

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. January 9,
4 2014, Display Notice having been published in the Richmond Times-Dispatch on
5 December 23, 2013 and December 30, 2013.
6

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

Member Absent: Mr. Richard W. Glover,
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. Michael Kennedy, County Planner
Mr. John Cejka, Traffic Engineer, Public Works
Ms. Sylvia Ray, Recording Secretary

7
8 Mrs. Jones - I'd like to call the meeting of the Planning Commission
9 to order, our rezoning meeting for January 9, 2014. Happy new year to everyone.
10 This is our first meeting of the year. And as such, we do have a regular agenda,
11 but we will also have a number of housekeeping issues that we tackle at the first
12 meeting of each calendar year.
13

14 I do believe—no, we have no one here from the press. We do have all of our
15 commissioners here with us this evening. And we do have a quorum, so we can
16 conduct business. Our supervisor, who has been with us for all of 2013,
17 Mr. Glover from the Brookland District, most likely will not be able to join us
18 today. So we will start our proceedings now.
19

20 I ask you to please turn off your cell phones or mute them as a courtesy to
21 others. And as you do that, please rise with me and pledge allegiance to our flag.
22

23 Thank you all very much. So with that, I would like to turn the meeting over to our
24 secretary, Mr. Emerson.
25

Mr. Emerson - Thank you, Madam Chair. First on your agenda this evening are the requests for withdrawals and deferrals. Those will be presented by Mr. Jim Strauss.

Mr. Strauss - Thank you, Mr. Secretary. The first request for deferral this evening is in the Varina District. It's on page two of the agenda. It's case REZ2013-00022. It's D. Bryant Gammon. The applicant is requesting a deferral to the February 13, 2014 meeting.

(Deferred from the December 5, 2013 Meeting)

REZ2013-00022 **D. Bryant Gammon:** Request to conditionally rezone from R-3 One-Family Residence District to B-1C Business District (Conditional) Parcel 815-688-4303 containing 1.88 acres located on the north line of New Market Road (State Route 5) approximately 970' west of its intersection with Strath Road. The applicant proposes retail uses. The uses will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Commercial Concentration and the site is located in the Varina Village Mixed-Use/Village Special Focus Area. The site is in the Airport Safety Overlay District.

Mrs. Jones - Is there anyone in the audience who is opposed to the deferral of REZ2013-00022, D. Bryant Gammon? No opposition.

Mr. Leabough - Madam Chair, I move for the deferral of REZ2013-00022, D. Bryant Gammon. I move that it be deferred to the February 13, 2014 meeting at the applicant's request.

Mr. Witte - Second.

Mrs. Jones - I have a motion by Mr. Leabough, second by Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

At the request of the applicant, the Planning Commission deferred REZ2013-00022, D. Bryant Gammon to its meeting on February 13, 2014.

Mr. Strauss - Again in the Varina District, we have a request for a deferral. This is on page two of the agenda, REZ2013-00023, Michael Sifen Incorporated. The applicant is requesting a deferral to the March 13, 2014 meeting.

(Deferred from the December 5, 2013 Meeting)

REZ2013-00023 **James W. Theobald for Michael D. Sifen, Inc.:** Request to conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence District (Conditional) Parcel 821-678-7061 containing 79.813 acres located at the northwest intersection of Buffin and Kingsland Roads. The

72 applicant proposes a single-family residential development of no more than 120
73 units. The use will be controlled by proffered conditions and zoning ordinance
74 regulations. The 2026 Comprehensive Plan recommends Suburban Residential
75 1; density should not exceed 2.4 units per acre, and Environmental Protection
76 Area. The site is in the Airport Safety Overlay District.

77
78 Mrs. Jones - Is there opposition to the deferral of REZ2013-00023,
79 James W. Theobald for Michael D. Sifen, Inc.? There is no opposition.

80
81 Mr. Leabough - Madam Chair, I move that REZ2013-00023, James
82 W. Theobald for Michael D. Sifen, Inc., be deferred to the March 13, 2014
83 meeting at the applicant's request.

84
85 Mr. Witte - Second.

86
87 Mrs. Jones - I have a motion by Mr. Leabough and a second by
88 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion
89 passes.

90
91 At the request of the applicant, the Planning Commission deferred REZ2013-
92 00023, James W. Theobald for Michael D. Sifen, Inc., to its meeting on March
93 13, 2014.

94
95 Mr. Strauss - And finally in the Brookland District, we have a
96 request for deferral on page three of the agenda, REZ2013-00002, Yunus Vohra.
97 The applicant is requesting a deferral to the March 13, 2014 meeting.

98
99 **(Deferred from the November 14, 2013 Meeting)**

100 **REZ2013-00002 Cameron Palmore for Yunus Vohra:** Request to
101 conditionally rezone from A-1 Agricultural District and R-2A One-Family
102 Residence District to R-2AC One-Family Residence District (Conditional) Parcels
103 764-760-9037, 764-760-8515, 765-760-1906, and 765-760-0929 containing 5.14
104 acres, located on the south line of Hungary Road at its intersection with Hastings
105 Mill Drive. The applicant proposes a single-family residential development not to
106 exceed ten residential units. The R-2A district allows a minimum lot size of
107 13,500 square feet and a maximum gross density of 3.22 units per acre. The use
108 will be controlled by proffered conditions and zoning ordinance regulations. The
109 2026 Comprehensive Plan recommends Suburban Residential 2; density should
110 not exceed 3.4 units per acre.

111
112 Mrs. Jones - Is there anyone with us this evening in opposition to
113 the deferral of this case REZ2013-00002, Cameron Palmore for Yunus Vohra?
114 We do have opposition. What we will do is to take this case off of the deferrals
115 and hear it, or should we bring folks down now?

117 Mr. Emerson - I would go ahead and hear from the opposition now
118 as to why they're opposing deferral, Madam Chair.

119
120 Mrs. Jones - Okay. What I'd like to ask you to do, if you would
121 please, is to come forward. When we do have public discussion, we limit that to
122 ten minutes. So if you could have your comments not be the same, please let us
123 know one by one what your opposition is to the deferral of this case. Okay?
124 Come forward. These are recorded proceedings, so if you wouldn't mind stating
125 your name, please, for the record.

126
127 Mr. Lucas - Yes ma'am. William Lucas, Jr. I live at 9400 Hoehns
128 Road.

129
130 What I'd like to say is on August 30, 2013, a sign notifying the public of the
131 hearing for rezoning request for this property was posted outside at the end of
132 Hoehns Road. That's nearly five months ago. If the purpose of the sign is to draw
133 public attention, at this point I think the neighborhoods and the community
134 around it have gotten numb to it or lost interest.

135
136 We've attended two prior meetings where requests for deferral have been made
137 by Mr. Vohra, and a public meeting held by Balzer and Associates, a reputable
138 and capable developer for him. To date, neither Mr. Vohra, Balzer and
139 Associates, or legal counsel for Mr. Vohra have been able to make any progress
140 with resolving the Hoehns Road hurdle with this proposed development and do
141 not show any signs of resolving this issue in the foreseeable future. We've gotten
142 no indication that there is anything going that is going to help him with that.

143
144 Without Hoehns Road, Mr. Vohra's development is not viable, and therefore
145 there is no need for rezoning. I'd like to ask the Planning Commission to
146 withdraw Mr. Vohra's zoning request, rather than defer it, and he can reapply at
147 some point if he finds a solution.

148
149 Thank you.

150
151 Mrs. Jones - Are there questions for Mr. Lucas? All right. Would
152 someone else like to make further comment about your opposition to the
153 deferral? You may come forward and do that at this time, if you'd like.

154
155 Mr. Ray - My name is John Ray, and I also live on Hoehns
156 Road. I just want to second exactly what he said, that I agree with what he said.
157 We would like for it to be discontinued—not postponed, but discontinued until
158 they clear up the problems they have with the zoning. That's all. Thank you.

159
160 Mrs. Jones - All right. Anything for Mr. Ray? All right. Thank you,
161 Mr. Ray. I do need to note for the record that I will not be voting on this case. I do

162 have a representational conflict. We have one more person who would like to
163 come forward?
164

165 Ms. Wright - My name is Sylvia Wright. I'm actually the designated
166 21st Century exclusive owner—dominant landowner of this right-of-way itself.
167 Basically, what is going on is a problem in the terms of how Mr. Vohra purchased
168 some of the greenhouse property and I actually brought a handout. Seth, do you
169 mind sharing this with the Board?
170

171 Mr. Emerson - Ms. Wright, this really is in relation to the deferral of
172 the case?
173

174 Ms. Wright - Yes sir. Actually, it's the reason as to why it should be
175 deferred. Basically, the title insurance company identified ten major issues with
176 the purchase. During this almost two-year time period now, we have walked in
177 circles with Mr. Vohra and have not been able to come up with any kind of
178 resolution for it. Now as the executive exclusive owner of the right-of-way, I can
179 work with him on that. But I'm also one of the twenty-some Bolton Hoehns
180 [0:08:20]* heirs who have a shared ownership in this property, and Mr. Vohra's
181 done nothing to resolve that. He has a mortgage agreement with the original
182 seller that actually prohibits him from being able to divide and sell this property,
183 and he would be in immediate breach of contract if he moves forward with this.
184

185 So there are legal, civil, as well as criminal issues that are presently pending that
186 have been generated off of this. And I just don't see this as something that's
187 going to happen in the next sixty days. I think we need to just put it aside and
188 start working through what other channels that we have to try to bring some kind
189 of resolution to this so that we can have an ethical land use.
190

191 Mrs. Jones - Thank you.
192

193 Ms. Wright - Anybody have any questions?
194

195 Mr. Emerson - Madam Chair, I would have to note on this that these
196 are not items that can be considered by the Commission. These are legal, civil
197 matters and are not within the purview of this group. So therefore, these should
198 not enter into your thought process. It is not in front of you tonight to withdraw
199 this case; that's not within your power. That's only within the power of the
200 applicant themselves to withdraw. Your action can be either to defer, as per the
201 request, defer and possibly add time to the deferral. But, of course as you know,
202 that would eat into your allotted time legally to defer, so I would not suggest you
203 do that since you have a sixty-day request in front of you. You could hear the
204 case. You could either approve it or deny it. But those are your options.
205

206 Mrs. Jones - Are there questions or comments from the
207 Commission?

208
209
210 Mr. Archer - Madam Chair, is there someone here that could argue
211 the case for the applicant?
212
213 Mr. Witte - That was my concern, if Mr. Vohra doesn't have
214 representation here. Are you representing Mr. Vohra?
215
216 Mr. Palmore - [Speaking off microphone.] Yes sir. I'm Cameron
217 Palmore.
218
219 Mr. Branin - Sir, you have to come down.
220
221 Mrs. Jones - If you would please come to the podium, thank you.
222
223 Mr. Palmore - Yes. My name's Cameron Palmore from Balzer and
224 Associates, and I am here to represent Mr. Vohra.
225
226 Mrs. Jones - Are there questions for Mr. Palmore?
227
228 Mr. Branin - No. I think that our secretary has explained the legal
229 parameters that we have in not being able to address—we can't withdraw a case.
230 We legally, as a Commission, cannot withdraw a case; it has to be up to the
231 applicant. So, Mr. Witte.
232
233 Mr. Witte - Well, in that case, Madam Chair, I move for deferral of
234 case REZ2013-00002, Cameron Palmore for Yunus Vohra, at the request of the
235 applicant, to the March 13, 2014 meeting.
236
237 Mr. Leabough - Second.
238
239 Mrs. Jones - Motion by Mr. Witte, second by Mr. Leabough. All in
240 favor, 4-0 (one abstention). All opposed say no. I abstain. That would be
241 recorded as four ayes and one abstention. That motion passes.
242
243 At the request of the applicant, the Planning Commission deferred REZ2013-
244 00002, Cameron Palmore for Yunus Vohra, to its meeting on March 13, 2014.
245
246 Mr. Branin - Can I ask staff? Seth, could you get with the people in
247 the back because I understand their frustration of having to come back and the
248 sign being there so long and it being deferred. Can staff work at keeping them
249 notified of a deferral, because we should know if this is going to be deferred
250 again. Because we wouldn't take an action without you all being here. If we say
251 it's going to be deferred, and allow you the time so you don't have to come. Trust
252 us that it wouldn't be heard if we're telling you that the applicant has requested
253 that it be deferred again.

254
 255 Mr. Lucas - [Speaking off microphone; unidentified.] Can I ask
 256 [inaudible]? [Speaking on microphone.] My question would be—I understand you
 257 say that legally you can't withdraw it. At what point could you all have the option
 258 to either defer or not to defer based on our comments, at some point if it
 259 becomes month after month after month? When could you actually not defer this
 260 case, or when would you not choose to defer it?
 261
 262 Mr. Branin - Speaking on behalf of the district and the secretary—
 263 and the other commissioners will probably agree—we don't make it a regular
 264 practice to restrict people from deferring and working out whatever issues they
 265 have simply because if we did make that a practice, it could be seen as unfair.
 266 So it is up to the applicant. As long as the applicant wants to keep paying to
 267 defer, he has that legal right.
 268
 269 Mr. Lucas - Okay. All right, thank you.
 270
 271 Mr. Branin - And knowing that, that's why I asked staff to get
 272 everyone's names. It's a waste of your time to come here and hear it's being
 273 deferred, it's being deferred.
 274
 275 Mr. Lucas - Right. And I think Seth had.
 276
 277 Mr. Branin - So if the County can keep better in touch with you,
 278 then it can help with your frustration.
 279
 280 Mr. Lucas - Right. I understand.
 281
 282 Mr. Branin - Okay?
 283
 284 Mr. Lucas - Thank you.
 285
 286 Mr. Archer - Excuse me, sir, before you go back. Have you all
 287 always been notified of the deferrals when they're—
 288
 289 Mr. Lucas - Well, I believe Seth notified—
 290
 291 Mr. Archer - Or have you come down here—
 292
 293 Mr. Lucas - —Ms. Wright, my mother-in-law. So yes, he has
 294 notified her, and she kind of distributes to us if he hasn't notified us directly. We
 295 don't receive a notice in the mail; I'm not sure if we're supposed to or not. We're
 296 on Hoehns Road. We're not necessarily adjacent to the property, but we're off of
 297 Hoehns Road.
 298

299 Mr. Archer - I just say that because we generally try to keep
 300 people from traveling here if the case is not going to be heard.
 301

302 Mr. Lucas - Well, one thing is the sign has been out for so long.
 303 The community across the street was interested when this first went out on
 304 August 30th, but at this point, they've kind of written it off. They're not here to
 305 support us. And it's not really affecting them other than something may happen in
 306 their community. The purpose of the sign is kind of to bring attention to the case
 307 that's coming up.
 308

309 Mr. Branin - And you also have to understand the legal
 310 parameters with that. As long as this case is in play, that sign has to remain
 311 because you all have to be notified that this is under review, and it is coming to
 312 our attention, and we are looking at it. So we're not going to take the sign down
 313 because legally we have to have that out there as well.
 314

315 Mr. Lucas - Right. I mean based on what you're saying,
 316 essentially deferral is really never an option. Or what circumstances would a
 317 deferral ever be a possibility?
 318

319 Mr. Branin - It is being deferred, sir. And it has been deferred.
 320

321 Mr. Lucas - Excuse me. Not a withdrawal, but a not being
 322 deferred.
 323

324 Mr. Branin - As soon as the applicant withdraws it himself.
 325

326 Mr. Lucas - So that's a withdrawal. Okay, gotcha. Thank you.
 327

328 Mr. Emerson - Madam Chair, I believe that completes our deferrals
 329 and withdrawals. Mr. Strauss, is that correct?
 330

331 Mr. Strauss - Staff is not aware of any other requests at this point.
 332

333 Mrs. Jones - All right.
 334

335 Mr. Emerson - Madam Chair, we have no requests for expedited
 336 items. And that takes us to our next item, which is your reorganization and
 337 election of chairman for the 2014 calendar year.
 338

339 Mrs. Jones - These are the housekeeping issues to which I
 340 referred earlier. It is the way we begin our yearly meetings every year. I will go
 341 ahead and turn this over to you.
 342

343 Mr. Emerson - Okay, we'll see how this goes. I get to hit the gavel,
 344 how about that.

345
 346 Mr. Branin - Once a year, sir.
 347
 348 Mr. Emerson - Once a year, so watch out.
 349
 350 Mr. Branin - The power is in your hand once a year.
 351
 352 Mr. Emerson - Watch out, you're in trouble now.
 353
 354 Mr. Branin - Don't forget it.
 355
 356 Mr. Emerson - We'll proceed to open the floor for a motion for
 357 nomination for Chairman.
 358
 359 Mr. Branin - I'd like to move nominate Eric Leabough from the
 360 Varina District for Chairman.
 361
 362 Mr. Archer - Second.
 363
 364 Mr. Emerson - There's a nomination of Mr. Leabough by Mr. Branin
 365 and a second by Mr. Archer. Are there any other nominations?
 366
 367 Mr. Archer - I move for closure on the nominations, Mr. Secretary.
 368
 369 Mr. Branin - Second.
 370
 371 Mr. Emerson - Nomination are closed—all in favor?
 372
 373 All - Aye.
 374
 375 Mr. Emerson - Nominations are closed. I now need a motion for
 376 election of chairman.
 377
 378 Mr. Archer - I move to elect Eric Leabough for Chairman.
 379
 380 Mr. Branin - And I second.
 381
 382 Mr. Emerson - So we have a motion and a second to elect
 383 Mr. Leabough as the Commission's Chairman for calendar year 2014. All in
 384 favor. All opposed.
 385
 386 Congratulations, Mr. Leabough. It is now your meeting for election of Vice-
 387 Chairman.
 388
 389 Mr. Leabough - I will entertain a motion for the nomination for
 390 Planning Commission vice-chair.

391
 392 Mr. Archer - Mr. Chairman, I move to nominate Mr. Robert Witte
 393 as vice-chair for 2014.
 394
 395 Mr. Branin - Second.
 396
 397 Mr. Leabough - We have a motion by Mr. Archer, a second by
 398 Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
 399 passes.
 400
 401 Now may I have motion for the election of vice-chair.
 402
 403 Mrs. Jones - I so move.
 404
 405 Mr. Branin - Second.
 406
 407 Mr. Leabough - We have a motion by Mrs. Jones, second by
 408 Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
 409 passes. Mr. Witte, you're our vice-chair.
 410
 411 Mrs. Jones - Congratulations, sir.
 412
 413 Mrs. Jones - Mr. Chairman, before we move on to the regular
 414 agenda, those of you who know me well know I never turn down an opportunity
 415 to talk. I simply wanted to say thank you to all of you for making my past year an
 416 orderly, smooth, respectful, and professional one. I enjoy working on this
 417 Commission, and being its Chairman was certainly a privilege. So thank you all
 418 for being with me in this endeavor. It was my pleasure to do it, and I wish you
 419 well, Mr. Leabough, as you take the reins for this year.
 420
 421 Mr. Branin - Mr. Chairman, may I make a comment, please? For
 422 all of you who are in the room—staff knows as well, but there are many that have
 423 watched this process for years and years and years—Mr. Theobald—and know
 424 that it is customary that we always get up, and as a Commission we thank our
 425 outgoing chairperson and welcome our new. Because we have such a humble
 426 chairperson that is leaving, she has requested no gift and no words. But as she
 427 likes to speak, I like to speak more. So, on behalf of the Commission,
 428 Madam Chair, ex-Madam Chair, thank you—
 429
 430 Mrs. Jones - Madam ex-Chair.
 431
 432 Mr. Branin - Madam ex-Chair. Thank you for your service. Thank
 433 you for keeping this Commission orderly, and especially keeping me straight on a
 434 regular basis.
 435
 436 Mr. Archer - I don't know how well she did with that.

437
 438 Mr. Branin - That's under question still, how well you did keeping
 439 me straight. And we truly appreciated your leadership and your dedication that
 440 you showed us this past year.
 441
 442 Mrs. Jones - Thank you very much.
 443
 444 Mr. Archer - Madam, may I echo that and also say that you guided
 445 us so very well during the year. You have a very user-friendly demeanor, and it
 446 stayed within our comfort zone. We appreciate it. We were going to give you a
 447 motor home, too, by the way.
 448
 449 Mrs. Jones - Oh, well.
 450
 451 Mr. Witte - Can somebody explain to me what somebody—I
 452 heard somebody say that she was a rose among the thorns.
 453
 454 Mrs. Jones - I didn't hear that, what a nice thing. All right. Thank
 455 you all very much.
 456
 457 Mr. Emerson - Madam Chair, I would also like to add from my
 458 perspective and staff's perspective, thank you very much for a very successful
 459 year. And support and working with you as always is a pleasure.
 460
 461 Mrs. Jones - Thank you. I appreciate those kind words.
 462
 463 Mr. Leabough - Big shoes to fill. I don't think there is anybody up here
 464 that works harder than you in terms of reviewing cases and visiting sites, so
 465 definitely big shoes to fill. We appreciate your leadership. One of the things I've
 466 admired about you as a commissioner is that you always are fair. You've always
 467 done a good job of communicating with the community. Even if you make a
 468 decision that they may not agree with, they at least understand where you're
 469 coming from. So I appreciate that. And again, I have big shoes to fill and hope I
 470 am able to do that this year. And thank you all for the nomination; I appreciate
 471 that.
 472
 473 Mrs. Jones - Thank you. I think it'll be another good year. We hope.
 474
 475 Mr. Witte - I think everybody said about everything that could be
 476 said.
 477
 478 Mrs. Jones - I'm fine. Thank you.
 479
 480 Mr. Archer - Unless you want to say something about yourself.
 481
 482 Mrs. Jones - I'm a little embarrassed.

483
484 Mr. Witte - It's bad to be the last one.

485
486 Mr. Emerson - Mr. Chairman, congratulations to both you and the
487 new vice-chairman. And we'll move on to our first item on the agenda.

488
489 **SUBDIVISION**

490
SUB2013-00219
West Broad Village
(January 2014 Plan)
3920 - 3930 Village
Commons Walk

Bay Companies, Inc. for Eagle Construction of Virginia, LLC and West Broad Village II, LLC:
The 0.202-acre site proposed for a subdivision of 6 residential townhouses for sale is located on the east line of Village Commons Walk (private), south of Old Brick Road (private), on parcels 741-760-2791, 741-760-2584, 741-760-2688, 741-760-2581, 741-760-2686, and 741-760-2479. The zoning is UMUC, Urban Mixed Use District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt) 6 Lots**

491
492 Mr. Leabough - Is there anyone here in opposition to SUB2013-
493 00219, West Broad Village (January 2014 Plan)? No opposition. Mr. Kennedy?

494
495 Mr. Kennedy - Thank you, Mr. Chairman, members of the
496 Commission. Happy New Year.

497
498 Planning Commission approval of the proposed conditional plat would permit
499 correction of a minor field survey error that occurred in the staking of the six lots
500 in West Broad Village, Section 12. Due to a field staking error, the foundations of
501 the block were staked six inches into a twenty-nine-foot-wide utility easement.
502 This plat will permit revision of the recorded plat, substituting a twenty-eight-foot
503 easement for the twenty-nine-foot easement that was previously recorded.

504
505 The Department of Public Utilities has no opposition to the request, and staff
506 recommends approval.

507
508 Mr. Leabough - Mr. Branin, would you like to hear from the applicant?

509
510 Mr. Branin - No. Well, yes. Is the applicant here or a
511 representative? Oh, good. Would you please come down? Sir, could you come
512 up here real quick? This is a pencil for you so next time you're drawing your
513 lines, you draw them a little better. Okay? An official Henrico pencil. Thank you.

514
515 With that, Mr. Chair, I'd like move that SUB2013-00219, West Broad Village
516 (January 2014 Plan), the change on the plans for the easement, be approved.

518 Mr. Leabough - Motion by Mr. Branin.
 519
 520 Mrs. Jones - Second.
 521
 522 Mr. Leabough - We have a motion by Mr. Branin, second by Mrs.
 523 Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
 524 passes.
 525
 526 The Planning Commission granted conditional approval to SUB2013-00219,
 527 West Broad Village (January 2014 Plan), subject to the standard conditions
 528 attached to these minutes for subdivisions served by public utilities, the
 529 annotations on the plans, and the following additional condition:
 530
 531 15. The proffers approved as a part of zoning cases C-12C-06 and P-02-06
 532 shall be incorporated in this approval.
 533
 534 Mr. Emerson - Mr. Chairman that now takes us to the next item on
 535 page two of the agenda REZ2013-00014.
 536
 537 **Deferred from the December 5, 2013 Meeting)**
 538 **REZ2013-00014 HHHunt Communities:** Request to conditionally
 539 rezone from A-1 Agricultural District to R-3C One-Family Residence District
 540 (Conditional) Parcels 751-773-2046, 750-773-3322, and part of 749-771-6494
 541 containing 56.43 acres located at the southern terminus of Holman Ridge Road
 542 between the northeast terminus of Opaca Lane and the Chickahominy River. The
 543 applicant proposes a single-family residential development not to exceed 100
 544 residential units. The R-3 district allows a minimum lot size of 11,000 square feet
 545 and a maximum gross density of 3.96 units per acre. The use will be controlled
 546 by proffered conditions and zoning ordinance regulations. The 2026
 547 Comprehensive Plan recommends Suburban Residential 2; density should not
 548 exceed 3.4 units per acre, Office, Rural Residential, and Environmental
 549 Protection Area. The staff report will be presented by Mr. Seth Humphreys.
 550
 551 Mr. Leabough - Is there anyone here in opposition to REZ2013-
 552 00014, HHHunt Communities? There is no opposition. Mr. Humphreys? Oh, I'm
 553 sorry.
 554
 555 Male - [Speaking off microphone.] I have a question. It's not
 556 really in opposition.
 557
 558 Mr. Leabough - Okay. We'll have the Planning staff, Mr. Humphreys,
 559 present the case, and then you can come up. Thank you. Mr. Humphreys?
 560
 561 Mr. Humphreys - Thank you, Mr. Chairman.
 562

563 This request is to rezone approximately 56.43 acres from A-1 to R-3C to allow
564 the development of up to 100 single-family residences. The subject property is
565 located at the southern terminus of Holman Ridge Road between the northeast
566 terminus of Opaca Lane and the Chickahominy River.

567
568 The northern property line is the county's boundary with Hanover County and
569 Martin's Ridge single-family subdivision, which was rezoned via C-46C-07, is
570 under construction to the west. A parcel containing a horse farm and single-
571 family home adjoins the property to the east along with the county's landfill on
572 Ford's Country Lane. To the south and west are single-family acreage parcels
573 situated generally along Opaca Lane.

574
575 The 2026 Comprehensive Plan recommends Suburban Residential 2, Office,
576 Rural Residential, and Environmental Protection Area for the site. This request is
577 not entirely consistent with all the land use recommendations of the 2026
578 Comprehensive Plan, specifically the Office and Rural Residential designations
579 on the southern most portion of the site. However, it would be consistent with the
580 Suburban Residential 2 designation on the majority of the site and would be
581 consistent in terms of use and density with the nearby residential developments.

582
583 The 2026 Comprehensive Plan, which you can see here as well, contains the
584 county's plans for existing and future road network via the Major Thoroughfare
585 Plan (MTP). The MTP shows two minor collector designated roadways
586 intersecting on the property. Holman Ridge Road, up here—or Concept Road
587 58—is shown to extend easterly and would connect to a second road, Concept
588 Road 135, which would extend south through the subject property, adjacent
589 property, and ultimately to Nuckols Road. That leads back up at the end of
590 Opaca Lane.

591
592 The applicant has submitted two new conceptual plans—this is A—dated
593 December 12, 2013. Both conceptual plans have road networks that accomplish
594 the conceptual roads laid out in the MTP within the extent of the subject property.
595 I'll also show you B. The main difference between the two plans is the
596 configuration of the traffic circle proposed at the intersection of Opaca Lane and
597 Westward Place. Exhibit B, as shown, shows the future "Road B" also tying into
598 the traffic circle while Exhibit A does not. You'll see the circle there if I switch it
599 back and forth.

600
601 The applicant has submitted revised proffers dated January 9, 2014, which have
602 just been handed out to you. The changes address some typographical errors
603 and a clarification of Proffers 15 and 22 regarding trees and amenities.
604 Acceptance of these proffers would require waiving the time limits. Overall, the
605 proffers address, but are not limited to:

- 606
- 607 • Minimum house size;
- 608 • Crawl spaces and foundations;

- Exterior materials;
- Garages;
- Irrigation, sod and landscaping;
- Sidewalks;
- Restricted construction hours;
- Amenities;
- A traffic circle;
- An entrance sign feature; and
- A commitment to rezoning flood plain areas to C-1

These proffers address some development topics in a manner similar to those approved with other developments in this area of the County; however, they do not fully meet the levels of quality exemplified by more recent cases and actual built features, including:

- Dwelling sizes more reflective of what has been constructed in the area.
- Clear space dimensions for garages
- Minimum lot widths
- Amenities, specifically some common areas that are not accessible without crossing a residential lot.
- Potential traffic calming measures in addition to the proffered traffic circle, which could include landscaping and other things of that nature
- Sidewalks in addition to those proffered along Holman Ridge Road.

With the exception of the area designated for office uses, the development of single-family homes would be generally consistent with the land use recommendations of the 2026 Comprehensive Plan. Given that a majority of the property is recommended for Suburban Residential 2 and the presence of the adjacent single-family developments, it could be an acceptable land use. The applicant has also provided proffers to help define some aspects of the development's overall quality and mitigate potential impacts; however, the issues previously mentioned remain. Should the applicant address concerns noted above, staff could fully support this request.

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

Mr. Leabough - Are there any questions from the Commission?

Mr. Branin - Not for Seth, but I would like to hear from Jim.

Mr. Leabough - Would you like to hear from opposition first or the applicant?

Mr. Branin - Yes, because it's not opposition. I want to see if his question has been answered. And if not, we can address it immediately. So please.

655
656 Mr. Leabough - Sir, would you come to the podium, please? Please
657 state your name for the record. These are recorded proceedings.
658
659 Mr. Rosenberg - Do you need my address too?
660
661 Mr. Leabough - Yes.
662
663 Mr. Rosenberg - My name is Eric Rosenberg. I live at 12001 Sumner
664 Court. My question is—and this was addressed during our town hall meeting
665 prior to Thanksgiving—regarding the proximity of this subdivision to the landfill. I
666 had requested that more information be provided from DPU regarding
667 environmental impact as far as any toxic fumes or odors or anything like that that
668 might come their way, I guess to this subdivision and then further along into the
669 subdivision. I was not able to get an end date as to when the landfill would be
670 concluded. I know it's been like a two-year period, but it keeps extending. So I
671 just wanted to get information to find out when the landfill would be done and if
672 there is an impact, has that been addressed at all.
673
674 Mr. Emerson - Mr. Rosenberg, Public Works did review and provided
675 comments as they saw relevant regarding this case. As I understand it, there are
676 no issues regarding any type of toxins and things with the landfill because it's
677 been run appropriately—lined, sealed, so forth and so on.
678
679 The closure date of the landfill I believe is July 1st of this year. There will continue
680 to be a transfer station operated there where individuals will be able to drop off
681 their garbage, large items, Christmas trees, yard debris, so forth and so on. The
682 larger loads of refuse from that point forward I believe will go to the landfills in the
683 eastern end of the County until such a time that they're full. But that is my
684 understanding right now.
685
686 Mr. Rosenberg - Okay. So even with the buffer of trees that will be
687 removed, it still doesn't pose any risk?
688
689 Mr. Emerson - It does not pose any risk.
690
691 Mr. Rosenberg - Okay. Toxins are one thing, but smells and things like
692 that during the summer months, you know, they do travel.
693
694 Mr. Emerson - Right. Well, smells are subjective, but—
695
696 Mr. Rosenberg - Right.
697
698 Mr. Emerson - We haven't received any complaints regarding odor
699 from the landfill. But, of course, there is an active methane operation on the

landfill, and that will continue until the landfill no longer produces methane, which will be quite a long time.

Mr. Rosenberg - Okay.

Mr. Branin - And I have two comments in regards to that. Once the landfill has stopped taking trash in and doing soil cover, the smells that are there will be reduced because it will be properly capped. The methane production, capturing and power production that's used off of that landfill will continue. There are no environmental issues with that, because I also looked into that as well. When that methane capturing process was started, it reduced the odors that were coming off the landfill at that time, but you still have the open trash that is during the day and then covered in the evenings. Once that's totally capped, the only fumes that would generally come off that would be noticeable would be from the leachate. And that leachate is being captured methane-wise and being processed. So after July, you all should be in better shape smell-wise than you have ever been.

Mr. Rosenberg - That's great, because yeah, there are some summer months in past where we do, you know, catch some of that odor but with an anticipation of an end date. Being a board president, when things like this happen I get phone calls, and I don't know how to answer them. So now I have a little more information that I can share.

Mr. Branin - Always feel free to call.

Mr. Rosenberg - Call who?

Mr. Branin - Either the County, Public Works, or get my number after the meeting and call me.

Mr. Rosenberg - Okay.

Mr. Branin - I'll be happy to find out and get you any answer you need.

Mr. Rosenberg - Great.

Mr. Branin - Okay?

Mr. Rosenberg - Thank you very much.

Mr. Branin - Mmm-hmm.

Mr. Leabough - Mr. Branin, would you like to hear from the applicant?

746 Mr. Branin - Absolutely.
747

748 Mr. Theobald - If we could have the PowerPoint please, Fred, I'd
749 appreciate it.
750

751 Mr. Branin - While we're waiting on that, Mr. Theobald, one of the
752 things I just want to bring up from the start is there's a piece of property behind
753 this lot that is still a residence with a horse farm.
754

755 Mr. Theobald - Yes.
756

757 Mr. Branin - My concern for that property was that they're not
758 getting boxed in or will have issues in the future with connectivity for if that is
759 developed in the future. So when you're going through your presentation, if you
760 could point out the connectivity for that.
761

762 Mr. Theobald - I will—
763

764 Mr. Branin - Also the easement for that property has to be
765 protected so those people can get home at night.
766

767 Mr. Theobald - Exactly. And there is an easement agreement that's
768 been negotiated—it hasn't been finally signed yet—that addresses all of those
769 issues as to access during construction, future alignments, and future stub roads
770 into the site. I can show you a little of that on the plans.
771

772 Mr. Branin - If you would address that.
773

774 Mr. Theobald - We have spent a lot of time making sure that we're
775 going to be good neighbors with the Doshes. Mrs. Dosh being a Holloway.
776

777 Good evening, Mr. Chairman. Congratulations. My name is Jim Theobald, and
778 I'm here this evening on behalf of HHHunt. And I'm very pleased to introduce you
779 to the community of Holloway at Wyndham Forest. We believe this will be yet
780 another award-winning HHHunt community, as is Wyndham, Twin Hickory, and
781 many, many others.
782

783 This site is approximately fifty-six acres. It's at the end of Opaca Lane. It's
784 comprised of three different properties. Here you're seeing the star is where our
785 property is. The horse farm is to the right. This is the Martin Ridge subdivision
786 and Wyndham Forest. The property is comprised of three separate parcels
787 owned by Jackie Holloway, Mr. and Mrs. Vanderbush, and Nuckols Road LLC.
788 The land use plan for this area, as Mr. Humphreys indicated, is primarily SR2,
789 which would suggest an appropriate density of up to 3.4 units per acre. We're
790 basically half that at 1.77 units per acre. A lot of the rural residential and EPA
791 designations are within the various easements and wetlands area of the property.

792
793 This is our initial concept plan showing the traffic circle. The other one, again, just
794 shows another leg off of that, which we'll show you in a moment. But you'll see
795 Opaca Lane currently terminating in this area. So you come up Opaca and you'll
796 hit this traffic circle. It would connect to Westward Place over here to the left and
797 continue on. And this is basically the alignment of the access road back into the
798 horse farm this way. And then we've also shown an additional potential stub road
799 over here on this part of the plan to extend if it were to be developed for
800 residential and have in excess of fifty lots they would have more than one way
801 out. But we tried to preserve the Major Thoroughfare Plan with the extension of
802 Holman Ridge Road, which comes across here and starts to turn back to Nuckols
803 Road ultimately. The other plan, much the same. Again, with just this additional
804 leg over here.

805
806 The difference in these two really has to do with the crossing of a gas line
807 easement and what will be required of the gas company in terms of that crossing.
808 So we're capable of doing either. But basically, the same connections into the
809 horse farm and the same alignment.

810
811 And there is a comprehensive agreement that has been drafted and I believe
812 nearly, if not finally, agreed upon by the parties that covers everything from
813 access during construction to final alignments to moving a light pole on the
814 Dosh's property if that's necessary. And so we've all tried to think of everything
815 so as not to disturb that beautiful horse farm.

816
817 There's a maximum of 100 lots shown on these layouts they actually show a few
818 lots fewer than that. The homes are Craftsman style, basically. Here are some
819 representative elevations of the homes, which we anticipate selling for
820 somewhere between 475 and 550,000 dollars. Very much in hope of being able
821 to start construction of this project later this year. And we would hope that the
822 project would be completed prior to the end of 2017.

823
824 We have provided numerous proffered conditions, including the two conceptual
825 plans; density; minimum square feet of the homes as 2,250; all homes having a
826 minimum of a two-car garage; garage doors with architectural detail; the circle;
827 covenants; sidewalks. Twenty-five percent of all home fronts would have 25
828 percent fronts of brick or stone. We have excluded vinyl as a permitted material.
829 We would not have the same home elevation side by side. Homes on corner lots
830 visible from the street would have a minimum of two windows. We've provided for
831 entrance features; yards trees; street trees; foundation plantings; sod and
832 irrigation of front yards. All of these are on crawlspaces. And we've addressed
833 cantilevering, chimneys. We have provided amenities that would include
834 pedestrian paths, walkways, and a play area with benches to be provided. There
835 is a significant amount of common area shown on these plans. You are able to
836 access that common area. If not through sidewalks or streets, we have reserved
837 common area easements across lots like we've done throughout Wyndham and

838 Twin Hickory. They're maintained by the association. And it's been very
839 successful. In fact, the pedestrian access ways are consistently voted the
840 number one amenity for Wyndham.

841

842 Mr. Branin - Can we go back to the—not the houses, the actual
843 layout? Okay. With these open areas, could you show me a couple examples of
844 what you're referring to?

845

846 Mr. Theobald - We have open areas along here and all along here.
847 We have some potential green areas in here, back along the back of lots here,
848 here, here.

849

850 Mr. Branin - So I would anticipate some sort of trails or something
851 through those small open areas behind the lots—

852

853 Mr. Theobald - Yes. Pedestrian walkways.

854

855 Mr. Branin - —for walking trails. And where is the park going to
856 be? Tot lot park?

857

858 Mr. Theobald - I'm not sure exactly where on here it's going to be, but
859 we've said there has to be a play area. But to decide where in the subdivision we
860 think collectively the best place is both for access and people. This is being
861 annexed into Wyndham Forest, by the way, so it's going to be subject to the
862 same design guidelines as Wyndham Forest, which are basically the Wyndham-
863 type guidelines.

864

865 Mr. Branin - Actually even better.

866

867 Mr. Theobald - Yes.

868

869 Mr. Branin - I believe. And Wyndham Forest doesn't have—they
870 have open areas, but they don't have any tot lots or trail systems.

871

872 Mr. Theobald - I think they do have a couple tot lots.

873

874 Mr. Rosenberg - We have two tot lots.

875

876 Mr. Branin - Do you? That was before my time, most of that, so I—

877

878 Mr. Theobald - Okay?

879

880 Mr. Branin - Okay, you can continue.

881

882 Mr. Theobald - Thank you, sir. I think we were pretty much through
883 itemizing proffered conditions. I believe that this case is extremely well proffered.

884 It will provide a high-quality development, as you have come to expect from
885 HHHunt. I think it's generally consistent with your land use plan. I would very
886 much appreciate you recommending approval of this case to the Board of
887 Supervisors. And I'd be happy to answer any questions.

888

889 Mr. Branin - Mr. Theobald, I do have a question for you. Twenty-
890 two-fifty.

891

892 Mr. Theobald - Yes sir.

893

894 Mr. Branin - And that is common with any case, taking everything
895 that's around it and basing around it. And your elevations look very nice. What
896 are those houses generally going to be?

897

898 Mr. Theobald - The 2250 was consistent with the proffer in Martin's
899 Ridge. These homes, you could have some homes down in that area depending
900 upon customer demand. But we anticipate most of the homes being in excess of
901 2500 square feet up to 3,000 square feet or so. That's pretty much the range that
902 we're seeing in Wyndham Forest and in Martin's Ridge.

903

904 Mr. Branin - Twenty-five to thirty.

905

906 Mr. Theobald - Yes. Doesn't mean there won't be a couple that will
907 be below that. So I don't need anybody whipping out the minutes on me four
908 years from now saying I said everything was going to be 3,000. That could never
909 happen.

910

911 Mr. Branin - No. I'm just—every developer—I'm sure HHHunt
912 knows the product that they're putting in there. They know—

913

914 Mr. Theobald - They do.

915

916 Mr. Branin - —about the general size. The proffers are following in
917 line with what's consistent around it, which is standard operating procedure.

918

919 Mr. Theobald - There was no square footage proffered for Wyndham
920 Forest.

921

922 Mr. Branin - I know they have about a general number on what
923 those houses are going to be.

924

925 Mr. Theobald - Right.

926

927 Mr. Branin - So twenty-five to thirty is what I was looking for. Okay.
928 I have no further questions.

929

930 Mrs. Jones - May I ask just a point of clarification? I just want to
 931 make sure. I've certainly said many times I am a big proponent of traffic circles. I
 932 think they have a lot to offer and a lot of benefits. I just want to understand. The
 933 gas line and the placement of the network around this particular circle, can you
 934 just clarify that for me again so I'm sure I understand?
 935

936 Mr. Theobald - Sure. We have to—I think there's a—let's go back to
 937 this one.
 938

939 Mrs. Jones - And how that decision will be made.
 940

941 Mr. Theobald - It's going to depend on the requirements of the gas
 942 company as to how you engineer a crossing. I think you all have maybe faced
 943 this over in Innsbrook on a case Mr. Tyler had for you.
 944

945 Mr. Branin - We did in Innsbrook. And we also did in West Broad
 946 Village.
 947

948 Mr. Theobald - Right. And so it's a little—from an engineering
 949 perspective, it's a little tricky, and it takes a lot of discussion and negotiation with
 950 the gas company. So depending upon their requirements and how that final
 951 engineering works, we would either connect or not connect. So that's really the
 952 issue.
 953

954 Mrs. Jones - So actually they are going to be the drivers in that.
 955

956 Mr. Theobald - Yes.
 957

958 Mrs. Jones - Okay. Well, I'm happy to see a traffic circle. I see
 959 them coming slowly but surely throughout our area. I honestly think there are a
 960 lot of benefits to be had by including them in communities. Okay, thank you for
 961 the clarification.
 962

963 Mr. Theobald - Sure.
 964

965 Mr. Branin - Mrs. Jones, I think traffic circles are fantastic. And I'm
 966 glad that you like them so much. And for the record, I just want to point out that
 967 the Three Chopt District has the only two that have been approved so far. Just,
 968 you know, breaking the frontier, forging forward in the Three Chopt District.
 969

970 Mrs. Jones - Wait a minute. Don't we have one—
 971

972 Mr. Branin - I just wanted you to be aware of that, madam.
 973

974 Mrs. Jones - Don't we have one at—?
 975

976 Mr. Branin - No, not approved.
 977
 978 Mrs. Jones - At Rocketts Landing.
 979
 980 Mr. Emerson - There's an obelisk or whatever.
 981
 982 Mr. Branin - Oh, oh.
 983
 984 Mr. Leabough - Thank you for pointing that out, Mrs. Jones.
 985
 986 Mr. Witte - We had one in the Brookland District in Britton Woods
 987 too, but that was removed.
 988
 989 Mrs. Jones - Sorry. Thank you for the clarification. Okay.
 990
 991 Mr. Leabough - Are there other questions from the Commission?
 992
 993 Mr. Branin - I have none.
 994
 995 Mr. Leabough - Okay. I think a motion is in order.
 996
 997 Mr. Branin - Okay. Mr. Chairman, I would like to move that we
 998 waive the time limits for REZ2013-00014, HHHunt Communities.
 999
 1000 Mr. Witte - Second.
 1001
 1002 Mr. Leabough - Motion by Mr. Branin, second by Mr. Witte. All in favor
 1003 say aye. All opposed say no. The ayes have it; the motion passes.
 1004
 1005 Mr. Branin - And then, Mr. Chairman, I would like to move that
 1006 REZ2013-00014, HHHunt Communities, move forward to the Board of
 1007 Supervisors with the notation of the new proffers 1 through 22 and annotations
 1008 on the plans for this project.
 1009
 1010 Mr. Witte - Second.
 1011
 1012 Mr. Leabough - Motion by Mr. Branin, second by Mr. Witte. All in favor
 1013 say aye. All opposed say no. The ayes have it; the motion passes.
 1014
 1015 **REASON -** Acting on a motion by Mr. Branin, seconded by Mr.
 1016 Witte, the Planning Commission voted 5-0 (one absent) to recommend the Board
 1017 of Supervisors grant the request because it represents a logical continuation of
 1018 the one-family residential development which exists in the area.
 1019
 1020 **REZ2014-00002 Michael J. Rothermel, Esq. for Continental –**
 1021 **Copper Associates, L.P.:** Request to rezone from B-1C Business District

(Conditional) to O-2 Office District part of Parcel 755-756-9391 containing .015 acres located approximately 665' south of W. Broad Street (U.S. Route 250) and 735' east of its intersection with Old Springfield Road. The applicant proposes office uses. The uses will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Multi-Family Residential; density should not exceed 19.8 units per acre. The staff report will be presented by Ms. Lisa Blankinship.

Mr. Leabough - Is there anyone here in opposition to REZ2014-0002, Michael J. Rothermel, Esq. for Continental – Copper Associates, L.P.? There is no opposition. Ms. Blankinship.

Ms. Blankinship - Thank you.

This request would rezone .015 acres from B-1C to O-2. The subject site is located within a former medical office building. A small portion of the medical office building was rezoned to B-1C via case C-66C-90 to allow a pharmacy. The proffer accepted with that case requires the applicant to request rezoning to O-2 once the property ceases to be used as a pharmacy, hence the reason for this request. Earlier this year, the medical office that had occupied the space, relocated. The office building is now vacant.

The 2026 Comprehensive Plan's designation for this site is Multi-Family Residential. This request is not consistent with this designation; however, the proposed office use would be consistent with uses permitted within the existing building and surrounding office zoning. Overall, staff believes this request would satisfy the proffered condition of C-66C-90 and the proposed zoning would be compatible with the existing pattern of development and uses in the area. Therefore, staff supports this request.

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

Mr. Leabough - Are there any questions from the Commission?

Mrs. Jones - No.

Mr. Leabough - Okay.

Mr. Branin - I have none. Mr. Chairman, I would like to move that REZ2014-00002, Michael J. Rothermel, Esq. for Continental – Copper Associates, L.P., move forward to the Board of Supervisors with a recommendation for approval.

Mr. Witte - Second.

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

REASON - Acting on a motion by Mr. Branin, seconded by Mr. Witte, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors grant the request because it continues a form of zoning consistent with the area and it is reasonable in light of the Office zoning in the area.

REZ2014-00004 James W. Theobald for Virginia Home for Boys and Girls: Request to conditionally rezone from A-1 Agricultural District and B-3 Business District to B-3C Business District (Conditional) Parcel 760-755-2884 and part of Parcel 760-757-5611 containing 3.91 acres located on the north line of W. Broad Street (U.S. Route 250) approximately 610' west of its intersection with N. Skipwith Road. The applicant proposes an automotive dealership and accessory uses. The uses will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Commercial Arterial and Semi-Public. The staff report will be presented by Ms. Lisa Blankinship.

Mr. Leabough - Is there anyone here in opposition to REZ2014-00004, James W. Theobald for Virginia Home for Boys and Girls? We have one person in opposition.

Female - [Speaking off microphone.] I'm not in opposition, but I may have questions after [inaudible].

Mr. Leabough - Okay. Yes, you may come down and ask your questions after the case is presented. Thank you. Ms. Blankinship.

Ms. Blankinship - Thank you again.

This request would rezone 3.91 acres from A-1 and B-3 to B-3C to allow the adjacent automobile dealership, Crown Automotive Group, to construct a building for an additional dealership, Crown Mini.

The applicant, Virginia Home for Boys and Girls, currently leases the B-3 portion of the subject site to the Crown Automotive Group for the sales and storage of automobile inventory. The A-1 portion is used as a soccer field and is located approximately 450 feet in front of the Virginia Home for Boys and Girls complex.

As part of the rezoning request, the applicant has submitted a number of proffers including commitments to develop the site consistent with a conceptual plan and architectural elevations, as seen here. Other proffers submitted by the applicant address lighting, underground utilities, prohibited uses, and the screening of trash receptacles and mechanical equipment.

1113
1114 Proffer #11 commits to landscaping and the continuation of the existing wrought
1115 iron-style fencing with brick columns along the eastern line of the access road
1116 and along the northern property lines of the proposed dealership.
1117

1118 To address staff's concerns mentioned in the staff report, the applicant has
1119 submitted revised proffers and a schematic landscape plan which have been
1120 handed out to you this evening.
1121

1122 The proffered landscape plan, shown here, maintains the character and
1123 delineates the boundaries of the Virginia Home for Boys and Girls by committing
1124 to a landscape buffer between eight and ten feet wide along approximately 500
1125 feet of the access road planted with a variety of over a dozen large and small
1126 trees and over 150 medium and large shrubs. In addition, the existing landscape
1127 buffer with the continuous row of hedges along West Broad Street will remain.
1128 The landscape plan also shows the Code required thirty-five-foot landscape
1129 buffer along the northern boundary.
1130

1131 The 2026 Comprehensive Plan's designation for this site is Commercial Arterial
1132 and Semi-Public. This request would be consistent with the Commercial Arterial
1133 designation, but not entirely consistent with the Semi-Public designation. The
1134 proposed use, however, would be consistent with the adjacent zoning and would
1135 be an expansion of the adjacent dealership. For these reasons, staff supports
1136 this request.
1137

1138 This concludes my presentation. I will be happy to answer any questions.
1139

1140 Mr. Leabough - Any questions for Ms. Blankinship?
1141

1142 Mr. Witte - Yes, Ms. Blankinship.
1143

1144 Ms. Blankinship - Yes sir.
1145

1146 Mr. Witte - The ingress and egress, is that strictly limited to
1147 Broad Street?
1148

1149 Ms. Blankinship - Yes sir. But I noticed in the proffers that they were
1150 going to allow construction access through the Virginia Home for Boys access
1151 site.
1152

1153 Mr. Witte - Okay. The changes to Proffer 11, is that going to
1154 require waiving the time limits?
1155

1156 Ms. Blankinship - No sir. It was received outside the forty-eight-hour
1157 time limit, so we're okay.
1158

1159 Mr. Witte - Okay, thank you. No further questions.
 1160
 1161 Ms. Blankinship - Thank you.
 1162
 1163 Mr. Leabough - Are there any other questions? Mr. Witte?
 1164
 1165 Mr. Witte - I would like to hear from the young lady.
 1166
 1167 Mr. Leabough - If you could, could you please state your name for the
 1168 record?
 1169
 1170 Ms. Vogt - Sure. My name is Jessica Vogt. I live on Darnell
 1171 Road, which is behind all of this. My main concern is that I—and I apologize. I
 1172 can't exactly tell how far back into the Virginia Home property that they currently
 1173 have that construction going to. There are many homes back in that community
 1174 that all share a property line. And I don't want my backyard to turned into a car
 1175 lot.
 1176
 1177 Mr. Branin - Ma'am, can you show us—if you take a hold of that
 1178 mouse and show us where your house is.
 1179
 1180 Ms. Vogt - I'm new to this, so I'm trying. I'm back in here. It looks
 1181 like it's not going to go far back at all. That's why I'm here, to find out. But I just
 1182 wanted to ensure. And I apologize, but what is this currently?
 1183
 1184 Mr. Witte - That's existing.
 1185
 1186 Mr. Emerson - That used to be the Mount Vernon Baptist Church—or
 1187 Mount Vernon Heights Church, I guess. It's currently part of the BMV dealership,
 1188 the former church site.
 1189
 1190 Ms. Vogt - Thank you. That's so much better. Okay. These are
 1191 the homes I'm talking about where all these woods are. Okay.
 1192
 1193 Mr. Branin - It doesn't look like it's going to be—
 1194
 1195 Ms. Vogt - This is a much better view for me. Thank you.
 1196
 1197 Mr. Branin - So, we're good to go.
 1198
 1199 Mr. Witte - I think you let Mr. Theobald off awful easy there.
 1200
 1201 Mr. Leabough - Mr. Witte, would you like to hear from the applicant?
 1202
 1203 Mr. Witte - I don't believe we need to. Mr. Chairman, I move that
 1204 case REZ2014-00004, James W. Theobald for Virginia Home for Boys and Girls,

1205 move to the Board of Supervisors with a recommendation for approval as
1206 submitted.

1207
1208 Mr. Archer - Second.

1209
1210 Mr. Leabough - Motion by Mr. Witte, second by Mr. Archer. All in favor
1211 say aye. All opposed say no. The ayes have it; the motion passes.

1212
1213 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.
1214 Archer, the Planning Commission voted 5-0 (one absent) to recommend the
1215 Board of Supervisors grant the request because it is appropriate business
1216 zoning in this area and the proffered conditions would provide for a higher quality
1217 of development than would otherwise be possible.

1218
1219 Mr. Emerson - Mr. Chairman, the next item on your agenda is a
1220 discussion item. It's a request from staff. Your rules and regulations need some
1221 revisions to bring them more in sync with some changes in laws and some
1222 operational changes. So we're suggesting that the Commission schedule a
1223 review of proposed revisions to the Planning Commission rules and regulations.
1224 I am suggesting you do that on February 13 in a work session at five o'clock in
1225 the manager's conference room. The revisions are minor, but you have to—your
1226 next discussion item will bring you into the meeting at 6 p.m. on the same
1227 evening. So it's a good time to get you in to talk about these. They do not require
1228 a public hearing. It's just a matter of going over them. And if you agree to them
1229 as a group, they become your rules and regulations. So there is no public
1230 hearing or anything of that nature required of your rules and regulations; they're
1231 merely your procedures as to how you operate.

1232
1233 Mr. Leabough - Is there any action needed?

1234
1235 Mr. Emerson - If there's a consensus that this works for you, I'm
1236 comfortable with that.

1237
1238 Mrs. Jones - I suggest we do it. That sounds like a plan.

1239
1240 Mr. Archer - That's at five o'clock on—

1241
1242 Mr. Emerson - Five o'clock.

1243
1244 Mr. Archer - Manager's conference room?

1245
1246 Mr. Emerson - Manager's conference room. I already have the room
1247 reserved.

1248
1249 Mr. Archer - Okay. Suits me.

1250

1251 Mr. Emerson - Okay. The next item does require action for you to
 1252 schedule a public hearing on the same evening. This is our normal meeting to
 1253 consider the Capital Improvement Program for the County. I am requesting that
 1254 you schedule a public hearing for February 13, 2014, at 6 p.m. to consider the
 1255 fiscal year 2014-2015 through fiscal year 2018-2019 Capital Improvements
 1256 Program.
 1257
 1258 Mr. Leabough - I'll entertain a motion.
 1259
 1260 Mr. Archer - Mr. Chair, I so move.
 1261
 1262 Mrs. Jones - Second.
 1263
 1264 Mr. Leabough - Motion by Mr. Archer, second by Mrs. Jones. All in
 1265 favor say aye. All opposed say no. The ayes have it; the motion passes.
 1266
 1267 Mr. Emerson - Mr. Chairman, we will arrange food for the
 1268 Commission at the five o'clock meeting.
 1269
 1270 Mr. Leabough - We appreciate that.
 1271
 1272 Mr. Witte - Do we have a menu?
 1273
 1274 Mr. Emerson - We will see what we can do about that.
 1275
 1276 Mrs. Jones - We have a very capable person who puts a great
 1277 variety of wonderful things out there.
 1278
 1279 Mr. Leabough - So the next order of business, I believe, are the
 1280 minutes.
 1281
 1282 Mr. Emerson - The approval of the minutes, yes sir. And we do not
 1283 have an errata sheet this evening.
 1284
 1285 Mrs. Jones - I move approval of the minutes as submitted.
 1286
 1287 Mr. Archer - I second Mrs. Jones's motion.
 1288
 1289 Mr. Leabough - I have a motion by Mrs. Jones, a second by
 1290 Mr. Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
 1291 passes.
 1292
 1293 Mr. Emerson - Mr. Chairman, I have nothing further for the
 1294 Commission this evening.
 1295
 1296 Mr. Leabough - All right.

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Mr. Archer -

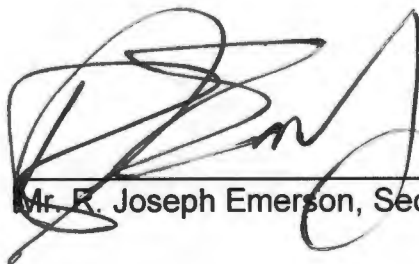
Move for adjournment.

Mrs. Jones -

Second.

Mr. Leabough -

Meeting adjourned.



Mr. R. Joseph Emerson, Secretary



Mr. Eric Leabough, Chairman