PRESENT:

Dr. Edgar Wallin, Chairman
Mr. Gib Sloan, Vice-Chairman
Ms. Gloria Freye
Mr. Michael Jackson
Mr. Peppy Jones
Mr. Kirk Turner, Secretary to the Commission,
Director, Planning

ALSO PRESENT:

Mr. Mike Tompkins, Assistant Director,
Planning Department
Mr. Rob Robinson, Senior Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Senior Assistant County Attorney,
County Attorney's Office
Mr. Steve Haasch, Planning Manager,
Planning Department
Ms. Bonnie Perdue, Planning Operations Administrator and Clerk to Planning Commission
Planning Department
Ms. Jane Peterson, Planning Manager,
Planning Department
Mr. Robert Clay, Planning and Special Projects Manager,
Planning Department
Ms. Darla Orr, Planning and Special Projects Manager,
Planning Department
Mr. Ryan Ramsey, Planning Special Projects Manager,
Planning Department
Mr. Jesse Smith, Director,
Transportation Department
Mr. Steven Adams, Senior Civil Engineer
Transportation Department
Mr. Mike Nannery, Assistant Director
Utilities Department
Mr. Scott Smedley, Director,
Environmental Engineering Department
Mr. Scott Dunn, Assistant Director
Environmental Engineering Department

Mr. Dave Wolverton, Microcomputer Analyst
Information Systems Technology Department
Deputy Fire Marshall Anthony Batten, Fire and Life Safety,
Fire and EMS Department
Mr. Ray Cash, Zoning Administrator
Planning Department
Dr. David Pritchard, Special Projects
County Administration
Mr. Carl Schlaudt, Revitalization Manager,
County Administration

ASSEMBLY AND WORK SESSION.

Commissioners Wallin, Sloan, Freye, Jackson and Jones and staff assembled at 3:00 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

I. CALL TO ORDER.

Dr. Wallin called the meeting to order.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner requested the Commission vote on the schedule of the special meeting dates for the rest of the year.

Mr. Jackson inquired about the topic of the first meeting in July to which Mr. Turner responded, Revitalization.

On motion of Mr. Sloan, seconded by Ms. Freye, the Commission resolved to approve the dates on the schedule for special meetings.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

III. REVIEW UPCOMING AGENDAS.

Ms. Peterson reviewed the number of cases for June 21 which will be 19 cases, July 19 will have 21 cases and August has zero cases at the moment.

IV. REVIEW DAY'S AGENDA.

Mr. Greg Allen reviewed the one (1) 4 p.m. case and Mr. Allen introduced Steve Prusik, a new member of his team.

Ms. Peterson reviewed the 14 cases for today's 6:00 p.m. agenda.

Mr. Turner advised Dr. Wallin that staff has advertised a public hearing for the Commission to consider amendments to the zoning Chapter of the County Code regarding Ordinance Amendments to implement the Bon Air Special Area Plan. Also three (3) other chapters have been advertised for County Codes relating to County water and sewer systems.

V. REVIEW WORK PROGRAM.

There were no questions about the work program.

VI. REVIEW PLANNING COMMISSION FOLLOW-UP ITEMS.

There were no questions about the follow-up items list.

VII. PRESENTATION REGARDING MANUFACTURED HOUSING.

Mr. Tyler Craddock, Executive Director of the Virginia Manufactured and Modular Housing Association, presented an overview about modular factory-built housing. He compared and contrasted modular and manufactured housing units.

In response to a question from Mr. Sloan relative to tiny houses, Mr. Craddock stated they are not regulated by HUD but are regulated by the State wide building code.

Dr. Wallin stated Chesterfield is focused on quality and sustainability. He asked about the materials being used for factory built homes currently. Mr. Craddock said the materials he uses to build a home are the same as those that are stick built. He has the options to offer many different types of siding and if they want Hardi-Plank or brick veneer, as long as they can financially support it, outside materials can be anything.

In response to a question from Mr. Sloan, Mr. Craddock responded that HUD is a performance based Code and Virginia's building Code is a prescriptive style Code.

In response to a question from Mr. Turner, Mr. Craddock responded there are some places in Virginia where this application is used to create multi-family homes.

VIII. RECESS.

The Commission recessed at 3:53 p.m.

4:00 P.M. PUBLIC MEETING.

I. CALL TO ORDER.

Dr. Wallin, Chairman, called the meeting to order at 4:01 p.m., in the Public Meeting Room, Lane B. Ramsey Administration Building, 10001 Iron Bridge Road, Chesterfield, VA.

II. APPROVAL OF THE PLANNING COMMISSION MINUTES.

- March 15, 2016 Minutes.

On motion of Mr. Jackson, seconded by Ms. Freye the Commission resolved to approve the March 15, 2016 Planning Commission minutes.

AYES: Wallin, Sloan, Freye, Jackson and Jones

- March 18, 2016 Special Meeting Minutes

On motion of Mr. Jackson, seconded by Ms. Freye the Commission resolved to approve the March 18, 2016 Planning Commission Special Meeting minutes.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

III. PUBLIC MEETING.

A. **16PS0214**: In Midlothian Magisterial District, **Tripps T K Properties I, LP** requests schematic plan approval for architecture for the **Kick Back Jacks Schematic** in Commercial (C-3) District on a site totaling 0.87 acres located at 10330 Midlothian Turnpike. Tax ID 747-709-4659.

Mr. Greg Allen stated he has not had any contact with the applicant.

Mr. Todd Mincher the applicant agrees with staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to the case.

There being no one to speak, Dr. Wallin closed the public hearing.

Mr. Jones stated Tripp's will be converted to Kick Back Jacks.

On motion of Mr. Jones, seconded by Mr. Sloan, the Commission resolved to recommend approval of Case 16PS0214.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

IV. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:06 p.m. agreeing to meet in the Executive Meeting Room at 5:00 p.m. for dinner; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC MEETING AND HEARING.

I. CALL TO ORDER.

Dr. Wallin called the session to order.

II. INVOCATION.

Mr. Jones presented the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

The Commission led in the Pledge of Allegiance to the Flag.

IV. REVIEW UPCOMING AGENDAS.

Mr. Kirk Turner apprised the Commission of the caseload for the June 21 Planning Commission Meeting which has seventeen (17) cases and the July 19 Planning Commission Meeting has nineteen (19) cases.

V. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Dr. Wallin requested to change the Code Amendment on the agenda to the last order, reversing items 10 and 11 so we can complete all of the zoning or conditional use permits, then the Commission would hear the Code Amendments.

VI. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VII. CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

Mr. Stephen Hernett came up to speak on Case 16SN0685 and Dr. Wallin explained that this case will be heard later this evening.

Mr. Jones stated for the last two (2) months the packets for the Commission were not ready in a timely fashion due to late changes to cases by applicants. He further stated that he will be closely watching this issue going forward as it harms staff and the public's ability to adequately review submissions. Dr. Wallin supported Mr. Jones' statements, stating that other Commissioners feel the same way.

VIII. PUBLIC HEARING.

- **DEFFERAL REQUESTS BY INDIVIDUAL PLANNING COMMISSIONERS – REZONINGS, CONDITIONAL USES, CONDITIONAL USE PLANNED DEVELOPMENTS AND REZONINGS.**

C. **16SN0572:** In Bermuda Magisterial District, **Carthan F. Currin** requests rezoning from Agricultural (A) to Light Industrial (I-1) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 3.4 acres located in the southeast corner of West Hundred and Iron Bridge Roads. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Office/Residential Mixed use and Residential use (1.5 dwellings per acre or less). Tax ID 785-652-9775.

Mr. Jack Wilson, the applicant's representative, accepted deferral of Case 16SN0572 by the District Planning Commissioner to the July 19, 2016 Planning Commission public hearing.

Dr. Wallin opened the floor for public comment.

Mr. Rodney Coleman spoke against the case and would prefer not to defer the case any longer.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Sloan, seconded by Ms. Freye, the Commission resolved to defer Case 16SN0572 with the applicant's consent, to the regularly scheduled July 19, 2016 Planning Commission public hearing.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

D. **16SN0581*:** In Clover Hill and Midlothian Magisterial Districts, **Pocoshock Green Development, LLC** requests rezoning from Residential Townhouse (R-TH) to Residential Townhouse (R-TH) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 33.5 acres located in the southeast and southwest corners of Pocoshock Boulevard and Elkhardt Road and along the east line of Pocoshock Boulevard, south of Elkhardt Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (2.51 to 4.0 dwelling units per acre). Tax ID 762-700-4422.

Ms. Jennifer Mullen, the applicant's representative, accepted deferral of Case 16SN0581 by the District Planning Commissioner to the July 19, 2016 Planning Commission public hearing.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jones, seconded by Ms. Freye, the Commission resolved to defer Case 16SN0581 with the applicant's consent, to the regularly scheduled July 19, 2016 Planning Commission public hearing.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

E. **16SN0685*:** In Bermuda Magisterial District, **Ironbridge Road Properties, LLC** requests rezoning from Corporate Office (O-2) to Neighborhood Business (C-2) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 0.7 acre located at the southeast corner of Iron Bridge Road and West Booker Boulevard. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Office/Residential Mixed Use. Tax IDs 780-652-1685 and 2380.

Mr. Jack Wilson, the applicant's representative, accepted deferral of Case 16SN0685 by the District Planning Commissioner, to the July 19, 2016 Planning Commission public hearing. He also stated he would like to hold another community meeting before the case is brought back to the Commission.

Dr. Wallin opened the floor for public comment.

Mr. Rodney Calen, Mr. Brian Tyson, Mr. Jessie Mase, Mr. Stephen Hernett, Ms. Bernice Coleman all asked about when it is best to voice their opposition to the case. Mr. Sloan stated there will be an opportunity at a future community meeting to share concerns prior to consideration of the case by the Commission.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Sloan, seconded by Dr. Wallin, the Commission resolved to defer Case 16SN0685 with the applicant's consent, to the regularly scheduled July 19, 2016 Planning Commission public hearing.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

F. **16SN0690:** In Matoaca Magisterial District, **FC Richmond** requests conditional use to permit commercial indoor and outdoor recreational establishments (with incidental office use (including medical), sit down and carry-out restaurants (concessions) and sports related retail uses), computer-controlled variable message electronic signs, and outside public address systems plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map in an Agricultural (A) District on 80 acres fronting in two (2) places for a total of 1,160 feet on the south line of Genito Road, 3,660 feet east of Mount Herman Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Phased Suburban Residential and Suburban Residential I uses (maximum of 2.0 dwellings per acre). Tax ID 706-688-6608.

Mr. Andy Scherzer, the applicant's representative, accepted the thirty (30) day deferral of Case 16SN0690 by the District Planning Commissioner, to the June 21, 2016 Planning Commission public hearing.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

In response to a question of Mr. Jackson's, Ms. Orr stated cases that are being deferred thirty (30) days to the June 21, 2016 Planning Commission public hearing should have had their revisions submitted yesterday, noting the turnaround time on thirty (30) day deferrals is very tight.

On motion of Dr. Wallin, seconded by Ms. Freye, the Commission resolved to defer Case 16SN0690 with the applicant's consent, to the regularly scheduled June 21, 2016 Planning Commission public hearing.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

M. **16SN0704:** In Clover Hill Magisterial District, **Sports Frog, LLC, HMG Investments, LLC and Waterford Business Center, LC** request rezoning from Community Business (C-3) and Light Industrial (I-1) to Regional Business (C-4) with conditional use to permit multifamily, townhouse, exposition center, stadium, arena, outside storage, public address system, electronic message center signs and brewery uses, and conditional use planned development to permit boat sales/service/repair, model homes and exceptions to ordinance requirements and amendment of zoning district map on 105.2 acres located in the northeast and northwest quadrants of Genito Road and Genito Place at Rt. 288. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed use. Tax IDs 731-689-5633, Part of 731-691-3176, 732-688-0178 and 732-689-5376.

Mr. Jack Wilson, the applicant's representative, accepted deferral of Case 16SN0704 by the District Planning Commissioner to the June 21, 2016 Planning Commission public hearing.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Ms. Freye, seconded by Mr. Jackson, the Commission resolved to defer Case 16SN0704 with the applicant's consent, to the regularly scheduled June 21, 2016 Planning Commission public hearing.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- **CONSENT ITEMS – REZONINGS, CONDITIONAL USE PLANNED DEVELOPMENTS AND CONDITIONAL USES.**

A. **15PD0192*:** (AMENDED) In Clover Hill Magisterial District, **Chesterfield County Parks and Recreation** requests substantial accord determination to permit special purpose park expansion and amendment of zoning district map in Residential (R-7 and R-9) Districts on 56.1 acres lying off the north lines of Gravier and Clintwood Roads and the eastern terminus of Puckett Place. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax IDs 743-689-6438 and 745-688-Part of 2330.

Mr. Stuart Connock, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Ms. Freye, seconded by Mr. Jones, the Commission resolved to recommend approval of Case 15PD0192 subject to the following conditions:

CONDITIONS

1. Development shall be in general conformance with the conceptual development plan entitled "Upper Falling Creek Greenway, Potential Park Land Acquisition & Proposed Development Plan" dated March 23, 2016, and prepared by Chesterfield County Parks and Recreation. (P)

2. A minimum fifty (50) foot setback shall be provided between the trail and the rear lot lines of properties occupied by single family residential use. Within this setback, natural vegetation shall be maintained with no trees being removed except those which are dead, diseased or dying. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

B. **16SN0565*:** In Clover Hill Magisterial District, **C.A.H. Investments, LLC** requests amendment of conditional use planned development (Case 98SN0176) relative to uses and amendment of zoning district map in a Light Industrial (I-1) District on 25.7 acres located in the northeast corner of Hull Street and Warbro Roads. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Corporate Office/Research and Development/Light Industrial uses. Tax ID 738-682-Part of 8258.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Ms. Freye, seconded by Mr. Jones, the Commission resolved to recommend approval of Case 16SN0565 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Applicant amends Proffered Condition 27 of Case 98SN0176 to read as shown below. All other conditions of Case 98SN0176 shall remain in force and effect.

1. Uses: The following uses shall be permitted as identified on the Tract Plan, last revised on April 25, 2016 and prepared by Balzer and Associates, Inc.

   A. Parcel A
      i. Uses permitted by right or with restrictions in the Light Industrial (I-1) District
      ii. Uses permitted by right or with restrictions in the Community Business (C-3) District, excluding cocktail lounges and nightclubs
      iii. Carpenter and cabinetmakers' offices and display rooms; contractor's offices and display rooms; and electrical, plumbing or heating supply sales, service and display rooms, provided that for such uses the gross square foot area of any retail (display) area shall be limited to thirty (30) percent of the gross floor area of any individual use, and that outside storage shall be prohibited.

   B. Parcel B
      i. Uses permitted by right or with restrictions in the Light Industrial (I-1) District
      ii. Uses permitted by right or with restrictions in the Convenience Business (C-1) District
      iii. Carpenter and cabinetmakers' offices and display rooms; contractor's offices and display rooms; and electrical, plumbing or heating supply sales, service and display rooms, provided that for such uses the gross square foot area of any retail (display) area shall be limited to thirty (30) percent of the gross floor area of any individual use, and that outside storage shall be prohibited.

   C. Parcel C
      i. Uses permitted by right or with restrictions in the Light Industrial (I-1) District
      ii. Carpenter and cabinetmakers' offices and display rooms; contractor's offices and display rooms; and electrical, plumbing or heating supply sales, service and display rooms, provided that for such uses the gross

square foot area of any retail (display) area shall be limited to thirty (30) percent of the gross floor area of any individual use, and that outside storage shall be prohibited. (P)

We hereby offer the following proffered conditions:

2. Master Plan. The Textual Statement, last revised April 25, 2016, and the Tract Plan, prepared by Balzer and Associates, Inc. last revised April 25, 2016 shall be considered the Master Plan. (P)

3. Access. The exact locations of the four (4) vehicular accesses described below shall be approved by the Transportation Department:

   a. Direct vehicular access from the property to Hull Street Road (Route 360) shall be limited to two (2) entrances/exits (the "Eastern Access", and the "Western Access").
   b. Direct vehicular access from the property to Warbro Road shall be limited to two (2) entrances/exits (the "Northern Access", and the "Southern Access"). (T)

4. Road Improvements. The owner/developer shall be responsible for the following road improvements:
   a. Construction of additional pavement along the westbound lanes of Route 360 to provide a separate right turn lane at the Eastern Access.
   b. Construction of additional pavement along the eastbound lanes of Route 360 to provide an adequate left turn lane at the crossover that will serve the Eastern Access.
   c. Construction of a raised median in the Eastern Access to preclude vehicles exiting the site to turn left onto Route 360.
   d. Construction of additional lane of pavement along the westbound lanes of Route 360 from the western edge of the Eastern Access to Warbro Road.
   e. Construction of additional pavement along the westbound lanes of Route 360 to provide a separate right turn lane at the Warbro Road intersection.
   f. Full cost of traffic signal modification at the Route 360/Warbro Road intersection, if needed, as determined by the Transportation Department.
   g. Construction of additional pavement along Warbro Road to provide left and right turn lanes at the Northern Access and at the Southern Access.
   h. Full cost of traffic signalization at the Warbro Road/Southern Access intersection, if warranted, as determined by the Transportation Department.
   i. Construction of pedestrian accommodations, as approved by the Transportation Department, along Route 360 and along Warbro Road for the entire Property frontage.

j. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)

5. Transportation Phasing Plan. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 4 shall be submitted to and approved by the Transportation Department. (T)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

G. **16SN0696:** In Midlothian Magisterial District, **James River Property Group, LLC** requests rezoning from Agricultural (A) to Agricultural (A) with conditional use to permit a contractor's office plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 0.5 acre known as 8728 Forest Hill Avenue. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Office use. Tax ID 755-719-5367.

Mr. Ken Felts, the applicant, agreed with staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jones, seconded by Dr. Wallin the Commission resolved to recommend approval to Case 16SN0696 subject to the following conditions:

CONDITIONS

1. Master Plan. The textual statement dated May 2, 2016 shall be considered the master plan. (P)

2. Non-Transferable Ownership. This Conditional Use approval shall be granted to James River Property Group, LLC, exclusively, and shall not be transferable with the land. (P)

3. Use. This Conditional Use approval shall be for the operation of a contractor's office only. (P)

4. Outside Storage. Outside storage shall be prohibited. (P)

5. Location of Contractor's Office, Drives & Parking Areas. The contractor's office building, accessory building, paved and graveled parking areas, and access drives shall be located on the property as generally shown on Exhibit A, dated April 14, 2016. (P)

6. Additions or Alterations. No additions or alterations to the existing structures shall be permitted. Further, additional parking areas or accessory buildings shall be prohibited on the

property. This condition shall not preclude normal maintenance for existing improvements or repairs as required by building code. (P)

7. Architectural Style. All structures shall maintain an architectural style compatible with surrounding residential neighborhoods. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features.

8. Parking.

   a. One (1) handicap parking space shall be permitted in the front yard.

   b. Parking of company motor vehicles shall be prohibited in the front, corner side and side yards of the property. (P)

9. Solid Waste Storage Areas. Within sixty (60) days of approval of this zoning request, the solid waste storage area shall be screened per the Zoning Ordinance. (P)

10. Hours of Operation. The hours of operation for the contractor's office shall be limited to 7:00 AM to 6:00 PM. Saturday and Sunday operation shall be prohibited. (P)

11. Hours of Servicing Waste Storage Areas. Solid waste storage areas shall not be serviced between the hours of 8:00 PM and 7:00 AM. (P)

12. Signage. Signage shall be limited to one (1) building mounted sign, limited to seven (7) square feet in area. No freestanding signage shall be permitted. (P)

13. Tree Preservation. Existing trees having a caliper of two (2) inches or greater shall be maintained (except for those which are dead, diseased or dying) within the following setback areas:

   a. Side Yard: Twenty-five (25) feet.
   b. Front Yard: Twenty (20) feet. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

H. **16SN0699**: In Clover Hill Magisterial District, **Kit and Cindy, LLC** requests amendment of conditional use planned development (Case 80SN0093) to permit a veterinary hospital and amendment of zoning district map in a Neighborhood Business (C-2) District on 0.9 acre known as 4721 Market Square Lane. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed Use. Tax ID 733-679-4557.

Mr. Kit Charbonneau, the applicant, agrees with staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Ms. Freye, seconded by Mr. Sloan, the Commission resolved to recommend approval of Case 16SN0699 subject to the following condition:

CONDITION

In addition to the uses permitted by Condition 2 of Case 80SN0093, the following use shall also be permitted:

a. Veterinary hospital provided that outside runs shall be prohibited. (P)

(Staff Note: Except as amended herein, all previous conditions of zoning approved in Case 80SN0093 shall remain in full force and effect.)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

I. **16SN0700***:** In Midlothian Magisterial District, **Glasser Properties, LLC** requests rezoning from Agricultural (A) to Neighborhood Office (O-1) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 0.7 acre known as 8720 Forest Hill Avenue. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Office use. Tax ID 755-719-6765.

Ms. Christine Lamps, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jones, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16SN0700 subject to the following conditions:

CONDITIONS

1. Master Plan. The Textual Statement dated May 2, 2016 shall be considered the master plan. (P)

2. Concept Plan Requirements. The site shall be developed as generally depicted on the Concept Plan (Exhibit A). However, the exact location of buildings, parking and other improvements may be modified provided such modifications comply with Ordinance standards, conditions herein, and provided that the general intent of the plan is maintained. Modifications to the Concept Plan may be reviewed and approved by the Director of Planning at time of site plan review. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

K. **16SN0702:** In Matoaca Magisterial District, **Ashley B. Degonia, David J. Degonia, Brent Degonia and Marsha K. Degonia** request conditional use planned development to permit exceptions to public road frontage requirements for dwelling purposes and amendment of zoning district map in Agricultural (A) and Residential (R-25) Districts on 34.7 acres located 375 feet west of Hulsey Drive, measured 1035 feet north of Marek Drive. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Rural Residential/Agricultural use. Tax IDs 730-646-3161 and 7188 and 731-646-0033.

Mr. Kerry Hutcherson, the applicant's representative, agreed to staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Mr. Jackson inquired about the condition that mentions further subdivision of the property, Ms. Orr responded that condition would not allow the properties to be subdivided, or further developed without State maintained roads.

On motion of Dr. Wallin, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16SN0702 and acceptance of the proffered conditions:

PROFFERED CONDITIONS

The Applicants in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property known as Chesterfield County Tax Identification Numbers 730-646-7188, 731-646-0033, and 730-646-3161 ("the Property") under consideration will be used according to the following proffer(s) if, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicants. In the event this request is denied or approved with conditions not agreed to by the owners and Applicants, the proffer shall immediately be null and void and of no further force or effect.

1. Textual Statement: The Textual Statement dated May 2, 2016 shall be considered the Master Plan. (P)

2. Subdivision: The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided. (P)

3. Prior to the release of the road construction bond for Degonia Way, the property owner shall provide a copy to the Planning Department of the approved license agreement with the County to use the dedicated but unimproved County right of way (known as Degonia Way) from Point A to Point B as shown on Exhibit A attached hereto. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

N. **16SN0705:** In Bermuda Magisterial District, **Chesterfield County Board of Supervisors** requests rezoning from Community Business (C-3) and Residential (R-7) to Residential (R-12) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 0.3 acre known as 15307 Hanover Street. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use 2.0 to 4.0 dwellings per acre. Tax ID 828-641-7797.

Mr. Kirk Turner, the applicant's representative, agreed with staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Sloan, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 16SN0705 subject to the following conditions:

CONDITIONS

1. Setbacks shall conform to the requirements of the Ordinance for Residential (R-7) Districts with the following exceptions as identified on Exhibit 2:
   a. Existing dwelling:
      i. Front yard - 20 feet
   b. Proposed detached carport
      i. Front yard – 20 feet
      ii. Side yard– 0 feet (P)
2. The exceptions identified in Condition 1 are limited to the improvements noted in Exhibit 2. Any further additions to the existing dwelling, proposed detached carport or other accessory structures shall meet the setback requirements for the R-7 District. (P)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

- **CONDITIONAL USE, CONDITIONAL USE PLANNED DEVELOPMENTS, REZONINGS - OTHER.**

J. **16SN0701:** In Clover Hill Magisterial District, **Hanky, LLC** requests conditional use to permit a warehouse (self-storage facility) and office uses plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map in an Agricultural (A) District on 7 acres fronting 190 feet on the east line of North Courthouse Road, 290 feet north of Reams Road, also fronting 435 feet on the north line of Reams Road, 125 feet east of North Courthouse Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Office uses. Tax IDs 744-703-Part of 7882 and Part of 9576; and 745-703-3669.

Mr. Ryan Ramsey presented an overview and staff's recommendation of denial for the request, noting the proposal does not comply with the recommendations of the Comprehensive Plan relative to self-storage facility use; parcel aggregation; and building height and design.

Mr. Mike Hanky, the applicant, does not agree with staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

Ms. Freye asked what Mr. Hanky has done to offset staff's recommendation knowing that in the Comp Plan, this area is designed to be office space. Mr. Hanky stated his product will offer flexible office and storage space to accommodate entrepreneurs.

In response to questions of Ms. Freye relative to office space, and parcel aggregation as suggested by the Comp Plan, Mr. Hanky stated this concept is a hybrid by offering smaller office space and larger storage space for new business owners; this is also the first of its kind in the area; and he has the ability to expand the office space in that area. He noted in February 2016 he has pursued purchase of the property at the intersection of Reams and Courthouse Roads but was unsuccessful. He continues to have interest in purchasing that corner property with thoughts of constructing a freestanding office space that would have the same architectural treatment as the self-storage building. In April, he continued negotiations for purchase with the seller, but having no counter from the owner, the applicant has moved forward with plans on the request property. Mr. Hanky noted an access from this site to the corner property will be provided.

In response to a question from Ms. Freye about adjustments made to his building based upon recommendations in the Comp Plan, Mr. Hanky stated they started with a proposal for a two (2) story building, but based on staff comments, have modified these plans. A two (2) story building along Courthouse Road is proposed that better resembles the size, scale and architectural treatment of the North Courthouse Library. Buildings that face Reams Road will be one (1) story buildings. All three (3) buildings will incorporate brick in the front, metal awnings and high quality architecture.

In response to a question from Mr. Jackson relative to free standing signage, Mr. Hanky stated on the building, at the second story level, there will be one (1) sign, and out along the driveway near the road, there will be a monument sign. They have not settled on a name for the property development but it would likely be some sort of Commerce Center.

In response to a question from Mr. Sloan relative to retail uses and fencing materials, Mr. Hanky stated the only retail would be boxes, packing tape, locks and other packing items sold in the business office. Mr. Dan Caskie responded the internal fencing is aluminum, painted black, while a vinyl fence is adjacent to the northern boundary at the adjacent property owner's request.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Dr. Wallin said he appreciated the quality used in this project.

On motion of Ms. Freye, seconded by Mr. Sloan, the Commission resolved to recommend approval of Case 16SN0701 and acceptance of the proffered conditions:

PROFFERED CONDITIONS

1. Master Plan. The textual statement dated May 6, 2016 and the following exhibits, each of which is made a part of these proffers by this reference thereto, shall be considered the Master Plan.

    a. Exhibit A, entitled Courthouse Commercial Concept Plan, prepared by The Bay Companies, Inc. and dated April 11, 2016.

    b. Exhibit B, entitled Courthouse Commercial, prepared by GMF + Associates and dated February 28, 2016. (P)

2. Uses. Uses shall be limited to office and indoor self-storage warehouse uses only. Outside storage and on-site storage auctions shall be prohibited. (P)

3. Minimum Office Space Provided. The development of an indoor self-storage warehouse facility shall contain a minimum of 5,600 gross square feet of office space, as shown on the Concept Plan (Exhibit A), within Building A. (P)

4. Concept Plan Requirements. The site shall be designed as generally depicted on the Conceptual Site Plan (Exhibit A). However, the exact location of buildings, parking and other improvements may be modified provided such modifications comply with Ordinance standards, conditions herein, and provided that the general intent of the plan is maintained. Modifications to the Concept Plan may be reviewed and approved by the Director of Planning at time of site plan review. (P)

5. Development Standards. Except for any bulk exceptions specified in the textual statement and for buffers, development of any permitted use shall meet the Zoning Ordinance development standards applicable to the Corporate Office (O-2) District in the Emerging Growth Design District. (P)

6. Architectural Treatment. The architectural treatment of and exterior materials for the buildings on the Property shall be compatible and consistent with the elevations identified as Exhibit B, with the following provisions:

    a. Building Materials.

        i. The portions of the building elevations that are visible to public rights-of-way and adjacent properties zoned for residential or agricultural uses shall be constructed of brick or masonry split-faced block.

        ii. Building elevations internal to the development may also use E.F.I.S. and metal wall panels (excluding corrugated or unfinished metal panels) or equivalent permanent architecturally finished materials.

b. Building Heights. Building heights shall be limited to the lesser of two (2) stories or thirty (30) feet. (P)

7. Buffers. Buffers shall be provided around the perimeter of the property, in accordance with Exhibit A, and shall meet Zoning Ordinance requirements. Buffers of at least fifty (50) feet in width shall not be graded or cleared in order to retain existing vegetation within these areas. This provision shall not preclude either the removal of dead, diseased or dying vegetation within any buffer area or the placement of utilities which run generally perpendicular through the buffer. (P)

8. Screening. A six (6) foot tall, durable vinyl fence shall be provided within the buffer along a portion of the north Property line, generally as shown on Exhibit A. This fence shall provide screening of the adjoining parking area and "SWM Area" to the adjacent residence located at GPINs 744-703-7194, 744-703-Part of 9576 and 744703-Part of 7882. (P)

9. Freestanding Signage. One (1) freestanding, monument-style sign shall be permitted along North Courthouse Road. This sign shall meet Zoning Ordinance requirements.(P)

10. Lighting. Parking lot lighting for uses permitted by this conditional use shall not exceed a height of twenty (20) feet. (P)

11. Hours of Operation. The hours of operation for offices and indoor self-storage warehouses uses shall be limited to 6:00 AM to 10:00 PM, daily. (P)

12. Hours of Servicing Waste Storage Areas. Solid waste storage areas for any use shall not be serviced between the hours of 8:00 PM and 7:00 AM. (P)

13. Burning Ban. The developer shall not use burning to clear or timber the subject property. (EE)

14. Dedication. Prior to any site plan approval, or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right of way on the north side of Reams Road, measured from the centerline of that part of Reams Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

15. Access.

a. No direct vehicular access shall be provided from the property to Reams Road.

b. Direct vehicular access from the property to Courthouse Road shall be limited to one (1) entrance/exit, generally located towards the northern property line. The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded across the property to provide shared use of the approved access with the adjacent property to the south (GPIN 745-703-0256). (T)

16. Road Improvements. Prior to issuance of a certificate of occupancy, the following road improvements shall be completed, as determined by the Transportation Department:

    a. Construction of additional pavement along the northbound lanes of Courthouse Road at the approved access to provide a separate right turn lane;

    b. Construction of a sidewalk along Courthouse Road and along Reams Road for the entire property frontage;

    c. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)

17. Drainage. On-site detention/retention must be provided to achieve minimum 10-year storm performance on the existing culvert under Reams Road, as determined at time of site plan review. In addition, the post-development 25-year peak discharge to the existing culvert shall not exceed the pre-development 25-year peak discharge. (EE)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

L. **16SN0703:** In Bermuda Magisterial District, **Westover Farms, LLC and Emerson-Roper Companies LLC** request rezoning from Agricultural (A) to Community Business (C-3) of 1 acre plus conditional use planned development to permit exceptions to ordinance requirements on this tract and adjacent 4 acre tract zoned Community Business (C-3) and amendment of zoning district map fronting 550 feet on the north line of East Hundred Road, 640 feet east of Rivers Bend Boulevard. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax IDs 816-652-0562, 1560, 2559, 3658 and 4655.

Mr. Ryan Ramsey presented an overview and staff's recommendation of approval of the rezoning (Request I) which would permit commercial uses and standards consistent with the adjacent planned development. He noted staff's recommendation for denial of Request II (CUPD) as the exceptions to setbacks and internal connections are inconsistent with the pattern for new development in the Route 10 East Design District and lack adequate justification.

Mr. Kerry Hutcherson, the applicant's representative does not agree with staff's recommendation for Request II, noting that he would like consistency in development setbacks and appearance in tandem with a drive-in window access planned for the western portion of the project, which is closer to Route 10. He also plans to extend the buffer in the back of the parcel consistent with that required for the adjoining parcels.

In response to a question of Mr. Sloan's relative to the exception for internal access connections to the eastern-most property, Mr. Hutcherson responded the location of a ravine and wetlands would result in any access provided not being extended.

In response to a question from Mr. Jackson, Mr. Hutcherson stated the design of this bank is the driving force behind the design. All of the other businesses along this side of the road have their customer parking in the front, so this design would be in keeping with that pattern.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Mr. Sloan stated they have had community meetings with no opposition. While the Ordinance requires parking behind the front building line, this parcel does not easily accommodate that location and all recent development on Route 10 has had parking in the front.

On motion of Mr. Sloan, seconded by Ms. Freye, the Commission resolved to recommend approval of both Request I and Request II of Case 16SN0703 and acceptance of the proffered conditions:

PROFFERED CONDITIONS

The Applicants in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property known as Chesterfield County Tax Identification Numbers 816-652-0562, 1560, 2559, 3658 and 4655 ("the Property") under consideration will be used according to the following proffer(s) if, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicants. In the event this request is denied or approved with conditions not agreed to by the owners and Applicants, the proffer shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement dated May 9, 2016 shall be considered the master plan. (P)

Proffered Conditions 2 through 4 shall apply to the parcels that are part of the rezoning request, better known as Chesterfield County Tax Identification Numbers 816-652-Part of 3658 and Part of 4655. (Staff Note: The part of parcels are identified as Request I on Map 1)

2. Uses. Uses permitted on the Property shall be limited to the following:

   a. Any permitted use in the C-2 District.
   b. Carpenter and cabinetmakers' offices and display rooms.
   c. Cocktail lounges and nightclubs.
   d. Contractors' offices and display rooms.
   e. Electrical, plumbing, or heating supply sales, service, and related display rooms.
   f. Feed, seed, and ice sales.
   g. Greenhouses or nurseries.
   h. Home centers.
   i. Indoor flea markets.
   j. Liquor stores.
   k. Recreational establishments, commercial-indoor.
   l. Repair services, excluding motor vehicle repair.
   m. Restaurants, to include carry-out and fast food.

n. Schools – commercial, trade, vocational, and training.
o. Secondhand and consignment stores, excluding motor vehicle consignment lots.
p. Veterinary hospitals and/or commercial kennels.
q. Outside storage, as accessory to a permitted use, including, but not limited to: retail building materials; construction equipment/materials; outside runs for commercial kennels or veterinary hospitals; feed/seed items, garden centers, greenhouses, hot houses; miscellaneous materials for retail/wholesale sales; provided that:
    i. Such uses are screened from view of any adjacent properties on which such uses are not permitted or do not exist, and from areas currently zoned A and designated on the comprehensive plan for R, A, O, or I-1 uses and external public road rights-of-way.
    ii. No more than ten percent of the gross floor area of the principal use may be used for outdoor storage.
r. Continuous outside display of merchandise for sale, as accessory to a permitted use, provided that:
    i. Merchandise shall be located under a covered pedestrian way that does not exceed 16 feet in width;
    ii. No more than five percent of the gross floor area of the principal use shall be used for outside display purposes; and
    iii. Merchandise is displayed so that it does not obstruct pedestrian access.
s. Prepared food and fruit and vegetable vendors, provided that:
    i. Only prepared food, fruits, and vegetables shall be sold;
    ii. They shall be permitted only on a lot or parcel occupied by a permanent use;
    iii. They shall be located where improved permanent parking facilities are available for their use, provided that the required minimum and most convenient parking spaces for the existing permanent use shall be used;
    iv. Any temporary structure, vehicle, sign or other material associated with or resulting from the use shall be removed from the lot or parcel no later than 24 hours following the end of the temporary sale cessation of the use; and
    v. All vendor areas shall be located a minimum of 1,000 feet from any property in an R, R-TH, or R-MF District or any property currently zoned Agricultural and designated for residential use on the comprehensive plan unless the sales area is separate from the property by a permanent building, provided that all such areas shall be located in accordance with the district's minimum yard setbacks. (P)

3. Service of Solid Waste Storage Area. The solid waste storage area permitted on the Property shall not be serviced between the hours of 8:00 p.m. and 7:00 a.m. Such area shall be prominently posted with a sign not to exceed six (6) square feet designating the hours in which the solid waste storage area may be serviced. (P)

4. Buffer. A fifty (50) foot buffer shall be provided along the property line adjacent to Tax IDs 816-652-5799 and 816-653-4603. Such buffer shall comply with Ordinance requirements, with the exception that BMP/SWM basins may be

located within the buffer. If a BMP/SWM basin is located inside the buffer, a planting area measuring a minimum of fifteen (15) feet wide that is unencumbered by the basin improvements shall be provided adjacent to the rear property line. In addition, the buffer shall be maintained until such time that these two (2) adjacent parcels are no longer zoned A, R, R-TH or R-MF Districts. (P)

5. Post Development Runoff. The post development runoff rate for the 2, 10, and 100 year storms shall not exceed the corresponding pre-development runoff rate. (EE)

6. Dedication. Prior to any site plan approval or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, 100 feet of right of way on the north side of East Hundred Road (Route 10), measured from the centerline of that part of Route 10 immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

7. Access. Direct vehicular access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)

8. Road Improvements. The owner/developer shall be responsible for the following road improvements:

   a. Construction of additional lane of pavement along the westbound lanes of Route 10 for the entire Property frontage.
   b. Construction of additional pavement along the westbound lanes of Route 10 to provide a separate right turn lane at the approved access.
   c. Construction of a sidewalk along the north side of Route 10 for the entire Property frontage
   d. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)

9. Transportation Phasing Plan. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 8 shall be submitted to and approved by the Transportation Department. (T)

AYES: Wallin, Sloan, Freye, Jackson and Jones.

CODE AMENDMENTS.

O. 15PJ0114 – BON AIR ORDINANCE AMENDMENT. - Amendments To Chapter 19.1, Of The Zoning Ordinance To Implement The Bon Air Special Area Plan.

Mr. Cash presented an overview of this item to the Commission. The amendments are intended to implement the guidelines of the recently adopted Bon Air Special Area Plan (BASAP). Among other things within the Bon Air Special Design District (BASD) this amendment would provide standards related to sidewalks, street trees, setbacks, parking, and certain commercial uses. The amendment would change the Bon Air Post Development Design District area and change the standards to that area from post-development, to emerging growth, through the inclusion of such areas in the Emerging Growth Design District. Public input was obtained and addressed by staff. Staff would recommend that the Commission forward a recommendation to the Board for approval.

Mr. Jackson asked if there were parking modifications within the new BASD which Mr. Cash confirmed. Mr. Cash stated in the village core, staff recommends parking in the side or rear of buildings with buildings closer to the street. Mr. Jackson noted that by granting exceptions to such standards, cases may lead to development that does not accurately reflect the Plan.

Jo Gehlbach with Richmond Association of Realtors expressed their groups support for the amendments.

Mr. Don Spriggs expressed concern over how the amendments might impact his specific property. Mr. Turner directed staff to help Mr. Spriggs understand how this impacts him.

Mr. Turner stated if the Planning Commission makes a recommendation tonight to the Board; the Board makes the final decision on the Special Area Plan. Planning Commission does not make the decision, they only recommend. The Board makes the final decision.

Mr. Peppy Jones stated staff has worked on this Bon Air Special Area Plan for a long time. Bringing parking in the rear on future developments makes sense for any new development in Bon Air and might also apply in the Village of Midlothian. Parking in the rear makes it a more walkable community.

On motion of Mr. Jones, seconded by Mr. Jackson, the Commission moved to recommend approval of 15PJ0114, BON AIR ORDINANCE AMENDMENT. - Amendments To Chapter 19.1, Of The Zoning Ordinance To Implement The Bon Air Special Area Plan.

Mr. Sloan stated as we are coming upon the Comprehensive Plan five (5) year review, we can look at details in village situations, by encouraging buildings fronting roads, having parking in the rear, and looking at strategic applications for some of these items.

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND REENACTING SECTIONS 19.1-52, 19.1-53, 19.1-251, 19.1-263, 19.1-341, 19.1-346, 19.1-350, 19.1-351, 19.1-352 & 19.1-570 OF THE ZONING ORDINANCE RELATING TO BON AIR SPECIAL DESIGN DISTRICT.

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19.1-52, 19.1-53, 19.1-251, 19.1-263, 19.1-341, 19.1-346, 19.1-350, 19.1-351, 19.1-352 & 19.1-570 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted, to read as follows:

Sec. 19.1-52. Uses Generally.

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C. **Enumerated Uses**. Table 19.1-52.A. outlines the uses permitted by right, with restrictions, as accessory, by Conditional Use, by Special Exception or by Manufactured Home Permit in each zoning district.

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2. **Uses Permitted with Restrictions.**

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b. "**R(1)**," "**R(2)**" or "**R(3)**" indicates that the use is permitted subject to certain restrictions in the respective zoning district. The restrictions for the uses noted with "**R(1)**," "**R(2)**," or "**R(3)**" are listed at Section 19.1-54. If the restrictions in Section 19.1-54. cannot be met, the use may be allowed by Conditional Use.

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Table 19.1-52.A. USES ENUMERATED.

P = Permitted by Right R and RS = Permitted with Restrictions A=Accessory C = Conditional Use
S = Special Exception M = Manufactured Home Permit

Use	Zoning Districts																	
	R-7 thru 88	R-C	R-TH	R-MF	MH-1	MH-2	MH-3	A	O-1	O-2	C-1	C-2	C-3	C-4	C-5	I-1	I-2	I-3
o o o																		
Automobile accessory store								C			R	R	R	P	P	R(3)	R(3)	R(3)
o o o																		
Automobile wash								C					R	P	P	C	C	C
o o o																		
Grocery store								C		R(1)	P	R	R	P	P	R(3)	R(3)	R(3)
o o o																		
Restaurant, carry-out								C				R	R	P	P	C	C	C
o o o																		

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Sec. 19.1-53. Restricted Uses Listed as "R" or "RS".

Those uses listed as "R" or "RS" in Table 19.1-52.A. shall be permitted in the respective zoning districts provided that the restrictions as outlined below are met. If the restrictions cannot be met, the use may be allowed in the respective zoning district through either a Conditional Use or Special Exception.

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Automobile accessory store

1. **C-1 District:**
   a. Use is not located in Bon Air Special Design District; or
   b. Automobile repair or installation of parts does not occur.

2. **C-2, C-3 Districts:** Use is not located in Bon Air Special Design District.

Automobile rental

1. **C-2 District:**
   a. Use is not located in Bon Air Special Design District; or
   b. Automobile repair or sales does not occur.

2. **C-3, C-4 Districts:**
   a. Use is not located in Bon Air Special Design District, or within a shopping center unless it was within the center prior to May 26, 2004;
   b. Elevated display of automobiles does not occur;
   c. Use is setback 100 feet from adjacent R, R-TH, R-MF or O property, or adjacent A property shown on the comprehensive plan for R, R-TH, R-MF or O uses. The setback is landscaped at a density of 2.5 times Perimeter Landscaping C;
   d. Garage-type doors are either oriented away from, or screened from view of, adjacent R, R-TH, R-MF or O property, adjacent external roads, or adjacent A property shown on the comprehensive plan for residential or office uses;
   e. Repair services occur only as accessory to the use, and repair does not include body repair;
   f. Except for minimal repairs necessary to allow a vehicle to be moved into the service area, repair activities and storage of new or replaced repair materials either occurs inside a building, or the area is screened from view of adjacent R, R-TH, R-MF or O property, adjacent external roads, or adjacent A property shown on the comprehensive plan for residential or office uses; and
   g. Storage yards for vehicles awaiting body repair, painting, auction or wholesale sales are screened from view of adjacent property on which such yards are not permitted or do not exist, adjacent external roads, or adjacent A property shown on the comprehensive plan for residential or office uses.

Automobile repair excluding body, major engine or transmission

C-3, C-4 Districts:

a. Use is not located in Bon Air or Chester Special Design Districts; and
b. The following requirements are met unless the use was in operation prior to May 26, 2004:
   - Use is not within a shopping center;
   - Use is setback 100 feet from adjacent R, RTH, R-MF or O property, or A property shown on the comprehensive plan for R, R-TH, R-MF or O uses. The setback is landscaped at a density of 2.5 times Perimeter Landscaping C;
   - Except for minimal repairs necessary to allow a vehicle to be moved into the service area, repair activities and storage of new or replaced repair materials shall either occur inside a building, or the area is screened from view of adjacent R, R-TH, R-MF or O properties, adjacent external roads, or adjacent A property shown on the comprehensive plan for residential or office uses; and
   - Storage yards for vehicles awaiting body repair or painting are screened from view of adjacent property on which such yards are not permitted or do not exist, adjacent external roads, or adjacent A property shown on the comprehensive plan for residential or office uses.

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Automobile self service station

1. **C-1 District:**
   a. Use is accessory to a principal use;
   b. Use is not located along a road which terminates in a residential neighborhood; and
   c. Use is not located in Bon Air or Chester Special Design Districts.

2. **C-2, C-3, C-4, C-5 Districts:** Use is not located in Bon Air or Chester Special Design Districts.

Automobile self service station, unmanned

C-2, C-3, C-4, C-5 Districts: Use is not located in Bon Air or Chester Special Design Districts.

Automobile service station

C-3, C-4, C-5 Districts: Use is not located in Bon Air or Chester Special Design Districts.

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Automobile wash

C-3 District: Use is not located in Bon Air Special Design District.

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Grocery Store

C-2, C-3 Districts: In Bon Air Special Design District, the building does not exceed 20,000 square feet of gross floor area per story.

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Restaurant, carry out

C-2, C-3 Districts: In Bon Air Special Design District, the use does not have a drive-in window or curb service.

Restaurant, fast food or drive-in

C-3, C-4, C-5 Districts:

a. In Bon Air Special Design District, the use does not have a drive-in window or curb service; or

b. Use is not located in Chester Special Design District.

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Storage, outside

1. **C-3 and C-4 Districts excluding the Employment Center Design District:**
   a. Use is not located in the Bon Air Special Design District;
   b. Outside storage is accessory to a permitted or restricted use;
   c. Storage area plus any permitted outside display located outside of covered pedestrian ways does not exceed 10 percent of the gross floor area of the principal use.
   d. Unless restrictions of a specific use address outside storage screening requirements, the area is screened from view of adjacent property on which such uses are not permitted, A property designated on the comprehensive plan for R, R-TH, R-MF, A, O, MH or I-1 uses, and roads; and
   e. View is minimized from limited access roads through site or architectural design, topography, landscaping, setbacks or other features.

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Sec. 19.1-251. Perimeter Landscaping Types and Requirements.

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Notes for Table 19.1-251.B.

[1] Healthy existing trees or shrubs may be credited toward landscaping requirements if reasonably distributed throughout the length of the area.

[2] Walls or fences with a minimum height of 3 feet may reduce the amount of required plant materials, as determined at the time of plan review.

[3] If overhead utility lines conflict with large deciduous trees, such trees shall be placed within planting areas or islands located adjacent to the setback. Such planting areas or islands shall have a minimum size of 300 square feet per required tree.

[4] An average 3 foot high undulating berm, designed to provide topographical interest yet maintain reasonable visibility into parking areas, and having maximum side slopes of 3:1 shall be installed within the setback.

[5] An evergreen shrub hedgerow that is maintained at a height of 3 to 4 feet for the length of parking areas.

[6] Either 1 medium shrub for each 5 lineal feet; a continuous hedgerow; or a continuous white or whitewashed picket fence, with a height of 3 to 4 feet.

[7] Either 1 medium shrub for each 5 lineal feet; a continuous hedgerow with a height of 3 feet at time of planting; a continuous decorative wood, PVC or wrought-iron fence with a height of 3 to 4 feet; or a continuous brick wall with a height of 3 to 4 feet.

[8] Either a continuous hedgerow with a height of 3 feet at time of planting; or a continuous 5 to 6 foot high screening fence or wall constructed of the same materials used in the building.

[9] A continuous evergreen hedgerow that grows to, and is maintained at, a height of 3 to 4 feet for the length of the parking areas.

[10] At time of plan review, alternative treatment may be approved based upon reduced averaged setbacks, utility conflicts, or to ensure sign visibility.

[11] A double staggered hedgerow of evergreen medium shrubs for the length of parking areas between parking areas and roads, and low shrubs and ground cover in planting beds at entrances.

[12] Low shrubs and ground cover shall be used appropriately in tree and shrub beds.

[13] The same or similarly shaped species shall be planted in a linear pattern in front and corner side yard setbacks so as to create a formal landscape theme.

[14] Trees shall be planted behind the sidewalk unless determined, at the time of plan review, to be impractical, in which case, they may be installed between the street and the sidewalk. If large trees will conflict with overhead utility lines, small deciduous trees spaced a maximum of 40 feet on center may be planted.

[15] In all areas of Midlothian Special Design District, landscaping within setbacks along roads shall conform to The Village of Midlothian Technical Manual, dated September 1991.

[16] Tree islands having a minimum width of 7 feet, spaced every 4 parking spaces adjacent to road, and planted with small deciduous trees.

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Sec. 19.1-263. Specific Buffer Requirements.

A. <u>Buffers between Different Zoning Districts</u>.

1. **Exemptions**. The buffers shown in Table 19.1-263.A.1.a. shall not apply to O and C property located in the Ettrick and Bon Air Special Design Districts.

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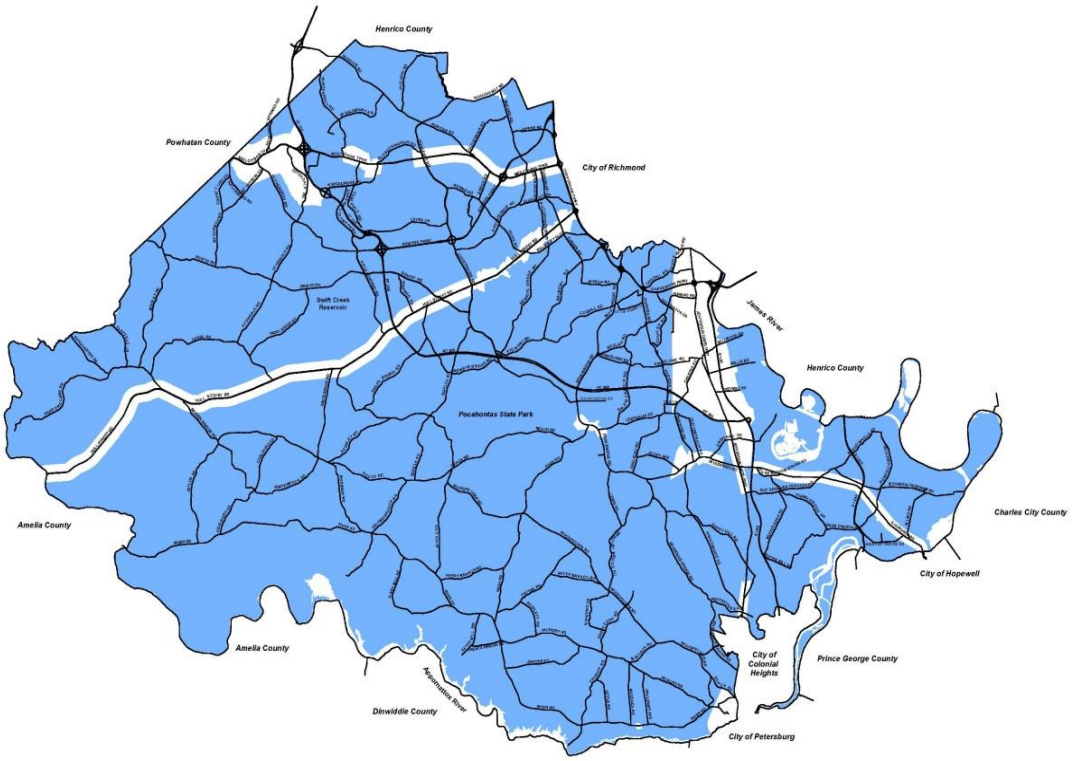
Sec. 19.1-341. Zoning Districts and Areas of Applicability.

The provisions of this division apply to O, C and I zoned property in Emerging Growth Design District as shown on the zoning maps. The Emerging Growth Design District is generally the area as shaded in Figure 19.1-341.

Figure: 19.1-341.



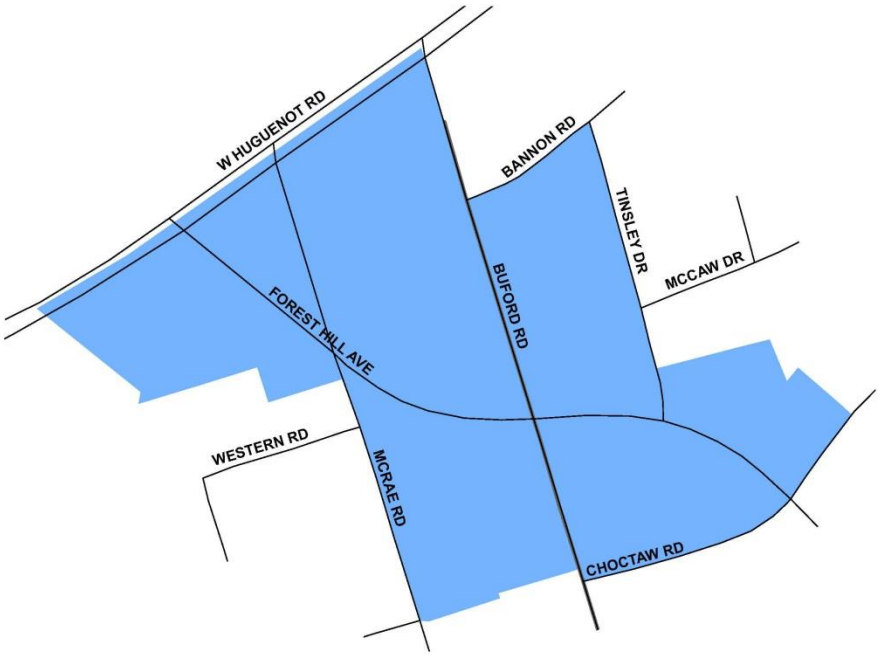
Sec. 19.1-350. Purpose and Intent of Bon Air Special Design District.

The purpose and intent of the Bon Air Special Design District is to enhance the village character, create an attractive overall appearance and provide for safe and enhanced pedestrian and vehicular connectivity within nonresidential areas and from those areas to surrounding residential and public facilities areas.

Sec. 19.1-351. Zoning Districts and Area of Applicability.

The provisions of this division apply to O, C and I zoned property within Bon Air Special Design District as shown on the zoning maps. The Bon Air Special Design District is generally the area as shaded in Figure 19.1-351.

Figure: 19.1-351.



Sec. 19.1-352 Required Conditions Bon Air Special Design District.

A. <u>Building and Parking</u>. Buildings and parking in the Bon Air Special Design District shall meet the requirements outlined in Tables 19.1-352.A.1. and 19.1-352.A.2.:

Table. 19.1-352. A.1. O and C Districts- Bon Air Special Design District Building and Parking Required Conditions		
A. Building Setbacks (feet)[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Huguenot Rd.	50/J
	c. Choctaw Rd. east of Forest Hill Ave., McRae Rd. south of Forest Hill Ave. and Tinsley Drive	15
	d. Other roads	8[2]
2. Interior side yard	a. Adjacent to property designated on the Comprehensive Plan for residential use	10/B
	b. Adjacent to property designated on the Comprehensive Plan for nonresidential use	0
3. Rear yard	a. Adjacent to property designated on the Comprehensive Plan for residential use	10/B
	b. Adjacent to property designated on the Comprehensive Plan for nonresidential use	0
B. Parking Setbacks(feet)[1] /Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Huguenot Rd.	50/J
	c. Choctaw Rd. east of Forest Hill Ave., McRae Rd. south of Forest Hill Ave. and Tinsley Drive	[3]
	d. Other roads	[3]
2. Interior side yard	a. Adjacent to property designated on the Comprehensive Plan for residential use	10/[4]
	b. Adjacent to property designated on the Comprehensive Plan for nonresidential use	0
3. Rear yard	a. Adjacent to property designated on the Comprehensive Plan for residential use	10[4]
	b. Adjacent to property designated on the Comprehensive Plan for nonresidential use	0
C. Building Heights (maximum) [5]	Lesser of 2 stories or 30 feet	

Notes for Table 19.1-352.A.1.

[1] Setbacks may be impacted by Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain and Chesapeake Bay regulations.

[2] A minimum of 75% of the facade shall have a maximum setback of 20 feet. Within a project having more than one building, a minimum of one main building shall be subject to the minimum and maximum setbacks, and setbacks for other buildings may be modified by the director of planning if the site and architectural designs accomplish the purpose and intent outlined in Sec. 19.1-350.

[3] Parking shall be located no closer to the road than the front facade of the building with the least setback from the road. If there is no building on the property, parking shall be setback 20 feet from the road. Within the setback, 3 to 4 foot high decorative walls or fences compatible with the building, evergreen hedges or a combination thereof shall be installed. Hedges shall be maintained at a height of 3 to 4 feet. The director of planning may modify the parking setback requirement if the site is designed to promote the pedestrian character of the area.

[4] A 5 foot high decorative solid screen compatible with the building shall be provided along the property line for the length of the parking area.

[5] Height limits are subject to Article IV, Division 2.

Table 19.1-352.A.2. I-1, I-2 and I-3 Districts Bon Air Special Design District Building and Parking Required Conditions				
A. Building Setbacks (feet)[1] /Required Perimeter Landscaping		District		
		I-1	I-2	I-3
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	75/B or 50/C	75/B	90/B
	c. Other roads	40/A or 25/C	60/A	90/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A[2] or 10/B[2]	30/A[2] or 10/B[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C[2] or 20/B[2]	40/C[2] or 20/B[2]
B. Parking Setbacks (feet)[1] /Required Perimeter Landscaping				
1. Road type	a. Limited access	40/C	40/C	40/C
	b. Major arterial	75/B or 50/C	75/B	75/B
	c. Other roads	40/A or 25/C	40/A	40/A
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A	30/A	30/A
	b. Adjacent to O, C or I	30/A or 10/B	30/A[2] or 10/B[2]	30/A[2] or 10/B[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C	40/C	40/C
	b. Adjacent to O, C or I	40/C or 20/B	40/C[2] or 20/B[2]	40/C[2] or 20/B[2]
C. Building Heights (maximum) [3]		Lesser of 2 stories or 30 feet		

Notes for Table 19.1-352.A.2.

[1] Setbacks may be impacted by Buffer, Setbacks–Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain and Chesapeake Bay regulations.

[2] Landscaping not required adjacent to I-2 or I-3 District.

[3] Height limits are subject to Article IV, Division 2.

B. **<u>Other Required Conditions</u>**

1. **Architecture and Building Design**. In addition to the requirements of Sec. 19.1-317, the requirements of Sec. 19.1-141.G. for O-1 property, the requirements of Sec. 19.1-148.F. for C-1 property, buildings shall meet the following architectural requirements:

   a. Architecture.

      - Facades visible to a road or R, R-TH, R-MF, MH, A or O property shall not be constructed of unadorned concrete block, unfinished corrugated metal or unfinished sheet metal; and

      - Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses, and possess architectural variety while still maintaining compatibility with existing structures, especially those of high historic interest within the boundaries of the Bon Air Special Area Plan. Buildings shall enhance an overall cohesive character as reflected in existing structures through the use of design elements including, but not limited to: materials, balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines, or other appurtenances such as lighting fixtures and landscaping.

   b. Storefront Windows and Pedestrian Entrances. In the area designated for Neighborhood Business, the first floor of any building located within 30 feet of a road shall incorporate storefront windows, and pedestrian entrances that either connect directly to the sidewalk along the road or to a sidewalk that connects to the sidewalk along the road. A maximum of 10 linear feet along the front facade of the principal building shall be without windows or pedestrian entrances. The bottom of windows shall be no lower than 18 inches and no higher than 36 inches above finished grade.

   c. Intersection of Forest Hill Avenue and Buford Road. At each quadrant of the intersection, buildings shall incorporate a significant architectural element such as a bell tower, clock tower or other vertical element and a minimum of 400 square feet of decorative hardscape area designed to promote the pedestrian character of the area. The architectural element shall be a minimum of 12 feet taller than the main building height unless modified by the director of planning based upon an alternative design that accomplishes the intent of this provision.

2. **Size of Individual Uses.** Except for O-1 and C-1 property which shall be subject to the size limitations in Sec. 19.1-141.F. and Sec. 19.1-148.E. respectively, and grocery stores which shall be subject to the size restrictions in Sec.19.1-53., individual buildings shall not exceed 12,000 square feet of gross floor area per story.

3. **Sidewalks and Pedestrian Amenities.** Sidewalk and pedestrian amenities shall be provided along roads and as pedestrian connections from projects to adjacent development. The exact location, treatment, design and use of sidewalks and pedestrian amenities shall be determined at time of site plan review. Prior to site plan approval, easements, acceptable to the planning department, shall be recorded across such improvements to allow public use.

    a. Sidewalks. Concrete sidewalks, with a minimum width of 5 feet, shall be provided within the right-of-way along roads in conjunction with adjacent development.

    b. Hardscaped Pedestrian Areas. In areas designated for neighborhood business on the comprehensive plan, for a building within 20 feet of a road with any portion of the building set back beyond 8 feet from the road, a decorative hardscaped pedestrian area shall be installed. The hardscaped area shall have a length equal to at least one-half the length of the building facade that is set back greater than 8 feet. The hardscaped area shall extend from such façade to as close as possible to the sidewalk along the road. Hardscaped pedestrian areas shall be designed to facilitate, and include amenities to support, outdoor gatherings and activities such as outdoor display of goods sold on the premises, dining, temporary vendors, civic or community events, or seating areas. The areas may also include, but are not limited to, pedestrian amenities such as foundation plantings, street furnishings, benches, bike racks and trash receptacles.

4. **Street Trees**. Street trees shall be installed along roads in conjunction with adjacent development in accordance with Sec. 19.1-252.

5. **Exterior Lighting**. In addition to the requirements of Sec. 19.1-205, lighting shall meet the following standards:

    a. Streetlights. Along sidewalks adjacent to roads, pedestrian scale streetlights shall be installed as follows:

        - Streetlights shall be designed to enhance the pedestrian character of the design district The design of fixtures, poles and lamps shall be generally consistent in the Special Design District;

        - Streetlights shall be spaced generally 40 feet on center; and

        - Fixture mounting heights shall be between 12 and 15 feet above finished grade. The mounting height shall be generally consistent in the Special Design District.

    b. Other Exterior Lighting. With the exception of pedestrian scale streetlights, exterior lighting shall comply with the following:

        - Exterior lighting shall be designed to enhance the character of the design district and be compatible with development standards of the district;

        - Freestanding lights shall not exceed a height of 20 feet above finished grade; and

- Building mounted lighting shall be no higher than the roofline or parapet wall.

6. **Drive-in or Drive-through Facilities.** Drive-in or drive-through facilities to include windows, bays or similar uses shall be located or designed so as to minimize their view from roads.

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Sec. 19.1-570. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

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Design districts, special: Areas shown on the zoning maps as having unique characteristics. Special design districts include Bon Air, Chester, Ettrick, Matoaca and Midlothian.

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(2) That this ordinance shall become effective immediately upon adoption.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

P. **16PJ0119 – Private Individual Onsite Water and Sewage Systems (Wells, Septic Tanks and Alternative Onsite Sewage)-Chapter 17 Code Amendment:** An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting and reenacting Secs. 17-9, 17-51, 17-72, 17-83 through 17-85 of the Subdivision Ordinance relating to private individual onsite water and sewage systems. This ordinance would eliminate the requirement for a 40,000 square foot lot for use of private onsite sewage system; and remove system installation requirements from the Subdivision Ordinance.

AND

16PJ0119 - Private Individual Onsite Water and Sewage Systems (Wells, Septic Tanks and Alternative Onsite Sewage) – Chapters 12 and 18 Code Amendments: An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting Secs. 12-1 through 12-4, 12-11 through 12-27, and 12-51 through 12-53 of the Health and Sanitation Ordinance, and Sec. 18-69 of the Water and Sewer Ordinance relating to private individual onsite water and sewage systems. This ordinance would eliminate the requirement for a 40,000 square foot lot for use of private onsite sewage system; bring system requirements into conformance with state law; add definitions and require system installation consistent with state law; clarify when sub divider submits documentation that proposed lot can accommodate an onsite sewage system; add setback requirements for onsite sewage systems from accessory structure, basement, building foundation, pool, retaining wall, in-ground utility line and property line; reduce setback requirements for onsite sewage systems from irrigation system; and add setback requirements for private wells from accessory structure, building foundation, drain field, reserve area, onsite sewage.

Mr. Ray Cash presented the amendments. These amendments came in part from an identified implementation step in the Comprehensive Plan. This Ordinance, among other things, eliminates lot size requirements for private, individual on-site septic systems, but does not affect overall development densities as recommended in the Comp Plan.

Dr. Wallin asked Mr. Cash to expand why this came about in the south central part of the county. Mr. Cash stated it came about during the last Comp Plan which does not recommend requiring the use of sewer in that area.

Mr. Mike Nannery with Utilities stated there is no plan for public sewer in the south central area of Chesterfield.

Mr. Sloan stated that if there is no infrastructure in place to hook up to water and sewer in areas where the Comp Plan indicates it is mandatory, how could this be implemented and why is it mentioned in the Comp Plan.

Dr. Wallin thanked Mr. Watts with the Health Department for helping during the Comp Plan to address water and septic being hooked up to existing lines.

Mr. Jackson asked Mr. Watts about modifications of setbacks for wells. Mr. Watts replied when a well is put too close to an adjacent property line it puts limitations on the use of the adjacent property.

In response to a question from Mr. Sloan, Mr. Watts, stated in the event a septic drain field fails, there is a backup plan for a second drain field.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Mr. Sloan, the Commission moved to recommend approval of 16PJ0119, to approve Amendments to Chapters 17 Subdivision Ordinance with changes in Addendum 1 and approval of Amendments to Chapter 12 Health and Sanitation Ordinance and Chapter 18 Water and Sewer Ordinance with changes in Addendum 2.

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY
AMENDING AND RE-ENACTING SECTIONS 12-1, 12-2, 12-3, 12-4, 12-11, 12-12, 12-13, 12-14, 12-15, 12-51, 12-52, 12-53, 17-9, 17-51, 17-72, 17-83, 17-85, AND 18-69; AND
REPEALING SECTIONS 12-16, 12-17, 12-18, 12-19, 12-20, 12-21, 12-22, 12-23, 12-24, 12-25, 12-26, AND 17-84
RELATING TO ONSITE SEWAGE DISPOSAL SYSTEMS AND PRIVATE WELLS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 12-1, 12-2, 12-3, 12-4, 12-11, 12-12, 12-13, 12-14, 12-15, 12-51, 12-52, 12-53, 17-9, 17-51, 17-72, 17-83, 17-85, and 18-69 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted, and Sections 12-16, 12-17, 12-18, 12-19, 12-20, 12-21, 12-22, 12-23, 12-24, 12-25, 12-26, and 17-84 of the Code of the County of Chesterfield, 1997, as amended, are repealed, to read as follows:

CHAPTER 12 - HEALTH AND SANITATION

ARTICLE I. - GENERAL PROVISIONS

Sec. 12-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

Approved method of sewage disposal: a properly installed and properly functioning plumbing system connected to either an approved public or privately-owned sewage disposal system; an approved properly installed individual onsite sewage system; or an approved properly installed direct discharge system.

Health department: the county health department director or his duly authorized representative.

Lot: As defined in Chapter 19.1.

Sewage: water-carried and non-water-carried human excrement, and kitchen, laundry, shower, bath, or lavatory wastes, separately or together with such underground surface, storm, and other water and liquid industrial wastes as may be generated from residences, buildings, vehicles, industrial establishments or other places.

Sec. 12-2. Location of approved method of sewage disposal.

Any approved method of disposal of sewage shall be located and constructed so that it will not endanger a source of drinking water, or be accessible to flies, other insects or animals.

Sec. 12-3. Approved methods of sewage disposal required for premises used for human habitation and other uses occupied by humans.

Any building or structure used for human habitation, any warehouse, public building, or other place where human beings congregate or are employed shall not be used, occupied, rented, or leased unless and until such building or structure is supplied or equipped with an approved method of sewage disposal.

Sec. 12-4. Sewage disposal systems designed to serve three or more connections.

Sewage disposal systems which are designed to serve three or more connections and which are not under the jurisdiction of the department of utilities shall not be constructed unless approved by the board of supervisors, the health department, and the environmental engineering department.

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ARTICLE II. ONSITE SEWAGE DISPOSAL SYSTEMS

Sec. 12-11. Definitions.

For the purposes of this article, the following words and phrases shall have the following meanings:

Alternative Onsite Sewage System or AOSS: a treatment works that is not a conventional onsite sewage system and does not result in a point source discharge.

Accessory Structure: a structure other than the principal structure; it includes, but is not limited to, a shed, garage, carport, deck, ramp, barn, or gazebo.

Buildable footprint: the portion of the building envelope depicted on plats or plans to be occupied by the structure, and that demonstrates the ability to comply with all standards for onsite sewage systems and not encroach upon the approved system.

Conventional Onsite Sewage System or COSS: a treatment works consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distribution subsurface drainfield.

Onsite Sewage System: treatment works designed not to result in a point source discharge. A system includes reserve area, sewer line, septic tank, treatment unit, conveyance line, distribution box, header line, drainfield, trenches, and disposal area.

Onsite Soil Evaluator: an individual licensed by the Department of Professional and Occupational Regulation as an Onsite Soil Evaluator. The person is licensed to evaluate soils and soil properties in relation to the suitability of the soils for locations for onsite sewage

Professional Engineer or PE: an individual licensed by the Department of Professional and Occupational Regulation as a Professional Engineer.

Repair system: an existing onsite sewage system that is either being repaired or replaced because of a system failure.

Reserve area: secondary drainfield site to be maintained as a site for a repair system.

Sec. 12-12. Conditions under which onsite sewage systems are allowed.

Subject to the provisions of Chapter 18, onsite sewage systems may be used for sewage disposal subject to the requirements of the Code of Virginia and as outlined herein.

Sec. 12-13. Onsite sewage system regulations.

1. Subdivision Construction Plans or Residential Parcel Subdivision Final Plats.

    a. At the time of submission of construction plans or residential parcel subdivision final plats, the subdivider shall submit a report for each proposed lot certifying that all proposed onsite sewage system sites on lots comply with the health department regulations and this chapter. The report shall be prepared by an onsite soil evaluator and include information required by the health department and in accordance with the Code of Virginia.

    b. The subdivider shall provide sufficient information regarding the location of the proposed onsite drainfield sites such that the health department can field verify the findings of the onsite soil evaluator. The sites shall be well marked on the lot. At the request of the health department, the onsite soil evaluator shall accompany the health department to the proposed drainfield and reserve area sites to locate them. The final plat will not be approved until the onsite review is completed. The health department shall advise the director of planning when the onsite review is completed and the plat is acceptable to the health department.

2. Building Permit. When any method of sewage disposal other than public wastewater is proposed, the building official shall not issue a building permit until after the health department has issued a permit to construct an onsite sewage system or other method of sewage disposal. The building permit shall state any restrictions or qualifications of the health department approval. Further, until the health department approves it, the building official shall not issue a building permit for any of the features shown in Table 1 in Section 12-13.6 when the property on which the feature is to be located or any adjacent property has a private onsite sewage system.

3. Except as stated below, a primary drainfield area and a reserve area shall be provided. The reserve area shall have capacity at least equal to that of the primary drainfield site; however, the health department may waive the requirement for a lot recorded prior to October 1, 1989 if sufficient space does not exist to accommodate the reserve area.

4. No portion of a septic system serving a lot or parcel of property may be located on another lot or parcel of property, unless such portion is located within a recorded easement.

5. An onsite sewage system serving a residential dwelling unit shall be designed for, and constructed with, the ability to dispose of waste from a garbage disposal unit. A conventional onsite sewage system accommodating a garbage disposal shall have a 1,250-gallon septic tank installed between the disposal unit and the designed septic tank.

6. Setbacks. Onsite sewage systems installed after (DATE OF ADOPTION) shall be set back from features located both onsite and offsite as outlined in Table 1. Further, any feature shown in Table 1 constructed after (DATE OF ADOPTION) shall be set back from onsite sewage systems the distances as outlined in Table 1. However, a repair system may encroach into the setbacks shown in Table 1 provided the encroachment is no further into the required setbacks than the existing system. The health department may grant exceptions to these setback requirements based upon unique circumstances such as, but not limited to, environmental constraints, topography, or other physical features, provided that such exceptions shall not result in noncompliance with state regulations.

Table 1. Minimum Setback Requirements

Feature	Setback (feet)
Accessory structure	10
Basement	20
Building foundation	10
Irrigation System	10
Pool-above ground	10
Pool- in ground	20
Private well	50
Property line	10
Retaining wall	5
Utility line-in ground	10

7. Prohibitions.

a. The following materials shall not be disposed of in an onsite sewage system:

- Hazardous chemicals as defined by Statewide Fire Prevention Code;
- Petroleum products;
- Insecticides;
- Fungicides;
- Embalming fluids; and
- Photography developing fluids.

b. No part of an onsite sewage system shall be covered with a building; garage; or relatively or completely impervious structures such as driveways, patios,

blacktop or other hard-surfaced areas or stationary built-in-place outdoor cooking facilities. The health department may grant exceptions to this prohibition if the system is designed to withstand specified loads and contains approved access manholes to each section of the system.

c. Onsite sewage system sites shall not encroach into, or be encroached upon, by easements, resource protection areas, buffers or construction limits of roads.

d. A garbage disposal unit shall not be connected to an onsite sewage system except as provided in Section 12-13.5.

Sec. 12-14. Maintenance and repair of onsite sewage systems.

1. Conventional onsite sewage systems which do not require a Virginia Pollution and Discharge Elimination System (VPDES) permit shall be maintained as follows:

   a. the system shall be pumped out at least once every 5 years; or
   b. the owner shall submit documentation from an operator or onsite soil evaluator that the septic system has been inspected, is functioning properly, and the tank does not need to be pumped for at least 2 years.

2. If public wastewater is not available, an existing onsite sewage system for an existing building shall be permitted to be replaced in the same general location provided the new system conforms to all other applicable regulations. If public wastewater is available, connection to the public system shall be required if the existing system requires replacement.

3. Alternative onsite sewage systems shall be maintained in accordance with state regulations.

4. Failure to Maintain. If the county administrator, or an official designated by him, determines that a system has not been maintained in accordance with requirements 1 through 3 of this section, the health department shall notify the property owner of the violation and the requirement to correct the violation. The notice shall be sent by certified mail, return receipt requested, to the address of the owner listed in the real estate tax records. If the violation is not corrected within 30 days after the notice, the county administrator or his designee may correct the violation. The cost of such correction plus an administrative fee shall be billed to the property owner. If not paid within 30 days, the costs shall be added to and collected in the same manner as the real estate tax on the property. In addition, the county administrator or his designee shall certify to the clerk of the circuit court that the costs have not been paid and the clerk shall record such in the judgment lien docket book.

5. Contractor Requirements.

   a. Equipment. Equipment for cleaning operations shall be inspected and approved by the health department and conform to the following:

- the tank into which the sludge is pumped, delivered, and carried shall be fully enclosed and watertight;

- inlets and outlets to tanks shall be fully enclosed and provided with watertight valves;

- suction and discharge hoses shall be watertight and provisions shall be made for carrying the equipment to prevent any leakage from the hose;

- exposed surfaces shall be painted and maintained in a sanitary condition by frequent washings; and

- the name and address of the person owning or operating the equipment and the number assigned by the health department shall be painted on the equipment in letters at least 4 inches high.

b. Disposal of Sludge. Sludge and other material removed from onsite sewage systems shall be disposed of into a sewage system or sewage treatment plant, at such designated locations and under such conditions as may be approved by the health department. All persons who engage in the onsite sewage cleaning business shall provide the health department with the name, address and location of the site where the sludge and other material will be deposited. The health department shall approve the disposal site before any disposal takes place. The sludge or other material shall be carefully deposited, and the surface of the ground, manholes and tanks into which the deposit is made shall be maintained in a sanitary condition. Spilled sludge or other material shall be promptly and completely removed.

Sec. 12-15. Abatement of unsanitary conditions.

If any person violates this article or the provisions of a permit issued pursuant to this article, or if an onsite sewage system, privy, closet, toilet, drainage system, or any part thereof is found to be detrimental to life or health, the health department shall issue an order to the owner and/or occupant of the premises to abate, remove, suspend, alter, improve or otherwise correct the condition or violation specified in the order.

Secs. 12-16—12-40. Reserved.

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ARTICLE IV. PRIVATE WELLS

Sec. 12-51. Definitions.

For the purposes of this article, *"private wells"* means a source of supplying water to one lot.

Sec. 12-52. Conditions under which private wells are allowed.

Subject to the provisions of Chapter 18, private wells may be used to provide water for domestic consumption subject to the requirements of the Code of Virginia, and as outlined herein, provided that any lot recorded on or after September 14, 1988 is at least 1 acre in size.

Sec. 12-53. Private well regulations.

1. Residential Subdivision. If required by the health department, a hydrologic study for a proposed residential subdivision shall be conducted which provides a scientific determination of the quality and quantity of potable water in the underlying aquifer under both normal and drought conditions.

2. Building Permit. For lots to be developed with private wells, developed springs, or cisterns, the building official shall not issue a building permit until after the health department has approved the location, facility and water completion report. The building permit shall state any restrictions or qualifications of the health department approval.

3. No portion of a private well or water line serving a private well shall be located on another lot unless such portion is located within a recorded easement.

4. Setbacks. Wells installed after (DATE OF ADOPTION) shall be set back from features located both onsite and offsite as outlined in Table 1. Further, any feature shown in Table 1 constructed after (DATE OF ADOPTION) shall be set back from wells the distances as outlined in Table 1. However, a replacement well may encroach into the setbacks shown in Table 1 provided the encroachment is no further into the required setbacks than the existing well. The health department may grant exceptions to these setback requirements based upon unique circumstances such as, but not limited to, environmental constraints, topography, or other physical features, provided that such exceptions shall not result in noncompliance with state regulations.

Table 1. Minimum Setback Requirements		
Feature	Setback (feet)	
	Class III C or IV Private Well	Class III A or B Private Well
Accessory structure	50	50
Building foundation	50	50
Drainfield or reserve area	100	50
Onsite sewage system (except drainfield or disposal area)	50	50
Pool	10	10
Property line	50	25
Utility lines, in ground	10	10
Other Contaminant sources*	100	50

*The term "other contaminant sources" includes, but is not limited to, underground storage tanks, animal containment areas and hog lots.

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CHAPTER 17 SUBDIVISION

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Sec. 17-9. Fees. In addition to any other required fees, including those fees imposed by state agencies, the fees provided in this section shall be submitted to the planning department in conjunction with the specified application or request.

Application Type		Fee (in dollars)
Preliminary Subdivision Plat	Initial Submittal plus 2 Revision Submittals	1000 plus 50 per lot
	Fourth and Subsequent Submittals	900
Overall Conceptual Plan (submitted for review separate from Preliminary Subdivision Plat)	Initial Submittal plus 2 Revision Submittals	1100
	Fourth and Subsequent Submittals	900
Construction Plan Review	Initial Submittal plus 2 Revision Submittals	1400 plus 70 per lot or parcel
	Fourth and Subsequent Submittals	1000
	Table Review	350
Construction Plan Adjustment		500 per submittal
Lot Subdivision Final Plat		1600 plus 30 per lot
Minor Subdivision Final Plat		1600 plus 30 per lot
Amended or Line Modification Final Plat		85 per lot or parcel
Residential Parcel and Family Subdivision Final Plat		100 per lot or parcel
Onsite Sewage ~~Disposal~~ System Soils Analysis Review		155 per lot or parcel
Major Change to Approved Plat		1000 per submittal
Technical Correction Letter per Requested Change		100
Exceptions to Subdivision Requirements Sec. 17-8		1000 per ordinance section[1]
Deferral Request from Planning Commission Public Hearing/Meeting		1000 for first deferral plus 2000 for each deferral thereafter[2]
Written Verification of Subdivision or Subdivision Interpretation		150

[1] This fee is in addition to fees applicable to a subdivision plat review.
[2] Fee to be paid by applicant requesting or consenting to deferral.

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Sec. 17-51. Residential parcel subdivision final plat.

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B. <u>Procedure.</u>

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3. Residential parcel subdivisions shall be reviewed by the director of planning and the following personnel, as applicable:

   a. The director of transportation, if any proposed lot or parcel abuts an existing street. Right-of-way shall be dedicated along existing streets adjacent to all proposed lots or parcels, as required by the director of transportation.

   b. The director of environmental engineering, for review of storm drainage and environmental features authorized by the Code.

   c. The health department, if any proposed lot or parcel would be served by private wells or onsite sewage systems.

   d. The director of utilities, if any proposed lot or parcel would be served by public water or sewer.

   e. The utilities right-of-way office for street right-of-way dedication and utility easement review.

   f. The fire marshal, to verify compliance with Chapter 10, Fire Protection Code and Sec. 17-76 for street access requirements.

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Sec. 17-72. Improvements--Required.

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o o o

Sec. 17-83. Minimum requirements.

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B. Lots or parcels to be served by onsite sewage systems or private wells shall comply with the regulations of the state health department and Chapter 12 of the Code.

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Sec. 17-84. Reserved.

Sec. 17-85. Definitions.

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D. The following definitions shall apply to this chapter:

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Buildable footprint: The portion of the building envelope depicted on plats or plans to be occupied by the structure, and that demonstrates the ability of the subdivider to comply with Chapter 12 relative to onsite sewage systems and private wells, and the requirements of Chapter 10, Fire Protection Code relative to fire access.

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Onsite sewage system: As defined in Chapter 12, Article II of the Code.

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Well, private: As defined in Chapter 12, Article IV of the Code.

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CHAPTER 18 – WATER AND SEWERS

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Sec. 18-69. Substances that shall not be deposited in the wastewater system.

No person shall discharge, deposit or permit to be discharged or deposited any of the substances listed in section 12-13.7.a into the wastewater system, except in accordance with article IV.

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(2) That this ordinance shall become effective immediately upon adoption.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

X. OTHER BUSINESS.

There was no other business discussed.

XI. CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

There were no citizen comments on unscheduled matters.

XII. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Sloan, seconded by Ms. Freye that the meeting adjourned at 8:07 p.m. to Tuesday, June 21, 2016 at 3:00 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

_____ _____

Chairman/Date Secretary/Date