for communities,
1968 and other localities have used I guess community indicators to kind of assess the
1969 health of neighborhoods. And then as funds are allocated or appropriated, that's
1970 what drives how funds get dispersed into communities. If your community
1971 indicators are indicating that communities are under stress, but then when you look
1972 at the appropriation of resources, if there's a disconnect there, it'll kind of help
1973 address or bring those points to light. So it's actually great to hear you mention

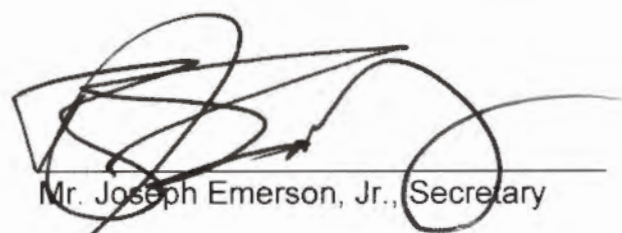
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that because that's been a concern I think for that area for a while, especially given the amount of money that is generated twice a year by that institution there.

Mr. Archer - That's a great area to use as an example, it really is.
All right, is there anything further? Then *further* will be the last the word. We are adjourned.



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



Mr. Joseph Emerson, Jr., Secretary